

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

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 21-CR-0060-CKK</b>
	)	
<b>JESUS RIVERA,</b>	)	
	)	
<b>Defendant.</b>	)	

**MOTION FOR STAY OF SENTENCE PENDING APPEAL**

Comes now, Defendant Jesus Rivera, by his undersigned counsel, who respectfully requests for a stay of his sentence pending appeal to the United States Court of Appeals for the District of Columbia Circuit from the Judgment and Sentence issued by the United States District Court for the District of Columbia.

Defendant Rivera cites the following grounds:

1. Rivera was convicted at a bench trial of nonviolent misdemeanors which involved no force or destruction of anyone's personal or public property.
2. Rivera was sentenced by this honorable court to eight (8) months incarceration, with directions to self-surrender to the federal prison at FCI Jesup, in Georgia on January 9, 2023.
3. Mr. Rivera has retained new counsel to pursue his appeal in the Court of Appeals. This appeal will likely encompass the length of sentence as well as other issues in the case.
4. Upon information and belief, the eight-month prison sentence in this case is the longest misdemeanor sentence among all Jan. 6 cases thus far (out of as many as 200 misdemeanor sentences). Rivera's sentence is longer than

even every misdemeanor sentence which was pled down from felony charges, and longer than every misdemeanor sentence involving defendants with lengthy criminal histories. (While Rivera had no prior criminal history whatsoever.)

5. Unfortunately, however, the average federal appeal takes 8.6 months to 10.8 months, according to the U.S. Courts' "*Just the Facts*" website (referencing data from 2011 to 2015). See <https://www.uscourts.gov/news/2016/12/20/just-facts-us-courts-appeals> (accessed 12/1/2022). This average length of time for federal appeals, of course, encompasses many appeals which are quickly dismissed or withdrawn on jurisdictional grounds. Appeals which are fully briefed and argued, as this case will be, can average over a year.
6. Thus, Defendant Rivera will have completed his 8-month term of incarceration by the time his appeal is decided in the D.C. Circuit.
7. Mr. Rivera is a husband and father to four young children, all age ten or under. He is the primary breadwinner for his family. His children depend on him for daily support and transportation. Mr. and Mrs. Rivera have twins who are both six years old.
8. Mr. Rivera works at the Jubilee Church and Christian Academy in Pensacola, Florida. JCA includes preschool, kindergarten through 5th grade and 6th grade through 8th grade programs.
9. Mr. Rivera is in charge of production, media and information technology at JCA. He has no replacement at the Academy and no other staff can perform

his duties.

10. Mr. Rivera's wife Jessecah will be placed in extreme hardship if Mr. Rivera is incarcerated pending his appeal. His family will be forced to rely on one income rather than two. Jessecah will have extreme difficulty with daily transportation and childcare in his absence.

11. FCI Jesup, where Rivera is currently directed to report on January 9, 2023, is a "medium security federal correctional institution with an adjacent low security satellite prison and a minimum security satellite camp." Upon information and belief, Rivera is almost certainly likely to be designated as an extremely low-level-security inmate, being a misdemeanor, a husband and father with no criminal history or history of violence of any kind. Meanwhile there is a low-security federal prison just twenty miles from Rivera's home, FPC Pensacola, located at Saufley Field, Florida. The FPC Pensacola facility would be far more appropriate for Rivera's placement.

WHEREFORE, Defendant prays for an order staying his eight-month misdemeanor prison sentence until the outcome of his appeal in this matter.

Date: December 2, 2022

Respectfully Submitted,

/s/ John M. Pierce  
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**CERTIFICATE OF SERVICE**

I, John M. Pierce, hereby certify that on this day, November 29, 2022, I caused a copy of the foregoing document to be served on all counsel through the Court's CM/ECF case filing system.

/s/ John M. Pierce

*John M. Pierce*

