

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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|---------------------------------|---|---------------------------------|
| UNITED STATES OF AMERICA | : | |
| | : | |
| v. | : | Case No. 21-cr-00346-BAH |
| | : | |
| GLEN MITCHELL SIMON, | : | |
| | : | |
| Defendant. | : | |

**UNITED STATES' UNOPPOSED MOTION TO CONTINUE SENTENCING AND
CONVERT SENTENCING HEARING TO STATUS HEARING**

The United States of America hereby moves this Court for a continuance, to March 14, 15, 16, 17, 21, 22, or 23, of the sentencing currently scheduled for February 18, 2022. The United States also moves to convert the sentencing hearing to a status hearing. In support of its motion, the government states as follows:

FACTUAL BACKGROUND

Defendant is charged via information with violations of 18 U.S.C. §§ 1752(a)(1) (Entering and Remaining in a Restricted Building) and (a)(2) (Disorderly and Disruptive Conduct in a Restricted Building) and 40 U.S.C. §§ 5104(e)(2)(D) (Disorderly Conduct in a Capitol Building) and (G) (Parading, Demonstrating, or Picketing in a Capitol Building). These charges arise from the defendant's conduct on January 6, 2021, when he is alleged to have participated as part of a collective mob in the attack on the U.S. Capitol by entering the U.S. Capitol building and remaining for at least 42 minutes.

On October 15, 2021, in accordance with a plea agreement signed August 6, 2021, the defendant pled guilty to 40 U.S.C. § 5104(e)(2)(G). The Court scheduled the defendant's sentencing for January 21, 2022. On January 8, 2022, the government filed an unopposed motion to continue sentencing after discovering additional evidence warranting further investigation and

discussion. On January 10, 2022, the Court granted in part the government's motion and scheduled the sentencing hearing for February 18, 2022.

Since discovering the new evidence, the government has sent a revised plea offer to the defendant. Under the revised plea offer, the defendant may plead guilty to Count Two of the Information, charging the defendant with Disorderly and Disruptive Conduct in a Restricted Building, in violation of 18 U.S.C. § 1752(a)(2). If the defendant accepts the revised offer, the government would dismiss the remaining counts of the Information. Also, if signed, the plea agreement would supersede the plea agreement previously entered by the defendant.

ARGUMENT

Defense counsel has notified the government that she and the defendant require additional time to review and consider the plea offer. Thus, the government moves the Court to continue the hearing set for February 18, 2022.

The government also moves the Court to convert the sentencing to a status hearing. If the defendant accepts the government's plea offer, the parties will notify the Court as such, request that the Court convert the hearing to a change of plea hearing, and provide the plea paperwork consistent with the Court's Standing Order, docket entry 8. If the defendant does not accept the government's plea offer, the government intends to bring additional charges against the defendant and, thereafter, will request that the Court schedule an arraignment. The parties are available for a status hearing on March 14, 15, 16, 17, 21, 22, or 23.

The government has conferred with defense counsel regarding this motion and understands that the defendant does not oppose this motion.

WHEREFORE, the government respectfully requests that this Court grant the motion for a continuance of the above-captioned proceeding, and that the Court convert the sentencing to a status hearing.

Respectfully submitted,

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