

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO: 22-CR-20329-MOORE

UNITED STATES OF AMERICA,

v.

ANDRE LORQUET,

Defendant.

**UNITED STATES' RESPONSE TO THE DEFENDANT'S OBJECTIONS TO THE
PRESENTENCE INVESTIGATION REPORT**

The United States of America (the "Government") responds to the Defendant Andre Lorquet's Objections to the Presentence Investigation Report ("PSI") [ECF No. 54] as follows:

Objection 1

The Defendant objects to paragraphs 6 and 40 of the PSI "in that he did not violate the conditions of his bond." Obj. at 1 ¶ 1. This objection should be overruled because the PSI does not state that the Defendant violated the conditions of his bond. Rather, the PSI states that, according to the United States Probation Office, the Defendant was not compliant with his bond, and as a result a petition was filed with the Court and the Defendant was arrested and remanded. These facts are indisputable. Paragraphs 6 and 40 of the PSI repeat these facts and do not conclude whether the Defendant violated his bond. Therefore, the Defendant's objections are inapplicable.

Objection 2

The Government agrees with the Defendant's objections to paragraphs 41 and 49 of the PSI, Obj. at 2, ¶ 2, because the Government does not believe that the Defendant attempted to obstruct or impede the administration of justice. Although the obstruction of justice enhancement

does apply to “escaping or attempting to escape from custody before trial or sentencing,” U.S.S.G. § 3C1.1, cmt. n.4(e), the Defendant’s application for a passport card does not rise to the level of this offense. There is insufficient evidence from the fact of the Defendant’s application for a passport card that the Defendant “consciously acted with the purpose of obstructing justice.” *United States v. Perkins*, 787 F.3d 1329, 1342 (11th Cir. 2015). The Government also agrees with the Defendant that his application for a passport card does not vitiate his acceptance of responsibility, and he should receive a 2-level adjustment accordingly.

Respectfully submitted on March 22, 2023,

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