

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

UNITED STATES OF AMERICA	:	
	:	Case No. 1:21-cr-184 (BAH)
v.	:	
	:	
JAMES ALLEN MELS,	:	
	:	
Defendant	:	

**GOVERNMENT’S UNOPPOSED FIRST MOTION
TO CONTINUE SENTENCING HEARING**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully moves for a continuance of the sentencing hearing scheduled in the above-captioned matter for October 20, 2022 at 9:30 a.m., to October 28, 2022 at noon or another date that is convenient for the Court and the parties. This is the first continuance motion in connection with sentencing in this case. As shown below, good cause exists for the continuance requested in this motion.

1. On February 10, 2021, the defendant, James Allen Mels, was charged by criminal complaint with violating 18 U.S.C. §§ 1752(a)(1) and (2) and 40 U.S.C. §§ 5401(e)(2)(D) and (G). On February 11, 2021, law enforcement officers arrested the defendant at his home in Shelby Township, Michigan. On March 3, 2021, Mels was charged by a four-count information with entering and remaining in a restricted building, in violation of 18 U.S.C. § 1752(a)(1) (Count One); disorderly and disruptive conduct in a restricted building, in violation of 18 U.S.C. § 1752(a)(1) (Count Two); violent entry and disorderly conduct in a Capitol Building, in violation of 40 U.S.C. § 5401(e)(2)(D) (Count Three); and parading, demonstrating, and picketing in a Capitol Building, in violation of 40 U.S.C. § 5401(e)(2)(G) (Count Four). The United States filed an amended information asserting the same charges on July 1, 2022. On July 22, 2022, Mels pleaded guilty

pursuant to a plea agreement to Count One of the Information, which charges him with entering and remaining in a restricted building. At the change-of-plea hearing, the Court set sentencing for October 20, 2022 at 9:30 a.m.

2. I, Francesco Valentini, am the attorney principally responsible for handling the defendant's sentencing on behalf of the government, having prepared the government's sentencing memorandum, which is now being finalized. In addition, because I am the only prosecutor on the case who is based in Washington, D.C., it would be most efficient and cost-effective for the United States if I were able to represent the government at the sentencing hearing. My co-counsel in this case, Mr. Douglas Brasher, is based in Dallas, Texas. Regrettably, I now have a conflicting professional obligation on October 20, 2022, as I am scheduled to present oral argument for the government in Cincinnati, Ohio, in *United States v. Haynes*, No. 22-5132 (6th Cir.), on that date.

3. The continuance requested in this motion would not affect any other pending deadlines, except the deadline to file the parties' sentencing memoranda, which is linked to the date of sentencing.

4. The parties have conferred among themselves and with the probation officer, Ms. Ami Landon. The government respectfully suggests that the sentencing hearing be set for October 28 at noon, which we understand is convenient for all parties and the Court. Alternatively, the parties are available on October 25, 2022 (except 2 p.m. to 4 p.m.) or October 26, 2022 (except 11 a.m. to 2 p.m.).

5. I have conferred with counsel for the defendant, Ms. Elizabeth Mullin. The defendant does not object to the continuance requested in this motion.

For the reasons set forth above, the government respectfully requests that the sentencing hearing currently set for October 20, 2022 at 9:30 a.m., be continued to October 28, 2022 at noon, or another date that is convenient for the Court and the parties.

Respectfully submitted,

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