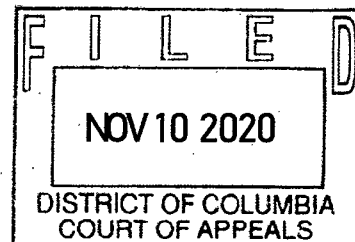


**District of Columbia
Court of Appeals**



Nos. 19-CF-687 & 19-CO-1172

BRIAN E. MOORE,
Appellant,

v.

2018 CF3 11411

UNITED STATES,
Appellee.

BEFORE: Thompson and Beckwith, Associate Judges, and Nebeker, Senior Judge.

ORDER

On consideration of appellant's renewed motion for release pending appeal in Appeal No. 19-CF-687, appellee's opposition and reply thereto, and appellee's motion for extension of time to file its brief, and the records on appeal, and it appearing that appellant filed Appeal No. 19-CO-1172 from an order denying his *pro se* motion for release pending appeal and that a new motion was filed and considered by the trial court and the same issues have been raised on direct appeal, it is

ORDERED that appellant's renewed motion for release pending appeal is denied. Generally, a convicted offender is detained pending appeal unless the trial court finds "by clear and convincing evidence that (1) the person is not likely to flee or pose a danger to any other person or the property of others, and (2) the appeal . . . raises a substantial question of law or fact likely to result in a reversal or an order for new trial." D.C. Code § 23-1325(c) (2012 Repl.). Appellant's contention that he would not pose a danger or flight risk if released is unsupported in light of his extensive criminal history indicating a pattern of failing to appear in court, violating court orders, obstructing justice, and assaultive and threatening conduct. It is

FURTHER ORDERED that these appeals are hereby severed for all purposes. It is

FURTHER ORDERED that appeal no. 19-CO-1172 is dismissed as moot. It is

Nos. 19-CF-687 & 19-CO-1172

FURTHER ORDERED that appellee's motion for extension of time is granted and it shall file its brief within 30 days from the date of this order.

PER CURIAM

Copies e-served:

Honorable Milton C. Lee

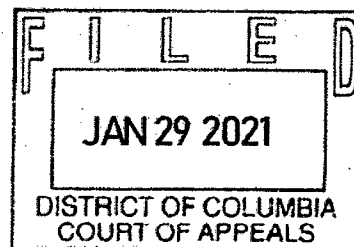
Director, Criminal Division

Sean R. Day, Esquire

Elizabeth Trosman, Esquire
Assistant United States Attorney

cml

**District of Columbia
Court of Appeals**



No. 19-CF-687

BRIAN E. MOORE,
Appellant,

v.

2018 CF3 11411

UNITED STATES,
Appellee.

BEFORE: Thompson and Beckwith, Associate Judges, and Nebeker, Senior Judge.

ORDER

On consideration of appellant's motion to reconsider the denial of his motion for release pending appeal wherein counsel requests that the court consider appellant's lodged pro se filings that request to stay issuance of the mandate, an extension of time for rehearing, and to reconsider the denial of his motion for release pending appeal en banc, and to consider new circumstances because of COVID-19, it is

ORDERED that appellant's motion to reconsider the denial of his motion for release pending appeal is denied. Appellant has not presented a basis for the court to reconsider the November 10, 2020, order. To the extent appellant pro se requested to stay the mandate pursuant to D.C. App. R. 41(d) and for en banc consideration pursuant to D.C. App. R. 35, the November 10, 2020, order did not resolve the appeal and thus those rules are inapplicable. To the extent appellant pro se seeks to introduce new facts concerning the conditions where he is incarcerated or the existence of COVID-19, those issues should be addressed to the trial court in a motion filed pursuant to D.C. Code § 24-403.04(a).

PER CURIAM

No. 19-CF-687

Copies e-served:

Sean R. Day, Esquire

Elizabeth Trosman, Esquire
Assistant United States Attorney

cml