UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

LANDON MITCHELL (2)

Case No. 1:21CR508(BAH)

DEFENDANT LANDON MITCHELL'S RESPONSE TO MINUTE ORDER

Mr. Landon Mitchell, through counsel, hereby respectfully responds to the Court's Minute Order directing the parties to submit "their positions regarding whether each defendant needs to be apprised as to the applicable sentencing guidelines range for each offense at the December 2, 2022 stipulated trial, and if so, setting out the estimated guidelines calculations and sentencing ranges that will apply as to each count of offense." Minute Order, November 22, 2022.

Counsel has discussed the potential guideline range with Mr. Mitchell. Specifically, counsel has advised that the estimated guideline range is likely to be consistent with that set forth in the attached plea letter. Namely, under U.S.S.G. § 2J1.2(a) the Base Offense Level is 14 with a three-level enhancement for substantial interference with the administration of justice under U.S.S.G. § 2J1.2(b)(2)[1] and a three-level reduction for Mr. Mitchell's acceptance of responsibility, resulting in an overall offense level of 14. Mr. Mitchell is estimated to be in criminal history category IV, resulting in a guideline range of 27 to 33 months. Counsel has further advised that counts two and three would group with count one and that the guidelines do not apply to counts to three and four because the guidelines do not apply to Class B and C misdemeanors.

In short, counsel has advised Mr. Mitchell that the guideline range for count one (obstruction of justice) will determine the applicable guideline range and has advised Mr. Mitchell of potential enhancements under U.S.S.G. § 2J1.2(b)(2) that could apply. Counsel has advised Mr. Mitchell as to the currently-calculated criminal

[1] Mr. Mitchell does not concede that the three-level enhancement for substantial interference with administration of justice applies. However, counsel has advised Mr. Mitchell that the Court could find that it applies.

history category but advised that the criminal history category could change should the PSR locate additional convictions about which counsel was not aware.

In an email communication with counsel, the government has agreed that the prior plea agreement accurately stated the correct guideline range.[2]

Based on the foregoing, counsel defers to the Court as to whether the Court should further apprise Mr. Mitchell of the applicable guideline range at the stipulated trial hearing. Counsel has no objection to the Court doing so should the Court deem it necessary.

Respectfully submitted,

A.J. KRAMER
FEDERAL PUBLIC DEFENDER

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[2] The government states that it is not bound by the estimate guidelines range set forth in the plea letter. However, the government agreed that unless additional facts are adduced prior to sentencing, the guideline range contemplated in the plea letter should not change.