

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States of America)
)
 v.) USDC No. 21-cr-555 (RCL)
)
 Pamela Hemphill, *defendant*.)

MOTION TO TERMINATE PROBATION

Defendant, through undersigned counsel Nathan I. Silver, II, Esq., (“counsel”) appointed by this Court under the Criminal Justice Act, respectfully moves the Court to terminate defendant’s term of three (3) years probation, imposed on May 27, 2022, as amended June 3, 2022.

The U.S. Court of Appeals for the D.C. recently held in *U.S. v. James Little*, No. 22-3018, decided August 18, 2023, that a sentence for Demonstrating, Picketing or Parading (“Demonstrating”), a petty Class B offense in violation of 40 U.S.C. §5105(e)(2)(G), combining incarceration and probation, is illegal.

Defendant, who entered a guilty plea to Demonstrating received sixty (60) days incarceration and a period of three (3) years probation. She has completed her prison term.

Defendant therefore moves the Court for relief under 28 U.S.C. §2255 to terminate the remainder of defendant’s probationary term.

The government, through asst. U.S. Attorney Sonya Mittal, has advised counsel that the government plans to oppose the defendant's motion. The defendant does not oppose a deadline for the government’s written opposition to be filed on or before January 9, 2024.

A proposed Order is attached.

WHEREFORE, the defendant moves the Court to grant said relief.

This pleading is,

Respectfully submitted,

/s/

NATHAN I. SILVER, II
Unified Bar #944314
6300 Orchid Drive
Bethesda, MD 20817
(301) 229-0189 (direct)/(301) 229-3625 (fax)
email: nisquire@aol.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing pleading has been served via ECF on Sonia Mittal, Esq., U.S. Attorney's Office for the District of Columbia, attorney of record for the government in the instant case, this 28th day of December, 2023.

/s/

Nathan I. Silver, II