

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
WASHINGTON, D.C.

UNITED STATES OF AMERICA)
) No. 1:21-00267
 v.) JUDGE CHRISTOPHER R. COOPER
)
BRYAN WAYNE IVEY)

**JOINT MOTION TO CONDUCT SENTENCING HEARING BY VIDEO
TELECONFERENCE**

The defendant, Bryan Ivey, through undersigned counsel, and the United States, through undersigned counsel, hereby jointly move this Honorable Court for an order to conduct the sentencing by video teleconference. Video teleconferencing is authorized in criminal cases by this Court’s Standing Order 20-17, *In Re: Use of Video Teleconferencing and Teleconferencing for Certain Criminal and Juvenile Delinquency Proceedings*, Standing Order No. 20-17 (BAH) (Mar. 29, 2020). Video teleconferencing is authorized by Congress in Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), Pub. L. No. 116-136, Sec. 6002, Div. B. Title V, § 15002(b)(3)(A), 134 Stat. 281, 529 (2020). Videoconferencing authority for certain criminal proceedings remains in effect until February 18, 2022. *See In Re: Seventh Extension of Authorization for Use of Video Teleconferencing and Teleconferencing for Certain Criminal and Juvenile Delinquency Proceedings*, Standing Order No. 21-70 (BAH) (Nov. 22, 2021).

Mr. Ivey lives in Cookeville, Tennessee, and undersigned counsel, an Assistant Federal Public Defender in the Middle District of Tennessee, works and resides in Nashville, Tennessee. Given the on-going Coronavirus pandemic and the

distance that counsel and defendant would have to travel to conduct the hearing in person, the defense respectfully requests that this Court conduct the sentencing hearing by video teleconference. The government would also like to conduct the hearing by video teleconference.

Mr. Ivey agrees not to challenge or contest any findings by the Court so that it may properly proceed by video teleconferencing in this case because, due to the COVID-19 pandemic, an in-person/in-court hearing cannot be conducted in person without seriously jeopardizing public health and safety. Further, there are specific reasons in this case that any such hearing cannot be further delayed without serious harm to the interests of justice, given that Mr. Ivey pled guilty to the misdemeanor charge on June 22, 2021.

Wherefore, the parties respectfully request that the sentencing hearing be held by video teleconference.

Respectfully submitted,

s/ R. David Baker
R. DAVID BAKER
Assistant Federal Public Defender
810 Broadway, Suite 200
Nashville, Tennessee 37203
615-736-5047
David_baker@fd.org

Attorney for Bryan Wayne Ivey

s/ Leslie A. Goemaat

LESLIE A. GOEMAAT
Assistant United States Attorney
555 4th Street N.W.
Washington, D.C. 20530
202-252-7566
Leslie.goemaat@usdoj.gov

Attorney for the United States

CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2022, I electronically filed the foregoing *Joint Motion to Conduct Sentencing Hearing by Video Teleconference* with the U.S. District Court Clerk by using the CM/ECF system, which will send a Notice of Electronic Filing to the following: Leslie A. Goemaat, Assistant United States Attorney, 555 4th St. N.W., Washington, D.C., 20530.

s/ R. David Baker

R. DAVID BAKER