

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

United States of America,	)	Criminal. No.: 1:21-cr-640
	)	
vs.	)	
	)	
GEORGE TENNEY,	)	
	)	
Defendant.	)	
_____	)	

**AMENDED MOTION**

**IN OPPOSITION TO PRESENTENCE INVESTIGATION REPORT**

The Defendant, by and through undersigned counsel, moves to amend the previously filed motion in opposition of the presentence Investigation Report. The Defendant wishes to amend the suggested guideline calculation from 15 – 21 months based on an offense level 14 and criminal history category I, to 21 – 27 months based on an offense level 16 and criminal history category I. Below is a restatement of the grounds for the objection to the 8-level enhancement.

Specifically, the Defendant objects to paragraph 55 of the presentence report. Paragraph 55 provides an 8-level enhancement under United States Sentencing Guidelines, §2J1.2(b)(1)(B) for “causing or threatening to cause physical injury to a person, or property damage, in order to obstruct the administration of justice...”

This objection is based on video evidence and statements from government witnesses provided to the defense by the government. The government’s video evidence does not show any conduct from the Defendant which causes or threatens

to cause physical injury or property damage. Rather, the evidence shows incidental physical contact between the Defendant and Capitol Police in a crowded and chaotic situation.

Based on handwritten notes from the government's witness interviews, the Capitol Officers who are alleged to be the victims of the assaults stated they did not have any specific recollection of the Defendant's words or actions, other than one Officer recalling that the Defendant may have said, "this is our house," and/or, "we're on your side." Furthermore, they do not allege that they suffered any physical injury as a result of Mr. Tenney's actions.

There is also nothing in the record to indicate that the physical contact between the Defendant and Capitol Officers was undertaken to "obstruct the administration of justice." Rather, the video evidence shows an extremely chaotic and volatile situation outside the rotunda doors and the Defendant attempting to open the doors, at one point to allow a person inside who appears to be in physical distress from the effects of tear gas or pepper spray.

Therefore, Mr. Tenney respectfully requests this Honorable Court to decline application of the 8-level enhancement and apply a guideline range of 21 – 27 months based on an offense level 16 and criminal history category I.

Respectfully submitted,  
s/Charles W. Cochran  
Charles W. Cochran  
Assistant Federal Public Defender  
Charleston, South Carolina  
(843) 727-4148

November 17, 2022