



NOW COMES Defendant Damon Beckley by and through his undersigned counsel of record William L. Shipley, Esq., and respectfully request this Honorable Court to grant his motion to have the United States Marshal's Service arrange and incur the cost of the Defendant Beckley's transportation to appear for sentencing on Friday February 9, 2024, at 3:00 PM.

Defendant Beckley was set for sentencing before this Court on January 5, 2024. *See* EFC. No. 74. During such time Defendant Beckley was representing himself *pro se* and had standby counsel, Gretchen L. Staff, from the Federal Defenders Office for the District of Alaska appointed to him.

On December 19, 2023, undersigned filed a Notice of Appearance into the case as retained counsel for Defendant Beckley. *See* EFC No. 85. But undersigned counsel is appearing in this case on a *pro bono* basis.

On December 26, 2023, Defendant Beckley moved to have his sentencing continued. *See* EFC No. 86. This Court granted the motion and reset the sentencing hearing for February 9, 2024. *See* Minute Order 1/2/24.

Defendant Beckley has been under supervised release since his original arrest on January 16, 2021, and continued since his trial on February 23, 2023. Defendant Beckley currently resides in Cub Run, Kentucky – south of Louisville and 632 miles from Washington D.C. Defendant Beckley does not own a vehicle he is confident could make that trip without mechanical difficulty, and he cannot afford to rent a car or purchase a plane ticket to make the trip.

Accordingly, Defendant Beckley makes this motion pursuant to 18 U.S.C. § 4285, which allows this Court to direct the United States Marshal to arrange for a defendant's non-custodial transportation and to furnish the fare for such transportation to the place where his appearance is required. In addition, the Court may direct the United States Marshal to furnish that person with an amount of money for subsistence expenses to his destination, not to exceed the amount authorized as a per diem allowance for travel under 5 U.S.C. § 5702(a).

“Providing custodial transportation imposes financial costs on the government and disrupts the human resources of the United States Marshal's Service. As indicated in the legislative history to [18 U.S.C. § 4285] ..., arranging for non-custodial transportation provides a cheap, efficient means for ensuring the court appearance of willing, indigent defendants who reside outside the judicial district.” *United States v. Gonzales*, 684 F.Supp. 838 (D. Vt. April 29, 1988).

28 U.S.C. § 1651 states as follows:

- (a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.
- (b) An alternative writ or rule nisi may be issued by a justice or judge of a court which has jurisdiction.

The statute operates to permit this Court to avail itself of all auxiliary writs as aids in performance of its duties when use of such historic aids is calculated in its sound judgment to achieve ends of justice entrusted to it. *Adams v. United States*, 317 U.S. 269 (1942).

WHEREFORE, Defendant Beckley respectfully moves this Honorable Court to Grant his motion for the Marshal's Service arrange and incur the cost of the Defendant Beckley's transportation pursuant to 18 U.S.C. § 4285.

Dated: January 26, 2023

Respectfully Submitted,

/s/ William L. Shipley  
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