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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANIEL GOODWYN,

Defendant.

Criminal Action  
No. 1: 21-153

Washington, DC  
June 6, 2023

2:00 p.m.

TRANSCRIPT OF SENTENCING  
BEFORE THE HONORABLE REGGIE B. WALTON  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff:

ANDREW HAAG  
USAO  
Criminal Division  
601 D Street NW  
Washington, DC 20530

For the Defendant:

Carolyn Stewart  
1204 Swilley Road  
Plant City, FL 33567

Court Reporter:

SHERRY LINDSAY  
Official Court Reporter  
U.S. District & Bankruptcy Courts  
333 Constitution Avenue, NW  
Room 6710  
Washington, DC 20001

P R O C E E D I N G S

1  
2 THE COURTROOM DEPUTY: This is criminal matter  
3 21-153, United States of America versus Daniel Goodwyn. On  
4 behalf of probation, we have Jessica Reichler.

5 May I have counsel approach the lectern and state  
6 your appearance, beginning with the government.

7 MR. HAAG: Good afternoon, Your Honor, Andrew Haag  
8 for the United States.

9 THE COURT: Good afternoon.

10 MS. STEWART: Good afternoon, Your Honor. Carolyn  
11 Stewart for Daniel Goodwyn.

12 THE COURT: Good afternoon. Okay. I took this  
13 matter under consideration and gave a considerable amount of  
14 thought on what was the appropriate thing to do in this case  
15 and, ultimately, had to look at what occurred here and assess  
16 what the appropriate sanction should be. And first of all, the  
17 defendant, as unfortunately as so many other of our fellow  
18 Americans has accepted the false impression based upon  
19 information that has been disseminated about the 2020  
20 presidential election that somehow it was stolen. And there is  
21 just no proof whatsoever that that was, in fact, the case. To  
22 the extent that there may be some or may have been some  
23 irregularities in the electoral process, there has been no  
24 indication that those irregularities had any impact on the  
25 ultimate outcome of the election.

1           There have been over 60 lawsuits that were brought  
2 seeking to challenge the electoral result. None of them have  
3 been successful. And judges from all aspects of the bench have  
4 made that conclusion. And as with so many other Americans, the  
5 defendant accepted the false conclusion that the election had  
6 been somehow stolen. And there is no evidence that I have  
7 heard that establishes a nexus between him having reached that  
8 conclusion and his problem or situation with autism.

9           The defendant with the intention to protest the  
10 election results, traveled all of the way across the country to  
11 come here as he had a right to do. And it is the American way  
12 to protest peacefully, when protest is thought to be  
13 appropriate. But here, the protest became more than just the  
14 peaceful protest in opposition to something that the American  
15 citizenry -- at least some disapprove with. While I can't say  
16 to what extent the defendant is associated with the Proud Boys,  
17 he clearly online did make statements indicating an association  
18 with them and that he made the same statement that the former  
19 president made when referencing the Proud Boys indicating stand  
20 back and stand by.

21           And, again, there is no evidence that I have heard  
22 regarding his autism that would establish a nexus between him  
23 having made that statement and the autism from which he  
24 suffers. And he, after listening to apparently the former  
25 president make his statements at his rally -- he then comes

1 down to the vicinity of the Capitol with a bullhorn. He then  
2 is exulting other rioters to find their way into the Capitol.

3 And counsel represents that he needs a clear  
4 indication of something in order for him to appreciate what is  
5 being expected or what is being denied. And here, according to  
6 the evidence that the government showed when he was on the  
7 bullhorn, he made statements to the effect that a critical mass  
8 was needed in order to accomplish the objective of impeding the  
9 certification of the presidential election at a time when it  
10 seems clear to me that he would have seen a larger number of  
11 police officers who were, in fact, impeding the ability of  
12 people to gain access to the Capitol. And that statement, it  
13 seems to me, is inconsistent with the suggestion that he had no  
14 appreciation that he and others who were a part of the group  
15 were not welcome inside of the Capitol.

16 And, again, there is nothing that would indicate that  
17 his autism impacted on his perception in that regard. The  
18 defendant after he entered a plea of guilty, within several  
19 months, then appears on the Tucker Carlson show. And,  
20 unfortunately, Mr. Carlson has been a lightning rod and he has  
21 said and done things that I think clearly have been divisive.  
22 And he, obviously, had an objective in the show that he had  
23 when the defendant appeared on that show. And that was to give  
24 the impression that individuals who have been charged in  
25 reference to the events on January 6th of '21 have been treated

1 unfairly. And I see no evidence that, in fact, was the case.

2 But he sought to try and minimize, not only the  
3 conduct of the defendant, but the conduct of others who have  
4 been prosecuted as a result of what took place on that day.  
5 And counsel suggests that the defendant did not have the  
6 opportunity to correct the record. But he made no attempt to  
7 correct the record. And when Carlson suggested that all the  
8 defendant did was go into the Capitol and walk around for less  
9 than a minute and leave, that just wasn't correct.

10 And that misinformation that is disseminated to the  
11 American public has contributed to the discord that now exists  
12 in our country in reference to the presidential election and  
13 what occurred on January 6th. And there are people who are  
14 proclaiming that the individuals who have been prosecuted, who  
15 are being detained as a result of that are being held as  
16 political prisoners. And there is just nothing that supports  
17 that proposition.

18 But, nonetheless, it is something that parts of the  
19 media have sought to portray. And as a result of that have, in  
20 fact, continued to stir up the anger that people have resulting  
21 from the misinformation that has been disseminated to the  
22 American public about the events that took place on January 6th  
23 of '21.

24 And the defendant did not mention the fact that he  
25 was on the bullhorn encouraging people to breach the Capitol,

1 which clearly he did when he made his statements. And he did  
2 not relate the fact that when he got to the door. And it was  
3 clear to me from the evidence that the government submitted,  
4 the videos, that when he was at the door, it is clear,  
5 considering what took place immediately thereafter, that the  
6 police officer who had directed his attention to the defendant,  
7 for whatever reason, was saying to the defendant that he could  
8 not enter the Capitol. Because as soon as the defendant  
9 entered the Capitol, the officer went immediately after him  
10 having previously been in contact with him and sought to try  
11 and -- the evidence would show have him leave the Capitol.

12 The defendant sought to avoid him. And then when the  
13 officer came back in contact with him, again, the defendant had  
14 the audacity to call the officer an oath breaker, which clearly  
15 was, in my view, an inappropriate statement to make to a police  
16 officer who was doing nothing other than carrying out his  
17 official duties to protect the Capitol and to protect those at  
18 the Capitol he has an obligation to protect. And, again, there  
19 is just no evidence whatsoever in the record that would suggest  
20 that the defendant's autism caused him to either get on the  
21 bullhorn and say the things that he did or to make that  
22 inappropriate statement to that police officer.

23 And all of that, obviously, causes me very  
24 significant concern, because the argument that has been made is  
25 that his autism should be reason for the Court to basically

1 overlook what he did and not impose any punishment as a result  
2 of the conduct that he engaged in. And, again, there is just  
3 no evidence that would support that was the case. And the  
4 defendant, even as of yesterday, still points out his concern  
5 about allegedly individuals who were purportedly assaulted by  
6 the police, and according to him, have died as a result of  
7 those encounters.

8 I have seen no evidence that would indicate to me --  
9 and I have seen hours and hours of the videos of what took  
10 place that day. I have seen nothing that would indicate that  
11 the police did anything that would indicate they were acting  
12 excessively. The police were under assault. Several police  
13 officers, because of the violent nature of what they  
14 experienced have committed suicide, another officer who died as  
15 a result of the trauma he experienced as a result of that.

16 And the defendant's concern has been in reference to  
17 these individuals who allegedly had a demise as a result of  
18 their encounter with law enforcement. Well, those individuals  
19 put themselves in that position. All the officers were doing  
20 was carrying out their official duty trying to protect the  
21 Capitol from those individuals. So to the extent that there  
22 were, in fact, individuals who were injured who allegedly died  
23 as a result of their injuries -- which I don't know about other  
24 than Ms. Babbitt, who is the only person I am familiar with who  
25 suffered injuries and died as a result of that. Again, he

1 associates himself with these individuals who were engaged in  
2 wrongdoing as compared to the officers who were merely  
3 performing their official duty.

4 And, again, that would suggest to me that despite  
5 counsel's representations about him being contrite about what  
6 he did and his representations about that, that just rings  
7 hollow considering those sympathies that he has towards those  
8 who created the problem as compared to those who were  
9 performing their official duty.

10 And all of that -- and, again, there is nothing that  
11 I have heard in the evidence that has been presented to me that  
12 shows a nexus between his autism and his perspective about  
13 these individuals and their alleged injuries and demise as  
14 compared to what happened to the police officers.

15 So having reached all of those conclusions, I just  
16 don't see how I can conclude that he should be treated any  
17 differently because of his autism as compared to other  
18 individuals who engage in similar conduct. And I deemed it  
19 appropriate on several occasions to impose something less than  
20 a prison sentence on individuals who merely went into the  
21 Capitol, did not do any damage to the Capitol and did not  
22 engage in assaultive behavior. Under those circumstances, I  
23 thought that while I don't in any way condone what they did  
24 because they contributed to the mob mentality that resulted in  
25 what occurred on January 6th, I nonetheless felt under those



1 circumstances those individuals were entitled to a probationary  
2 sentence as compared to a period of detention. For those  
3 individuals who have done more, I felt that that wasn't  
4 appropriate. And that includes not only what occurred on that  
5 day, but things that they did thereafter.

6 And, clearly, one of the problems that we are  
7 suffering as a country as it relates to the 2020 election and  
8 the events that occurred on January 6th is this information  
9 that continues to be disseminated to the American public. And  
10 as a result of that, is creating the dissension that exists in  
11 America and that is just not good for the future of our  
12 country.

13 And the defendant contributed to that by what he did  
14 and what he said and didn't do when he appeared on the Tucker  
15 Carlson show, because that misinformation that he contributed  
16 to, in my view, contributes to what we are still experiencing  
17 as a result of what occurred on January 6th of 2021. And  
18 absent, again, my conclusion that anything has been shown that  
19 his autism should cause him to be treated differently than  
20 other individuals, it is my conclusion that a period of  
21 detention is therefore appropriate.

22 And then, obviously, the question becomes what is the  
23 appropriate amount of time. He has already apparently served  
24 21 days. And he should be given credit, obviously, for that.  
25 But it is my conclusion that a period of detention for

1 punishment purposes, which is an appropriate factor to consider  
2 is appropriate. Also I think it is important that deterrence,  
3 both specific and general, be a part of any sentence. And I  
4 would hope that individuals in the future would appreciate that  
5 if they are going to engage in the type of inappropriate  
6 behavior that occurred on January 6th that there are going to  
7 be consequences. And those consequences are going to result in  
8 their freedom being denied, at least for some period of time,  
9 with the hope that will cause individuals not to engage in this  
10 type of behavior again. And will send a message to others  
11 discouraging them from engaging in such behavior.

12 I don't know if there is anything -- there would not  
13 appear to be anything that would need to be done to provide him  
14 with the skills and the coping mechanisms to not involve  
15 himself in anything of this nature. But I don't know if that  
16 is true or not. But I don't think that is really a significant  
17 factor to consider. Considering the types of sentences  
18 available to me -- obviously, there are a lot of different  
19 options. But it has been my position in these cases and the  
20 seriousness of these cases and what it has done to our country  
21 that a sentence of something less than detention, absent those  
22 situations that I explained earlier where someone just went  
23 into the Capitol and did not do any damage and did not assault  
24 individuals, that those alternative sentences are not an  
25 appropriate sentence to impose in this case. And I have

1 considered other individuals who have engaged in similar  
2 conduct and what type of sentence they have received to avoid  
3 not giving a sentence that is inappropriate -- different from  
4 sentences given to other individuals who engaged in similar  
5 conduct. It is my view, again, that a period of detention is  
6 appropriate. And I would conclude that defendant should be  
7 detained for a period of 60 days with credit for any time he  
8 has already served.

9 I also would require he serve on supervised release  
10 for a period of one year. And that while he is on supervised  
11 release, he cannot be rearrested for any reason whatsoever.  
12 While he is on release for any offense, he also must fully  
13 cooperate with his probation officer, which means he has to  
14 meet with that person each and every time he is told to. Also  
15 there is no indication of drug use, but he cannot possess or  
16 use illegal drugs. He will have to be tested as required at  
17 least once within 16 days of his release from his jail sentence  
18 to see if he is using drugs. And he also has to provide a  
19 sample of his DNA so see if he is involved in further crime  
20 that can be used to identify him.

21 I would, consistent with the parties' agreement,  
22 require that he pay \$500 in restitution. The probation  
23 department has done an assessment of his financial situation.  
24 And while I in no way condone the fundraising that he engaged  
25 in, it appears that he does not have the money to pay the fine.

1 And, therefore, I would impose a fine, but not the amount that  
2 is being requested. I would impose a fine in the amount of  
3 \$2,500.

4 Also, I would require that he participate in mental  
5 health treatment, if that is deemed to be necessary and that he  
6 remain in that treatment until it is no longer felt to be  
7 necessary by the probation department. Also until he has  
8 satisfied his financial obligations to the Court that he  
9 provide any financial information to the probation office that  
10 is requested and that he not create any new financial  
11 obligations by way of credit obligations until those amounts  
12 are paid or he gets authorization to do that from the probation  
13 department.

14 I also would impose a restriction that he not possess  
15 any firearms or any other dangerous weapons while he is on  
16 supervised release and that he maintain employment, if he is  
17 able to do so while he is under supervision.

18 And since he has used social media in order to  
19 provide what I consider to be disinformation about this  
20 situation, I would require that he permit his computer use to  
21 be subject to monitoring and inspection by the probation  
22 department to see if he is, in fact, disseminating information  
23 of the nature that relates to the events that resulted in what  
24 occurred on January 6th of 2021.

25 The restitution is to be paid to the Architect of the

1 Capitol. And those payments are to be made to the Court. And  
2 the Clerk's Office will then forward that money to the  
3 architect. I will also authorize the release of the  
4 presentence report to the appropriate entities who need it in  
5 order to carry out the orders of the Court.

6 The defendant does have a right to appeal his  
7 conviction and his sentence to the Court of Appeals. If he  
8 cannot afford to pay for a lawyer to represent him on appeal or  
9 if he cannot afford to pay for the papers to be filed with that  
10 Court to let the Court know he wants to appeal, those expenses  
11 will be paid free of charge by the government.

12 Probation, anything else?

13 MS. REICHLER: Nothing additional at this time, Your  
14 Honor. Thank you.

15 THE COURT: Anything else from the government?

16 MR. HAAG: Your Honor, at this time, the defendant  
17 having been sentenced, the government moves to dismiss the  
18 remaining four counts of the indictment.

19 THE COURT: Very well. That motion is granted.

20 Anything else from the defense?

21 MS. STEWART: Yes, Your Honor. Since you have  
22 determined that he should have --

23 THE COURT: I will permit him to self report.

24 MS. STEWART: Excuse me, sir?

25 THE COURT: I will permit him to self report to the

1 facility where he is designated to serve his jail sentence.

2 MS. STEWART: All right. So self reporting. And  
3 also I would ask that you notate to the Bureau of Prisons his  
4 request for minimum security, which would be a prison camp at  
5 Bastrop, Texas, B-A-S-T-R-O-P. And if that is not available,  
6 second choice of El Reno; E-L, second word, R-E-N-O. That is  
7 in Oklahoma and also a minimum security camp. But the request  
8 is for minimum security imprisonment, Your Honor.

9 THE COURT: I will recommend that he be permitted to  
10 serve a sentence at a location as close to his family as  
11 possible. But I will leave it to the Bureau of Prisons to make  
12 an assessment as to what his level of detention should be.

13 MS. STEWART: Your Honor, in other cases it is  
14 allowable. I request here that at least we be allowed to enter  
15 that his request is for minimum security. It has happened in  
16 other cases that the judge enters the minimum security request,  
17 noted by the defendant. The Bureau of Prisons doesn't have to  
18 listen to us. We understand that.

19 THE COURT: Very well. I will recommend that he be  
20 held and detained at a minimum security facility.

21 MS. STEWART: Thank you, Your Honor.

22 (Proceedings concluded at 2:23 p.m.)

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C E R T I F I C A T E

I, SHERRY LINDSAY, Official Court Reporter, certify that the foregoing constitutes a true and correct transcript of the record of proceedings in the above-entitled matter.

Dated this 14th day of June, 2023.



Sherry Lindsay, RPR  
Official Court Reporter