

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 1:22-cr-239
	:	
DOUGLAS WYATT	:	
JACOB MICHAEL THERRES	:	
	:	
Defendant.	:	

MOTION TO CORRECT CLERICAL ERROR

The United States of America hereby moves this Court to correct a clerical error in the cover page to the criminal complaint in this case.

1. On November 3, 2022, FBI Special Agent TerryAnn Burns swore out a statement of facts in support of a criminal complaint in this case against defendants Douglas Wyatt and Jacob Michael Therres.

2. After providing the factual basis for the charges, SA Burns stated that “[b]ased on the foregoing, your affiant submits that there is probable cause to believe that DOUGLAS WYATT and JACOB MICHAEL THERRES violated 18 U.S.C. §§ 111(a)(1) and (b), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in Section 1114 of Title 18 while engaged in or on account of the performance of official duties and using a deadly or dangerous weapon . . .”, among other listed charges.

3. However, the government attached a cover sheet to the statement of facts that described the relevant code section as “18 U.S.C. § 111(a)” when, to be consistent with the charge intended to be brought and referenced in the statement of facts sworn to by SA Burns, should have read “18 U.S.C. §§ 111(a), (b)” (text underlined to reflect omission).

4. On November 15, 2022, the government became aware of this omission at the initial appearance hearing for the defendants and stated in open court that the intended charge was 18 U.S.C. §§ 111(a), (b). The defendants were apprised of the maximum penalties for that charge.

5. The government agreed it would take action to correct the omission as soon as possible. The docket for the above-captioned case remained sealed until November 17, 2022.

6. A charging document may be amended to correct an error when “the defendant is not misled in any sense, is not subjected to any added burden and is not otherwise prejudiced.” *United States v. Bell*, 811 F. App'x 7, 8 (D.C. Cir. 2020), *cert. denied*, 208 L. Ed. 2d 630, 141 S. Ct. 1239 (2021) (quoting *United States v. Kegler*, 724 F.2d 190, 194 (D.C. Cir. 1983)).

7. Here, the defendants would not be misled, subjected to an added burden, and not otherwise prejudiced because the government and the Court have already made it clear that the defendants are charged with 18 U.S.C. §§ 111(a), (b) and the maximum penalties for that charge.

Accordingly, the United States respectfully requests that the Court enter an order correcting the clerical error in the cover page to the criminal complaint.

Respectfully submitted,

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