

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

TERRY ALLEN,

Defendant.

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CRIMINAL NO. 23-CR-261(APM)

DEFENDANT’S MOTION TO CONTINUE SENTENCING

Terry Allen, by his attorneys, Nicole Ann Cubbage and Kira Anne West, hereby respectfully move for a continuance of the sentencing and state the following in support:

Under Article II, Section 2, Clause 1 of the U.S. Constitution, the president of the United States is authorized by the U.S. Constitution to grant a pardon for a federal crime. Other forms of the clemency power of the president include the commutation of sentence, remission of fine or restitution, and reprieve.

Pursuant to *Ex Parte Garland*, 71 U.S. 333 (1866), the President’s authority to pardon is *unlimited* (except in cases of impeachment), extending to every federal offense known to the law. This presidential power can be exercised *either before legal proceedings are taken, or during their pendency, or after conviction and judgment.*

President-elect Trump has repeatedly vowed to pardon January 6 defendants.

As early as September 2022, in an interview with conservative Pittsburgh broadcaster Wendy Bell, former President Trump said — if he becomes president again — he would issue full pardons and an apology to rioters involved in the January 6, 2021, protests at the U.S. Capitol. Trump said “ We’ll be looking very, very seriously at full pardons because we can’t let that happen,” ...and I mean full pardons. To many, an apology. They’ve been so badly treated.” During an interview with Time Magazine in April of this year, Trump said he would “absolutely” consider pardoning every January 6 defendant. Later, in July while at the National Association of Black Journalists’ conference in Chicago, Trump was asked if he would pardon rioters who assaulted police officers during January 6. His said, “oh, absolutely I would. If they are innocent, I would pardon them ...they were convicted by a very, very, tough system.”

History has shown that President Donald Trump is not shy when it comes to exercising his pardon powers and there is clearly no reason to believe he won’t do as he says. During his first term of President, Trump pardoned, commuted, or rescinded the convictions of 237 people. Many were controversial. Several were in his first year in office: Joe Arpaio, pardoned August 25, 2017; Sholom Rubashkin, 27-year prison sentence commuted December 20, 2017.

As the Court well knows, the defendant, though convicted of a 111(a) count, believes strongly that his chances of reversal on appeal are good because he did not

have the requisite intent to commit the offense. Therefore, Mr. Allen is a worthy candidate for receipt of a presidential pardon and has a good chance to receive one once the peaceful transfer of power is complete on January 20, 2025. President-elect Trump will become the President of the United States in just over two months. He will then be vested with a constitutional power, which he has repeatedly vowed to exercise, enabling him to nullify these entire proceedings with the mere stroke of a pen. The government opposes this motion.

WHEREFORE, the defendant prays for such order as is just and proper with respect to this motion.

Respectfully submitted,

KIRA ANNE WEST

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CERTIFICATE OF SERVICE

I hereby certify on the 8th day of November, 2024, a copy of same was delivered to the parties of record, by ECF pursuant to the rules of the Clerk of Court.

/S/ Kira West

Kira Anne West