

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	)	CRIMINAL NO. 21-cr-112 (CJN)
	)	
	)	
	)	
DAVID C. MISH, JR.,	)	
	)	
Defendant.	)	
_____	)	

**GOVERNMENT’S OPPOSITION TO DEFENDANT’S MOTION  
TO EXTEND TIME TO SELF-SURRENDER**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby submits this Opposition to Defendant’s Motion to Extend Time to Self-Surrender (ECF No. 45). In support of its opposition, the United States relies on the following:

1. On August 30, 2021, the defendant entered a guilty plea to one count of Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G). *See* ECF No. 28.
2. On November 18, 2021, the defendant was sentenced to a term of 30 days of incarceration, \$500 in restitution, and a \$10 special assessment. *See* ECF No. 43.
3. On December 22, 2021, the defendant filed a motion to extend the time for his self-surrender to the Bureau of Prisons (“BOP”) from January 12, 2022 until April 1, 2022. *See* ECF No. 45. The basis for this request is to allow the defendant to maintain his employment doing snow removal until the end of the snow-plowing season in Milwaukee, Wisconsin. *See id.*
4. The government opposes an extension of time for the defendant to self-surrender. Although being incarcerated will drastically, if not entirely, limit the defendant’s ability to earn income during that time, this does not establish good cause to delay his reporting. Extending the

defendant's reporting date until April does not eliminate and merely delays this economic impact by limiting the defendant's ability to earn income for the subsequent 30 days. Furthermore, given that his sentence is 30 days, a BOP reporting date in mid-January will allow for the defendant's release long before the end of the snow-plowing season on April 1. In any event, as referenced in his motion, the defendant's income does not appear to be entirely reliant on providing snow removal services, as the defendant "relies on a few different places of employment to maintain his livelihood." *See* ECF No. 45 at ¶ 2.<sup>1</sup> Finally, the defendant has been on notice since his sentencing date of November 18, 2021 that he would need to report to the BOP. A reporting date of January 12, 2022 has given him – and his snow-removal employer – almost eight weeks to plan accordingly.

### CONCLUSION

For the reasons detailed herein, the Court should deny the Defendant's Motion to Extend Time to Self-Surrender.

Respectfully submitted,

MATTHEW M. GRAVES  
United States Attorney

By: /s/ Christine M. Macey  
CHRISTINE M. MACEY  
Assistant United States Attorney  
D.C. Bar No. 1010730  
555 4th Street, NW, Room 5243  
Washington, D.C. 20530  
(202) 252-7058  
Christine.Macey@usdoj.gov

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<sup>1</sup> The defendant's motion states that "doing snow removal is a substantial source of income for Mr. Mish." ECF No. 45 at ¶ 2. Implicit in the defendant's motion appears to be the argument that Mr. Mish's total earnings will be negatively impacted by a reporting date of January 12, 2022 and would be improved by a delayed reporting date on or after April 1, 2022. However, the defendant's motion does not directly establish that point. Even assuming the defendant's income is greatest when he can provide snow removal services, the government's position remains the same.