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

5 UNITED STATES OF AMERICA,

Case No. 1-22-cr-00001-JEB

6 v.

7 DANIEL SHAW,  
8

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10 **DEFENDANT’S MOTION TO CORRECT AND AMEND JUDGMENT**

11 Defendant Daniel Shaw was sentenced on March 17, 2023 for one count of Parading,  
12 Demonstrating, or Picketing in a Capitol Building, a misdemeanor violation of 40 U.S.C.  
13 § 5104(e)(2)(G), 40 U.S.C. § 5109(b). The Court entered a judgment on March 22, 2023. Dkt. 40.  
14 Pursuant to Federal Rule of Criminal Procedure 36, Clerical Error, Mr. Shaw moves this Court to  
15 correct and amend the judgment to conform with the Court’s oral pronouncement regarding probation  
16 conditions imposed.

17 First, at the hearing, the Court agreed with defense counsel that standard condition of supervision  
18 7, requiring full time employment, should not be imposed because Mr. Shaw is permanently disabled.  
19 However, that condition is imposed in the judgment. Dkt. 40 at 5. The defense requests that this error  
20 be fixed and condition deleted.

21 Second, after argument from the parties at the sentencing hearing, the Court decided to modify  
22 standard condition 12 regarding whether the defendant “posed a risk to others.” Rather than imposing  
23 the language of the standard condition, the Court stated the condition should be modified to read that if  
24 the probation officer believed the defendant posed a risk to another person, probation was to notify the  
25 Court for the Court to consider the issue and determine whether the defendant would need to notify the  
26 person about his potential risk. However, the standard condition, without the modification discussed  
27 by the Court was imposed. Dkt. 40 at 5. The defense requests this condition be corrected to conform  
28 with the Court’s oral pronouncement.

1 Third, there was argument at the sentencing hearing regarding the proposed condition that Mr.  
2 Shaw not possess any firearms or ammunition. The defense objected to the imposition of the  
3 condition. The Court ordered that the government, because they moved for the condition, would need  
4 to file a brief justifying the condition and the defense could respond, before the Court would impose  
5 the condition prohibiting Mr. Shaw from possessing firearms. To date, the government has not filed  
6 any such briefing. The judgment, however, imposes the condition prohibiting Mr. Shaw from having a  
7 firearm or ammunition (Dkt. 40 at 5 and firearm restriction in special condition at 6). This is also  
8 inconsistent with the oral pronouncement and requires correction. The defense also requests the court  
9 impose a deadline by which the government must file any brief regarding this condition. The firearm  
10 condition should not be imposed while this issue remains pending.

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12  
13 March 23, 2023  
14 Dated

JODI LINKER  
Federal Public Defender  
Northern District of California

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ELISSE LAROCHE  
Assistant Federal Public Defender