

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

UNITED STATES OF AMERICA,	:	
	:	
v.	:	Case No. 1:121-cr-00289-RDM-1
	:	
PHILIP C. VOGEL, II,	:	
Defendant.	:	

**MOTION FOR PRELIMINARY DETERMINATION OF
DEFENDANT’S CRIMINAL HISTORY BY THE
U.S. PROBATION OFFICE**

COMES NOW, Allen H. Orenberg, counsel for Philip C. Vogel, II, to respectfully request this Honorable Court to direct the United States Probation Office to complete a preliminary Federal Sentencing Guidelines Criminal History computation for the defendant.

As grounds for this motion counsel states the following:

1. Mr. Vogel is charged in a five count Information (Doc. 14) with:

Count One – Aiding and Abetting the Theft of Property – \$1,000.00 or Less, in violation of 18 U.S.C. §§ 641 & 2; and

Count Two – Entering and Remaining in a Restricted Building, in violation of 18 U.S.C. §1752(a)(1); and

Count Three – Disorderly and Disruptive Conduct in a Restricted Building, in violation of 18 U.S.C. §1752(a)(2); and

Count Four – Violent Entry and Disorderly Conduct in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(D); and

Count Five – Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G).

2. It is believed the defendant has some criminal history, including: (1) a 2009 conviction for theft & unauthorized use of an access device. (State of Pennsylvania Case No. CP-1813-2010/K841441-6), (2) a 2012 conviction for unauthorized use of an access device (State of Pennsylvania Case No. CP-1597-2021/T175513-2), (3) a 2012 conviction for possession of drug paraphernalia (State of Pennsylvania Case No. CP-2396-2012/T-218319-3), a 2012 conviction for receiving stolen property (State of Pennsylvania Case No. CP-2401-2012/T-218318-3), and (4) a 2015 conviction for retail theft. (State of Pennsylvania Case No. T-686335-6)

3. Only the U.S. Probation Office can provide the necessary information to ascertain the defendant’s criminal history computation.

4. Counsel for the defendant requires the information to effectively advise the defendant on the disposition of this matter, whether by a pre-trial plea agreement or following a trial conviction.

WHEREFORE, for the foregoing reasons and such other reasons that may appear just and proper, counsel respectfully requests that this motion be granted.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of August, 2021, a copy of the foregoing Motion for Preliminary Determination of Defendant's Criminal History by the U.S. Probation Office, was delivered to case registered parties by the CM/ECF court system.

_____-S-_____
Allen H. Orenberg