



Defendant Lucas Denney, through his Counsel of Record William L. Shipley, respectfully submits to this Honorable Court this Response to the Government's "Notice of Restitution".

As this Court is aware, the offense of conviction in this matter did not result in any bodily injury to Officer K.K. The video shown at sentencing clearly established that the plastic pipe did not strike Officer K.K.

The Government seeks an order of restitution in favor of the District of Columbia Metropolitan Police Department for payment of "sick leave" and medical expenses incurred by Officer K.K. at the end of the day on January 6, 2021.

First, the Government has not articulated how the MPD is a "victim" under the terms of the 18 U.S.C. §. 3663.

Second, the Government has offered no link between the offense conduct by Defendant Denney and the need for Officer K.K. to seek medical treatment or take time off of work.

Third, the Court should exercise its discretion to decline to make such an Order of Restitution on behalf of MPD pursuant to 18 U.S.C. §3663(a)(1)(B)(i)(II) – where the Court is instructed to consider "the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents..."

As the Court knows from the Presentence Report, Defendant Denney is a 100% disabled veteran of the United States Army, and his only income since his separation from active duty is his monthly disability pension.

Based on the above, Defendant Denney objects to any Order of Restitution in favor of the MPD.

Dated: October 7, 2022

Respectfully submitted,

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