

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

**UNITED STATES OF AMERICA**

**v.**

**RICHARD HARRIS,**

**Defendant.**

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**Case No.: 1:21-CR-00189-CJN**

**UNITED STATES' NOTICE REGARDING 18 U.S.C. § 2332b(g)(5)(B)**

Earlier today, the Court held a status conference on the issue of whether Defendant Richard Harris must be detained pending sentencing pursuant to 18 U.S.C. § 3143(a)(2). During the status conference, the government noted that Defendant Harris was convicted of 18 U.S.C. § 1752(a)(4), a crime of violence as that term is used in 18 U.S.C. § 3142(f)(1)(A) and, thus, is required to be detained pending sentencing per Section 3143(a)(2). The Defendant, on the other hand, argued that the ten-year limitation in Section 3142(f)(1)(A) applies to each of the three categories listed in that section – a crime of violence, a violation of section 1591, and an offense listed in Section 2332b(g)(5)(B), meaning that a defendant must only be detained if he committed a crime of violence for which a maximum term of imprisonment of 10 years or more is prescribed.

During argument on this issue, the Court asked the government to provide an example of an offense listed in Section 2332b(g)(5)(B) for which a term of imprisonment of less than 10 years is prescribed. Section 2332b(g)(5)(B), which defines federal crimes of terrorism, lists 18 U.S.C. §§ 32, 1361, 1363, and 2280(a)(2). Section 32(c) provides:

whoever willfully imparts or conveys any threat to do an act which would violate any of paragraphs (1) through (6) of subsection (a) or any of paragraphs (1) through (3) of subsection (b) of this section, with an apparent determination and will to carry the threat into execution **shall be fined under this title or imprisoned not more than five years, or both.**

Emphasis added. Section 1361 provides:

Whoever willfully injures or commits any depredation against any property of the United States, or of any department or agency thereof, or any property which has been or is being manufactured or constructed for the United States, or any department or agency thereof, or attempts to commit any of the foregoing offenses, shall be punished as follows: If the damage or attempted damage to such property exceeds the sum of \$1,000, by a fine under this title or imprisonment for not more than ten years, or both; **if the damage or attempted damage to such property does not exceed the sum of \$1,000, by a fine under this title or by imprisonment for not more than one year, or both.**

Emphasis added. Section 1363 provides:

Whoever, within the special maritime and territorial jurisdiction of the United States, willfully and maliciously destroys or injures any structure, conveyance, or other real or personal property, or attempts or conspires to do such an act, **shall be fined under this title or imprisoned not more than five years, or both**, and if the building be a dwelling, or the life of any person be placed in jeopardy, shall be fined under this title or imprisoned not more than twenty years, or both.

Emphasis added. Section 2280(a)(2) provides:

A person who threatens to do any act prohibited under paragraph (1)(B), (C) or (E), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safe navigation of the ship in question, **shall be fined under this title, imprisoned not more than 5 years, or both.**

Emphasis added. Thus, Sections 32, 1361, 1363, and 2280(a)(2) are examples of offenses listed in Section 2332b(g)(5)(B) for which a term of imprisonment of less than 10 years is prescribed.

Respectfully submitted,

DATED: June 21, 2023

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**CERTIFICATE OF SERVICE**

On this 21st day of June 2023, a copy of the foregoing was served upon all parties listed on the Electronic Case Filing (ECF) System.

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