

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

UNITED STATES OF AMERICA	:	
	:	No. 21-cr-508-01-BAH
	:	
v.	:	
	:	
LUKE WESSLEY BENDER,	:	
<i>Defendant.</i>	:	

**NOTICE OF FILING OF DEFENDANT’S RESPONSE
TO THE COURT’S NOVEMBER 22, 2022 MINUTE ORDER**

Luke Wessley Bender, through his undersigned counsel, files his response to the Court’s November 22, 2022 Minute Order and states that the parties are not in complete agreement as to the sentencing guidelines governing the sole felony charge at issue in this case (*i.e.*, Count One of the Indictment). While the parties agree that Count One has a base offense level of 14 pursuant to U.S.S.G. § 2J1.2(a), Mr. Bender disagrees as to the applicability of certain specific offense characteristics.

The Government’s current position on the sentencing guidelines (and specific offense characteristics) applicable to Count One is contained within the Government’s prior written plea offer (attached hereto as Exhibit 1). In advance of the stipulated trial, the Government has conceded in writing that the “prior plea agreement accurately stated the correct guidelines,” but the Government “would not be bound by that estimate in the event additional evidence is developed such that another adjustment would apply.” To leave no ambiguity, in response to undersigned counsel’s inquiry, the Government confirmed “that absent additional evidence being developed such that another adjustment would apply, [the] guidelines calculations remain the same” as stated in Exhibit 1.

Undersigned counsel confirms that he discussed the applicable sentencing guidelines and potential specific offense characteristics with Mr. Bender in advance of his decision to proceed forward with the stipulated trial that is currently scheduled for December 2, 2022. Mr. Bender is aware that it is ultimately the Court that will decide at sentencing what if any specific offense characteristics are applicable to Mr. Bender's conduct in this case.

Dated: November 28, 2022

Respectfully submitted,

SILVERMAN|THOMPSON|SLUTKIN|WHITE, LLC

/s/ Christopher Macchiaroli

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