

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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UNITED STATES OF AMERICA	:	
	:	No. 21-cr-508-01-BAH
v.	:	
LUKE WESSLEY BENDER,	:	
<i>Defendant.</i>	:	

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**DEFENDANT’S RESPONSE TO THE GOVERNMENT’S PRELIMINARY SENTENCING GUIDELINES CALCULATION FOR STIPULATED TRIAL**

Acceptance of responsibility is a component of the United States Sentencing Guidelines. Yet, for some unknown reason, the Government, in response to this Court’s November 22, 2022 Minute Order, buries in footnote 2 of its submission, the actual guidelines range that the Government believes is applicable to Mr. Bender: *27 to 33 months*. Gov’t Resp. at 1 n.2 (D.E. 83). A range of 27 to 33 months is the actual guidelines range that *the Government* believes is applicable because one of the stated reasons for the parties’ request for a stipulated trial, according to the Government, was to “afford the Defendants the benefit of credit for acceptance of responsibility in the calculation of their Sentencing Guidelines ranges.” Status Rep. at 1 (D.E. 74). As will be established at sentencing, Mr. Bender believes the actual applicable guidelines range is lower, and rather, begins at offense level 14, with a two-level decrease for acceptance of responsibility, resulting in an adjusted offense level of 12, which for Mr. Bender, would be a guidelines range of 15 to 21 months.

Ultimately, the parties’ disputes as to the guidelines will be resolved by the Court at sentencing.

Dated: November 29, 2022

Respectfully submitted,

**SILVERMAN|THOMPSON|SLUTKIN|WHITE, LLC**

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