

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

UNITED STATES OF AMERICA :
 :
 v. : **Case No.: 21-CR-79 (BAH)**
 :
KEVIN JAMES LYONS, :
 :
 Defendant. :

PRELIMINARY SENTENCING GUIDELINES CALCULATION
FOR STIPULATED TRIAL

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby submits a preliminary Sentencing Guidelines calculation for the defendant Kevin James Lyons in response to the Court’s April 3, 2023, Minute Order.¹ The government anticipates that the defendant’s total combined offense level will be 25, his criminal history category will be I, and his estimated sentencing Guidelines Range will be 57 to 71 months’ imprisonment.²

¹ This calculation is preliminary, subject to change, and may differ from the calculations of the United States Probation Office. Of course, the defendant may disagree with these calculations.

² If acceptance of responsibility under § 3E1.1(a) & (b) is applied, the resulting Guidelines range would be 46-57 months.

The preliminary estimates in this case are calculated as follows:

Count One: Entering and Remaining in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1):

U.S.S.G. § 2B2.3(a)	Base Offense Level	4
U.S.S.G. § 2B2.3(b)(1)(A)(vii)	Restricted Building or Grounds	+2
U.S.S.G. § 2B2.3(c)(1)	§ 2X1.1(a) Cross Reference, <i>Adjusted Base</i> ³	<u>25</u>
	Total	25

Count Two: Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2):

U.S.S.G. § 2A2.4(a)	Base Offense Level	<u>10</u>
	Total	10

Count Six: Obstruction of an Official Proceeding, in violation of 18 U.S.C. § 1512(c)(2):

U.S.S.G. § 2J1.2	Base Offense Level	14
U.S.S.G. § 2J1.2(b)(1)(B)	Property Damage to Obstruct Justice ⁴	8
U.S.S.G. § 2J1.2(b)(2)	Substantial Interference	<u>+3</u>
	Total	25

Counts Three, Four, and Five: The Sentencing Guidelines do not apply to Class B misdemeanors.

Grouping: Counts One, Two, and Six group under U.S.S.G. § 3D1.2 because each count involves the same victim: Congress.

³ Adjusted base derived from Count Six.

⁴ At this time, the government is including an eight-level enhancement pursuant to U.S.S.G. §§1B1.3(a)(1)(B) and 2J1.2(b)(1)(B) because the offense involved causing or threatening to cause physical injury to a person, or property damage, in order to obstruct the administration of justice. Without the application of U.S.S.G. § 2J1.2(b)(1)(B), the total offense level would be 17.

Departures: These preliminary Guidelines calculations do not consider any potentially applicable departures, such as those under U.S.S.G. § 3A1.4 n.4 or U.S.S.G. § 5K2.7.

Respectfully submitted,

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