

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

UNITED STATES OF AMERICA,

v.

DAVID CHARLES MISH, JR.,

Defendant.

Criminal Action No. 1:21-cr-0112 (CJN)

ORDER

This matter is before the Court on Defendant’s Motion for an Extension of Time to Self-Surrender, ECF No. 45.

On November 18, 2021, the Court sentenced David Charles Mish, Jr., to 30 days incarceration, \$500 in restitution, and a \$10 special assessment, but allowed him to remain on release and to self-surrender. ECF No. 43. Mish has since been advised that he must report to a facility in Illinois by January 12, 2022 to serve his term of incarceration. He requests an extension to his time to self-surrender until April 1, 2022, to allow him to complete his seasonal employment doing snow removal. ECF No. 45.

The Government opposes the extension of time, arguing that the delay in reporting “merely delays” the economic impact of incarceration to Mish. ECF No. 46. The Government also notes that Mish’s income is not “entirely reliant” on providing snow removal services. *Id.* The Government did not seek Mish’s immediate surrender at sentencing, nor does it argue that Mish poses a danger to the community or that he is unlikely to self-surrender in the future.

While it is a close call, the Court believes that the § 3553(a) factors support Defendant’s request for an extension of time. As the Court noted at sentencing, the Court believes Mish could benefit from longer-term contact with the court system. The Court also believes that maintaining


his seasonal employment will reduce Mish's likelihood of recidivism. And in the 45 days since sentencing, Mish has been compliant with the conditions of his release (as he had been before sentencing). While, for the reasons discussed at sentencing, a sentence of incarceration is appropriate for Mish, the Court believes the requested extension is also appropriate.

Accordingly, it is

ORDERED that the Motion is **GRANTED**; and it is further

ORDERED that the Defendant shall report to the designated facility in Illinois on April 1, 2022, or at a subsequent date to be set by the United States Probation Office.

DATE: January 6, 2022



CARL J. NICHOLS
United States District Judge