

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

UNITED STATES OF AMERICA :
:
v. : **No. 1:21-cr-00350-PLF**
:
ANTIONNE BRODNAX, :
:
Defendant. :

SUPPLEMENT TO GOVERNMENT'S SENTENCING MEMORANDUM

The United States of America, by and through the United States Attorney for the District of Columbia, respectfully submits this supplement to its sentencing memorandum in order to revise the government's calculations under the U.S. Sentencing Guidelines ("USSG"), which are applicable to the defendant's convictions for entering and remaining in a restricted building, in violation of 18 U.S.C. § 1752(a)(1) (Count One of the Information); and disorderly and disruptive conduct in a restricted building, in violation of 18 U.S.C. § 1752(a)(2) (Count Two of the Information). Based on further consideration of the applicable legal principles, the government agrees with the draft Presentence Investigation Report's conclusion that the two offenses "group" under USSG § 3D1.2. *See* draft PSR ¶ 30.

As set out in its initial Sentencing Memorandum (ECF no. 41), the Guidelines' Adjusted Offense Level for Count One is 8 and for Count Two is 12. Under USSG § 3D1.2(a) multiple counts are grouped together when the counts "involve the same victim and the same act or transaction." Under USSG § 3D1.2(b) multiple counts are grouped together when the counts "involve the same victim and two or more acts or transactions connected by a common criminal objective or constituting part of a common scheme or plan." Counts One and Two group under this provision because the "victim" for both counts is Congress.

When multiple counts group under USSG § 3D1.2, the next step is to determine the combined offense level for the entire group pursuant to USSG § 3D1.3. Under that provision when counts are grouped pursuant to USSG § 3D1.2(b), as is the case here, the combined offense level is simply the total offense level corresponding to the highest (or higher) count. USSG § 3D1.3(a). Accordingly, the combined total offense level for Counts One and Two is 12. After applying USSG § 3E1.1(a), the combined adjusted offense level is 10.

With a criminal history category of IV, the defendant faces a guideline range of imprisonment of 15 to 21 months, *see id.* Ch. 5, Pt. A (Sentencing Table), and a fine range of \$4000 to \$40,000, *see id.* § 5E1.2(c).¹

For all the reasons set forth in its initial sentencing memorandum, the Court should impose a sentence of 21 months in prison and order the defendant to pay restitution in the amount of \$500.

Respectfully submitted,

MATTHEW M. GRAVES
UNITED STATES ATTORNEY

by: /s/Michael C. Liebman
Michael C. Liebman
D.C. Bar No. 479562
Assistant United States Attorney
601 D Street, N.W., room 4-1501
Washington, D.C. 20530
202-252-7243
michael.liebman@usdoj.gov

¹In its initial sentencing memorandum the government had calculated that the defendant faced a guideline range of imprisonment of 21 to 27 months and a fine range of \$5500 to \$55,000.