

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA )

v. )

TIGHE BARRY, )

Defendant. )

Criminal No. 19-mj-49 (RMM)

**FILED**

**JAN 22 2020**

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

MEMORANDUM

On October 18, 2019, the Court orally pronounced Defendant Tighe Barry to be sentenced to Six (6) Days Incarceration with credit for time served, a \$25.00 Special Assessment; and a \$75.00 fine. *See* 10/18/2019 Min. Entry. On November 19, 2019, the Court requested supplemental briefing addressing how Count 2 of the Information should be classified, and held the issuance of a judgment in abeyance pending resolution of that issue. *See* Order, ECF No. 18. Although the Court may retrospectively question its prior oral pronouncement, its written judgment may not conflict with the oral pronouncement. *See United States v. Booker*, 436 F.3d 238, 245 (D.C. Cir. 2006) (“[T]he written judgment form is a nullity to the extent it conflicts with the previously pronounced sentence.”); *United States v. Jabr*, 19-CR-105 (PLF), 2019 WL 6135456, at \*3 (D.D.C. Nov. 19, 2019) (finding lack of jurisdiction to modify conditions imposed at a sentencing hearing). As the Court cannot modify its oral pronouncement by changing the Judgment, there is no basis to continue to hold the Judgment in abeyance.

Thus, the Court issues its Judgment and Statement of Reasons consistent with the October 19, 2019 hearing. The Court expresses no opinion on the merits of how Count 2 of the Information should be classified.

2/22/20  
DATE

  
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ROBIN M. MERIWEATHER  
UNITED STATES MAGISTRATE JUDGE