

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

UNITED STATES OF AMERICA

v.

LLOYD CASIMIRO CRUZ, JR.

Defendant.

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Case 1:22-cr-00064-RBW

**SWORN DECLARATION OF ATTORNEY ROGER ROOTS IN SUPPORT OF
LLOYD CRUZ'S SENTENCING MEMORANDUM**

I, the undersigned, Roger Roots, hereby declare under oath and penalty of perjury, after having been warned that I must tell the truth, and that should I not do so I will be liable to the penalties set out by law, hereby state in writing as follows:

1. My name is Roger Roots.
2. I am legally able to make this affidavit because I am over the age of 18 years old and legally competent in every way to swear to these facts.
3. I make this affidavit from within the territory of the United States of America.
4. I am an attorney with the law firm of John Pierce Law (JPL) which represents the Defendant Lloyd Cruz.
5. I hereby declare under oath that Lloyd Cruz stipulated to the factual bases of the charges under Counts I and II.
6. Therefore, there is no substantive difference between Lloyd Cruz's acceptance of responsibility between pleading guilty traditionally or stipulating to all of the facts and waiving his

right to trial by jury.

7. Lloyd Cruz's sentencing guideline factor of acceptance of responsibility is no less by stipulating to all operative facts as opposed to a guilty plea.

8. In fact, the bench trial on stipulated facts without witnesses or other evidence took less time and was less of a burden on the Court than the usual extensive guilty plea colloquy and documentation.

9. The prosecution and Cruz negotiated the contents and wording of the stipulations.

10. The prosecution could have requested any additional points or a change of wording if prosecutors felt that Cruz's stipulations were not enough or not fully effective.

11. In fact, the document upon which the Court held a bench trial was labeled a "Statement of Offense" because it was first written for a proposed plea deal and the heading was not updated to reflect that it had become a document of stipulations.

12. Lloyd Cruz used the process of trial on stipulated facts for purely technical and procedural reasons related to appeal of an important constitutional guarantee tangential to and unrelated to Cruz accepting responsibility for what he did.

13. Acceptance of responsibility does not of course meaning accepting responsibility for what other people did or what the Defendant actually did not in fact do.

I declare under penalty of perjury under the laws of the District of Columbia that the foregoing is true and correct to the best of my knowledge and belief.

Dated: April 26, 2023

s/s Roger Roots
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