

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____]	
UNITED STATES OF AMERICA]	
]	Criminal No. 21-266 (o1 and o2)
v.]	
]	Judge Chutkan
BRANDON MILLER]	
AND]	
STEPHANIE MILLER]	
_____]	

DEFENDANTS' MOTION TO CORRECT COURT DOCKETS

Defendants Brandon Miller and Stephanie Miller, through undersigned counsel, respectfully move this Court to order that the Court docket statement entries for the Millers remove any reference to "violent entry" for their counts of conviction.

In support of this motion the defendants state the following:

1. The Millers were charged by information with 4 criminal counts. They pled guilty to count 4 of the information, 40 USC § 5104 (e)(2)(G). ECF 13, p. 3. Section 5104 (e)(2)(G), as worded, prohibits actions to: "parade, demonstrate or picket in any of the Capitol Buildings." 40 USC § 5104 (e)(2)(G).¹

Count 4 of the information tracks the statutory language, alleging:

¹ This count carries a maximum sentence of incarceration of 6 months.

“On or about January 6, 2021, in the District of Columbia, BRANDON J. MILLER and STEPHANIE D. MILLER willfully and knowingly paraded, demonstrated, and picketed in any United States Capitol Building. (Parading, Demonstrating, or Picketing in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(G)).”
ECF 13, p. 3, count 4.

The plea agreements (ECF 34-1, 36-1) and the Judgment and Commitment Orders (ECF 55, 58) also list the count of conviction as “Parading, demonstrating or picketing in a Capitol Building.” “Violent entry” is not an element of the offense of conviction.

2. The Millers’ electronic docket listing for 40 USC § 5104 (e)(2)(G) incorrectly lists that count (4) as “VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Parading, Demonstrating, or Picketing in a Capitol Building” (emphasis in original). This incorrect listing of the count as “violent entry” on the docket can have serious consequences for the Millers.² Since their sentencing, the Millers’ criminal records report has listed their conviction as “violent entry.” Exhibit A -2. (Criminal records reports by private companies often determine criminal records by reviewing public records, such as docket entries on Pacer.)

3. Defendants in other cases which charge the same statutory violation may or may not have the count listed on the docket as “violent entry.” For example, in United States v. Dona Sue Bissey, 21-cr-165 (TSC), Ms. Bissey was also charged with, and pled guilty to, 40

² While paragraph (e)(2) of 40 USC § 5104 is entitled: “Violent entry and disorderly conduct,” the Millers did not plead guilty to a subparagraph prohibiting violence, as listed in the statute. Subparagraph (F) prohibits “physical violence in the grounds or any of the Capitol Buildings.” Rather, the Millers pled guilty to Subparagraph (G), which prohibits actions to “parade, demonstrate or picket in any of the Capitol Buildings.”

USC § 5104(e)(2)(G), the same statutory violation as the above-named defendants. Yet her docket listing for that count of conviction accurately states: "FEDERAL STATUTES, OTHER; Parading, Demonstrating, or Picketing in a Capitol Building" (emphasis in original). Defendants with that accurate docket listing for 40 USC § 5104(e)(2)(G) would not face the unfair stigma and possible rejection for job opportunities that the Millers face.

4. The government has been contacted regarding this motion, and defers to the Court.

WHEREFORE, the defendants request that the Court order that the words "violent entry" be removed from docket listings for counts charging 40 USC § 4104(e)(2)(G).

Respectfully submitted,

/s/
Joanne D. Slaughter, #332866
400 7th Street, N.W., Suite 206
Washington, DC 20004
Phone (202) 256-8969
Email: jslaight@att.net

/s/ William L. Welch, III

William L. Welch, III
D.C. Bar No. 447886
wlw@wwelchattorney.com
5305 Village Center Drive, Suite 142
Columbia, Maryland 21044
Telephone: (410) 615-7186
Facsimile: (410) 630-7760
Counsel for Brandon James Miller
(Appointed by this Court)