

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

**UNITED STATES OF AMERICA**

**v.**

**LUCAS DENNEY,**

**Defendant.**

:  
:  
:  
:  
:  
:  
:

**CASE NO. 22 Cr. 070 (RDM)**

**JOINT STATUS REPORT**

The United States of America, by and through the United States Attorney, hereby submits this joint status report, pursuant to the Court's July 21, 2022 Order.

**FACTUAL BACKGROUND AND PROPOSED SCHEDULE**

On March 17, 2022, the defendant, Lucas Denney, pled guilty to a one-count Indictment charging him with Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of 18 U.S.C. §§ 111(a)(1) and (b). At the sentencing hearing on July 21, 2022, the Court inquired as to the parties' positions on certain issues and the parties requested that the hearing be continued in order to address those issues. The parties report as follows:

(1) The parties have reviewed the transcript of the plea colloquy conducted by the Court on March 17, 2022 ("Tr.") and believe that it lays out a sufficient factual basis for the defendant's guilty plea. In particular, the defendant admitted:

- a. First, the defendant assaulted, resisted, opposed, impeded, intimidated, or interfered with Sgt. K.K., an officer from the Metropolitan Police Department. *See* Tr. at 24:23-25:2 (THE COURT: "So did you in fact assault, resist, oppose, impede, intimidate or interfere with an officer or employee of the United States in the performance of that officer or employee's official duties?" THE

DEFENDANT: “Yes, sir.”)

- b. Second, the defendant did such acts forcibly. *See* Tr. at 25:3-25:4 (THE COURT: “And did you do so forcibly?” THE DEFENDANT: “Yes, sir.”).
- c. Third, the defendant did such acts voluntarily and intentionally. *See* Tr. at 26:10-26:11 (THE COURT: “And did you do so intentionally?” THE DEFENDANT: “Yes, sir.”).
- d. Fourth, the person assaulted, resisted, opposed, impeded, intimidated, or interfered with was assisting officers of the United States who were then engaged in the performance of their official duties. *See* Tr. at 26:5-26:9 (THE COURT “[D]id you do so while the officer or person who was assisting the officer was engaged in his or her official duties?” THE DEFENDANT: “Yes, sir.”).
- e. Fifth, in doing such acts, the defendant used a deadly or dangerous weapon or inflicted bodily injury. *See* Tr. (THE COURT: “And do you also acknowledge that the pipe you hit the officer with was a dangerous weapon?” THE DEFENDANT: “Yes, sir.”).

- (2) The parties are working on a Joint Statement of Offense to submit to the Court in advance of the continued hearing, but have not yet reached an agreement. The parties propose to file any Joint Statement of Offense by August 19, 2022.
- (3) The defendant has not decided whether to withdraw the affidavit attached to his July 14, 2022 sentencing submission, sign the affidavit under oath, or submit a revised affidavit.

- (4) After conferring with the Court's deputy, the parties propose to continue the hearing on September 28, 2022 at 2:00 p.m. The parties anticipate that the hearing will take three to four hours, depending on the final Joint Statement of Offense and will immediately update the Court if the anticipated time frame changes.
- (5) The parties propose the following schedule for supplemental sentencing statements, including the applicability of the 4-point enhancement for use of a dangerous weapon pursuant to U.S.S.G. § 2A2.2(b)(2)(B):
- a. Government brief due September 2, 2022;
  - b. Defense response due September 9, 2022;
  - c. Government reply, if any, due September 14, 2022.

Respectfully submitted,

MATTHEW M. GRAVES  
United States Attorney  
DC Bar No. 481052

By: /s/ Benet J. Kearney  
JENNIFER M. ROZZONI  
NM Bar No. 14703  
203 3<sup>rd</sup> Street, Suite 900  
Albuquerque, New Mexico 87101  
Jennifer.M.Rozzoni@usdoj.gov  
(505) 350 6818

BENET J. KEARNEY  
NY Bar No. 4474048  
Assistant United States Attorney  
1 Saint Andrew's Plaza  
New York, New York 10007  
(212) 637 2260  
Benet.Kearney@usdoj.gov