

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

	)	
<b>UNITED STATES OF AMERICA</b>	)	
	)	
v.	)	CRIMINAL CASE NO: 1:21-CR-00564
	)	
<b>MATTHEW DASILVA,</b>	)	SENTENCING: OCTOBER 12, 2023
	)	
DEFENDANT.	)	
	)	

**MOTION FOR ORDER ON PRE-SENTENCE PAYMENT**

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Defendant, by and through counsel, moves this Court for an order directing the Clerk of the Court to accept Defendant’s pre-sentence payment toward the expected criminal case financial obligations to be imposed, pursuant to 28 U.S.C. §§ 1651, 2041 and 2042, and in support thereof states as follows:

1. On July 19, 2023, this Court found the Defendant Guilty of Counts One through Five and Count Seven of the Second Superseding Indictment.

2. Pursuant to the Government’s sentencing requests in other January 6 cases, the Defense anticipates that the Government will request payment of restitution as part of sentencing. The defendant has elected to make this payment, in good faith, prior to being sentenced.

3. The Defendant should be able to submit payment by cash, cashier’s check, or money order made payable to the Clerk of the Court with the case number noted on each

payment made online (*see* <https://www.dcd.uscourts.gov/payment-information>), mailed or delivered to:

Clerk, U.S. District Court  
Attn: Finance Office  
U.S. District Court for the District of Columbia  
333 Constitution Ave, NW  
Washington, D.C. 20001

4. Clerk's office has refused to accept the Defendant's restitution payment, explaining that because the Defendant has not yet been sentenced, they are not authorized to accept payments without an order from the court.

5. Pursuant to 28 U.S.C. § 2041, the Clerk of Court is authorized to accept and hold such funds on behalf of the Defendant until the time of sentencing. Further, pursuant to 28 U.S.C. § 2042, the Defense requests an order that upon the entry of a criminal judgment in this case, the Clerk of the Court is to withdraw and apply the deposited funds to the criminal financial obligations imposed against the Defendant.

6. The Court has the discretion to order the requested relief, pursuant to the All Writs Act, 28 U.S.C. § 1651, which provides that, "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."

WHEREFORE, the Defense respectfully moves this Court for issuance of an Order directing the Clerk of the Court to accept pre-sentence payments from this Defendant to be held on deposit until sentencing, and thereafter apply those funds toward the criminal monetary obligations imposed against the Defendant as provided by law and in accordance with the Clerk's standard operating procedures.

Respectfully submitted,  
By Counsel:

/s/

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**CERTIFICATE OF SERVICE FOR CM/ECF**

I hereby certify that on July 25, 2023, I will electronically file the foregoing with the Clerk of the Court for the United States District Court for the District of Columbia by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/

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Marina Medvin, Esq.