

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

UNITED STATES OF AMERICA	:	
	:	CASE NO. 21-cr-00575-EGS
v.	:	
	:	
DAVID JOHN LESPERANCE,	:	
CASE CUSICK, and	:	
JAMES VARNELL CUSICK JR,	:	
	:	
Defendant.	:	

**GOVERNMENT’S RESPONSE TO THE REPORT AND RECOMMENDATION
REGARDING SINGLE ATTORNEY REPRESENTING
THREE CO-DEFENDANTS IN THE SAME CASE**

The United States files this response to the Report and Recommendation Regarding Single Attorney Representing Three Co-Defendants in the Same Case (Report and Recommendation) to acknowledge receipt of the Report and Recommendation and the Government’s responses.

1. The United States has no objection to the recommendations outlined in the Report and Recommendation. The United States concurs with the need for the appointment of an independent conflicts attorney for each defendant and the need for a detailed colloquy by the Court under oath of each defendant outside of the presence of the co-defendants.
2. Additionally, the United States makes the following factual corrections to the Report and Recommendation.
 - a. Regarding a fact on page 2, Defendant David Lesperance did not identify either Defendants James Varnell Cusick Jr. or Casey Cusick by name during his pre-arrest interview. Rather, Defendant Lesperance referenced his pastor without providing further identifying names.

- b. Regarding a fact on page 3, evidence recovered from Defendant David Lesperance's iCloud account geolocate Defendants Casey Cusick and James Varnell Cusick Jr. at the Capitol on January 6, 2021 based on images that appear to depict his co-defendants.
- c. Regarding a fact on page 3, the statement by Defendant Casey Cusick was made while in transport to the U.S. Marshal Service building. The sum and substance of the statement was, "Even though the cops were waving us inside and what about the kids that were inside the Capitol with us, is the government going to arrest them too?"

Respectfully submitted,

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By: /s/ Maria Y. Fedor
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CERTIFICATE OF SERVICE

On this 2nd day of March 2022, a copy of the foregoing was served upon all parties listed on the Electronic Case Filing (ECF) System.

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