

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

<b>UNITED STATES OF AMERICA</b>	:	
	:	<b>Case No. 1:21-cr-00667-FYP</b>
<b>v.</b>	:	
	:	
<b>MAHAILYA PRYER,</b>	:	
	:	
<b>Defendant</b>	:	

**GOVERNMENT’S SUPPLEMENTAL SENTENCING MEMORANDUM**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits this supplemental memorandum in connection with the above-captioned matter to apprise the Court of two matters that materialized after the submission of the Government’s sentencing memorandum. First, Defendant Mahailya Pryer recently violated the conditions of her pretrial release. Second, the Government recently became aware that Pryer was convicted of a state felony offense in April 2022. These two matters, coupled with the information contained in the Government’s sentencing memorandum (ECF No. 44) warrant a sentence of three months incarceration followed by a three-year term of probation, sixty hours of community service, and \$500 restitution.

**I. Pryer’s Violation of Pretrial Release**

According to information provided by Pryer’s pretrial services officer, Pryer used heroin in September 2022, in violation of her pretrial release. Subsequent to the drug usage, Pryer voluntarily entered a residential and inpatient program on September 17, 2022. On September 25, 2022, Pryer left the program “against staff advice.” This program is not affiliated as a treatment provider with the Federal Probation Office, so the pretrial officer was not able to obtain

additional information about Pryer's involvement in the program or the reasons that led to Pryer's departure from the program. Pryer claims that she left because patients at the program possessed drugs inside of the facility. In terms of her pretrial release, Pryer admits to being in violation of her release conditions.

## **II. Pryer's State Felony Conviction**

On September 24, 2022, the Government was notified that Pryer had been convicted of a felony offense in the state of Missouri in April 2022. On September 26, 2022, the Government confirmed that conviction through court records. On February 7, 2019, Pryer was charged with the felony offense of endangering the welfare of a child involving drugs, Case No. 1931-CR0865-01, in Greene County, Missouri. The pending matter was referenced in the presentence investigation report (PSR) as an "Other Arrest" and not under the "Pending Charges" or "Defendant's Criminal History." ECF No. 39, PSR ¶ 37. Pryer was on bond for this offense when she participated in the riot at the U.S. Capitol on January 6, 2021.

On April 28, 2022, Pryer was convicted of the offense and sentenced to five years incarceration, however, the execution of the sentence was suspended, and she was placed on five years' probation. (Exhibit 1.) In Missouri, a person commits the felony offense of endangering the welfare of a child when she "knowingly acts in a manner that creates a substantial risk of the life, body, or health of a child less than seventeen years of age." Mo. Rev. Stat. 568.045. The conviction was not included in the PSR, and the Government was not aware of the conviction when its sentencing memorandum was filed.

Pryer has two additional pending criminal matters. Pryer has also been charged with the felony offense for operation of a motor vehicle without a valid license, Case No. 21LW-CR00564,

in Lawrence County, Missouri, for events occurring on or about April 30, 2021. In her other pending criminal matter, Pryer has been charged with the felony offense for operation of a motor vehicle without a valid license, misdemeanor offenses of driving while intoxicated and leaving the scene of any accident, Case No. 2131-CR03984, in Greene County, Missouri for events that occurred in August 26, 2021.

### **III. Recommendation**

Based on the information and rationale contained in the Government's sentencing memorandum (ECF No. 44), Pryer's recent pretrial violation, and her felony conviction for endangering the welfare of a child, the Government recommends that the Court sentence Pryer to three months incarceration followed by a three-year term of probation, sixty hours of community service, and \$500 restitution.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 29, 2022 I caused a copy of the foregoing opposition to be served on defense counsel of record via email.

*/s/ Matthew Moeder* \_\_\_\_\_

Matthew Moeder

Assistant United States Attorney