

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

**UNITED STATES OF AMERICA** :  
 :  
 v. : **Case No.: 22-CR-86 (BAH)**  
 :  
**MICHAEL LEE ROCHE,** :  
 :  
 **Defendants.** :

**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 Michael Lee Roche in response to the Court’s February 28, 2023 Minute Order.<sup>1</sup> No constitutional provision, statute, Rule of Criminal of Procedure, or other authority of which the government is aware requires a defendant to be apprised of the applicable Sentencing Guidelines before trial (including a stipulated trial). However, the government provides the following preliminary calculations to assist the defendant and the Court.

The anticipated total combined offense level would be 17, the anticipated criminal history category is I, and his estimated sentencing Guidelines Range is 24 to 30 months’ imprisonment.<sup>2</sup>

This is how the preliminary estimates were reached:

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<sup>1</sup> This calculation is preliminary, does not include any criminal history points accrued in the last year, and may differ from the calculations undertaken by the United States Probation Office.

<sup>2</sup> If acceptance of responsibility under § 3E1.1(a) & (b) is applied, the resulting Guidelines range would be 15-21 months.

Count One: Obstruction of an Official Proceeding, in violation of 18 U.S.C. § 1512(c)(2). The estimated sentencing guidelines sections under the U.S. Sentencing Guidelines Manual this charge are as follows:

U.S.S.G. § 2J1.2	Base Offense Level	14
U.S.S.G. § 2J1.2(b)(2)	Substantial Interference	<u>+3</u>
	Total	17

Count Two: Entering and Remaining in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1). The estimated sentencing guidelines sections under the U.S. Sentencing Guidelines Manual for this charge are as follows:

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> <sup>3</sup>	<u>17</u>
	Total	17

Count Three: Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2). The estimated sentencing guidelines sections under the U.S. Sentencing Guidelines Manual for this charge is as follows:

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

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

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

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<sup>3</sup> Adjusted base derived from Count One.

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

Respectfully submitted,

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