UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States of America)	
)	
V.)	USDC No. 21-cr-292-02 (RCL)
)	
Daniel Lyons Scott, defendant)	

MOTION TO EXTEND TIME FOR FILING OF DEFENDANT'S NOTICE OF APPEAL

The defendant, through undersigned counsel Nathan I. Silver, Esq., appointed by this Court under the Criminal Justice Act, respectfully moves the Court to permit the late filing, by one day, of the defendant's notice of appeal of his sentence, specifically from the application of a two-level enhancement for "extensive scope, planning, or preparation" under U.S.S.G. §2J1.2(b)(3). The Notice of Appeal is attached as an exhibit.

The defendant was sentenced on July 12, 2023, and the judgment itself entered on the docket on July 14, 2023. Undersigned counsel miscalculated the fourteen day period established by Fed.R.App.Proc. 4(b)(1)(A)(ii). Fed.R.App.Proc. 4(b)(4) allows for the late filing, for up to thirty days following the expiration of time, for excusable neglect. Counsel for the defendant moves the court, in the interests of justice, to excuse the neglect in this instance so that the defendant's appeal rights may be preserved.

The defendant, through counsel, has contacted the government to discern its position regarding this motion. Not having obtained a response, and wishing to file this motion at the earliest possible time, the defendant does not represent the government's position.¹

¹ Asst. U.S. Attorney Alexis Loeb is out of the office until Aug. 7, 2023, and her email directs inquiries to AUSA Greg Rosen of the USAO here. Counsel for defendant also contacted AUSA Will Dreher but has not heard from him at the time of this filing.

Counsel for the defendant regrets his error and apologizes to the Court.

A proposed Order is attached.

WHEREFORE, the defendant respectfully moves the Court to grant said relief.

This pleading is,

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing pleading has been served via ECF on asst. U.S. Attorneys Alexis Jane Loeb and William Kennelly Dreher, attorneys of record for the government, this 29th day of July, 2023.

Nathan I. Silver, II