

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

VINCENT GILLESPIE,

Defendant.

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Case No. 22-cr-60 (BAH)

**GOVERNMENT’S RESPONSE TO DEFENDANT’S  
SUPPLEMENTAL SENTENCING MEMORANDUM**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully responds to Defendant Gillespie’s (“Gillespie”) supplemental sentencing memorandum. (ECF 85.) Gillespie’s position is that U.S.S.G. § 3A1.2 (official victim) adjustment does not apply. Gillespie’s basis for this assertion is that the applicable base offense guideline is U.S.S.G. § 2A2.4,<sup>1</sup> and § 2A2.4 specifically excludes the official victim adjustment.

The government reiterates the correct base offense guideline is U.S.S.G. § 2A2.2, as set

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<sup>1</sup> In support of his position that the correct base offense guideline is U.S.S.G. § 2A2.4, Gillespie cites *U.S. v. Hamner*, 21-cr-689 (ABJ). However, defendant Hamner was convicted of a single count of 18 U.S.C. § 231(a)(3). *See* Judgment and Conviction (*Hamner*; ECF 36) and attached Sentencing Transcript (*Hamner*; September 23, 2022, pp. 13-17). Gillespie was convicted of both 18 U.S.C. §§ 111(a)(1) and 231(a)(3). Gillespie was also charged with (and the government contends there is a preponderance of the evidence to find he committed) 18 U.S.C. § 1512(c)(2). Gillespie also cites *U.S. v. Williams*, 21-cr-618 (ABJ). In *Williams* the government did not assert that the defendant assaulted an officer and only proceeded on the theory defendant Williams forcibly resisted, opposed, impeded, intimidated, or interfered with officers. *See* Final Jury Instructions (*Williams* at ECF 122, p. 32) and attached Sentencing Transcript (*Williams*; March 23, 2023, pp. 10-23).

forth in the PSR ¶¶ 34, 35, 43, and 51. As such, the U.S.S.G. § 3A1.2 adjustment is available and does apply in the present case.

Respectfully submitted,

MATTHEW M. GRAVES  
UNITED STATES ATTORNEY  
D.C. Bar No. 481052

By: /s/ JACQUELINE SCHESNOL  
JACQUELINE SCHESNOL  
Assistant United States Attorney  
Arizona Bar No. 016742  
United States Attorney's Office, Detailee  
601D Street, N.W.  
Washington, DC 20530  
(602) 514-7500  
jacqueline.schesnol@usdoj.gov

/s/ CAROLINA NEVIN  
CAROLINA NEVIN  
Assistant United States Attorney  
New York Bar No. 5226121  
601 D Street, NW  
Washington, DC 20530  
(202) 803-1612  
carolina.nevin@usdoj.gov