

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

No. 21-cr-254 (RCL)

v.

FRANK SCAVO,

*Defendant.*

**DEFENDANTS UNOPPOSED MOTION  
TO CONTINUE SELF-SURRENDER DATE**

Defendant, Frank Scavo, by and through his undersigned counsel, hereby moves this Court for and Order continuing his self-surrender date for the reasons set forth below:

1. On November 22, 2021, the Defendant appeared for sentencing after pleading guilty to Count 4 of the Criminal Information: Parading, Demonstrating, or Picketing in a Capitol Building in violation of 40 U.S.C. 5104 (e)(2)(G).

2. The Court sentenced the Defendant to 60 days of imprisonment and further ordered that the Defendant Pay a \$10.00 special assessment, \$5,000.00 fine, and restitution in the amount of \$500.00.

3. The Defendant was recently notified by the Bureau of Prisons that he is to report to the Federal Correctional Institute (FCI) Fort Dix on Tuesday, January 25, 2022, to begin serving his sentence of imprisonment.

4. The Defendant has been treating for kidney issues and blockages for a period of time. Most recently, the Defendant underwent lithotripsy with only partial success. Because of the acute pain following that procedure, the Defendant sought treatment at Sloan-Kettering hospital in New York City. After examination there, the Defendant was advised that part of a kidney stone entered his urethra and created a blockage. The Defendant was advised to undergo

emergency surgery to avoid the protentional development of sepsis.

5. On January 20, 2022, the Defendant underwent surgery by Dr. Jerald Gilbert of Geisinger Urology Center in Scranton, Pennsylvania. The Defendant was advised that he should take at least a week off from work after the surgery to recover. *See Exhibit A* (January 18, 2022, Letter of Dr. Jerald Gilbert).

6. On January 21, 2022 the Defendant was advised that he would have to return to Geisinger Urology Center in Scranton, Pennsylvania, on February 2, 2022, for a post-surgery appointment. During that appointment on February 2, 2022, the Defendant will have a stent that was placed in his body during surgery, in order to facilitate healing, removed. *See Exhibit B* (January 21, 2022, Letter of Dr. Jerald Gilbert).

7. The Defendant communicated with representatives of the Bureau of Prisons about his need for emergency surgery and how that would interfere with his scheduled self-surrender date, and was advised that he should have his attorneys file a motion with this Court.

8. Pushing back the self-surrender date by approximately 30 days will allow the Defendant to heal from his emergency surgery, and will allow for the removal of the stent by the doctor who performed the surgery.

9. On January 20, 2022, we conferred with counsel for the Government in this matter, Seth Adam Meiner, who stated that he is not opposed to a 30-day extension for Defendant to self-surrender to FCI Dr. Dix.

**WHEREFORE**, for all the above reasons, we respectfully request that this Court Order that Defendant's self-surrender date should be continued from January 25, 2022 to February 21, 2022.

Dated: January 21, 2022

Respectfully submitted,

/s/ Ernest D. Preate

Ernest D. Preate (*Admitted Pro Hac Vice*)

204 Wyoming Avenue, Suite C

Scranton, PA 18503

Telephone: (570) 558-5970

[epreate@comcast.net](mailto:epreate@comcast.net)

/s/ Evan Corcoran

M. Evan Corcoran (D.C. Bar No. 440027)

Silverman, Thompson, Slutkin & White LLC

201 N. Charles Street – 25<sup>th</sup> Floor

Baltimore, MD 21201

Telephone: (410) 385-2225

[ecorcoran@silvermanthompson.com](mailto:ecorcoran@silvermanthompson.com)

*Counsel for Defendant Frank Scavo*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on January 21, 2022, I served a copy of this pleading on counsel for the Government through the Court's electronic case files system.

/s/ Evan Corcoran  
M. Evan Corcoran (D.C. Bar No. 440027)