

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

UNITED STATES OF AMERICA)	Case No. 1:21-cr-00621
)	Honorable Christopher R. Cooper
)	
v.)	
)	
JULIA SIZER)	
)	
)	

MOTION TO CONDUCT SENTENCING BY VIDEOCONFERENCE

AND NOW, comes Defendant, Julia Sizer, by and through her Counsel, and files the within Motion to Conduct Sentencing by Videoconference and respectfully states as follows:

1. On November 4, 2021, Defendant pleaded guilty to Parading, Demonstrating, or Picketing in a Capitol Building (40 USC § 5104 (e)(2)(G)). Sentencing is scheduled for February 1, 2022, at 1:00 p.m.
2. Defendant requests that her sentencing proceed by video.
3. On November 22, 2021, Chief Judge Beryl A. Howell entered an order, which extended for the seventh time, this Honorable Court’s Standing Order 20-17, which governed proceedings before this Honorable Court, during the Covid-19 pandemic. Such measures, initially taken, and then extended, were warranted and proper pursuant to the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), Pub. L. No. 116-136, Sec. 6002, Div. B., Title V, § 15002(b)(3)(a), 134 Stat. 281, 529 (2020). The primary provisions of the current extension regard the use of video teleconferencing or telephone for certain matters before this Honorable Court.

4. Counsel planned to travel to Washington, D.C. on February 1, 2022, until recently, when the number of Covid-19 cases seems as high, if not higher, than it has ever been. Counsel has never been to Washington, D.C., and was looking forward to the visit.

5. On December 27, 2021, there appears to have been 543,415 new reported cases of new infections from Covid-19 in the United States. While it is unclear, if that number includes data held back from certain states over a holiday weekend, that number is still shocking.

6. Counsel also read, for the first time, the November 22, 2021 Standing Order, entered by Chief Judge Beryl A. Howell, which presents a compelling argument for why the sentencing in this matter, should proceed by videoconference.

7. Defendant would like to have people speak on her behalf, who would have to travel to Washington, D.C. Counsel and Defendant are vaccinated. Counsel has received a booster, but this would be a number of people traveling from Pennsylvania to the District of Columbia, then back to Pennsylvania

8. Counsel is a CJA counsel in the Western District of Pennsylvania where he believes he has done two (2) matters in person, since the pandemic started. One, however, was very recent and involved a bond revocation. Counsel wears a hearing aid, but not all the time. In fact, said hearing aid is typically only worn by Counsel for court proceedings. Wearing a mask and said hearing aid is difficult, but not an insurmountable problem.

9. Counsel is not reading all Covid data, from all states, but Pennsylvania reported 11,079 new cases of Covid on December 27, 2021.

10. This Honorable Court may prefer that sentencing proceed in person, and Counsel has no problem with that. After reading the most recent standing order, and realizing the pandemic is as much of a problem as it has ever been, Defendant does believe, for the reasons stated,

including the fact that she will likely call witnesses to speak on her behalf, that her sentencing should proceed by video. Defendant will be sentenced on a misdemeanor, and in the Western District of Pennsylvania, such was nearly automatically done by videoconference, as felony matters needed some compelling reason, to proceed by videoconference.

11. Defendant has been advised of and understands her right to be physically present at her sentencing and she is aware of this Honorable Court's orders suspending and limiting certain court appearances, and those permitting certain proceedings to proceed by videoconference, due to the COVID-19 crisis; and she therefore requests her sentencing be conducted via videoconference.

12. Under these circumstances, Defendant hereby waives her right to be physically present at her sentencing and requests leave to participate in this hearing, along with her counsel, via videoconference, so that it might be expeditiously and safely concluded.

13. Counsel has discussed this matter with Defendant, who has given her consent to conduct the sentencing by videoconference, and Assistant United States Attorney Kathryn Fifield does not oppose this request.

WHEREFORE, Defendant respectfully requests that this Honorable Court enter the attached proposed order permitting the sentencing to be conducted via videoconference.

Respectfully Submitted,

s/Robert E. Mielnicki
Counsel for Defendant