

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

)	
UNITED STATES OF AMERICA)	
)	
v.)	Criminal Case No: 1:23-cr-00034-JEB
)	
KRAUSS, Et. AL.,)	
)	
Defendant.)	
)	

MOTION FOR ORDER ON PRE-SENTENCE PAYMENT

Defendants DAVID KRAUSS (1), NICHOLAS KRAUSS (2), by and through counsel, move this Court for an order directing the Clerk of the Court to accept Defendant’s pre-sentence payment toward the agreed criminal case financial obligations to be imposed, pursuant to 28 U.S.C. §§ 1651, 2041 and 2042, and in support thereof states as follows:

1. This Court accepted DAVID KRAUSS (1) and NICHOLAS KRAUSS (2) guilty plea on April 13, 2023, to Count Four of the Indictment.
2. Pursuant to their Plea Agreement, the Defendants agreed to make a \$500 payment of restitution, notwithstanding that they did not damage any property. See ECF No. 32. The defendants have elected to make this payment, in good faith, prior to being sentenced.
3. The Defendant can submit payment by cash, cashier’s check, or money order made payable to the Clerk of the Court with **1:23-cr-00034-JEB** noted on each payment made online (*see* <https://www.dcd.uscourts.gov/payment-information>), mailed or delivered to:

Clerk, U.S. District Court
Attn: Finance Office
U.S. District Court for the District of Columbia
333 Constitution Ave, NW
Washington, D.C. 20001

4. Clerk's office sent an email on April 26, 2023, rejecting defendant Nicholas Krauss's restitution payment, stating that "We are not authorized to accept payments without an order of the court. Please resubmit your payment once an order directing payment has been issued."

5. Pursuant to 28 U.S.C. § 2041, the Clerk of Court is authorized to accept and hold such funds on behalf of the Defendant until the time of sentencing. Further, pursuant to 28 U.S.C. § 2042, the Defense requests an order that upon the entry of a criminal judgment in this case, the Clerk of the Court is to withdraw and apply the deposited funds to the criminal financial obligations imposed against the Defendant.

6. The Court has the discretion to order the requested relief, pursuant to the All Writs Act, 28 U.S.C. § 1651, which provides that, "all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."

WHEREFORE, the Defense respectfully moves this Court for issuance of an Order directing the Clerk of the Court to accept pre-sentence payments from DAVID KRAUSS (1) and NICHOLAS KRAUSS (2) to be held on deposit until sentencing, and thereafter apply those funds toward the criminal monetary obligations imposed against the Defendants as provided by law and in accordance with the Clerk's standard operating procedures.

Respectfully submitted,
By Counsel:

/s/

Marina Medvin, Esq.
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CERTIFICATE OF SERVICE FOR CM/ECF

I hereby certify that on April 26, 2023, I will electronically file the foregoing with the Clerk of the Court for the United States District Court for the District of Columbia by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/

Marina Medvin, Esq.