

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA)	
)	
)	
v.)	Case No. 22-cr-00070
)	
LUCAS DENNEY)	
)	
Defendant)	
)	

DEFENDANT LUCAS DENNEY'S PRELIMINARY GUIDELINE ANALYSIS

William L. Shipley, Jr., Esq.
PO Box 745
Kailua, Hawaii 96734
Tel: (808) 228-1341
Email: 808Shipleylaw@gmail.com

Pursuant to this Court's Order on March 14, 2022, Defendant Lucas Denney hereby advises the Court with respect the Defense's preliminary views regarding application of the United States Sentencing Guidelines to a guilty plea to the sole count of the Indictment charging him with a violation of 18 U.S.C. Section 111(a) and (b).

The possible application of the Guideline provisions is not a matter required to be covered under the Rule 11 colloquy. However, the Defense understands the Court's need to determine that a guilty plea is entered "knowingly" and "voluntarily", and the potential application of the Sentencing Guidelines is a subject which might inform the Court view on that question.

The information set forth herein is based on Counsel's review of the facts of the offense of conviction, and the application of the facts to the charged count.

The Defense has been provided only limited discovery at this point with respect to the charged count, including a video provided to the Defense by Counsel for the Government as having captured the specific incident charged in the indictment.

Review of all discovery to which the Defendant is entitled prior to sentencing may alter the analysis set forth herein.

The analysis set forth below is informed by and in part relies upon recommendations and stipulations entered into by the Department of Justice in other cases resolved by a guilty plea to a violation of § 111(a) and (b).

This analysis is preliminary only and is not intended to be an agreement or concession that any of the referenced provisions will apply or not apply once a Presentence Report is prepared and filed.

Mr. Denney reserves the right to make all appropriate objections to which he is entitled by law with respect to all parts of a Presentence Report that may hereafter be prepared and filed with the Court.

18 U.S.C. § 111 is covered by U.S.S.G. 2A2.2.

Base Offense Level	14
Brandishing a Dangerous Instrument	+3
Conviction under the (b) subparagraph	+2

The indictment identifies the “assault” as having been committed against Officer “KK”. The indictment does not allege that Officer KK suffered “bodily injury. A video of the charged offense conduct, as identified by the Government, does not show any injury to Officer KK.

Chapter 3 Adjustments

Official Victim – § 3A1.2	+6
Acceptance of Responsibility – § 3E1.1	-3
Adjusted Offense Level	22

Criminal History Cat. I: Mr. Denney is an Iraq combat veteran and has no criminal history.

Recommended Guideline Range: 41-51 mos

There are numerous mitigating factors pertinent to Mr. Denney that will require consideration as part of the Court’s consideration of the 3553(a) factors at sentencing. The Defense reserves the right to present and argue mitigation evidence as a basis for either a

variance or downward departure from the Guideline calculation as determined by the Court.

Date: March 16, 2022

Respectfully Submitted,

*/s/ WILLIAM L. SHIPLEY JR.
William L. Shipley, Jr., Esq.
(PHV Admitted)*

PO Box 745

Kailua, Hawaii 96734

Tel: (808) 228-1341

Email: 808Shipleylaw@gmail.com

Attorney for Defendant

CERTIFICATE OF SERVICE

I, William L. Shipley, hereby certify that on this day, March 16, 2022, I caused a copy of the foregoing document to be served on all counsel through the Court's CM/ECF case filing system.

/s/ William L. Shipley
William L. Shipley, Jr., Esq.