

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

**UNITED STATES OF AMERICA**

**v.**

**JOHN MARON NASSIF,  
Defendant.**

**Criminal Action No. 21-421 (JDB)**

**ORDER**

Defendant John Maron Nassif was convicted at trial of four offenses related to his conduct at the United States Capitol on January 6, 2021. He was sentenced to seven months' imprisonment on April 27, 2023. Nassif now moves to extend his self-surrender date by 40 days, from June 13, 2023 to July 23, 2023. For the reasons explained below, the Court will deny the motion.

**Background**

On December 8, 2022, Nassif was convicted following trial on four counts: 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)(2) (Count Two); violent entry and disorderly conduct in a Capitol Building in violation of 40 U.S.C. § 5104(e)(2)(D) (Count Three); and parading, demonstrating, and picketing in a Capitol Building in violation of 40 U.S.C. § 5104(e)(2)(G) (Count Four). Dec. 8, 2022 Min. Order. He was sentenced on April 27, 2023 to seven months' imprisonment on Counts One and Two and six months' imprisonment on Counts Three and Four, to run concurrently, see Judgment [ECF No. 87] at 3, and given a self-surrender date of June 13, 2023.

At the sentencing hearing, the Court calculated Nassif's sentencing guidelines range to be 10 to 12 months<sup>1</sup> based on an offense level of 12 and a criminal history category of I. See Statement of Reasons [ECF No. 88] at 1. Nassif objected to that calculation in both his sentencing memorandum and at the sentencing hearing. Sentencing Mem. [ECF No. 83] at 2. Specifically, he argued that the applicable guideline is USSG § 2B2.3, "Trespass," as opposed to U.S. Sentencing Guideline ("USSG") § 2A2.4, "Obstructing or Impeding Officers." See id. at 3–9. Nassif's preferred guideline carries a base offense level of 4, USSG § 2B2.3, whereas "Obstructing or Impeding Officers"—the guideline for which the government and probation argued and which the Court ultimately applied—carries a base offense level of 10, USSG § 2A2.4. Had the Court applied USSG § 2B2.3, Nassif's total offense level likely would have been 6, which would have resulted in a sentencing guidelines range of 0 to 6 months.

On May 12, 2023, Nassif filed a notice of appeal. See Notice of Appeal [ECF No. 89]. Two weeks later, on May 30, he filed the present motion to extend his surrender date from June 13, 2023 to July 23, 2023. See Opposed Mot. to Extend Surrender Date [ECF No. 91] ("Mot."). The government filed an opposition to the motion on June 6, see Gov't's Opp'n to Mot. [ECF No. 92] ("Opp'n"), and Nassif replied in support of his motion, see Reply to Opp'n [ECF No. 93] ("Reply"). The motion is now ripe for decision.

### **Analysis**

In his motion filed on May 30, 2023, Nassif argued that the 40-day extension of his self-surrender date is necessary for his counsel "to file a motion for bond pending appeal in the district court" and, if that motion is denied, to "seek release from the Court of Appeals." Mot. at 5. Nassif reiterates this rationale in his reply, filed eight days later: he "requests that this Court extend the

---

<sup>1</sup> Nassif's guidelines range was initially 10 to 16 months, but because each offense of conviction carries a maximum sentence of incarceration of 12 months, the Court narrowed the range to 10 to 12 months.

time for self-surrender solely for the purpose of filing a motion for bond pending appeal in the above case,” which he claims he has been “diligently work[ing]” to do “in an expedited fashion.” Reply at 4.

But it has been six weeks since Nassif was sentenced, and no such motion has been filed. The proffered basis for the motion for bond pending appeal—that the Court incorrectly calculated Nassif’s sentencing guidelines range—has been known to him since the day he was sentenced.<sup>2</sup> Given the inexplicable delay thus far, Nassif’s last-minute promise that a motion will be filed “in an expedited fashion” provides little assurance to the Court that the motion will, in fact, be filed and ruled on in a timely matter and is plainly insufficient to justify a delay in self-reporting.

Nassif claims that the relief he seeks is “similar” to the relief the Court granted in United States v. Brock, Crim. A. No. 21-140 (JDB). See Mot. at 4. In Brock, the Court granted defendant Larry Brock a 34-day extension “solely to give him a chance to seek relief from the D.C. Circuit before reporting to serve his sentence.” Order, Brock, Crim. A. No. 21-140 (JDB) (D.D.C. Apr. 21, 2023), ECF No. 110. But critically, Brock requested the brief extension to appeal a motion for bond pending appeal that he had already filed and that this Court had already denied. See Mot. to Extend BOP Self Surrender Date, Brock, Crim. A. No. 21-140 (JDB) (D.D.C. Apr. 21, 2023), ECF No. 108 (“Brock Mot.”); see also Order, Brock, Crim. A. No. 21-140 (JDB) (D.D.C. Apr. 20, 2023) (denying motion for release). When this Court granted Brock a 34-day extension in late April, Brock was poised to appeal the denial of his motion for release pending appeal, which the

---

<sup>2</sup> Nassif notes in his motion and reply that he did not receive the sentencing transcript until May 26, 2023, and that his counsel was not admitted to the D.C. Circuit until May 31, 2023. See Reply at 1–2. Neither event has particular relevance to Nassif’s ability to file a motion for bond pending appeal in this Court: Nassif’s counsel was present at the sentencing hearing and knew the Court’s ruling on the sentencing guidelines issue immediately after the Court so ruled, and there is no need for D.C. Circuit admission to file a motion in this District.

D.C. Circuit ruled on a month later. See Brock Mot.; Per Curiam Order, No. 23-2045 (D.C. Cir. May 25, 2023) (denying motion for release pending appeal).

Nassif's position is significantly different—he asks for 40 days to file such a motion (on an unspecified date), this Court to rule on it, and then, if necessary, to appeal to the D.C. Circuit and for the D.C. Circuit to rule on that appeal. The Court is unwilling to push back his reporting date based on such a speculative timeline and will accordingly deny Nassif's motion.

\* \* \*

For the foregoing reasons, and upon consideration of the entire record herein, it is hereby

**ORDERED** that [91] Nassif's motion to extend his self-surrender date is **DENIED**.

**SO ORDERED.**

\_\_\_\_\_  
/s/  
JOHN D. BATES  
United States District Judge

Dated: June 9, 2023