

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
UNITED STATES OF AMERICA,)	
)	Case No. 1:21-cr-35-RC
)	
v.)	
)	
MASON COURSON, et al.,)	
)	
Defendants.)	
_____)	

**OBJECTIONS BY MASON COURSON TO DRAFT PRESENTENCE INVESTIGATION
REPORT**

Courson, through his counsel, files these objections to the Presentence Investigation Report (PSR) filed on February 21, 2023.¹

Courson objects to the application of U.S.S.G. §2A2.2. He argues that he did not commit “aggravated assault.” §2A2.2 cmt. n. 1. First, while he did use a dangerous weapon, he did not intend to cause bodily injury to Officer B.M. Second, Courson did not cause serious bodily injury to that officer. That is what Officer B.M.’s medical report says.² Third, Courson is not accused of strangling or suffocating B.M. Fourth, Courson did not intend to commit any other felony. §2A2.2 cmt. n. 1. Courson contends that U.S.S.G. §2A2.4 applies.

Courson objects to the application of U.S.S.G. §2A2.2(b)(2)(B) because §2A2.2 itself does not apply.

¹ Courson’s counsel has been in trial since December 19, 2022 in *United States v. Nordean, et al.*, 21-cr-175-TJK. Counsel expects trial to conclude by April 19, 2023. Counsel’s client’s case concluded approximately two weeks ago and is not responsible for the trial’s extension well into April. Courson’s sentencing date has been twice continued and is now scheduled for May 4, 2023.

² Courson will submit the medical report under seal with his sentencing memorandum.

Even if U.S.S.G. §2A2.2 applies, §2A2.2(b)(3)(A) does not apply because “bodily injury” is defined as “any significant injury; e.g., an injury that is painful and obvious, or is of a type for which medical attention ordinarily would be sought.” U.S.S.G. §1B1.1 cmt. n. 1. Again, B.M.’s medical report says he did not suffer “significant injury” and that the officer did not want medical attention in the first place.

The adjustment in U.S.S.G. §3A1.2(b) does not apply. First, the relevant offense guideline (§2A2.4) already incorporates this factor. U.S.S.G. §3A1.2(b) cmt n. 2. Second, the offense was not motivated by the fact that B.M. was a government officer.

Dated: April 11, 2023

Respectfully submitted,

/s/ Nicholas D. Smith

Nicholas D. Smith, D.C. Bar No. 1029802
1123 Broadway, Suite 909
New York, NY 10010
(917) 902-3869
nds@davidbsmithpllc.com
Counsel to Mason Courson

Certificate of Service

I hereby certify that on the 11th day of April, 2023, I filed the foregoing motion with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following CM/ECF user(s): Counsel of record.

And I hereby certify that I have mailed the document by United States mail, first class postage prepaid, to the following non-CM/ECF participant(s), addressed as follows: [none].

/s/ Nicholas D. Smith

Nicholas D. Smith, D.C. Bar No. 1029802
1123 Broadway, Suite 909
New York, NY 10010
(917) 902-3869
nds@davidbsmithpllc.com

Counsel to Mason Courson