

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

vs.

CASE NO. 1:21-cr-00648-001  
Sr. Judge Reggie B. Walton

ADAM JOHNSON

**DEFENDANT ADAM JOHNSON'S SENTENCING MEMORANDUM  
AND MOTION FOR DOWNWARD VARIANCE**

Adam Johnson (Adam") submits this Sentencing Memorandum and Motion for a Variance for this Court's consideration. Adam requests this Court to review the circumstances of his case pursuant to 18 U.S.C. § 3553 and impose a sentence of time served followed by a term of probation of 12 months, \$500 restitution and 100 hours of community service.<sup>1</sup>

**STATEMENT OF FACTS**

1. On January 8, 2021, Adam was arrested in the Middle District of Florida for various charges arising out of the January 6, 2021 disturbance at the United States Capitol. (PSR at ¶ 6).

2. Adam was released on January 11, 2021 and has been on pre-trial supervision in the Middle District of Florida.

3. On November 22, 2021, Adam appeared before this Court and pled guilty to Count One of an Information charging him with Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority in violation of 18 U.S.C. Section 1752(a). (PSR at ¶ 1-4).

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<sup>1</sup> Adam spent the weekend in jail after he self-surrendered and before his detention hearing in Tampa.

4. The Presentence Report (PSR) calculates Adam's total offense level as a level 4 with a criminal history category of I (PSR at ¶¶ 41-50). Because there is no mandatory minimum penalty, Adam faces a guideline sentencing range of 0-6 months of incarceration. (PSR at ¶ 93). The Guidelines provide that if a term of probation is imposed, it should not be more than three (3) years. (PSR at ¶ 103).

#### **MEMORANDUM OF LAW**

This memorandum explains why a variance is appropriate in Adam's case pursuant to Section 3553.

#### **RATIONALE FOR A VARIANCE**

##### **I. Booker and its Progeny Provides the Court with the Discretion to Impose a Sentence of Time Served/Term of Probation**

A district court's discretion is no longer limited by the guidelines since its matrix is now considered merely advisory. *United States v. Booker*, 543 U.S. 220, 245-67 (2005). Thus, a court is now unencumbered in its ability "to consider every convicted person as an individual and every case as a unique study in the human failings that sometimes mitigate, sometimes magnify, the crime and the punishment to ensue." *Gall v. United States*, 552 U.S. 38, 53 (2007) (quoting *Koon v. United States*, 518 U.S. 81 (1996)).

Congress has identified four "purposes" of sentencing: punishment, deterrence, incapacitation, and rehabilitation. 18 U.S.C. § 3553(a)(2). To achieve these ends, § 3553(a) requires sentencing courts to consider not only the advisory Guidelines range, but also the facts of a specific case through the lens of seven factors, including:

- (1) the nature and circumstances of the offense and the history and characteristics of the defendant;

- (2) the need for the sentence imposed --
  - (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
  - (B) to afford adequate deterrence to criminal conduct;
  - (C) to protect the public from further crimes of the defendant; and
  - (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;
- (3) the kinds of sentences available;
- (4) the kinds of sentence and the sentencing range established ... ;
- (5) any pertinent [Sentencing Commission] policy statement ... ;
- (6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and
- (7) the need to provide restitution to any victims of the offense. 18 U.S.C. § 3553(a)(1)-(7).

Against this backdrop of factors, Adam submits that a variance is warranted in his case.

## **II. An Examination of the § 3553 Factors Establishes that a Variance is Warranted in Adam Johnson's Case**

The following sections analyze the § 3553 factors against the factual backdrop of Adam's case. Such an analysis is critical because it underscores the inherent necessity of a variance in this matter.

### **1. Nature and Circumstances of the Offense**

On January 5, 2022, Adam flew from Florida to Washington, D.C. to attend his first political rally with a friend. The next day he made the life-changing decision to unlawfully enter the U.S. Capital and remain in the building for about 30 minutes. While inside, he posed for a photograph with a lectern in the Senate Rotunda.<sup>2</sup> That photograph went viral and within days Adam was identified, charged with various federal crimes, and taken into custody. He's spent

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<sup>2</sup> The lectern is government property used by U.S. Congresswomen Nancy Pelosi but Mr. Johnson was not aware of this fact when he moved it. Mr. Johnson did not remove the lectern from the U.S. Capitol. Instead, he moved it from an unsecured cloak room to the Rotunda where he left it.

the past year or so on pre-trial release, with plenty of time to contemplate his actions. As he stands before the Court today, he deeply regrets his participation in the breach of the U.S. Capitol on January 6, 2021. The damage and violence inflicted on that date by others is contrary to everything he believes in. He has no history of violence and does not condone it. While his actions on January 6, 2021 did not involve the destruction of government property or physical violence against law enforcement, he understands that his entry in the U.S. Capitol, at times yelling and screaming, exacerbated a terrible situation.

Adams' actions inside the Capitol on January 6<sup>th</sup> are detailed in the Statement of Facts and the PSR. (PSR at ¶ 7-32). What has not been made public is that almost immediately after he was contacted by the FBI, he self-surrendered, accepted personal responsibility for his actions. He gave FBI agents a detailed account of his travel to and from Washington, D.C., retracing each step he took inside the Capitol. He also admitted to the authenticity of photographs and videos of him inside the Capitol. He provided his cell phone to the FBI and admitted that he attempted to delete images and social media posts on January 6<sup>th</sup> and 7<sup>th</sup>. Furthermore, he provided the FBI with passwords and log-in information to all of his social media accounts. During a subsequent interview he reviewed maps of the Capitol and video footage from January 6. Later, he relinquished a disassembled and inoperable rifle in his possession. After prosecutors had adequate time to evaluate Adam's conduct and cooperation, they decided not to proceed with felony charges and instead charged him with a misdemeanor pursuant to a plea agreement.<sup>3</sup>

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<sup>3</sup> Right or wrong, Adam has received significant attention from the media. To ensure that he does not profit from his actions on January 6, 2021, Adam has agreed to turnover to the United States any compensation he receives

## 2. History and Characteristics of Adam Johnson

Adam Johnson is a devoted husband and father of five boys, ages 14, 13, 12, 9 and 6. He is happily married to his spouse, who is a medical doctor. While his wife practices medicine, Adam serves as the primary caregiver for the children. He prepares the boys' meals, gets them ready for school, transports them to and from school and extra-curricular events, and helps them with their homework each night. As one of his neighbors explains:

"Adam's relationship as a father to his children and a husband to his wife are above reproach. His children are intelligent individuals. Adam has raised and taught them to be respectful human beings. Adam maintains his home and its appearance far above our community expectations. I am proud to have him and his family as a neighbor."

### **Exhibit A, Letters of Support, Letter from Jeffrey Fero.**

One of Adam's closest friends echoes these thoughts and wrote:

"Over the last several years I have become very close to Adam and his family. One of Adam's most prominent qualities is that he is a devoted family man. I cannot think of a better example of a loving and dedicated husband and father. Adam has five children, all of whom are intelligent, kind mature and will grow to be assets to their communities. Adam take a very active role in raising his children. He assures his children achieve high grades by instilling self-motivation and passion for learning. He sets healthy expectations and boundaries, the result shows in the behavior of his children, all five are exceptionally behaved and well spoken, their maturity level exceeds their peers, and all have hobbies and passions that Adam enthusiastically fosters. Adam is a shining example to his community of what a family man can truly do for his loved ones, his careful attention, steady moral guidance, and supportive manner encourages those around him to challenge themselves as to what they can achieve in self-betterment."

### **Exhibit A, Letters of Support, Letter from Kathryn Young**

He is a skilled woodworker and participates in jiu-jitsu, an activity which the entire family practices. He has no criminal history and has never been affiliated with any individuals or

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for writing or speaking about the incident. Adam suggested donating the profits to a charity like the Wounded Warriors or Tunnel to Towers but the idea was unworkable.

groups who advocate violence against the United States or law enforcement. In fact, many of his friends are police officers or deputy sheriffs who supported him even after his arrest on the instant charges.<sup>4</sup>

It's worth noting that once he and his home were identified, both he and his wife received a number of death threats which were of concern to the FBI (PSR at ¶ 40). His wife's medical practice suffered financially and some of Adam's oldest friends will no longer speak to him or his family. He has been on pre-trial supervision for the past year and complied the Court's restrictions. During these difficult times, Adam has declined numerous invitations for personal appearance and instead focused on his family and maintained his good character.

"Although all people have momentary lapses in judgement, these moments are few for Adam. There are many moments of Adam's life that can be looked at individually to render a definition of his character, the great majority of these moments would leave you with character descriptions such as kind, compassionate, honest, dedicated to others, generous, and virtuous. Adam is best described as a person that is dedicated to giving back to, whatever community he enters, whether it is in schools, his neighborhood community, his friends, or his family. He finds how he can best contribute in a positive way. Even in the face of all his difficulties over the last year, he has kept much his focus on the personal growth of not just himself, but of his family members and friends as well."

**Exhibit A, Letters of Support, Letter from Kathryn Young**

In determining Adam's sentence, this Court may consider that he is an excellent father to his five children. *See e.g., United States v. Pauley*, 511 F.3d 468 (4th Cir. 2007) (affirming 42-month sentence for defendant convicted of possession of child pornography with an advisory guideline range of 78-97 months in part because "besides the criminal conduct at issue, Pauley was a . . . good father"). Furthermore, this Court should also consider the significant and

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<sup>4</sup> When Adam was first arrested a website was established for his legal defense. (PSR at ¶ 90A). Adam had no involvement with the website and only about \$1,000 was raised. The money was returned to the contributors.

negative impact that incarceration would have on his sons. See, e.g, Rosalyn D. Lee et al, The Impact of Parental Incarceration on the Physical and Mental Health of Young Adults, Pediatrics at 1188-1195 (April 2013) (stating that positive and significant associations were found between parental incarceration and health and mental issues including, but not limited to, depression, posttraumatic stress disorder, anxiety and fair/poor health).

### **Adam Johnson has a Lesser Degree of Culpability than Others**

Although Adam is fully culpable for his crimes, his actions on January 6, 2021 and afterwards mitigate his blameworthiness for his actions. The degree of a defendant's blameworthiness "is generally assessed according to two kinds of elements: the nature and seriousness of the harm caused or threatened by the crime; and the offender's degree of culpability in committing the crime, in particular, his degree of intent (mens rea), motives, role in the offense, and mental illness or diminished capacity." Richard S. Frase, Excessive Prison Sentences, Punishment Goals, and the Eighth Amendment: "Proportionality" Relative to What?, 89 Minn.L. Rev. 571, 590 (Feb. 2005). Applying these factors to Adam's circumstances establishes that he lacks the same level of culpability as those individuals who entered the Capitol to destroy property, harm others and hijack the political process. His decision to cooperate with law enforcement arguably saved them valuable investigative and prosecutive resources that are best utilized against the violent individuals there that day. Unfortunately, he received considerable attention simply because the lectern belonged to Speaker of the House, Nancy Pelosi. Arguably, if he latched onto some other piece of government furniture for his photo opportunity jail time would not even be a consideration.

**Adam Johnson's Cooperation with the Government**

Although Adam cooperated with the government, it did not rise to the level of substantial assistance under USSG 5K1.1. Essentially, Adam gave the FBI a full confession very early on. In fact, he may have been one of the first January 6, 2021 defendants to accept responsibility. While he was truthful, he lacked the information that the government wanted regarding the disruptive threat groups and individuals that were present that day.

And therein lies the rub, as well as the inherent irrationality and existentialism, of the federal criminal justice system. The federal system rewards the most culpable since they are the ones who have the most to offer in the marketplace of human bartering referred to as substantial assistance. As United States District Judge Roger Vinson has noted, "people who can offer the most help to the government are the most culpable. So they get reduced sentences while the small fry, the little workers who don't have that information, get the mandatory sentences." John Tierney, For Lesser Crimes, Rethinking Life Behind Bars, N.Y. Times (Dec.11, 2012), available at <http://www.nytimes.com/2012/12/12/science/mandatory-prison-sentences-face-growing-skepticism.html> (last visited Sept. 10, 2013). The absurdity of a regime that favors the most culpable is revealed in the context of Adam's case as he faces punishment, notwithstanding his lesser culpability.

Although the government has indicated it will not file a motion under USSG §5K1.1, Adam Johnson respectfully submits that this Court should consider his assistance to the government in support of a variance under § 3553(a). See *United States v. Blue*, 557 F.3d 682, 686 (6th Cir. 2009)(stating that post-Booker, "the government's failure to file a Section 5K1.1



departure does not necessarily preclude a sentencing court from taking into account substantial assistance when considering the appropriate sentence in light of the Section 3553(a) factors.”); *United States v. Doe*, 213 Fed.Appx. 660, 663 (10th Cir. Jan. 12, 2007)(unpub)(holding that district court should address cooperation as part of its §3553(a) analysis even in absence of a 5K1.1 motion when raised by the defendant); *United States v. Ochoa-Ramos*, 2008 WL 2062341, at \*3 (E.D.Wis. 2008)(noting the ability to consider cooperation with the government as evidence of defendant’s character under §3553(a) beyond a reduction under §3E1.1, even in the absence of a §5K motion from the prosecution). *See also Jaber*, 362 F. Supp. 2d 381. In the end, Adam Johnson’s effort to assist the government support a variance since his actions demonstrate his acceptance of responsibility for his criminal conduct and his substantial attempt to make amends for his actions.

**3. The Need for the Sentence Imposed**

**A. To reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense**

In imposing “just punishment” for an offense, a sentencing court should not disregard the additional penalties and hardships that will accompany Adam’s conviction. See Hugh LaFollette, Collateral Consequences of Punishment: Civil Penalties Accompanying a Formal Punishment, 22 J. of Applied Phil., 241, 244-46 (2005)(discussing and critiquing on proportionality grounds retributivist justification of collateral consequences); Jeremy Travis, Invisible Punishment: An Instrument of Social Exclusion, in Invisible Punishment: The Collateral Consequences of Mass Imprisonment (Marc Mauer & Meda Chesney-Lind eds., 2002).

Although Adam recognizes the seriousness of his offense, he respectfully submits that he has already received and will be subject to substantial ridicule, threats, retaliation, and criticism for

his actions on January 6, 2021. Because of the Internet, these consequences will follow him for the rest of his life.

**B. To afford adequate deterrence to criminal conduct**

A punishment of imprisonment is not necessary to further the § 3553 factor of general deterrence since there is no correlation between punishment and reductions in crime. See Gary Kleck and J.C. Barnes, Deterrence and Macro-Level Perceptions of Punishment Risks: Is There a "Collective Wisdom"?, 59 Crime & Delinquency 1006, 1031-33 (2013). Kleck and Barnes' study concludes:

“there is generally no significant association between perceptions of punishment levels and the actual levels of punishment that the criminal justice system achieves. This in turn implies that increases in punishment levels do not routinely reduce crime through general deterrence mechanisms, because the fundamental link between actual punishment levels and perceptions of punishment levels appears to be weak to nonexistent.”  
*Id.* at 1031.

The United States Department of Justice agrees with the conclusion that incarcerating defendants is not an effective means of deterrence. See U.S. Dept. of Justice, Nat'l Inst. of Justice, Five Things About Deterrence (July 2014). In fact, the Department of Justice finds that even increasing the severity of punishment does little to deter punishment. See *Id.* In the absence of a deterrent effect, Adam submits that a sentence of imprisonment is not necessary in his case.

**C. to protect the public from further crimes of the defendant;**

As in the case of general deterrence, the empirical evidence does not establish a relationship between sentence length and specific deterrence, regardless of the type of crime. David Weisburd et al., Specific Deterrence in a Sample of Offenders Convicted of White-Collar

Crimes, 33 *Criminology* 587 (1995) (finding no difference in deterrence for white collar offenders between probation and imprisonment); Donald P. Green & Daniel Winik, Using Random Judge Assignments to Estimate the Effects of Incarceration and Probation on Recidivism among Drug Offenders, 48 *Criminology* 357 (2010) (study of over a thousand offenders whose sentences varied substantially in prison time and probation found that such variations "have no detectable effect on rates of re-arrest," and that "[t]hose assigned by chance to receive prison time and their counterparts who received no prison time were re-arrested at similar rates over a four-year time frame").

Nevertheless, the need to protect the public from future crimes by Adam is not an issue since he poses a low risk of recidivism. As previously noted, Adam has no criminal history which places him in a Criminal History Category I. As a first-time offender, Adam poses a lower risk of recidivism. In imposing the least sentence sufficient to account for the need to protect the public from further crimes of Adam, this Court should consider the statistically low risk of recidivism presented. *See United States v. Urbina, slip op.*, 2009 WL 565485, \*3 (E.D. Wis. Mar. 5, 2009) (considering low risk of recidivism indicated by defendant's lack of criminal record, positive work history, and strong family ties); *United States v. Cabrera*, 567 F. Supp. 2d 271, 279 (D. Mass. 2008) (granting variance because defendants "with zero criminal history points are less likely to recidivate than all other offenders"). Finally, in considering a variance in this case, this Court should consider the length of time that Adam abstained from criminal conduct prior to his commission of the instant offense. *United States v. Ward*, 814 F. Supp. 23, 24 (E.D. Va. 1993) (granting departure based on defendant's age as first-time offender since guidelines do

not “account for the length of time a particular defendant refrains from criminal conduct” before committing his first offense).

**D. to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;**

A significant § 3553(a) sentencing consideration is the need to provide defendants with correctional treatment in the most effective manner. See § 3553(a)(2)(D). Adam, however, is not such a defendant. He is a stable individual, without any drug or alcohol issues and he would not benefit from treatment in a custodial setting.

**4. The Kinds of Sentences Available**

A mandatory minimum sentence does not apply in this case, thus a sentence below the advisory guideline range is permissible—for either a term of imprisonment or a term of probation.

**5-6. The Kinds of Sentences and the Guideline Sentencing Range Established and any Pertinent Sentencing Commission Policy Statements**

Although the impact of the guidelines on a court’s sentencing discretion has been discussed in Section I, *supra*, the critical question in Adam’s case is the exact weight this Court should give to the guidelines. As recognized in *Gall*, district courts “may not presume that the Guidelines range is reasonable.” 552 U.S. at 49, 128 S. Ct. at 597. Thus, mitigating circumstances and substantive policy arguments that were formerly irrelevant in all but the most unusual cases are now potentially relevant in every case.

**7. The Need to Avoid Unwarranted Sentence Disparities Among Defendants with Similar Records Who Have Been Found Guilty of Similar Conduct**

According to a recent filing by the DOJ in another Capitol 6<sup>th</sup> prosecution, a number of individuals charged with violating Section 1752(a)(1) have avoided significant jail time. **See**

**Exhibit B, Capital 6, 2021 Sentencing Table filed in Case No. 1:21-CR-581.** As this Court can see, Rachel Pert was sentenced to 24 months' probation, 100 community service; Dana Winn got 5 weekends or 10 days in jail, 12 months' probation and 100 hours community service; Kevin Cordon received 12 months' probation, 100 hours community service; Felipe Marquez was sentenced to 3 months' home detention and 18 months' probation; and Gracyn Courtright got 1 month in jail, 12 months' supervised release, and 60 hours community service. *Id.* Additionally, a number of people charged with Section 5104 violations received only probation.

**8. The Need to Provide Restitution to Any Victims of the Offense.**

Restitution of \$500 is applicable in this case. (See PSR at ¶ 110).

**CONCLUSION**

As the foregoing establishes, this Court should apply a variance Adam Johnson below the applicable guideline range of 0-6 months' imprisonment and impose a sentence of time served, 12 months' probation, 100 hours of community service and \$500 restitution. Because the decision in Booker has made the Guidelines advisory and the parsimony clause of 18 U.S.C. § 3553(a) the paramount consideration, Adam Johnson respectfully submits that a variance is appropriate pursuant to this significant and paramount sentencing statute.

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CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all parties listed on the Electronic Case Filing (ECF) System.

By: /s/ Dan Eckhart      /s/ David Bigney  
DAN ECKHART                      DAVID BIGNEY

# EXHIBIT A

February 16, 2022

Senior Judge Reggie B. Walton  
United States District Court  
District of Columbia  
333 Constitution Ave., N.W.  
Washington, D.C 20001

RE: *United States v. Adam Johnson*  
Case No.: 1:21-CR-00648-001

Dear Senior Judge Walton:

My name is Kathryn Young, I am an administrator and children's program director for a local Jiu Jitsu school, at which Adam attends the adult program. I have known Adam for close to a decade and would describe him as one of my closest friends. My intent with this letter is to shed light on who I know Adam to be as a person. I understand the legal troubles that Adam faces, however, I do not believe the events leading to his current pending difficulties accurately reflect Adam's character. In the time I have known him, Adam has been a good hearted, moral compass to his communities, and has always strived to help others with no expectation of anything in return.

I first met Adam in the fall of 2013, during the first day of a chemistry course at the State College of Florida. My first impression of Adam was that he loved to make people laugh, and my next observation was that he is a friend to everyone. Adam's kindness and passion to connect with people enabled him to form friendships with people of any background or belief. It was not just Adam's ability to bring a room to laughter, professors included, that made him a likeable character. Adam is also very intelligent as well. Often holding the highest grades in our class, Adam was dedicated to his success as well as the success of his peers. Adam formed a study group that I chose to join, where I saw Adam encourage and assist others in raising their grades. He would sacrifice his time, at no charge, to make sure his peers felt confident in their understanding of the material for exams. His willingness to help others also extended outside of our study group. During my time at the State College of Florida, I was the event coordinator for the local chapter of the American Chemical Society. My role was to coordinate events for local grade schools to come into our college laboratories and run experiments to get the children interested in science. During the final stages of planning for one of our events, a key team leader dropped out with little to no notice, and Adam volunteered to take on this very difficult role. Adam's enthusiasm for what our event was offering to the community showed in his performance. I sincerely believe Adam sparked a passion for chemistry for many children during that event. His enthusiasm also motivated the other members of our team to excel in their roles. Adam is a natural born helper and strives to give back to his community. Many people were helped by Adam during his years at SCF, and one of Adam's most shining qualities is that he genuinely cares for others and is always willing to help friends and strangers alike with no expectation of reciprocation.

After attending college, my friendship with Adam continued when he joined the Jiu Jitsu school I currently am employed with. Adam has been a great asset to our school, as he can always be counted on to take new members under his wing and help them feel comfortable and confident in themselves. He is



always happy to volunteer his time to our kids' program and has also donated goods to the school. Adam is an exceptional and creative carpenter and was kind enough to build and donate several ornate wooden benches, to improve the overall atmosphere of the school and provide comfortable seating for parents while their children attend class. Adam also volunteers to cater nearly all our events at no charge. He is always finding ways to give back to our school and is one of the most highly appreciated members of our school's community.

Over the last several years I have become very close to Adam and his family. One of Adam's most prominent qualities is that he is a devoted family man. I cannot think of a better example of a loving and dedicated husband and father. Adam has five children, all of whom are intelligent, kind, mature and will grow to be assets to their communities. Adam takes a very active role in raising his children. He assures his children achieve high grades by instilling self-motivation and passion for learning. He sets healthy expectations and boundaries, the result shows in the behavior of his children, all five are exceptionally behaved and well spoken, their maturity level exceeds their peers, and all have hobbies and passions that Adam enthusiastically fosters. Adam is a shining example to his community of what a family man can truly do for his loved ones, his careful attention, steady moral guidance, and supportive manner encourages those around him to challenge themselves as to what they can achieve in self betterment.

In the time that I have known Adam, he has always been someone others can count on. He is there for friends to lean on during difficult times and he often helps them work through personal challenges. Creating happiness for others is a great source of joy for him. He brings laughter into every room he enters and cares deeply for those around him. If he sees a way he can help another person, he will not hesitate to do so. Although all people have momentary lapses in judgement, these moments are few for Adam. There are many moments of Adam's life that can be looked at individually to render a definition of his character, the great majority of these moments would leave you with character descriptions such as kind, compassionate, honest, dedicated to others, generous, and virtuous. Adam is best described as a person that is dedicated to giving back to, whatever community he enters, whether it is in schools, his neighborhood community, his friends, or his family. He finds how he can best contribute in a positive way. Even in the face of all his difficulties over the last year, he has kept much his focus on the personal growth of not just himself, but of his family members and friends as well. I am certain that many people, including myself, are grateful to Adam for have enriching their lives. Although we all make mistakes in life, what I admire in Adam is he reflects upon his mistakes and considers the changes he needs to make in order not to repeat his mistakes. He always seeks out how he can be a better person and takes responsibility for his actions. I truly believe Adam to be a good, kind, and altruistic person.

Sincerely,

Kathryn Young

February 15, 2022

Senior Judge Reggie B. Walton

United States District Court

District of Columbia

333 Constitution Ave., N.W.

Washington, D.C. 20001

RE: United States v. Adam Johnson,

Case No.: 1:21-CR-00648-001

Dear Senior Judge Walton:

I consider the opportunity to write this letter to the court both an honor and a privilege. While I understand Adam's present situation and pending difficulties, I want to show my support for him as my friend and also to convey some experiences I've had with Adam that could reveal valuable qualities he assuredly possesses.

I met Adam Johnson about six or seven years ago. I had just finished leading a worship service at church when a young man approached me to see if I needed additional musicians to help in future services. Of course with volunteer musicians being somewhat scarce and after about 2 seconds of considerable thought I asked, "When can you start?" There was something in the way he carried himself and expressed his desire to serve that rang true to my ears and heart. That day began a friendship and blessing I won't soon forget. Adam is an excellent musician with attention to detail and sensitivity to musical theme and interpretation that only comes along once in a while. Lucky me!

Later I invited Adam and his wife Suzi to attend my Bible study class. Much to my surprise they showed up the following Sunday. Right away we knew his love for the Lord and knowledge of the Bible was rare for a man his age. They became an integral part of our class and always added worth the lessons. Stranger still is our class was composed of 50 to 60 somethings and though they were decades younger He and Suzi still wanted to be with us on Sunday mornings. Honestly, I still haven't figured that one out, but I know it's just another uncommon attribute of his character. Over the months and years that followed our entire class came to love and appreciate their contribution to our fellowship. We also learned of their dedication to each other and the 5 boys they were raising in the nurture and admonition of the Lord.

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My day job is that of a residential contractor. My work consists of additions to homes and remodeling of existing homes. I began to notice Adam was constantly building things from his home workshop and so I approached him about building a furniture piece for me on one of my jobs. He accepted and quickly rendered a beautiful storage bin for an outdoor deck. Over the next year he completed 4 or 5 other projects for me - always on time, reasonably priced, and with a higher than necessary quality. Additionally, he and wife Suzie constructed a themed set for our children's department at church. It was artfully designed, constructed, installed, and beautifully painted. Adam's talent level is off the charts. I would say he can do anything he sets his mind to and do it well.

I can see where it would be easy for someone who doesn't know Adam like I do to misunderstand the kind of person he really is. To evaluate his intentions, character, or integrity strictly from the headlines would be a grave injustice. Yes Adam Johnson is my friend, but he is much more than that. I know him to be a good husband and father; he is a talented musician and craftsman; he is a patriot and normally a law abiding citizen. He may have made a mistake - we all do, but I don't believe mistakes determine the value or character of a man. Adam's value and character are seen in the way he treats those around him, the way he loves his family and in his readiness to serve the Lord. Men like Adam are destined to succeed. He is the kind of person everyone wants on their team. I am grateful to call him my friend, honored to stand with him, and blessed to have shared in all he has to give.

Sincerely,

A handwritten signature in black ink that reads "Wally Johns". The signature is written in a cursive, flowing style.

Wally Johns

February 15, 2022

Senior Judge Reggie B. Walton  
United States District Court  
District of Columbia  
333 Constitution Ave., N.W.  
Washington, D.C. 20001

RE: *United States v. Adam Johnson*,

Case No.: 1:21-CR-00648-001

Dear Senior Judge Walton:

I am aware of Adam Johnson's pending difficulties. I have known Adam Johnson for six years. My personal opinion of Adam is that he is a high-energy person and very dedicated to his family and all of his personal relationships.

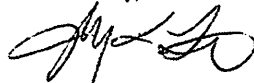
Adam always tries to find a way to relate to people and their experiences. I have no reason to question his morality as we have often discussed many matters and found he is very level-headed and extremely intelligent. Adam is the very first person in our neighborhood to volunteer himself or his time to help someone in need. I have requested his assistance on many home projects and I have found that he is always forthcoming and eager to assist. He is always very thoughtful and caring.

Adam's relationship as a father to his children and a husband to his wife are above reproach. His children are intelligent individuals. Adam has raised and taught them to be respectful human beings. Adam maintains his home and its appearance far above our community expectations. I am proud to have him and his family as a neighbor.

My wife and I moved to our neighborhood six years ago from Indianapolis. I moved to Parrish, Florida via a job transfer in 2016 and retired in 2019. I now spend a great deal of time at home and usually speak to Adam every day.

I wanted to write this letter to show what Adam Johnson is all about and to reference his character. I consider him to be a good friend. Thank you for your consideration.

Sincerely,



Jeffrey Fero

# **EXHIBIT B**

Table 1: Cases in which the government recommended a probation sentence without home detention<sup>1</sup>

Defendant Name	Case Number	Offense of Conviction	Government Recommendation	Sentence Imposed
Morgan-Lloyd, Anna	1:21-CR-00164-RCL	40 U.S.C. § 5104(e)(2)(G)	36 months' probation, 40 hours community service, \$500 restitution	36 months' probation, 120 community service hours, \$500 restitution
Ehrke, Valerie	1:21-CR-00097-PLF	40 U.S.C. § 5104(e)(2)(G)	36 months' probation, 40 hours community service, \$500 restitution	36 months' probation, \$500 restitution
Bissey, Donna	1:21-CR-00165-TSC	40 U.S.C. § 5104(e)(2)(G)	36 months' probation, 40 hours community service, \$500 restitution	14 days incarceration, 60 hours community service, \$500 restitution
Hiles, Jacob	1:21-CR-00155-ABJ	40 U.S.C. § 5104(e)(2)(G)	36 months' probation, 60 hours community service, \$500 restitution	24 months' probation, 60 hours community service, \$500 restitution
Wangler, Douglas	1:21-CR-00365-DLF	40 U.S.C. § 5104(e)(2)(G)	36 months' probation, 40 hours community service, \$500 restitution	24 months' probation, 60 hours of community service, \$500 restitution
Harrison, Bruce	1:21-CR-00365-DLF	40 U.S.C. § 5104(e)(2)(G)	48 months' probation, 40 hours community service, \$500 restitution	24 months' probation, 60 hours of community service, \$500 restitution

Table 2: Cases in which the government recommended a probation sentence with home detention

Defendant Name	Case Number	Offense of Conviction	Government Recommendation	Sentence Imposed
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<sup>1</sup> Early in this investigation, the Government made a very limited number of plea offers in misdemeanor cases that included an agreement to recommend probation in *United States v. Anna Morgan-Lloyd*, 1:21-cr-00164(RCL); *United States v. Valerie Elaine Ehrke*, 1:21-cr-00097(PFF); *United States v. Donna Sue Bissey*, 1:21-cr-00165(TSC), *United States v. Douglas K. Wangler*, 1:21-cr-00365(DLF), and *United States v. Bruce J. Harrison*, 1:21-cr-00365(DLF). The government is abiding by its agreements in those cases, but has made no such agreement in this case. Cf. *United States v. Rosales-Gonzales*, 801 F.3d 1177, 1183 (9th Cir. 2015) (no unwarranted sentencing disparities under 18 U.S.C. § 3553(a)(6) between defendants who plead guilty under a "fast-track" program and those who do not given the "benefits gained by the government when defendants plead guilty early in criminal proceedings") (citation omitted).

Bustle, Jessica	1:21-CR-00238-TFH	40 U.S.C. § 5104(e)(2)(G)	3 months home detention, 36 months' probation, 40 hours community service, \$500 restitution	2 months of home detention, 24 months' probation, 40 hours community service, \$500 restitution
Bustle, Joshua	1:21-CR-00238-TFH	40 U.S.C. § 5104(e)(2)(G)	1 month home detention, 36 months' probation, 40 hours community service, \$500 restitution	1 month home detention, 24 months' probation, 40 hours community service, \$500 restitution
Doyle, Danielle	1:21-CR-00324-TNM	40 U.S.C. § 5104(e)(2)(G)	2 months home detention, 36 months' probation, 60 hours community service, \$500 probation	2 months' probation, \$3,000 fine, \$500 restitution
Bennett, Andrew	1:21-CR-00227-JEB	40 U.S.C. § 5104(e)(2)(G)	3 months home detention, 36 months' probation, 60 hours community service, \$500 restitution	3 months of home detention, 24 months' probation, 80 hours community service, \$500 restitution
Mazzocco, Matthew	1:21-CR-00054-TSC	40 U.S.C. § 5104(e)(2)(G)	3 months home detention, 36 months' probation, 60 hours community service, \$500 restitution	45 days incarceration, 60 hours community service <sup>2</sup> , \$500 restitution
Rosa, Eliel	1:21-CR-00068-TNM	40 U.S.C. § 5104(e)(2)(G)	1 month home detention, 36 months' probation, 60 hours community service, \$500 restitution	12 months' probation, 100 hours community service, \$500 restitution
Gallagher, Thomas	1:21-CR-00041-CJN	40 U.S.C. § 5104(e)(2)(G)	1 month home detention, 36 months' probation, 60 hours community service, a fine, and \$500 restitution	24 months' probation, 60 hours community service, \$500 restitution
Vinson, Thomas	1:21-CR-00355-RBW	40 U.S.C. § 5104(e)(2)(G)	3 months home detention, 3 years' probation, 60 hours community service, \$500 restitution	5 years' probation, \$5,000 fine, \$500 restitution, 120 hours community service

<sup>2</sup> The government believes the Court's 10/4/2021 minute entry in this case is incorrect and the sentence requires 60 *hours* of community service, not 60 *months*.

Dillon, Brittany	1:21-CR-00360-DLF	40 U.S.C. § 5104(e)(2)(D)	3 months home detention, 36 months' probation, 60 hours community service, \$500 restitution	2 months home detention, 3 years' probation, \$500 restitution
Sanders, Jonathan	1:21-CR-00384-CJN	40 U.S.C. § 5104(e)(2)(G)	2 months home detention, 36 months' probation, 60 hours community service, \$500 restitution	36 months' probation, 60 hours community service, \$500 restitution
Fitchett, Cindy	1:21-CR-00041-CJN	40 U.S.C. § 5104(e)(2)(G)	2 months home detention, 36 months' probation, 60 hours community service, \$500 restitution	1 month home detention, 36 months' probation, 60 hours community service, \$500 restitution
Sweet, Douglas	1:21-CR-00041-CJN	40 U.S.C. § 5104(e)(2)(G)	3 months home detention, 36 months' probation, 60 hours community service, \$500 restitution	1 month home detention, 36 months' probation, 60 hours community service, \$500 restitution
Cordeon, Sean	1:21-CR-00269-TNM	40 U.S.C. § 5104(e)(2)(G)	3 months home detention, 36 months' probation, 60 hours community service, \$500 restitution	2 months' probation, \$4000 fine
Wilkerson, John IV	1:21-CR-00302-CRC	40 U.S.C. § 5104(e)(2)(G)	2 months home detention, 36 months' probation, 60 hours community service, \$500 restitution	36 months' probation, \$2500 fine, 60 hours community service, \$500 restitution
Jones, Caleb	1:21-CR-00321-JEB	40 U.S.C. § 5104(e)(2)(G)	3 months home detention, 36 months' probation, 60 hours community service, \$500 restitution	2 months home detention, 24 months' probation, \$500 restitution, 100 hours community service
Brown, Terry	1:21-CR-00041-CJN	40 U.S.C. § 5104(e)(2)(G)	45 days home detention, 36 months' probation, 60 hours community service, \$500 restitution	1 month home detention, 36 months' probation, \$500 restitution, 60 hours community service
Wrigley, Andrew	1:21-CR-00042-ABJ	40 U.S.C. § 5104(e)(2)(G)	2 months home detention, 36 months' probation, 60 hours community service, \$500 restitution	18 months' probation, \$2000 fine, \$500 restitution, 60 hours community service



Parks, Jennifer	1:21-CR-00363-CJN	40 U.S.C. § 5104(e)(2)(G)	1 month home detention, 36 months' probation, 60 hours community service, \$500 restitution	24 months' probation, \$500 restitution, 60 hours community service
Reimler, Nicholas	1:21-CR-00239-RDM	40 U.S.C. § 5104(e)(2)(G)	2 months home detention, 36 months' probation, 60 hours community service, \$500 restitution	1 month home detention, 36 months' probation, 60 hours community service, \$500 restitution
Miller, Brandon	1:21-CR-00266-TSC	40 U.S.C. § 5104(e)(2)(G)	3 months home detention, 36 months' probation, 60 hours community service, \$500 restitution	20 days incarceration, 60 hours community service, \$500 restitution
Miller, Stephanie	1:21-CR-00266-TSC	40 U.S.C. § 5104(e)(2)(G)	2 months home detention, 36 months' probation, 60 hours community service, \$500 restitution	14 days incarceration, 60 hours community service, \$500 restitution
Hatley, Andrew	1:21-CR-00098-TFH	40 U.S.C. § 5104(e)(2)(G)	2 months home detention, 36 months' probation, 60 hours community service, \$500 restitution	36 months' probation, \$500 restitution
Pert, Rachael	1:21-CR-00139-TNM	18 U.S.C. § 1752(a)(1)	3 months home detention, 24 months' probation, 40 hours community service, \$500 restitution	24 months' probation, 100 hours community service, \$500 restitution
Winn, Dana	1:21-CR-00139-TNM	18 U.S.C. § 1752(a)(1)	3 months home detention, 24 months' probation, 40 hours community service, \$500 restitution	10 days incarceration (weekends), 12 months' probation, 100 hours community service, \$500 restitution
Wickersham, Gary	1:21-CR-00606-RCL	40 U.S.C. § 5104(e)(2)(G)	4 months home detention, 36 months' probation, 60 hours community service, \$500 restitution	3 months home detention, 36 months' probation, \$2000 fine, \$500 restitution

Table 3: Cases in which the government recommended a sentence of incarceration

Defendant Name	Case Number	Offense of Conviction	Government Recommendation	Sentence Imposed
Curzio, Michael	1:21-CR-00041-CJN	40 U.S.C. § 5104(e)(2)(G)	Not applicable	6 months incarceration (time served), \$500 restitution
Hodgkins, Paul	1:21-CR-00188-RDM	18 U.S.C. § 1512(c)(2)	18 months incarceration	8 months incarceration, 24 months' supervised release, \$2000 restitution
Dresch, Karl	1:21-CR-00071-ABJ	40 U.S.C. § 5104(e)(2)(G)	6 months incarceration (time served), \$500 restitution	6 months incarceration (time served), \$500 restitution
Jancart, Derck	1:21-CR-00148-JEB	40 U.S.C. § 5104(e)(2)(D)	4 months incarceration, \$500 restitution	45 days incarceration, \$500 restitution
Rau, Erik	1:21-CR-00467-JEB	40 U.S.C. § 5104(e)(2)(D)	4 months incarceration, \$500 restitution	45 days incarceration, \$500 restitution
Hemenway, Edward	1:21-CR-00049-TSC	40 U.S.C. § 5104(e)(2)(G)	30 days incarceration, \$500 restitution	45 days incarceration, 60 hours community service, \$500 restitution
Reeder, Robert	1:21-CR-00166-TFH	40 U.S.C. § 5104(e)(2)(G)	6 months incarceration, \$500 restitution	3 months incarceration, \$500 restitution
Bauer, Robert	1:21-CR-00049-TSC	40 U.S.C. § 5104(e)(2)(G)	30 days incarceration, \$500 restitution	45 days incarceration, 60 hours community service, \$500 restitution
Vinson, Lori	1:21-CR-00355-RBW	40 U.S.C. § 5104(e)(2)(G)	30 days incarceration, \$500 restitution	5 years' probation, \$5,000 fine, \$500 restitution, 120 hours community service
Griffith, Jack	1:21-CR-00204-BAH	40 U.S.C. § 5104(e)(2)(G)	3 months incarceration, \$500 restitution	90 days home detention, 36 months' probation, \$500 restitution
Torrens, Eric	1:21-CR-00204-BAH	40 U.S.C. § 5104(e)(2)(G)	2 weeks incarceration, \$500 restitution	90 days home detention, 36 months' probation, \$500 restitution
Gruppo, Leonard	1:21-CR-00391-BAH	40 U.S.C. § 5104(e)(2)(G)	30 days incarceration, \$500 restitution	90 days home detention, 24 months' probation, \$3,000 fine, \$500 restitution
Ryan, Jenna	1:21-CR-00050-CRC	40 U.S.C. § 5104(e)(2)(G)	60 days incarceration, \$500 restitution	60 days incarceration, \$1000 fine, \$500 restitution
Croy, Glenn	1:21-CR-00162-BAH	40 U.S.C. § 5104(e)(2)(G)	60 days incarceration, \$500 restitution	90 days home detention, 14 days community correctional facility, 36 months' probation, \$500 restitution

Stotts, Jordan	1:21-CR-00272-TJK	40 U.S.C. § 5104(e)(2)(G)	45 days incarceration, \$500 restitution	60 days home detention, 24 months' probation, \$500 restitution, 60 hours community service
Fairlamb, Scott	1:21-CR-00120-RCL	18 U.S.C. § 1512(c)(2), 18 U.S.C. § 111(a)(1)	44 months incarceration, 36 months' supervised release, \$2000 fine	41 months incarceration, 36 months supervised release, \$2000 restitution
Camper, John	1:21-CR-00325-CKK	40 U.S.C. § 5104(e)(2)(G)	60 days incarceration, \$500 restitution	60 days incarceration, \$500 restitution, 60 hours community service
Rukstales, Bradley	1:21-CR-00041-CJN	40 U.S.C. § 5104(e)(2)(G)	45 days incarceration, \$500 restitution	30 days incarceration, \$500 restitution
Cordon, Kevin	1:21-CR-00277-TNM	18 U.S.C. § 1752(a)(1)	30 days incarceration, 12 months supervised release, \$500 restitution	12 months' probation, 100 hours community service, \$4000 fine, \$500 restitution
Chansley, Jacob	1:21-CR-00003-RCL	18 U.S.C. § 1512(c)(2)	51 months incarceration, 36 months supervised release, \$2000 restitution	41 months incarceration, 36 months supervised release, \$2000 restitution
Mish, David	1:21-CR-00112-CJN	40 U.S.C. § 5104(e)(2)(G)	30 days incarceration, \$500 restitution	30 days incarceration, \$500 restitution
Lolos, John	1:21-CR-00243-APM	40 U.S.C. § 5104(e)(2)(G)	30 days incarceration, \$500 restitution	14 days incarceration, \$500 restitution
Scavo, Frank	1:21-CR-00254-RCL	40 U.S.C. § 5104(e)(2)(G)	14 days incarceration, \$500 restitution	60 days incarceration, \$5000 fine, \$500 restitution
Abual-Ragheb, Rasha	1:21-CR-00043-CJN	40 U.S.C. § 5104(e)(2)(G)	30 days incarceration, \$500 restitution	60 days home detention, 36 months' probation, 60 hours community service, \$500 restitution
Peterson, Russell	1:21-CR-00309-ABJ	40 U.S.C. § 5104(e)(2)(G)	14 days incarceration, \$500 restitution	30 days incarceration, \$500 restitution
Simon, Mark	1:21-CR-00067-ABJ	40 U.S.C. § 5104(e)(2)(G)	45 days incarceration, \$500 restitution	35 days incarceration, \$500 restitution
Ericson, Andrew	1:21-CR-00506-TNM	40 U.S.C. § 5104(e)(2)(G)	60 days incarceration, \$500 restitution	20 days incarceration (consecutive weekends), 24 months' probation, \$500 restitution
Pham, Tam Dinh	1:21-CR-00109-TJK	40 U.S.C. § 5104(e)(2)(G)	60 days incarceration, \$500 restitution	45 days incarceration, \$1000 fine, \$500 restitution

Nelson, Brandon	1:21-CR-00344-JDB	40 U.S.C. § 5104(e)(2)(G)	14 days incarceration, \$500 restitution	24 months' probation, \$2500 fine, \$500 restitution, 50 hours community service
Markofski, Abram	1:21-CR-00344-JDB	40 U.S.C. § 5104(e)(2)(G)	14 days incarceration, \$500 restitution	24 months' probation, \$1000 fine, \$500 restitution, 50 hours community service
Marquez, Felipe	1:21-CR-00136-RC	18 U.S.C. § 1752(a)(2)	4 months incarceration, 1 year supervised release, \$500 restitution	3 months home detention, 18 months' probation, \$500 restitution
Meredith, Cleveland	1:21-CR-00159-ABJ	18 U.S.C. § 875(c)	Midrange of 37-46 months incarceration	28 months incarceration, 36 months supervised release
Servisto, Jeremy	1:21-CR-00320-ABJ	40 U.S.C. § 5104(e)(2)(G)	30 days incarceration, \$500 restitution	30 days incarceration, \$500 restitution
Maricito, Anthony	1:21-CR-00094-RBW	40 U.S.C. § 5104(e)(2)(G)	4 months incarceration, 36 months' probation, \$500 restitution	36 months' probation, 250 hours community service, \$5000 fine, \$500 restitution
Courtright, Gracyn	1:21-CR-00072-CRC	18 U.S.C. § 1752(a)(1)	6 months incarceration, 12 months' supervised release, 60 hours community service, \$500 restitution	1 month incarceration, 12 months' supervised release, 60 hours community service, \$500 restitution
Palmer, Robert	1:21-CR-00328-TSC	18 U.S.C. § 111(a) and (b)	63 months incarceration, 36 months supervised release, \$2000 restitution	63 months incarceration, 36 months supervised release, \$2000 restitution
Thompson, Devlin	1:21-CR-00461-RCL	18 U.S.C. § 111(a) and (b)	48 months incarceration, 36 months supervised release, \$2000 restitution	46 months incarceration, 36 months supervised release, \$2000 restitution
Edwards, Gary	1:21-CR-00366-JEB	40 U.S.C. § 5104(e)(2)(G)	14 days incarceration, 24 months' probation, \$500 restitution	12 months' probation, \$2500 fine, 200 hours of community service, \$500 restitution
Tutrow, Israel	1:21-CR-00310-ABJ	40 U.S.C. § 5104(e)(2)(G)	60 days incarceration, \$500 restitution	2 months home detention, 36 months' probation, \$500 restitution