

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

UNITED STATES OF AMERICA,

v.

DANEAN KIMBERLY MACANDREW,

Defendant.

Criminal No. 21-cr-00730 (CKK)

UNOPPOSED MOTION UNDER RULE 36 TO CORRECT JUDGMENT

Defendant Danean Kimberly MacAndrew hereby requests under Federal Rule of Criminal Procedure 36 that the Court correct the judgment to remove DNA sampling as a mandatory condition of supervised release.

Rule 36 provides that the Court “may at any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission.” The presentence report in this case did not include DNA sampling as a mandatory condition of supervised release because that is not required for misdemeanor offenses. *See* Docket No. 75 at pp. 22, 26. Likewise, when orally pronouncing the sentence, the Court did not require DNA sampling when recounting the mandatory conditions of supervised release. *See* Exhibit A (sentencing transcript) at pp. 38-39. The Court’s judgment, however, includes a check in the box for this mandatory condition: “You must cooperate in the collection of DNA as directed by the probation officer.” *See* Docket No. 88 at 4.

Because the DNA-sampling condition was not part of the orally-pronounced sentence, including it in the judgment is a clerical error that can and should be corrected under Rule 36.

The government has been informed of this motion and has indicated that they do not object to it.

Respectfully submitted,

DATED: September 28, 2023

/s/ Lillian Chu

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