

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

**UNITED STATES OF AMERICA** :  
 :  
 v. : **CRIMINAL NO. 22-0107 TSC**  
 :  
 **MATHEW CAPSEL,** :  
 **Defendant.** :

**MOTION FOR PRE-PLEA CALCULATION  
CRIMINAL HISTORY**

Mathew Capsel, by and through undersigned counsel, hereby moves for an order directing the United States Probation Office to produce a pre-plea criminal history calculation in advance of his entry of a plea of guilty. In support of this motion, Mr. Capsel states as follows:

1. Mr. Capsel is currently charged with Assaulting, Resisting, or Impeding Certain Officers, in violation of Title 18, United States Code, Section 111 (a) (I). He is also charged with Entering and Remaining in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1 752 (a) (1).

2. Both parties have been diligently working on a disposition since Mr. Capsel's last appearance before Your Honor. However, negotiations are still ongoing, and an issue has come up concerning Mr. Capsel's criminal history.

3. In order to properly advise Mr. Capsel about any plea offer that is ultimately negotiated, it is necessary to have an accurate understanding of his

criminal history.

4. This matter is expected to be resolved by a plea and therefore probation will be doing a criminal history calculation at some point in time. This just adds clarity to the plea agreement the parties ultimately finalize.

4. The United States through its attorney Brain Brady, has no objection to this motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this motion was served on the United States via the Court's CM/ECF System on this 10<sup>th</sup> day of May 2022.

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Christopher M. Davis