

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

UNITED STATES OF AMERICA

v.

TOMMY ALLAN,

Defendant.

Case No. 21-cr-64-CKK

**GOVERNMENT’S RESPONSE TO DEFENDANT’S MEMORANDUM IN AID OF
SENTENCING**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits this response to the defendant’s Memorandum in Aid of Sentencing (ECF. No. 45).

On page 24 of defendant’s Memorandum, defendant correctly points out an error in the government’s sentencing memorandum. The government referred to defendant seeing rioters using stolen barricades as ladders and attacking police at the Northwest steps. While defendant saw rioters using stolen barricades as ladders, the video does not show defendant saw rioters attack police at the Northwest steps.

Also on page 24, defendant states that he “spoke voluntarily to the FBI voluntarily for 45 minutes when they came to his home.” That is not accurate. Attached as Exhibit A is the FBI’s report of its interview with defendant on January 15, 2021. According to the report, the only thing defendant said to the agents was to ask if they had a warrant, and to explain that his business had been shut down due to the pandemic. While defendant agreed to listen to agents, he did not answer questions and instead exercised his right to speak to a lawyer. After one of the agents offered to help defendant obtain an attorney, defendant agreed and provided his phone number.

Undersigned counsel contacted Special Agent Pressnell, who was present at the interview and prepared the report. Agent Pressnell stated that the meeting lasted approximately 5 minutes, and that the report contains everything the defendant said during the meeting. Agent Pressnell is based in California, but will be available by telephone if the Court would like to hear from him at the time of sentencing.

Respectfully submitted,

MATTHEW M. GRAVES
UNITED STATES ATTORNEY
D.C. Bar No. 481052

BY: /s/ Robert Juman
ROBERT JUMAN
Assistant United States Attorney
Bar No. NJ 033201993
United States Attorney's Office, Detailee
555 Fourth Street, N.W.
Washington, DC 20530
Phone: (786) 514-9990
E-mail: Robert.juman@usdoj.gov