

# EXHIBIT 1

<b>UNITED STATES OF AMERICA</b>	:	<b>Docket No.: 0090 1:21CR00186-001</b>
	:	
<b>vs.</b>	:	<b>Disclosure Date: June 8, 2022</b>
	:	
<b>Blair, David</b>	:	

This is to acknowledge that each of the undersigned has received and reviewed the Presentence Investigation Report (PSR) in the above-entitled case. The undersigned further acknowledges:

( ) There are no material/factual inaccuracies therein.

( x ) There are material/factual inaccuracies in the PSI report as set forth in the attachment herein.

Date \_\_\_\_\_

( ) There are no material/factual inaccuracies therein.

( ) There are material/factual inaccuracies in the PSI report as set forth in the attachment.

Date \_\_\_\_\_

Pursuant to Rule 32(f)(1), those executing this form shall submit any material inaccuracies or disputes in writing by **June 22, 2022**, to Sherry Baker fax number **202-791-8450**, by email in Portable Document Format (pdf) to Dcpdb\_psi\_documents@dcp.uscourts.gov.

Pursuant to Rule 32(f)(2), it shall be the responsibility of the Attorney for the Government and the Defense Counsel to provide each other with a copy of the objections at the same time the objections are submitted to the probation office.

**Note:** Whether or not this is a sealed case, the probation office never includes information about 18 USC § 3553(e) or USSG § 5K1.1.

The Presentence Investigation Report and this Receipt of Acknowledgment Form are not public documents..



U.S. Department of Justice

Matthew M. Graves  
United States Attorney

*District of Columbia*

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*Patrick Henry Building  
601 D Street, N.W.  
Washington, D.C. 20530*

June 21, 2022

Sherry Baker, Sr. U.S. Probation Officer  
District of Columbia  
via email as pdf attachment to [dcpdb\\_psi\\_documents@dcp.uscourts.gov](mailto:dcpdb_psi_documents@dcp.uscourts.gov)

re: *U.S. v. David Blair*, 1:21-cr-00186-CRC

Dear Ms. Baker:

This is to advise that the government disagrees with the draft Presentence Report (PSR), which you authored and which was issued on June 8, 2022 (ECF no. 53), with respect to the Sentencing Guidelines analysis. In particular, although the government agrees that USSG § 2A2.4 sets forth the applicable base offense level, the government disagrees with your decision to apply USSG 2A2.4(c)(1)'s cross-reference to USSG § 2A2.2, as the government does not believe that the defendant's conduct "constituted aggravated assault." The government submits that the defendant's conduct is not covered by the definition of Aggravated Assault set out in USSG § 2A2.2 app. note 1. Specifically, while the otherwise felonious assault the defendant committed involved a dangerous weapon, it did not involve: "an intent to cause bodily injury . . . with that weapon"; "serious bodily injury"; "strangling, suffocating or an attempt to strangle or suffocate"; or "an intent to commit another felony."

Because you applied the cross-reference to USSG 2A2.2, you did not consider whether any of the Specific Offense Characteristics in USSG 2A2.4(b) applies. In the interest of completeness, the government submits that that the Specific Offense Characteristic in subdivision (1)(A) of that subsection applies, in that the offense "involved physical contact." The government would note that, as set forth in the plea agreement (ECF no. 50), both parties agree that that particular Specific Offense Characteristic applies.

Respectfully submitted,

MATTHEW M. GRAVES  
UNITED STATES ATTORNEY

by: /s/Michael C. Liebman  
Assistant United States Attorney