

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	Case No. 1:22-cr-00082 (JMC)
v.	:	
	:	
CHRISTOPHER W. ORTIZ,	:	
	:	
Defendant.	:	

**JOINT STATUS REPORT REGARDING SENTENCING HEARING**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and Defendant Christopher W. Ortiz, by his counsel, Maria Jacob, respectfully submit this joint status report regarding the sentencing hearing scheduled to take place in this case on August 9, 2022 at 10:30 a.m. The parties disagree on whether the sentencing hearing should be held in-person or remotely via Zoom.

United States Position: The United States respectfully requests that the hearing be held in person. Both the United States and the defendant have recommended a sentence that includes substantial limitations on the defendant’s liberty. The United States has recommended a sentence that includes 5 months’ incarceration. The defense has requested a sentence that includes two months of home detention. Given the likelihood that the defendant’s liberty will be restricted as a result of his sentence in this case, it would be prudent to ensure that the defendant be physically present at sentencing. The need to take such preventive measures is compounded by the fact that, according to the Probation Office’s records, the defendant appears to have failed to call into the Probation Office on 12 separate occasions between February 12, 2021 and May 27, 2022. See Draft Presentence Investigation Report ¶ 8. The Probation Office has informed our office

that, since May 27, 2022, the defendant has failed to call in on 3 additional occasions.

In addition, because the defendant's conduct near the Lower West Terrace tunnel targeted several law enforcement officers, it is possible that one or more of the affected officers will want to offer victim impact statements at sentencing. An in-person sentencing hearing would provide a more suitable forum for those officers (if any) to come forward and be heard by the Court.

Defendant Ortiz Position: Mr. Ortiz objects to the government's request for an in person sentencing, especially at this late juncture. Mr. Ortiz resides in New York and has an extremely busy work schedule. Any arrangements for travel would have needed to be arranged a long time ago. Regardless of any scheduling issues, the government's concerns do not necessitate an in person hearing. Firstly, even if the Court imposes a sentence of incarceration, the Court could order that he voluntarily surrender given the fact that he has not re-offended while on supervision. While it has been alleged he does not have a perfect call in record – he has been in contact with pre-trial pretty regularly over the past year and a half and with counsel. Mr. Ortiz is not a flight risk as he has been residing at the same location and is employed in New York. The majority of January 6 sentencings have been conducted virtually, even ones where incarceration was imposed.

Secondly, the government can present whatever evidence it wishes at a virtual hearing as it has done for the past two years. There is nothing special or unique about this case that warrants a departure from what has occurred in most

other January 6 misdemeanor sentencings. If the government wishes to present certain facts or testimony, it can do so via zoom. Lastly, there is still an interest in safety given the rising COVID-19 numbers, which is why the Cares Act authorization has been extended to allow for virtual sentencings, especially considering the fact that Mr. Ortiz is not vaccinated.

For these reasons, Mr. Ortiz requests that the Court proceed with a virtual sentencing as originally anticipated.

August 1, 2022

Respectfully submitted,

By: MATTHEW M. GRAVES  
United States Attorney  
D.C. Bar No. 481052

/s/ Francesco Valentini  
FRANCESCO VALENTINI  
D.C. Bar No. 986769  
Trial Attorney  
United States Department of Justice, Criminal Division  
Detailed to the D.C. United States Attorney's Office  
601 D Street NW  
Washington, D.C. 20530  
(202) 598-2337  
francesco.valentini@usdoj.gov  
*Counsel for the United States*

By: /s/  
Maria N. Jacob  
Assistant Federal Public Defender  
District of Columbia  
625 Indiana Ave. NW Suite 550  
Washington, D.C. 20004  
(202) 208-7500  
*Counsel for the Christopher W. Ortiz*