

UNITED STATES DISTRICT COURT

District of Columbia

UNITED STATES OF AMERICA

v.

MARK NEALY

JUDGMENT IN A CRIMINAL CASE

Case Number: CR 23-278-01 (TSC)

USM Number: None

CRAIG KAUZLARICH

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) 1 OF THE INFORMATION FILED ON 8/16/2023

pleaded nolo contendere to count(s) _____
which was accepted by the court.

was found guilty on count(s) _____
after a plea of not guilty.

FILED

JAN 03 2024

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

The defendant is adjudicated guilty of these offenses:

| <u>Title & Section</u> | <u>Nature of Offense</u> | <u>Offense Ended</u> | <u>Count</u> |
|----------------------------|--|----------------------|--------------|
| 40 U.S.C. § | Parading, Demonstrating, or Picketing in a Capitol | 1/6/2021 | 1 |
| 5104 (e)(2)(G) | Building | | |

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____

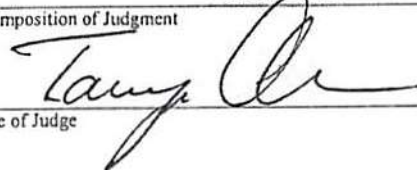
Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

12/20/2023

Date of Imposition of Judgment

Signature of Judge



TANYA S. CHUTKAN

U.S. DISTRICT JUDGE

Name and Title of Judge

Date

1/3/2024

DEFENDANT: MARK NEALY
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IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

Fourteen (14) Days Incarceration as to Count 1

The court makes the following recommendations to the Bureau of Prisons:

The defendant is to serve term of incarceration at either FCI Loretto, Pennsylvania or FCI Allenwood, Pennsylvania

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____ .

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____ .

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: MARK NEALY
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ADDITIONAL IMPRISONMENT TERMS

The defendant is to voluntarily surrender on January 15, 2024 to serve term of incarceration.

You can appeal your conviction if you believe that your guilty plea was somehow unlawful or involuntary, or if there is some other fundamental defect in the proceedings that was not waived in your plea agreement.

Under some circumstances, a defendant also has the right to appeal the sentence. However, a defendant may waive that right as part of a plea agreement, and you have entered into a plea agreement which waives some of your rights to appeal the sentence itself. Such waivers are generally enforceable, but if you believe the waiver itself is not valid, you can present that theory to the appellate court.

Pursuant to 28 U.S.C. § 2255, you also have the right to challenge the conviction entered or sentence imposed, to the extent permitted by that statute [and your plea agreement]. Any notice of appeal must be filed within fourteen days of the entry of judgment or within fourteen days of the filing of a notice of appeal by the government. If you are unable to afford the cost of an appeal, you may request permission from the Court to file an appeal without cost to you. On appeal, you may also apply for court-appointed counsel.

There were no objections to the sentence imposed that are not already noted on the record. See *United States v. Hunter*, 809 F.3d 677 (D.C. Cir. 2016).

The Probation Office shall release the presentence investigation report to all appropriate agencies, in order to execute the sentence of the Court.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

| | | | | | |
|---------------|-------------------|--------------------|-------------|-------------------------|--------------------------|
| | <u>Assessment</u> | <u>Restitution</u> | <u>Fine</u> | <u>AVAA Assessment*</u> | <u>JVTA Assessment**</u> |
| TOTALS | \$ 10.00 | \$ 500.00 | \$ | \$ | \$ |

The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

| <u>Name of Payee</u> | <u>Total Loss***</u> | <u>Restitution Ordered</u> | <u>Priority or Percentage</u> |
|---|----------------------|----------------------------|-------------------------------|
| Clerk of the Court for the United States | | \$500.00 | |
| District Court for the District of Columbia | | | |
| for disbursement to the following victims | | | |
| Architect of the Capitol | | | |
| Officer of the Chief Financial Officer | | | |
| Ford House Office Building H2-205B | | | |
| Washington DC 20515 | | | |

| | | | | |
|---------------|----------|------|----------|--------|
| TOTALS | \$ _____ | 0.00 | \$ _____ | 500.00 |
|---------------|----------|------|----------|--------|

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

You are ordered to make restitution to in the amount of \$500 to the Architect of the Capitol. The Court determined you do not have the ability to pay interest and therefore waives any interest or penalties that may accrue on the balance.

Financial obligations are immediately payable to the Clerk of the Court for the U.S. District Court, 333 Constitution Ave NW, Washington, DC 20001. Within 30 days of any change of address, you shall notify the Clerk of the Court of the change until such time as the financial obligation is paid in full.