

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES :  
v. : Crim. No. 21-725 (RDM)  
KENNETH MASSIE :

**UNOPPOSED MOTION TO CONTINUE SENTENCING HEARING**

COMES NOW defendant, Kenneth Massie, through undersigned counsel, Stephen F. Brennwald, and in support of his Unopposed Motion to Continue Sentencing Hearing, states as follows:

On October 21, 2022, Mr. Massie pled guilty to one count of Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. 5104(e)(2)(G).

He is scheduled to be sentenced by this Court on Thursday, February 23, 2023, at 9:00 a.m.

Unfortunately, undersigned counsel is in an Oathkeeper/January 6 trial before the Honorable Amit P. .Mehta. The trial began on February 3, 2023, and is expected to last until approximately March 9 or 10, 2023.

The trial days typically begin anytime between 8:30 a.m. and 9:15 a.m. because of the need to discuss legal issues before the jury is brought in at 9:30 a.m.

In addition to, and perhaps because of, counsel's trial schedule, as well as the amount of work necessary ahead of trial, undersigned counsel simply hasn't been able to prepare the defendant's sentencing memorandum.<sup>1</sup> Counsel apologizes for not having been able to accomplish this task in a timely manner.

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<sup>1</sup> In addition to counsel's trial schedule, counsel has suffered from three illnesses (acute kidney failure, Covid-19, and acute bronchitis) since November of 2022, and those illnesses have sidelined counsel for quite a few weeks.

Finally, defendant was recently fired from his employment (last week) because his employer discovered that he had pled guilty in this case. Because of this extremely negative change in circumstances, it would be helpful for the defendant to have some time to “regroup” and plan the road ahead. Mr. Massie is married, and has four children who are 18 years old or younger who rely on Mr. Massie for their support. Until his firing, he earned about \$82,000 a year (a very good salary, in context), and the loss of his employment has caused him extreme stress, and devastated his ability to support his family.

In light of the foregoing, defendant asks that the sentencing hearing set for this Thursday, February 23, 2023, be vacated, and that the hearing be re-set to a date sometime in April. Hopefully, the parties will be able to work out the details of a new date by email, if the Court will allow that mechanism for the selection of a new date.

The United States does not oppose this request.

WHEREFORE, for the foregoing reasons, as well as for such other reasons as may appear to this Court, defendant asks that the sentencing hearing set for Thursday, February 23, 2023, be vacated, that a new hearing be set for a date to be selected, and for any other relief this Court deems proper.

Respectfully submitted,

/s/

Stephen F. Brennwald, Esq.  
Bar No. 398319  
Brennwald & Robertson, LLP  
922 Pennsylvania Avenue, S.E.  
Washington, D.C. 20003  
(301) 928-7727  
(202) 544-7626 (facsimile)  
E-mail: [sfbrennwald@cs.com](mailto:sfbrennwald@cs.com)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was sent by ECF, this 21<sup>st</sup> day of February, 2023, to all counsel of record.

/s/

Stephen F. Brennwald