

**United States Court of Appeals
for the District of Columbia Circuit**

No. 23-3106

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

DANIEL GOODWYN,

Defendant-Appellant.

*On Appeal from the United States District Court for the District of Columbia in
No. 1:21-cr-00153-RBW-1, Honorable Reggie B. Walton,
U.S. Senior District Judge.*

BRIEF FOR DEFENDANT-APPELLANT

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**CERTIFICATE AS TO PARTIES,
RULINGS, AND RELATED CASES**

A. Parties and Amici:

This appeal arises from the sentencing order of DANIEL GOODWYN, the Appellant, after conviction through a guilty plea to 18 U.S.C. § 1752(a)(1), Entering and Remaining in a Restricted Building or Grounds. (ADD1) There are no intervenors or amici.

B. Rulings Under Review:

This is an appeal from the Sentence Final Judgment Order (A33-A39) entered June 16, 2023, by the Honorable Reggie Walton. Mr. Goodwyn seeks review of and revocation of the order's special conditions of supervised release for Probation Services to search his computer and install computer and electronic monitoring equipment to surveil whether his speech puts forth "disinformation" about anything related to January 6, 2021.

C. Related Cases:

This case has not been before this Court previously. There are no related cases.

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GLOSSARY OF ABBREVIATIONS

A#	Joint Appendix
ADD	Appellant's Addendum
CCTV	Closed Circuit Television
U.S.S.G.	United States Sentencing Guidelines

JURISDICTIONAL STATEMENT

The district court had jurisdiction over this criminal case pursuant to 18 U.S.C. § 3231. A timely notice of appeal having been filed on June 30, 2023, from the sentence judgment order entered June 16, 2023, 2023, this Court has jurisdiction pursuant to 28 U.S.C. § 1291 and 18 U.S.C. § 3742(a).

STATUTES AND RULES

Pursuant to Federal Rule of Appellate Procedure 28(f) and Circuit Rule 28(a)(5), pertinent constitutional provisions, statutes, and rules are set forth in the Addendum to this brief.

STATEMENT OF ISSUES

ISSUE 1: Whether the district court made a mistake of law and abused its discretion under U.S.S.G. § 5D1.3(b), (ADD3)18 U.S.C. § 3553(a), (ADD6) and § 3583(d) (ADD11) by ordering the special release condition of computer searches and monitoring for "disinformation" when there is no law regarding "disinformation," and no computer use was reasonably related to Mr. Goodwyn's conduct under 18 U.S.C. § 1752(a)(1), Entering and Remaining in a Restricted Building or Grounds (ADD1).

ISSUE 2: Whether the district court is violating Mr. Goodwyn's rights under the First Amendment to the U.S. Constitution by its order of computer monitoring and searches for "disinformation" where there is no definition of "disinformation" and there was no computer use that was related to or facilitated his crime under 18 U.S.C. § 1752(a)(1), Entering and Remaining in a Restricted Building or Grounds (ADD1).

ISSUE 3: Whether the district court is directing violations of the Fourth Amendment to the U.S. Constitution by ordering computer monitoring and searches without reasonable suspicion or probable cause of criminal activity; where computer searches for undefined "disinformation" are not reasonably related to any crime, let alone the 18 U.S.C. § 1752(a)(1), Entering and Remaining in a Restricted Building or Grounds trespassing charge for which Mr. Goodwyn was sentenced.

STATEMENT OF THE CASE

Mr. Goodwyn's conviction is for the misdemeanor 18 U.S.C. § 1752(a)(1), Entering and Remaining in a Restricted Building or Grounds on January 6, 2021. (ADD1). His admission of guilt arose from his conduct involving entry into and remaining in the United States Capitol for under one minute at around 3:32 p.m. He never knew he was not allowed to be on the grounds. He never engaged in, encouraged, incited, or witnessed violence on January 6, 2021 at the U.S. Capitol.

This appeal is not challenging the prison sentence of sixty days that is already completed. Nor is it challenging the fine which is in the guidelines range even though the district court and the Presentence Investigation Report each wrote that he could not afford to pay. The fine was issued for being on a television cable network news show (Tucker Carlson) and not volunteering on air that he used a megaphone to ask others to go inside with him to support the objection process of the Electoral Count. This appeal does not challenge any of the mandatory conditions of release or the one year term of supervised release. The only challenge brought by this appeal is to vacate the special release condition that Mr. Goodwyn must permit of searches his computer and installation of computer monitoring software and equipment to determine whether he is spreading "disinformation" on social media or anywhere. The § 1752 crime involved physical trespass with no related computer use; and he has never been convicted of the non-existent crime of "spreading disinformation."

I. Facts and Background:

Mr. Goodwyn went to Washington, D.C. to attend January 6, 2021 permitted rallies and to support the Electoral Vote Count, including legal objections. Mr. Goodwyn knew permitted rallies were to occur on or near the U.S. Capitol grounds on the afternoon of January 6, 2021. He participated in the march to the United States Capitol, arrived sometime around or after 2:00 p.m., and then at some point followed the crowd of marchers toward the west lawn pathway and onto the grounds.

Presented as mitigating by the Defense and overruled: Mr. Goodwyn was diagnosed before January 6, 2021 with the disability of high functioning autism. He participates in therapy since he operates on cues and signals in daily life and social interactions. Autism is not a mental illness.

Mr. Goodwyn is a person with deep religious convictions and values where he did not seek to violate the law. Occupationally, he performed ministry work prior to January 6, 2021. His sole proprietor web site development business requires significant computer use. As a self-employed businessman and journalist, he writes stories that include private interviews (conducted via Zoom and in-person, with the implication of privileged source information), creates website designs, and develops, maintains, and operates web site content. His also receives requests for journalism or free-lance citizen journalism for inclusion in documentary production. His work

encompasses video and reporting that require significant computer and on-line usage that involve clients' proprietary films, documentaries, and materials.

At least one event that Mr. Goodwyn attended prior to January 6, 2021 involved a protest at a state capitol, with protestors invited inside the building. Given his autism and experiential learning of allowable behavior, when Mr. Goodwyn arrived with the peaceful march on the west side of the U.S. Capitol around or after 2:00 p.m. on January 6, 2021, there was no signage indicating that he could not enter the grounds. Over a thousand people were already present on the west side; there were no police or barricades to deter entry; there were no signs indicating any locations or routes to the multiple permitted rallies that had been advertised prior to January 6, 2021; and no dispersal announcements were made.

Mr. Goodwyn entered the grounds in the belief he was allowed to enter. The use of less than lethal weaponry such as rubber bullets, pepper balls, OC spray, and flash bang grenades by the police was not evident. Mr. Goodwyn went up steps to the left of the inaugural stage build-out without encountering or crossing any police lines. There were no police on the lower level because the police had been issued a pullback order into the building at 2:00 p.m. over the main radio channel. He did not see the "tunnel," or physical engagements between civilians and police.

Mr. Goodwyn saw many law enforcement persons standing on the upper west terrace near the Senate wing door and its courtyard-like area. He observed people

enter while others exited - all orderly. None of the many police in the immediate area told anyone to not enter or tried to block the door. Nobody had to cross a police line to enter the open door. During his time on the upper terrace, Mr. Goodwyn observed only peaceful activity. He used a bullhorn to tell others to go inside with him - he wanted to support the objections and electoral count. His intent was for voices to be heard in support of the Electoral Count process. Nobody listened to him, and nobody moved towards the open door. Video showed several nearby bystanders tell him or shake their heads "no."

Mr. Goodwyn entered the building through the Senate wing door where the noise level was loud. He sought an empty space so he could look around without being pushed. He did not hear the police officer by the doorway tell him to stop as he entered. The government asserted that the soundless CCTV video showed a police officer reaching out to Mr. Goodwyn. Mr. Goodwyn sensed some touch but did not know that a police officer was trying to grab him. Mr. Goodwyn went forward several yards and stopped when he reached an empty spot. He then saw a police cordon. The police officer from the doorway had chased after Mr. Goodwyn, and then grabbed him and ordered him to leave. Mr. Goodwyn admitted that at this point he knew he was not allowed to be present and complied. However, when hailed by a live streamer who was allowed to stay, Mr. Goodwyn had a very short dialogue, thus unlawfully remaining. The live streamer broadcast Mr. Goodwyn call the police

officer who ejected just him an "oath breaker." Mr. Goodwyn was inside the building for under a minute.

Mr. Goodwyn did not livestream while on the grounds or in the building. He experienced time delays in text message receipt, apparently caused by cell service interruptions or interference. He received or sent a few Instagram messages but did not post pictures. He had a few private text message communications with his brother, who was not in Washington D.C. None of his limited communications glorified or condoned violence. He was not aware of any violence until that evening after returning to his hotel.

Mr. Goodwyn did not have a computer on his person at the U.S. Capitol. He did not use any computer in any relation to his entry onto the Capitol grounds or for his time inside the building. His computer and phone were previously searched by the Federal Bureau of Investigation after January 15, 2021, with no finding of illicit or unlawful content. Mr. Goodwyn did not conduct on-line searches for the U.S. Capitol grounds or building diagrams. He did not use his computer to plan to violate any law. Nothing on Mr. Goodwyn's computer could be reasonably considered to be related to the "trespass" conduct that he was convicted for in violation of 18 U.S.C. § 1752(a)(1), Entering or Remaining in Restricted Grounds or a Building.

II. Proceedings and the Disposition:

Mr. Goodwyn was initially charged by a Complaint on January 15, 2021, for what the government refers to as "the four standard misdemeanors." These are 18 U.S.C. §§ 1752(a)(1) - (a)(2), Restricted Building or Grounds (ADD1); and 40 U.S.C. §§ 5104(e)(2)(D) and (G), respectively titled disorderly and disruptive conduct; and parading, demonstrating, or picketing in any of the Capitol buildings. Ultimately the government presented a second superseding indictment with the above four misdemeanors, and felony 18 U.S.C. § 1512(c)(2). Case 1:21-cr-00153 ECF No. 34.

After pretrial motions and the Defense's Notice of an Affirmative Defense for the § 1512(c)(2) felony charge, plea negotiations led to a plea offer and acceptance to the misdemeanor charge of § 1752(a)(1). A14-24. The Statement of the Offense listed the standard mandatory government "Attack on the Capitol" paragraphs that declare the government's view of the January 6, 2021 events. Facts regarding Mr. Goodwyn's conduct and speech are contained in A27-31. His conduct included protected speech using his phone to communicate. He did not use a computer, and none of his speech or electronics use facilitated any crime. For example, he forwarded a CBS news report of the Electoral Count, he admitted he went inside, and he stated he did not break anything.

SENTENCING HEARING DAY 1

Mr. Goodwyn's sentencing began on June 5, 2023. The oral arguments focused on sentencing memoranda topics about the amount of any fine, imprisonment, and supervised release. The government admitted it made a typographical error in demanding three years instead of the maximum one year of supervised release. It demanded a fine in excess of the statutory limit, wrongly claiming he profited from his crime when he is in fact in debt. The main argument was that Mr. Goodwyn answered Tucker Carlson's questions on a broadcast cable show in March 2023 about the video of his time inside the Capitol but did not take over the show to talk about any speech outside, where Mr. Goodwyn was under the belief he and others could legally enter through the open door as police watched. The Defense submitted its own sentencing memorandum at Case 1:21-cr-00153 ECF No. 105 on May 23, 2023 with proposed sentencing. The Defense argued against the Government's proposals in the Sentencing Memorandum and again at the Sentencing Hearing on June 5, 2023.

Neither the Government nor Probation Services discussed or recommended computer searches or monitoring in their documents or in statements in court on June 5, 2023. The Probation Services' restricted report to Judge Walton recommended probation and no prison, with no mention of computer monitoring. The Presentence Investigation Report, 1:21-cr-00153 at ECF No. 99 (Restricted) merely included

Probation Service's general statement that for supervised release conditions, the court *could impose* a condition that Mr. Goodwyn:

submit to a search of [his] person, property, residence, adjacent structures, office, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), and other electronic communications or data storage devices or media, conducted by a U.S. Probation Officer. Failure to submit to a search may be grounds for revocation. . . . An officer may conduct a search pursuant to this condition only when *reasonable suspicion exists* that you have violated a condition of your release and/or that the area(s) or item(s) to be searched contain evidence of this violation or contain contraband. Any search must be conducted at a reasonable time and in a reasonable manner.

1:21-cr-00153, ECF No. 99 at 23. (Emphasis added).

The Court stated it needed to think overnight since it did not have experience with autism. The judge did not ask the Government or Defense to come back on June 6, 2023 prepared to discuss any topic, such as computer monitoring. The judge made no mention of computer monitoring, which was also not addressed in any sentencing memorandum, recommendation by any party, or oral argument.

SENTENCING DAY 2 – JUNE 6, 2023

When the court reconvened on June 6, 2023, it was in transmit mode only as Judge Walton delivered the sentence. A42-54. In his delivery, Judge Walton began by asserting his view on the legitimacy of the 2020 election, in seeming chastisement of anyone who questioned illegalities and irregularities. He asserted thoughts in Mr. Goodwyn's head never before shown and contrary to Mr. Goodwyn's admissions.

A42-43. Judge Walton then attacked Tucker Carlson, claiming he creates discord through misinformation, with Mr. Goodwyn also responsible for misinformation.

A44-45.

Mr. Goodwyn's entry into and exit from the U.S. Capitol encompassed all of about 40 seconds. But the government's version and the many minutes of interpretation it inserted about the short video was a topic the judge expected Mr. Goodwyn to talk about. All he was asked specifically regarding his crime of entering a restricted building was if did anything violent, did he hurt anyone, or did he break anything. Mr. Goodwyn answered "no" truthfully. The judge admonished Mr. Goodwyn for not talking about using a bullhorn outdoors even though Tucker Carlson only had CCTV indoor video, and was only discussing the crime for which Mr. Goodwyn pled guilty. As the center of the Court's attention, the unsourced video the Government displayed for the outdoors area showed that nobody moved to the door given Mr. Goodwyn's bullhorn speech. The judge expected that Mr. Goodwyn should have taken over Tucker Carlson's cable news show to talk about something Mr. Goodwyn was not charged with (i.e., public speech), that had no effect, and where the words he used were in the belief people could lawfully enter the door. Given a longer TV segment, the detail might have been addressed, even though it was a fact about conduct that did not relate to any element of the "trespass" crime.

The purpose of the TV segment was to provide the audience information on

how to help January 6 defendants whose lives, families, and businesses have been deliberately destroyed by the DOJ's method of prosecution. Prayer was among the options that Mr. Goodwyn presented. The judge's ire over Mr. Goodwyn not mentioning that he asked people to go in (and nobody did), moved to disparaging Mr. Goodwyn for his sympathy for the families who lost loved ones by police force.

After restricting firearms possession and requiring employment, Judge Walton then stated, without any facts in evidence, and no prior discussion or warning,

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

Transcript A52:18-24.

The above had little chance of enactment given Probation Services' understanding of U.S. Supreme Court decisions that require reasonable suspicion of a crime before searches can be reasonable. This was shown in the Presentence Investigation Report language about searches discussed *supra*.

The judge announced that Mr. Goodwyn had the right to appeal his sentence.

Transcript A53:6-7.

The monitoring order was a surprise to the Defense and at least the Probation Services representative. Despite Appellant's sentencing memorandum in and of itself

serving as an objection to any sentence and conditions outside of the Defense's recommendation, the above monitoring order lacks clarity and legal authority. The accusation of past social media use, and the "monitoring" search were the first items the Defense intended to address when given the opportunity to speak. However, when the undersigned started to address the matter, the judge interrupted and raised the issue of self-surrender. Transcript, A53:21-23. The discussion, with some argument, centered then on what level of security and prison the judge should include in his judgment order. The judge then closed the sentencing. Transcript A54:19-21.

Mr. Goodwyn intended to submit a motion for reconsideration with Probation Services and possibly Government consent to vacate the computer search language since no computer use was remotely or reasonably related to his trespass crime, and there is no federal law (yet) criminalizing "disinformation." There is no common definition of "disinformation." It originates from the old Soviet Union intelligence agency and the operational term "dezinformatsiya" (alternately maskirovka) for state-sponsored campaigns to deceive enemies. This shortly spread to media deception against the public. Common history shows that other nation states' intelligence agencies (the CIA, MI-6 to name two) copied the Soviets.¹ Mr.

¹ The concepts were schoolhouse instruction topics, generally known to all U.S. intelligence officers who served in the Cold War period. The definition today is not in U.S. law.

Goodwyn does not work for any U.S. intelligence agency or affiliate. Nor has he ever deliberately posted false information, if indeed that is what the judge meant.

The judge alternately used the term "misinformation." Merriam Webster defines "misinformation" as false or misleading information.² Multiple dictionaries distinguish "misinformation" and "disinformation" as different based on intent. Misinformation involves error or ignorance. Disinformation is deliberate. Neither is a crime by itself. U.S. laws use terms such as "fraud."

The motion for reconsideration became untenable upon entry of the Judgment Order (A32-39) on June, 16, 2023. This written Order included a new special condition of release not discussed at the sentencing hearing, including the June 6, 2023 verbal sentencing order. The without notice special condition mandates installation of unspecified software (and potentially hardware) for invasive surveillance and monitoring of all computer activity:

To ensure compliance with the computer monitoring condition, you must allow the probation officer to conduct initial and periodic unannounced searches of any computers . . . subject to computer monitoring. These searches shall be conducted to determine whether the computer contains any prohibited data prior to the installation of the monitoring software, whether the monitoring software is functioning effectively after its installation, and whether there have been any attempts to circumvent the monitoring software

Order A37.

² Merriam-webster on-line at: <https://www.merriam-webster.com/dictionary/misinformation> (last visited September 1, 2023).

SUMMARY OF THE ARGUMENT

I. ISSUE 1

The first argument concludes that the computer monitoring must be vacated because the district court abused its discretion, and alternately clearly erred in ordering the special release condition of computer monitoring searches because there is no relation between computer or internet use and the crime for sentencing, with no history of abuse of computers or the internet that portend harm to the public. Computer monitoring software was designed for sex offenders as listed for *probation* under 18 U.S. Code § 3563, (where 18 U.S.C. Section 3583, Inclusion of a Term of Supervised Release after Imprisonment refers to § 3563).

The caselaw is consistent across circuits that computer monitoring and searches must be because a computer or internet access facilitated the crime being sentenced.

USSG §5D1.3 - Conditions of Supervised Release - provides clear standards for supervised release discretionary conditions, in which computer monitoring falls. For discretionary supervised release conditions, USSG §5D1.3(b) requires that the conditions:

- (1) are reasonably related to (A) the nature and circumstances of the offense and the history and characteristics of the defendant;
- (B) the need for the sentence imposed to afford adequate deterrence to criminal conduct;
- (C) the need to protect the public from further crimes of the defendant; and

- (D) the need to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner; and
- (2) involve no greater deprivation of liberty than is reasonably necessary for the purposes set forth above

USSG §5D1.3(b) (ADD5).

The computer search and monitoring sentence bears no reasonable relation to the nature and circumstances of the Section 1752 Restricted Grounds offense. No electronic device facilitated the offense. Further, the Court deigned the special condition as being for disinformation monitoring that has no relation to the Section 1752(a)(1) crime of entering a restricted building.

The above argument is bolstered by 18 U.S.C. § 3553(a), Imposition of a Sentence (ADD6), where the court shall consider:

- (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

18 U.S.C. § 3553(a) (ADD6)

II. ISSUE 2

This argument addresses the First Amendment violations that will result if the search and monitoring Order is implemented. The violations by the district court of

USSG §5D1.3(b) and 18 U.S.C. § 3553(a) in imposing the condition will amount to government censorship of content and viewpoint. The sentence is meant to chill speech, and compel the Appellant to speak the judge's and possibly the Supervisory Release Officer's beliefs. There can be no due process where the judge who can arbitrarily decide what is disinformation is the authority to revoke supervised release and add prison time for speech he disagrees with. The order is unconstitutionally vague as no person can know what violates supervisory release through arbitrary and undefined "disinformation." The searches and monitoring will cause loss of business as Mr. Goodwyn's business is centered around the internet with web design and then journalism that should afford privilege with sources and information content. The order is outside the authority of the judge.

III. ISSUE 3

This part of the argument addresses the Fourth Amendment violation that is imminent of Probation Services installs software to monitor computer use. The search requires no reasonable suspicion or probable cause that there is a crime. Mr. Goodwyn committed no crime involving a computer. Without warrant and reasonable suspicion, the government can unreasonably and continuously monitor everything Mr. Goodwyn does on his computer. The Order violates all the recent U.S. Supreme Court holdings on searches of personal electronic devices.

ARGUMENT

A preliminary issue is whether Mr. Goodwyn may appeal given that he signed a plea agreement with rights' waivers. (A19-20). Neither party breached the plea deal. Mr. Goodwyn is not appealing the prison sentence, fine, or period of supervised release - which most of the available caselaw addresses. The sentence appeal is based on an unreasonable special condition that must be vacated. The contract, i.e., the plea agreement, contained waivers that were knowing and voluntary in the expectation that sentencing would be reasonable, and would fairly adhere to and fall within the USSG, policies, and relevant statutes. The district court did not impose a special condition of supervised release, specifically as related to computer and electronic device searches and monitoring, that are "reasonably related" to and in synch with factors set forth in 18 U.S.C. § 3553, the USSG, or 18 U.S.C. § 3583. The special condition has no relation to the offense, and the judge announced that the purpose was to monitor and search for disinformation speech. The special condition also fails the statute requirements where it must involve "no greater deprivation of liberty than is reasonably necessary for the purposes identified in that section." *United States v. Malenya*, 736 F.3d 554, 559 (D.C. Cir. 2013). Citing 18 U.S.C. § 3583(d)(1), (2)).

After delivering a sentence with a surprise special condition that no party had requested, the judge stated that Mr. Goodwyn could appeal his sentence. (Transcript A53:6-7).

Here, the surprise addition by the judge of a special condition of release for computer and electronic device searches, with monitoring software installation based on no reasonable suspicion or probable cause related to a crime, and with no relation to the 18 U.S.C. Section 1752(a)(1) trespass crime that was the subject of sentencing, is substantively unreasonable. The court's exit from the guidelines and law now mandates an appeal because the rights waiver in the plea agreement contemplated nothing of the sort, and the condition is an abuse of discretion that embarrasses the judiciary and policies. Mr. Goodwyn cannot have been expected to imagine this special condition would be applied here. Those signing plea contracts accept risks regarding the court's sentence decision, but this case is not about that type of normal risk as discussed in *United States v. Guillen*, [561 F.3d 527, 529](#) (D.C. Cir. 2009) or *United States v. Lee*, 888 F.3d 503, 506 (D.C. Cir. 2018). Further, censoring speech by a form of coercion where the ambiguous "disinformation" decision can cause prison time serves no public purpose and violates the U.S. Constitution's First Amendment.

The second matter relates to whether the objection to the oral order's special condition for computer search/monitoring on June 6, 2021 (Transcript, A52:18-24) was preserved. The Appellant did preserve his claim of error under Fed. R. Crim P. Rule 52 by his sentencing memorandum, and the attorney and Appellant's oral argument and allocution respectively, where no party including Probation Services,

mentioned a special condition of supervised release, particularly computer searches and monitoring for "disinformation." Rule 52 states that a party preserves the claim of error by informing the court of its position when the court ruling is sought. Further, Rule 52 states that if a party does not have an opportunity to object to an order, the absence of an objection does not prejudice the party.

In this case, the special condition of release for computer search and monitoring came out of the blue with no opportunity to be heard as the Court adjourned. Then, when the Judgment Order was entered on June 16 through the ECF system (Order, A37), there was no opportunity to be heard about the new requirement for installation of software for monitoring. There was no notice that the court was considering such a condition of supervised release. There was no opportunity to be heard. However, because the sentencing memoranda from the parties show none asked for computer monitoring and searches, each demonstrated that they opposed such an unreasonable condition. “[A]ppellate review of sentencing decisions is limited to determining whether they are ‘reasonable,’ *United States v. Booker*, 543 U.S. 220, (2005). This Court has reiterated that in several cases. “There is no preservation requirement for reasonableness review.” *United States v. Brown*, 808 F.3d 865, 870 (D.C. Cir. 2015). *See United States v. Bras*, [483 F.3d 103, 113](#) (D.C.Cir.2007).

Additionally,

To insist that defendants object at sentencing to preserve appellate review for reasonableness would create a trap for unwary defendants. . . . Since the district court will already have heard argument and allocution from the parties and weighed the relevant § 3553(a) factors before pronouncing sentence, we fail to see how requiring the defendant to then protest the term handed down as unreasonable will further the sentencing process in any meaningful way.

Bras, 483 F.3d 103, 113. (quoting *United States v. Castro-Juarez*, 425 F.3d 430, 433-34 (7th Cir. 2005)).

Because of the above, Mr. Goodwyn has a valid appeal for this specific part of his sentence, to include for unconstitutionality, and the standard of review for the violation of the guidelines and statutes in Issue I is abuse of discretion with substantial unreasonableness, while Constitutional issues are reviewed de novo under the appropriate scrutiny standards.

I. The District Court Abused Its Discretion and Made a Mistake of Law by Ordering a Supervised Release Special Condition for Computer and Device Searches, with Monitoring for "Disinformation."

A. Standard of Review.

The Normal Standard for Sentencing Appeals is "Reasonableness" and Abuse of Discretion.

As the U.S. Supreme Court held, this Court repeated that, "We review sentences for abuse of discretion." *U.S. v. Love*, 593 F.3d 1, 6 (D.C. Cir. 2010); *See Gall v. United States*, 552 U.S. 38, 46, 128 S.Ct. 586 (2007). The standard goes

further in that "In such a review we ask 'whether the district court considered the prescribed factors and clearly articulated their effect on its decision.'" *United States v. Wright*, 6 F.3d 811, 813 (D.C.Cir. 1993). See *United States v. Malenya*, 736 F.3d 554, 559 (D.C. Cir. 2013).

As happened in the present case, "An error of law occurs if the sentence results from a misapplication of the sentencing statutes - here 18 U.S.C. § 3553(a) - or the Sentencing Commission's guidelines or policy statements or if the court fails to adequately explain (for appellate review purposes) the reasons for the sentence it imposed." *Gall*, 552 U.S. at 51. Punishing speech and instituting spying cannot be assessed as an adequate explanation.

Russell's Court addressed the reasonableness standard after stating that objections when sentences are handed down are not required. "Substantive reasonableness is the catch-all criterion under which the reviewing court monitors (deferentially - for abuse of discretion) whether the district court has given reasonable weight to all the factors required to be considered." *U.S. v. Russell*, 600 F.3d 631, 633 (D.C. Cir. 2010).

If the Court were to decide the claim was not preserved under 18 U.S.C. Section 3553 (ADD 6) or 18 U.S.C. § 3583(d)(1), (A11) "the court of appeals can vacate the condition only if it is 'plainly out of sync with' the relevant statutory factors." *U.S. v. Burroughs*, 613 F.3d 233, 240 (D.C. Cir. 2010). Because there can

be no doubt here that "disinformation" is and was not any crime, let alone the one for sentencing, the condition of computer monitoring is clearly 'out of synch.' There can be no adequate explanation that gives any illusion of 'synch.'

B. The Special Condition of Computer Searches and Monitoring in the Sentence Violates the Statutory Considerations and is an Abuse of Discretion.

A majority of the appealed cases that involved computer monitoring were for a crime that involved child pornography or a similar threat to children.

The Burroughs case has similarities to Mr. Goodwyn's case. Burroughs did not use a computer to facilitate his crimes. The government searched his computer after arrest, and found nothing illegal. "Not knowing the court's reasons for imposing these conditions, finding the government's reasons unsupported by the record, and unable to identify any ourselves, we vacate the conditions as plainly out of sync with the relevant factors and remand for further proceedings." *U.S. v. Burroughs*, 613 F.3d 233, 242 (D.C. Cir. 2010). Likewise, *United States v. Perazza-Mercado*, 553 F.3d 65(2009) is analogous. The crime he was sentenced for had no relation to use of a computer or digital device. The courts across the circuits either remand or vacate special conditions where no digital device or Internet use facilitated the crime being sentenced.

The U.S. SENTENCING GUIDELINES MANUAL § 5D1.3(d)(7) (2007); and § 5D1.2 cmt. n. 1. specify that conditions "limiting the use of a computer or an interactive computer service make the list, but only in cases in which the

defendant used such items." *Id.* § 5D1.3(d)(7)(B). By implication, **restrictions on computer or Internet access are not *categorically* appropriate in cases where the defendant did not use them to facilitate his crime.**" *Burroughs*, 613 F.3d at 242. "The government points to no facts making the computer restrictions reasonably related to the nature and circumstances of *Burroughs*'s offense." *Id.* The situation has often recurred. "It is sufficient that the challenged conditions of supervised release are "plainly out of sync" with the factors listed in § 3583(d)(1). *U.S. v. Burroughs*, 613 F.3d 233, 244 (D.C. Cir. 2010)(quoting *Sullivan*, 451 F.3d at 895); *see also Olano*, 507 U.S. at 734.

Bans on Internet usage are draconian, and courts usually set those for criminals involved with running drug operations, wire fraud schemes, and especially those who entice children for pornography or sex. Courts recognize that in addition to employment requirements, people use the Internet for a myriad of legal activities such as paying bills, news and weather updates, and communications with friends and family. *Love*, 593 F.3d at 12. Surveilling internet activity and data on phones and computers exposes a person's life. This circuit recognized the negative impact on liberty in *United States v. Malenya*, 736 F.3d 554, 560 (D.C. Cir. 2013). There is no indication that the district court considered the consequences to Mr. Goodwyn's privacy, and the negative impact this search and monitoring will have on his self-employment. One can easily imagine phone calls being disconnected when Mr.

Goodwyn tells a prospective client that all his web design or journalism will always have a back seat government passenger.

Mr. Goodwyn's sentence of computer search and monitoring must be examined under the statute as the overarching assessment tool for unreasonableness and abuse of discretion.

Pursuant to § 3583(d), the applicable, relevant conditions of supervised release to this case must:

[1] be reasonably related to at least one of the following: the nature and circumstances of the offense, the defendant's history and characteristics, the deterrence of criminal conduct, the protection of the public from further crimes of the defendant, and the defendant's educational, vocational, medical, or other correctional needs.

[2] ... involve no greater deprivation of liberty than is reasonably necessary to achieve the purpose of deterring criminal activity, protecting the public, and promoting the defendant's rehabilitation.

[3] ... be consistent with any pertinent policy statements issued by the Sentencing Commission.

The special condition of supervised release mandating searches and the installation of monitoring software on Mr. Goodwyn's computer and devices is an abuse of discretion and is substantively unreasonable because there is no direct

relation to the crime he was sentenced under, it is a direct deprivation of his liberty, and it is unwarranted under the statutes and USSG.

His self-employment will be impeded, and his clients will not want the government surveilling them and their proprietary interests. These means serve no purpose besides government intimidation or a direct path to prison for protected speech. There is no legitimate reason under the USSG or statutes to impose this condition. Further, there is no standard for "disinformation." The decision can only be arbitrary.

The Tenth Circuit provides that "conditions of release that impinge on a defendant's ability to seek, obtain, and maintain employment are subject to "special scrutiny," the standards of which are set forth in U.S.S.G. § 5F1.5. *United States v. Dunn*, 777 F.3d 1171, 1177 (10th Cir. 2015)((Quoting *United States v. Butler*, 694 F.3d 1177, 1184 (10th Cir. 2012)).

Mr. Goodwyn's sentence result does not even approach the written words and intent of special conditions as envisioned by the USSG in its effort to implement what Congress seeks. In the United States Sentencing Guidelines Manual, "special conditions" may be imposed in the case of:

- (1) support of dependents. . . (2) debt obligations. . .
- (3) access to financial information. . . (4) substance abuse. . .
- (5) mental health. . . (6) deportation. . . (7) sex offenses. . .
- (8) unpaid restitution, fines, or special assessments. . .

18 U.S.C.S. Appx. § 5D1.3.

Mr. Goodwyn is not a sexual offender and not in a category where he must submit to a search, "at any time, with or without a warrant, and by any law enforcement or probation officer, of the defendant's person and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media. . ." *18 U.S.C.S. Appx. § 5D1.3*. Probations Services knows it must have reasonable suspicion or probable cause - and should obtain a warrant to search.

Because the special condition of the sentence strays outside the requirement for the computer monitoring and search condition to be directly related to the crime sentenced for, to include facilitation of the crime, the special condition should be vacated. It serves no purpose other than to violate the First and Fourth Amendments. It chills, if not stops, speech. While some software specifically identifies and flags computer users who visit certain websites or use particular language, the monitoring will operate like a hidden sword against protected speech and sensitive communications. There is no standard for what will violate the "disinformation" label. There is no software to identify "disinformation." The reasons for the condition are invalid. The condition should be removed.

II. The Special Release Condition Violates the First Amendment

The Free Speech Clause of the First Amendment states that Congress shall make no law abridging the freedom of speech, or of the press. U.S. Const. amend. I.

This applies to government officials whose acts and rules, while not law, abridge freedom of speech or the press. The government cannot compel speech. The government cannot censor speech that is not a national security threat during wartime in regard to troop locations, plans, and readiness.

“If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.” *W. Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).

A. Standard of Review.

The standard for a Constitutional issue review is de novo, where here strict scrutiny must be applied because the monitoring is based on content and viewpoint discrimination. Mr. Goodwyn may not send out "disinformation," and potentially will be imprisoned if the district judge does not agree with his viewpoint.

Strict Scrutiny review requires the Government "to prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest." *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett*, 564 U. S. 721, 734, (2011). The government's purpose is the key. "A regulation that serves purposes unrelated to the content of expression is deemed neutral, even if it has an incidental effect on some speakers or messages but not others." *Ward v. Rock Against Racism*, 491 U.S. 781, 791(1989).

B. The Special Condition Requiring Searching and Monitoring for Disinformation Cannot Pass Strict Scrutiny.

Whether a law, rule, or government agency policy is "content based on its face or when the purpose and justification for the law are content based, a court must evaluate each question before it concludes that the law is content neutral and thus subject to a lower level of scrutiny." *Reed v. Town of Gilbert*, 576 U.S. 155, 166 (2015).

The government cannot limit public forums based on viewpoint discrimination. Preventing discourse and disagreement is antithetical to free speech. "The right to free speech, of course, includes the right to attempt to persuade others to change their views, and may not be curtailed simply because the speaker's message may be offensive to his audience." *Hill v. Colo.*, 530 U.S. 703, 716 (2000). This holds as long as the audience can walk away if it finds something truly offensive.

In Mr. Goodwyn's case, there is implied censorship and the reason of the special condition in searching for and monitoring "disinformation" goes to a viewpoint; where based on that and vagueness, is facially invalid. Who determines "disinformation?" What is the compelling government interest that would require invasive spying by Probation Services, the DOJ, or judge to determine whether a post or chat discussion involves a viewpoint that is different from the government's?

With no definition, anything can be disinformation. The court appears to want to replace the old twitter censors. Here, the Court's "cancellation" will equal prison time.

And why would the crime of trespass on the U.S. Capitol grounds or in the building require searches and monitoring for disinformation? Why is that crime more important than a mass shooting if neither involved the internet? There is no logic that can deliver a compelling reason in Mr. Goodwyn's case.

Narrow tailoring was not done here, mostly because nothing Mr. Goodwyn does on his computer involves violation of 18 U.S.C. Section 1752. The search and monitoring appear to be coercive threats to not speak. It is Orwellian. Mr. Goodwyn has no history of crime, let alone crime involving the internet, social media, or his electronic devices. The order appears to deliberately want to chill speech, as well as Mr. Goodwyn's right to work. His work, whether journalism or web site design is speech. He does not need a backseat spy element looking over every word.

Because the court, as government, cannot show a compelling interest to spy on Mr. Goodwyn and his clients, where the government has emplaced no restriction on itself, and appears to be enacting a prior restraint on speech, this Court should vacate the special condition of computer searches and monitoring.

"The framers designed the Free Speech Clause of the First Amendment to protect the 'freedom to think as you will and to speak as you think.'" *Boy Scouts of*

America v. Dale, [530 U.S. 640, 660-661](#) (2000). The district court should not be allowed to violate the most basic principles of the Free Speech clause. The government and court have no place in restraining speech, and enacting censorship and thought control.

III. The Special Release Condition Will Violate the Fourth Amendment

A. Standard of Review.

The standard for a Constitutional violation is de novo.

“[T]he ultimate touchstone of the Fourth Amendment is ‘reasonableness.’ *Brigham City v. Stuart*, 547 U. S. 398, 403, 126 S. Ct. 1943, 164 L. Ed. 2d 650 (2006). . . Where a search is undertaken by law enforcement officials to discover evidence of criminal wrongdoing, . . . reasonableness generally requires the obtaining of a judicial warrant.” *Vernonia School Dist. 47J v. Acton*, 515 U. S. 646, 653, 115 S. Ct. 2386, 132 L. Ed. 2d 564 (1995).” *Riley v. California*, 573 U.S. 373, 381-382 (2014).

B. The Warrantless Search and Monitoring of Mr. Goodwyn's Computer and Devices Violates the Fourth Amendment.

Many of the same "reasonableness" arguments from "I" above apply here. There is no reasonable suspicion of criminal activity. There is no probable cause to search. The application of the release condition to Mr. Goodwyn is substantively unreasonable and a violation of his rights.

The government could not obtain anything but a general warrant - illegitimate - because it has no idea what disinformation is, and there is no "disinformation" crime just because the district court disagrees with the Appellant's viewpoints. Nothing about this searching and monitoring falls within an exception for a warrantless search.

Because there is nothing reasonable about an order that lets the government come into a home unrestrained, with no concept of what it is searching for, and to continuously spy with no justifiable reason, the order is an abuse of authority and the Constitution. and must be vacated.

CONCLUSION

Because the special condition for supervision is not supported by law in its application here, and is a result of abuse of discretion and substantive unreasonableness; and because the release condition also violates the First and Fourth Amendments, the Court should vacate it.

Dated September 5, 2023

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT

COMES NOW, the Appellant, DANIEL GOODWYN, through undersigned counsel, and hereby certifies that his Brief, filed September 5, 2023:

1) complies with the word limits of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), it contains 7,286; words and

2) complies with the typeface requirements of Fed. Rd. App. P. 27(d)(1)(E) and 32(a)(5), and the type-style requirements of Fed. R. App. P. 32(a)(6), because the Brief has been prepared in a proportionally spaced typeface using Microsoft Word 365 in Times New Roman in 14-point.

Respectfully submitted,

/s/ Carolyn Stewart

Carolyn Stewart

Defense/Appellant Counsel

Stewart Country Law PA

CERTIFICATE OF SERVICE

I hereby certify on the 5th day of SEPTEMBER 2023, a copy of the foregoing was served upon all parties as forwarded through the Electronic Case Filing (ECF) System.

On this same date, the original and additional copies of the foregoing brief were filed by overnight delivery, postage prepaid, addressed as follows:

Clerk's Office—Appeal No. 23-3106
U.S. Court of Appeals for the D.C. Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Ave., NW
Washington, DC 20001

/s/ Carolyn Stewart
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ADDENDUM

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18 U.S.C. § 1752

Section 1752 - Restricted building or grounds

(a) Whoever-

(1) knowingly enters or remains in any restricted building or grounds without lawful authority to do so;

(2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engages in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions;

(3) knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions, obstructs or impedes ingress or egress to or from any restricted building or grounds; or ¹

(4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds; ²

(5) knowingly and willfully operates an unmanned aircraft system with the intent to knowingly and willfully direct or otherwise cause such unmanned aircraft system to enter or operate within or above a restricted building or grounds; or attempts or conspires to do so, shall be punished as provided in subsection (b).

(b) The punishment for a violation of subsection (a) is-

(1) a fine under this title or imprisonment for not more than 10 years, or both, if-

(A) the person, during and in relation to the offense, uses or carries a deadly or dangerous weapon or firearm; or

(B) the offense results in significant bodily injury as defined by section 2118(e)(3); and

(2) a fine under this title or imprisonment for not more than one year, or both, in any other case.

(c) In this section-

(1) the term "restricted buildings or grounds" means any posted, cordoned off, or otherwise restricted area-

(A) of the White House or its grounds, or the Vice President's official residence or its grounds;

(B) of a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting; or

(C) of a building or grounds so restricted in conjunction with an event designated as a special event of national significance; and

(2) the term "other person protected by the Secret Service" means any person whom the United States Secret Service is authorized to protect under section 3056 of this title or by Presidential memorandum, when such person has not declined such protection.

¹ So in original. The word "or" probably should not appear.

² So in original. Probably should be followed by "or".

18 U.S.C. § 1752

Added Pub. L. 91-644, title V, §18, Jan. 2, 1971, 84 Stat. 1891; amended Pub. L. 97-308, §1, Oct. 14, 1982, 96 Stat. 1451; Pub. L. 98-587, §3(b), Oct. 30, 1984, 98 Stat. 3112; Pub. L. 103-322, title XXXIII, §330016(1)(G), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 109-177, title VI, §602(a), (b) (1), Mar. 9, 2006, 120 Stat. 252; Pub. L. 112-98, §2, Mar. 8, 2012, 126 Stat. 263; Pub. L. 115-254, div. B, title III, §381, Oct. 5, 2018, 132 Stat. 3320.

EDITORIAL NOTES

AMENDMENTS2018-Subsec. (a)(5). Pub. L. 115-254 added par. (5). 2012- Pub. L. 112-98 amended section generally. Prior to amendment, section related to unlawful activities on restricted buildings or grounds.2006- Pub. L. 109-177, §602(b)(1), substituted "Restricted building or grounds" for "Temporary residences and offices of the President and others" in section catchline. Subsec. (a)(1). Pub. L. 109-177, §602(a)(1)(A), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "willfully and knowingly to enter or remain in"(i) any building or grounds designated by the Secretary of the Treasury as temporary residences of the President or other person protected by the Secret Service or as temporary offices of the President and his staff or of any other person protected by the Secret Service, or"(ii) any posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting, in violation of the regulations governing ingress or egress thereto".Subsec. (a)(2). Pub. L. 109-177, §602(a)(1)(C), added par. (2). Former par. (2) redesignated (3). Subsec. (a)(3). Pub. L. 109-177, §602(a)(1)(B), (D), redesignated par. (2) as (3), inserted "willfully, knowingly, and" before "with intent to impede or disrupt", and substituted "described in paragraph (1) or (2)" for "designated in paragraph (1)". Former par. (3) redesignated (4). Subsec. (a)(4), (5). Pub. L. 109-177, §602(a)(1)(B), (E), (F), redesignated pars. (3) and (4) as (4) and (5), respectively, and substituted "described in paragraph (1) or (2)" for "designated or enumerated in paragraph (1)" in each par.Subsec. (b). Pub. L. 109-177, §602(a)(2), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "Violation of this section, and attempts or conspiracies to commit such violations, shall be punishable by a fine under this title or imprisonment not exceeding six months, or both."Subsecs. (d) to (f). Pub. L. 109-177, §602(a)(3), redesignated subsecs. (e) and (f) as (d) and (e), respectively, and struck out former subsec. (d) which read as follows: "The Secretary of the Treasury is authorized-"(1) to designate by regulations the buildings and grounds which constitute the temporary residences of the President or other person protected by the Secret Service and the temporary offices of the President and his staff or of any other person protected by the Secret Service, and"(2) to prescribe regulations governing ingress or egress to such buildings and grounds and to posted, cordoned off, or otherwise restricted areas where the President or other person protected by the Secret Service is or will be temporarily visiting."1994-Subsec. (b). Pub. L. 103-322 which directed the amendment of this section by substituting "under this title" for "not more than \$500", was executed in subsec. (b) by substituting "under this title" for "not exceeding \$500" to reflect the probable intent of Congress.1984-Subsec. (f). Pub. L. 98-587 amended subsec. (f) generally, substituting "any person whom the United States Secret Service is authorized to protect under section 3056 of this title when such person has not declined such protection" for "any person authorized by section 3056 of this title or by Public Law 90-331 as amended, to receive the protection of the United States Secret Service when such person has not declined such protection pursuant to section 3056 of this



Guidelines Manual

2021

CHAPTER FIVE

Determining the Sentence

GUIDELINES MANUAL

CHAPTER FIVE

PART D - SUPERVISED RELEASE

§5D1.3 - CONDITIONS OF SUPERVISED RELEASE

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§5D1.3 - CONDITIONS OF SUPERVISED RELEASE

(a) MANDATORY CONDITIONS

- (1) The defendant shall not commit another federal, state or local offense (see [18 U.S.C. § 3583\(d\)](#)).
- (2) The defendant shall not unlawfully possess a controlled substance (see [18 U.S.C. § 3583\(d\)](#)).

(3) The defendant who is convicted for a domestic violence crime as defined in [18 U.S.C. § 3561\(b\)](#) for the first time shall attend a public, private, or private non-profit offender rehabilitation program that has been approved by the court, in consultation with a State Coalition Against Domestic Violence or other appropriate experts, if an approved program is available within a 50-mile radius of the legal residence of the defendant (*see* [18 U.S.C. § 3583\(d\)](#)).

(4) The defendant shall refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of release on supervised release and at least two periodic drug tests thereafter (as determined by the court) for use of a controlled substance, but the condition stated in this paragraph may be ameliorated or suspended by the court for any individual defendant if the defendant's presentence report or other reliable information indicates a low risk of future substance abuse by the defendant (*see* [18 U.S.C. § 3583\(d\)](#)).

(5) If a fine is imposed and has not been paid upon release to supervised release, the defendant shall adhere to an installment schedule to pay that fine (*see* [18 U.S.C. § 3624\(e\)](#)).

(6) The defendant shall (A) make restitution in accordance with [18 U.S.C. §§ 3663](#) and [3663A](#), or any other statute authorizing a sentence of restitution; and (B) pay the assessment imposed in accordance with [18 U.S.C. § 3013](#). If there is a court-established payment schedule for making restitution or paying the assessment (*see* [18 U.S.C. § 3572\(d\)](#)), the defendant shall adhere to the schedule.

(7) If the defendant is required to register under the Sex Offender Registration and Notification Act, the defendant shall comply with the requirements of that Act (*see* [18 U.S.C. § 3583\(d\)](#)).

(8) The defendant shall submit to the collection of a DNA sample from the defendant at the direction of the United States Probation Office if the collection of such a sample is authorized pursuant to section 3 of the DNA

Analysis Backlog Elimination Act of 2000 (34 U.S.C. § 40702).

(b) DISCRETIONARY CONDITIONS

The court may impose other conditions of supervised release to the extent that such conditions (1) are reasonably related to (A) the nature and circumstances of the offense and the history and characteristics of the defendant; (B) the need for the sentence imposed to afford adequate deterrence to criminal conduct; (C) the need to protect the public from further crimes of the defendant; and (D) the need to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner; and (2) involve no greater deprivation of liberty than is reasonably necessary for the purposes set forth above and are consistent with any pertinent policy statements issued by the Sentencing Commission.

(c) “STANDARD” CONDITIONS (POLICY STATEMENT)

The following “standard” conditions are recommended for supervised release. Several of the conditions are expansions of the conditions required by statute:

- (1) The defendant shall report to the probation office in the federal judicial district where he or she is authorized to reside within 72 hours of release from imprisonment, unless the probation officer instructs the defendant to report to a different probation office or within a different time frame.
- (2) After initially reporting to the probation office, the defendant will receive instructions from the court or the probation officer about how and when to report to the probation officer, and the defendant shall report to the probation officer as instructed.
- (3) The defendant shall not knowingly leave the federal judicial district where he or she is authorized to reside without first getting permission from the court or the probation officer.
- (4) The defendant shall answer truthfully the questions asked by the probation officer.

18 U.S.C. § 3553

Section 3553 - Imposition of a sentence

(a) FACTORS TO BE CONSIDERED IN IMPOSING A SENTENCE.-The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection. The court, in determining the particular sentence to be imposed, shall consider-

(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 for-

(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines-

(i) issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, subject to any amendments made to such guidelines by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and

(ii) that, except as provided in section 3742(g), are in effect on the date the defendant is sentenced; or

(B) in the case of a violation of probation or supervised release, the applicable guidelines or policy statements issued by the Sentencing Commission pursuant to section 994(a)(3) of title 28, United States Code, taking into account any amendments made to such guidelines or policy statements by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28);

(5) any pertinent policy statement-

(A) issued by the Sentencing Commission pursuant to section 994(a)(2) of title 28, United States Code, subject to any amendments made to such policy statement by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and

(B) that, except as provided in section 3742(g), is in effect on the date the defendant is sentenced.¹

(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.

(b) APPLICATION OF GUIDELINES IN IMPOSING A SENTENCE.-

(1) IN GENERAL.-Except as provided in paragraph (2), the court shall impose a sentence of the kind, and within the range, referred to in subsection (a)(4) unless the court finds that there exists an aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines that should result in a sentence different from that described. In determining whether a circumstance was adequately taken into consideration, the court shall consider only the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission. In the absence of an applicable sentencing guideline, the court shall impose an appropriate sentence, having due regard for the purposes set forth in subsection (a)(2). In the absence of an applicable sentencing guideline in the case of an offense other than a petty offense, the court shall also have due regard for the relationship of the sentence imposed to sentences prescribed by guidelines applicable to similar offenses and offenders, and to the applicable policy statements of the Sentencing Commission.

(2) CHILD CRIMES AND SEXUAL OFFENSES.-

(A)² SENTENCING.-In sentencing a defendant convicted of an offense under section 1201 involving a minor victim, an offense under section 1591, or an offense under chapter 71, 109A, 110, or 117, the court shall impose a sentence of the kind, and within the range, referred to in subsection (a)(4) unless-

(i) the court finds that there exists an aggravating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines that should result in a sentence greater than that described;

(ii) the court finds that there exists a mitigating circumstance of a kind or to a degree, that-

(I) has been affirmatively and specifically identified as a permissible ground of downward departure in the sentencing guidelines or policy statements issued under section 994(a) of title 28, taking account of any amendments to such sentencing guidelines or policy statements by Congress;

(II) has not been taken into consideration by the Sentencing Commission in formulating the guidelines; and

(III) should result in a sentence different from that described; or

(iii) the court finds, on motion of the Government, that the defendant has provided substantial assistance in the investigation or prosecution of another person who has

committed an offense and that this assistance established a mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines that should result in a sentence lower than that described.

In determining whether a circumstance was adequately taken into consideration, the court shall consider only the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission, together with any amendments thereto by act of Congress. In the absence of an applicable sentencing guideline, the court shall impose an appropriate sentence, having due regard for the purposes set forth in subsection (a)(2). In the absence of an applicable sentencing guideline in the case of an offense other than a petty offense, the court shall also have due regard for the relationship of the sentence imposed to sentences prescribed by guidelines applicable to similar offenses and offenders, and to the applicable policy statements of the Sentencing Commission, together with any amendments to such guidelines or policy statements by act of Congress.

(c) STATEMENT OF REASONS FOR IMPOSING A SENTENCE.-The court, at the time of sentencing, shall state in open court the reasons for its imposition of the particular sentence, and, if the sentence-

(1) is of the kind, and within the range, described in subsection (a)(4), and that range exceeds 24 months, the reason for imposing a sentence at a particular point within the range; or

(2) is not of the kind, or is outside the range, described in subsection (a)(4), the specific reason for the imposition of a sentence different from that described, which reasons must also be stated with specificity in a statement of reasons form issued under section 994(w) (1)(B) of title 28, except to the extent that the court relies upon statements received in camera in accordance with Federal Rule of Criminal Procedure 32. In the event that the court relies upon statements received in camera in accordance with Federal Rule of Criminal Procedure 32 the court shall state that such statements were so received and that it relied upon the content of such statements.

If the court does not order restitution, or orders only partial restitution, the court shall include in the statement the reason therefor. The court shall provide a transcription or other appropriate public record of the court's statement of reasons, together with the order of judgment and commitment, to the Probation System and to the Sentencing Commission,³ and, if the sentence includes a term of imprisonment, to the Bureau of Prisons.

(d) PRESENTENCE PROCEDURE FOR AN ORDER OF NOTICE.-Prior to imposing an order of notice pursuant to section 3555, the court shall give notice to the defendant and the Government that it is considering imposing such an order. Upon motion of the defendant or the Government, or on its own motion, the court shall-

(1) permit the defendant and the Government to submit affidavits and written memoranda addressing matters relevant to the imposition of such an order;

(2) afford counsel an opportunity in open court to address orally the appropriateness of the imposition of such an order; and

(3) include in its statement of reasons pursuant to subsection (c) specific reasons underlying its determinations regarding the nature of such an order.

Upon motion of the defendant or the Government, or on its own motion, the court may in its discretion employ any additional procedures that it concludes will not unduly complicate or prolong the sentencing process.

(e) LIMITED AUTHORITY TO IMPOSE A SENTENCE BELOW A STATUTORY MINIMUM.-Upon motion of the Government, the court shall have the authority to impose a sentence below a level established by statute as a minimum sentence so as to reflect a defendant's substantial assistance in the investigation or prosecution of another person who has committed an offense. Such sentence shall be imposed in accordance with the guidelines and policy statements issued by the Sentencing Commission pursuant to section 994 of title 28, United States Code.

(f) LIMITATION ON APPLICABILITY OF STATUTORY MINIMUMS IN CERTAIN CASES.-Notwithstanding any other provision of law, in the case of an offense under section 401, 404, or 406 of the Controlled Substances Act (21 U.S.C. 841, 844, 846), section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 960, 963), or section 70503 or 70506 of title 46, the court shall impose a sentence pursuant to guidelines promulgated by the United States Sentencing Commission under section 994 of title 28 without regard to any statutory minimum sentence, if the court finds at sentencing, after the Government has been afforded the opportunity to make a recommendation, that-

(1) the defendant does not have-

(A) more than 4 criminal history points, excluding any criminal history points resulting from a 1-point offense, as determined under the sentencing guidelines;

(B) a prior 3-point offense, as determined under the sentencing guidelines; and

(C) a prior 2-point violent offense, as determined under the sentencing guidelines;

(2) the defendant did not use violence or credible threats of violence or possess a firearm or other dangerous weapon (or induce another participant to do so) in connection with the offense;

(3) the offense did not result in death or serious bodily injury to any person;

(4) the defendant was not an organizer, leader, manager, or supervisor of others in the offense, as determined under the sentencing guidelines and was not engaged in a continuing criminal enterprise, as defined in section 408 of the Controlled Substances Act; and

(5) not later than the time of the sentencing hearing, the defendant has truthfully provided to the Government all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan, but the fact that the defendant has no relevant or useful other information to provide or

that the Government is already aware of the information shall not preclude a determination by the court that the defendant has complied with this requirement. Information disclosed by a defendant under this subsection may not be used to enhance the sentence of the defendant unless the information relates to a violent offense.

(g) DEFINITION OF VIOLENT OFFENSE.—As used in this section, the term "violent offense" means a crime of violence, as defined in section 16, that is punishable by imprisonment.

¹ So in original. The period probably should be a semicolon.

² So in original. No subpar. (B) has been enacted.

³ So in original.

18 U.S.C. § 3553

Added Pub. L. 98-473, title II, §212(a)(2), Oct. 12, 1984, 98 Stat. 1989; amended Pub. L. 99-570, title I, §1007(a), Oct. 27, 1986, 100 Stat. 3207-7; Pub. L. 99-646, §§8(a), 9(a), 80(a), 81(a), Nov. 10, 1986, 100 Stat. 3593, 3619; Pub. L. 100-182, §§3, 16(a), 17, Dec. 7, 1987, 101 Stat. 1266, 1269, 1270; Pub. L. 100-690, title VII, §7102, Nov. 18, 1988, 102 Stat. 4416; Pub. L. 103-322, title VIII, §80001(a), title XXVIII, §280001, Sept. 13, 1994, 108 Stat. 1985, 2095; Pub. L. 104-294, title VI, §§601(b)(5), (6), (h), Oct. 11, 1996, 110 Stat. 3499, 3500; Pub. L. 107-273, div. B, title IV, §4002(a)(8), Nov. 2, 2002, 116 Stat. 1807; Pub. L. 108-21, title IV, §401(a), (c), (j) (5), Apr. 30, 2003, 117 Stat. 667, 669, 673; Pub. L. 111-174, §4, May 27, 2010, 124 Stat. 1216; Pub. L. 115-391, title IV, §402(a), Dec. 21, 2018, 132 Stat. 5221.

EDITORIAL NOTES

REFERENCES IN TEXTThe Federal Rules of Criminal Procedure, referred to in subsec. (c)(2), are set out in the Appendix to this title. Section 408 of the Controlled Substances Act, referred to in subsec. (f)(4), is classified to section 848 of Title 21, Food and Drugs.

CONSTITUTIONALITYFor information regarding the constitutionality of certain provisions of this section, as amended by section 401(a)(1) of Pub. L. 108-21 see the Table of Laws Held Unconstitutional in Whole or in Part by the Supreme Court on the Constitution Annotated website, constitution.congress.gov.

AMENDMENTS**2018**—Subsec. (f). Pub. L. 115-391, §402(a)(1)(A), (C), in introductory provisions, substituted ", section 1010" for "or section 1010" and inserted ", or section 70503 or 70506 of title 46" after "963)", and inserted concluding provisions. Subsec. (f)(1). Pub. L. 115-391, §402(a)(1)(B), added par. (1) and struck out former par. (1) which read as follows: "the defendant does not have more than 1 criminal history point, as determined under the sentencing guidelines;". Subsec. (g). Pub. L. 115-391, §402(a)(2), added subsec. (g). **2010**—Subsec. (c)(2). Pub. L. 111-174 substituted "a statement of reasons form issued under section 994(w)(1)(B) of title 28" for "the written order of judgment and commitment". **2003**—Subsec. (a)(4)(A). Pub. L. 108-21, §401(j)(5)(A), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: "the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, and that are in effect on the date the defendant is sentenced; or". Subsec. (a)(4)(B). Pub. L. 108-21, §401(j)(5)(B), inserted before semicolon at end ", taking into account any amendments made to such guidelines or policy statements by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued

18 U.S.C. § 3583

Section 3583 - Inclusion of a term of supervised release after imprisonment

(a) IN GENERAL.-The court, in imposing a sentence to a term of imprisonment for a felony or a misdemeanor, may include as a part of the sentence a requirement that the defendant be placed on a term of supervised release after imprisonment, except that the court shall include as a part of the sentence a requirement that the defendant be placed on a term of supervised release if such a term is required by statute or if the defendant has been convicted for the first time of a domestic violence crime as defined in section 3561(b).

(b) AUTHORIZED TERMS OF SUPERVISED RELEASE.-Except as otherwise provided, the authorized terms of supervised release are-

(1) for a Class A or Class B felony, not more than five years;

(2) for a Class C or Class D felony, not more than three years; and

(3) for a Class E felony, or for a misdemeanor (other than a petty offense), not more than one year.

(c) FACTORS TO BE CONSIDERED IN INCLUDING A TERM OF SUPERVISED RELEASE.-The court, in determining whether to include a term of supervised release, and, if a term of supervised release is to be included, in determining the length of the term and the conditions of supervised release, shall consider the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7).

(d) CONDITIONS OF SUPERVISED RELEASE.-The court shall order, as an explicit condition of supervised release, that the defendant not commit another Federal, State, or local crime during the term of supervision, that the defendant make restitution in accordance with sections 3663 and 3663A, or any other statute authorizing a sentence of restitution, and that the defendant not unlawfully possess a controlled substance. The court shall order as an explicit condition of supervised release for a defendant convicted for the first time of a domestic violence crime as defined in section 3561(b) that the defendant attend a public, private, or private nonprofit offender rehabilitation program that has been approved by the court, in consultation with a State Coalition Against Domestic Violence or other appropriate experts, if an approved program is readily available within a 50-mile radius of the legal residence of the defendant. The court shall order, as an explicit condition of supervised release for a person required to register under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act. The court shall order, as an explicit condition of supervised release, that the defendant cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000. The court shall also order, as an explicit condition of supervised release, that the defendant refrain from any unlawful use of a controlled substance and submit to a drug test within 15 days of release on supervised release and at least 2 periodic drug tests thereafter (as determined by the court) for use of a controlled substance. The condition stated in the preceding sentence may be ameliorated or suspended by the court as provided in section

3563(a)(4).¹ The results of a drug test administered in accordance with the preceding subsection shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. The court shall consider whether the availability of appropriate substance abuse treatment programs, or an individual's current or past participation in such programs, warrants an exception in accordance with United States Sentencing Commission guidelines from the rule of section 3583(g) when considering any action against a defendant who fails a drug test. The court may order, as a further condition of supervised release, to the extent that such condition-

(1) is reasonably related to the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), and (a)(2)(D);

(2) involves no greater deprivation of liberty than is reasonably necessary for the purposes set forth in section 3553(a)(2)(B), (a)(2)(C), and (a)(2)(D); and

(3) is consistent with any pertinent policy statements issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a);

any condition set forth as a discretionary condition of probation in section 3563(b) and any other condition it considers to be appropriate, provided, however that a condition set forth in subsection 3563(b)(10) shall be imposed only for a violation of a condition of supervised release in accordance with section 3583(e)(2) and only when facilities are available. If an alien defendant is subject to deportation, the court may provide, as a condition of supervised release, that he be deported and remain outside the United States, and may order that he be delivered to a duly authorized immigration official for such deportation. The court may order, as an explicit condition of supervised release for a person who is a felon and required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communications or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.

(e) MODIFICATION OF CONDITIONS OR REVOCATION.-The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)-

(1) terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice;

(2) extend a term of supervised release if less than the maximum authorized term was previously imposed, and may modify, reduce, or enlarge the conditions of supervised release, at any time prior to the expiration or termination of the term of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation and the provisions applicable to the initial setting of the terms and conditions of post-release supervision;

(3) revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on postrelease supervision, if the court, pursuant to the Federal Rules of Criminal Procedure applicable to revocation of probation or supervised release, finds by a preponderance of the evidence that the defendant violated a condition of supervised release, except that a defendant whose term is revoked under this paragraph may not be required to serve on any such revocation more than 5 years in prison if the offense that resulted in the term of supervised release is a class A felony, more than 3 years in prison if such offense is a class B felony, more than 2 years in prison if such offense is a class C or D felony, or more than one year in any other case; or

(4) order the defendant to remain at his place of residence during nonworking hours and, if the court so directs, to have compliance monitored by telephone or electronic signaling devices, except that an order under this paragraph may be imposed only as an alternative to incarceration.

(f) WRITTEN STATEMENT OF CONDITIONS.-The court shall direct that the probation officer provide the defendant with a written statement that sets forth all the conditions to which the term of supervised release is subject, and that is sufficiently clear and specific to serve as a guide for the defendant's conduct and for such supervision as is required.

(g) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM OR FOR REFUSAL TO COMPLY WITH DRUG TESTING.-If the defendant-

(1) possesses a controlled substance in violation of the condition set forth in subsection (d);

(2) possesses a firearm, as such term is defined in section 921 of this title, in violation of Federal law, or otherwise violates a condition of supervised release prohibiting the defendant from possessing a firearm;

(3) refuses to comply with drug testing imposed as a condition of supervised release; or

(4) as a part of drug testing, tests positive for illegal controlled substances more than 3 times over the course of 1 year;

the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment not to exceed the maximum term of imprisonment authorized under subsection (e)(3).

(h) SUPERVISED RELEASE FOLLOWING REVOCATION.-When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment, the court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment that was imposed upon revocation of supervised release.

(i) DELAYED REVOCATION.-The power of the court to revoke a term of supervised release for violation of a condition of supervised release, and to order the defendant to serve a term of imprisonment and, subject to the limitations in subsection (h), a further term of supervised release, extends beyond the expiration of the term of supervised release for any period reasonably necessary for the adjudication of matters arising before its expiration if, before its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation.

(j) SUPERVISED RELEASE TERMS FOR TERRORISM PREDICATES.-

Notwithstanding subsection (b), the authorized term of supervised release for any offense listed in section 2332b(g)(5)(B) is any term of years or life.

(k) Notwithstanding subsection (b), the authorized term of supervised release for any offense under section 1201 involving a minor victim, and for any offense under section 1591, 1594(c), 2241, 2242, 2243, 2244, 2245, 2250, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, or 2425, is any term of years not less than 5, or life. If a defendant required to register under the Sex Offender Registration and Notification Act commits any criminal offense under chapter 109A, 110, or 117, or section 1201 or 1591, for which imprisonment for a term longer than 1 year can be imposed, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment under subsection (e)(3) without regard to the exception contained therein. Such term shall be not less than 5 years.

¹ See References in Text note below.

18 U.S.C. § 3583

Added Pub. L. 98-473, title II, §212(a)(2), Oct. 12, 1984, 98 Stat. 1999; amended Pub. L. 99-570, title I, §1006(a)(1)-(3), Oct. 27, 1986, 100 Stat. 3207-6; Pub. L. 99-646, §14(a), Nov. 10, 1986, 100 Stat. 3594; Pub. L. 100-182, §§8, 9, 12, 25, Dec. 7, 1987, 101 Stat. 1267, 1268, 1272; Pub. L. 100-690, title VII, §§7108, 7303(b), 7305(b), Nov. 18, 1988, 102 Stat. 4418, 4464, 4465; Pub. L. 101-647, title XXXV, §35893589,, 104 Stat. 4930; Pub. L. 103-322, title II, §20414(c), title XI, §110505, title XXXII, §320921(c), Sept. 13, 1994, 108 Stat. 1831, 2016, 2130; Pub. L. 105-119, title I, §115(a)(8)(B)(iv), Nov. 26, 1997, 111 Stat. 2466; Pub. L. 106-546, §7(b), Dec. 19, 2000, 114 Stat. 2734; Pub. L. 107-56, title VIII, §812, Oct. 26, 2001, 115 Stat. 382; Pub. L. 107-273, div. B, title II, §2103(b), title III, §3007, Nov. 2, 2002, 116 Stat. 1793, 1806; Pub. L. 108-21, title I, §101, Apr. 30, 2003, 117 Stat. 651; Pub. L. 109-164, title II, §209(d), formerly Pub. L. 114-22, title I, §114(d), May 29, 2015, 129 Stat. 242, renumbered §209(d) of Pub. L. 109-164 by Pub. L. 117-347, title I, §106(b)(1), Jan. 5, 2023, 136 Stat. 6204; Pub. L. 109-177, title II, §212, Mar. 9, 2006, 120 Stat. 230; Pub. L. 109-248, title I, §141(e), title II, §210(b), July 27, 2006, 120 Stat. 603,

**United States Court of Appeals
for the District of Columbia Circuit**

No. 23-3106

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

DANIEL GOODWYN,

Defendant-Appellant.

*On Appeal from the United States District Court for the District of Columbia in
No. 1:21-cr-00153-RBW-1, Honorable Reggie B. Walton,
U.S. Senior District Judge.*

JOINT APPENDIX

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September 5, 2023

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APPEAL,CAT B,CLOSED

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00153-RBW-1**

Case title: USA v. GOODWYN

Date Filed: 02/24/2021

Magistrate judge case number: 1:21-mj-00063-ZMF

Assigned to: Judge Reggie B. Walton

Appeals court case number: 23-3106

Defendant (1)

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Pending Counts

18 U.S.C. 1512(c)(2); TAMPERING WITH A WITNESS, VICTIM OR INFORMANT; Obstruction of an Official Proceeding (1)

18:1512(c)(2) and 2; TAMPERING WITH A WITNESS, VICTIM OR INFORMANT; Obstruction of an Official Proceeding and Aiding and Abetting. (1s)

18 U.S.C. 1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds (2)

18:1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds. (2s)

18 U.S.C. 1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly and Disruptive Conduct in a Restricted Building or Grounds (3)

18:1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly and Disruptive Conduct in a Restricted Building or Grounds. (3s)

40 U.S.C. 5104(e)(2)(D); FEDERAL STATUTES, OTHER; Disorderly Conduct in a Capitol Building (4)

40:5104(e)(2)(D); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Disorderly Conduct in a Capitol Building. (4s)

40 U.S.C. 5104(e)(2)(G); FEDERAL STATUTES, OTHER; Parading, Demonstrating, or Picketing in a Capitol Building (5)

40:5104(e)(2)(G); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Parading, Demonstrating, or

Disposition

DISMISSED ON ORAL MOTION OF THE GOVERNMENT

DISMISSED ON ORAL MOTION OF THE GOVERNMENT

DISMISSED ON ORAL MOTION OF THE GOVERNMENT

Defendant sentenced to Sixty (60) Days of incarceration with credit for time served followed by One (1) Year of Supervised Release. Special Assessment of \$25 imposed. Restitution of \$500 imposed. Fine of \$2,500 imposed.

DISMISSED ON ORAL MOTION OF THE GOVERNMENT

DISMISSED ON ORAL MOTION OF THE GOVERNMENT

DISMISSED ON ORAL MOTION OF THE GOVERNMENT

DISMISSED ON ORAL MOTION OF THE GOVERNMENT

DISMISSED ON ORAL MOTION OF THE GOVERNMENT

DISMISSED ON ORAL MOTION OF THE GOVERNMENT

Picketing in a Capitol Building.
(5s)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

COMPLAINT in Violation of 18:1752(a)(1)
and (2) and 40:5104(e)(2)(D) and (G)

Disposition

Plaintiff

USA

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Date Filed	#	Docket Text
01/15/2021	1	COMPLAINT as to DANIEL GOODWYN (1). (Attachments: # 1 Statement of Facts) (zstd) [1:21-mj-00063-ZMF] (Entered: 01/15/2021)
01/15/2021	3	NOTICE OF ATTORNEY APPEARANCE Christopher Berridge appearing for USA. (Berridge, Christopher) [1:21-mj-00063-ZMF] (Entered: 01/15/2021)
01/29/2021		Arrest of DANIEL GOODWYN in U.S. District Court for the Eastern District of Texas (Sherman). (zltf) [1:21-mj-00063-ZMF] (Entered: 02/25/2021)
02/16/2021	5	Rule 5(c)(3) Documents Received as to DANIEL GOODWYN from U.S. District Court for the Eastern District of Texas (Sherman) Case Number 4:21-mj-00092-KPJ (zltf) [1:21-mj-00063-ZMF] (Entered: 02/25/2021)
02/21/2021	4	NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney Sun, Lucy added. (Sun, Lucy) [1:21-mj-00063-ZMF] (Entered: 02/21/2021)
02/24/2021	6	INDICTMENT as to DANIEL GOODWYN (1) count(s) 1, 2, 3, 4, 5. (zltf) (Entered: 02/25/2021)
02/25/2021	8	NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney Sun, Lucy added. (Sun, Lucy) (Entered: 02/25/2021)
03/05/2021	9	NOTICE OF ATTORNEY APPEARANCE: John Daniel Hull, IV appearing for DANIEL GOODWYN (Hull, John) (Entered: 03/05/2021)
03/10/2021		ORAL MOTION for Speedy Trial by DANIEL GOODWYN. (ztl) (Entered: 04/02/2021)
03/10/2021		Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqi: Initial Appearance as to DANIEL GOODWYN held on 3/10/2021. Defendant present by video. Defendant retained counsel. Conditions of Release given to Defendant and 3rd party custodian sworn to conditions. Oral Motion by the Government for Speedy Trial as to DANIEL GOODWYN (1); heard and granted. Speedy Trial Excluded from 3/10/2021 to 4/2/2021 in the Interest of Justice (XT). Arraignment/Status Hearing set for 4/2/2021 at 2:00 PM by Telephonic/VTC before Judge Reggie B. Walton. Bond Status of Defendant: Defendant Remain on Personal Recognizance; Court Reporter: FTR-Gold; FTR Time

		Frame: Ctrm 4: [1:35:36-1:49:37];Defense Attorney: John Hull, IV; US Attorney: Jacob Steiner for Lucy Sun; Pretrial Officer: John Copes. (ztl) (Entered: 04/02/2021)
03/12/2021	12	ORDER Setting Conditions of Release as to DANIEL GOODWYN (1) Defendant Remain on Personal Recognizance. Signed by Magistrate Judge Zia M. Faruqui on 3/12/2021. (ztl) (Entered: 04/02/2021)
04/01/2021	10	Unopposed MOTION to Continue <i>and Exclude Time Under the Speedy Trial Act</i> by USA as to DANIEL GOODWYN. (Attachments: # 1 Text of Proposed Order)(Sun, Lucy) (Entered: 04/01/2021)
04/01/2021	11	Unopposed MOTION for Protective Order by USA as to DANIEL GOODWYN. (Attachments: # 1 Text of Proposed Order, # 2 Exhibit A)(Sun, Lucy) (Entered: 04/01/2021)
04/01/2021	13	MOTION to Exclude Time by USA as to DANIEL GOODWYN. (See docket entry 10 to view document). (zstd) (Entered: 04/04/2021)
04/02/2021		Minute Entry for proceedings held before Judge Reggie B. Walton: Arraignment as to DANIEL GOODWYN (1) held on 4/2/2021, A Not Guilty Plea is entered as to Counts 1-5 of the Indictment. Speedy Trial Time Excluded 4/2/2021-6/3/2021(XT). Status Conference set for 6/3/2021 at 10:00 AM by Telephonic/VTC before Judge Reggie B. Walton. Bond Status of Defendant: Personal Recognizance/ Defendant appeared by video; Court Reporter: Cathryn Jones; Defense Attorney: John Hull,IV; US Attorney: Lucy Sun; (hs) (Entered: 04/02/2021)
04/05/2021	14	GENERAL ORDER GOVERNING CRIMINAL CASES BEFORE THE HONORABLE REGGIE B. WALTON. Signed by Judge Reggie B. Walton on April 5, 2021. (lcrbw1) (Entered: 04/05/2021)
04/06/2021	15	ORDER. granting 10 Motion to Exclude as to DANIEL GOODWYN (1); granting 11 Motion for Protective Order as to DANIEL GOODWYN (1). Signed by Judge Reggie B. Walton on 4/5/2021. (hs) (Entered: 04/06/2021)
04/06/2021	16	PROTECTIVE ORDER. Setting forth procedures for handling confidential material; allowing designated material to be filed under seal as to DANIEL GOODWYN. Signed by Judge Reggie B. Walton on 4/5/2021. (hs) (Entered: 04/06/2021)
06/02/2021	17	ENTERED IN ERROR.....NOTICE <i>cf Filing cf Daniel Goodwyn's Executed Acceptance (Exhibit A) cf Court's Protective Order</i> by DANIEL GOODWYN (Hull, John) Modified on 6/2/2021 (zstd). (Entered: 06/02/2021)
06/02/2021		NOTICE OF CORRECTED DOCKET ENTRY: as to DANIEL GOODWYN re 17 Notice (Other) was entered in error and counsel was instructed to refile said pleading. The defendant's acceptance attachment needs to be filed with a notice of filing as the main document and the defendant's acceptance has the attachment.(zstd) (Entered: 06/02/2021)
06/04/2021	19	ORDER as to DANIEL GOODWYN. Signed by Judge Reggie B. Walton on 6/4/2021. (hs) (Entered: 06/04/2021)
06/07/2021	20	NOTICE OF FILING OF ACCEPTANCE OF PROTECTIVE ORDER by DANIEL GOODWYN re 16 Protective Order (Attachments: # 1 Exhibit Goodwyn Acceptance of Protective Order)(Hull, John) (Entered: 06/07/2021)
07/28/2021	22	MOTION to Revoke <i>the Defendant Daniel Goodwyn's Pretrial Release</i> by USA as to DANIEL GOODWYN. (Sun, Lucy) (Entered: 07/28/2021)

07/29/2021		Set/Reset Hearings as to DANIEL GOODWYN: Emergency Bond Motion Hearing set for 7/30/2021 at 12:30 PM by Telephonic/VTC before Judge Reggie B. Walton. (hs) (Entered: 07/29/2021)
07/30/2021		Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference as to DANIEL GOODWYN held on 7/30/2021. 22 MOTION to Revoke the Defendant's Pretrial Release by USA; Held in Abeyance. Conditions of pretrial release modified to include: Remote monitoring by the Pretrial Services Office. An oral request for a Mental Health Assessment conducted by Pretrial Services; granted. Bond Status of Defendant: Personal Recognizance/Appeared via Telephone; Court Reporter: Bryan Wayne; Defense Attorney: John Hull; US Attorney: Lucy Sun; Pretrial Officer: John Copes-DC/Lorene Dudley-TX; (hs) (Entered: 07/30/2021)
08/02/2021	23	ORDER as to DANIEL GOODWYN. Signed by Judge Reggie B. Walton on 7/30/2021. (hs) (Entered: 08/02/2021)
08/03/2021		Set/Reset Hearings as to DANIEL GOODWYN: Status Conference set for 8/5/2021 at 10:00 AM by VTC before Judge Reggie B. Walton. (hs) (Entered: 08/03/2021)
08/04/2021	24	NOTICE by DANIEL GOODWYN (Attachments: # 1 Exhibit Holmes 08032021 letter, # 2 Exhibit Holmes CV)(Hull, John) (Entered: 08/05/2021)
08/05/2021		Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference as to DANIEL GOODWYN held on 8/5/2021. A joint oral request for a 60 day continuance; heard and granted. Speedy Trial Time Excluded 8/5/201 - 10/5/2021(XT). Status Conference set for 10/5/2021 at 09:00 AM by Telephonic/VTC before Judge Reggie B. Walton. Bond Status of Defendant: Personal Recognizance/Appeared via video; Court Reporter: Lorraine Herman; Defense Attorney: John Hull; US Attorney: Lucy Sun; Pretrial Officer: John Copes; (hs) Modified on 10/1/2021 (hs). (Entered: 08/05/2021)
08/06/2021	25	ORDER as to DANIEL GOODWYN. Signed by Judge Reggie B. Walton on 8/6/2021. (hs) (Entered: 08/06/2021)
08/30/2021	26	NOTICE OF ATTORNEY APPEARANCE: Joseph Daniel McBride appearing for DANIEL GOODWYN (McBride, Joseph) (Entered: 08/30/2021)
10/01/2021		Set/Reset Hearings as to DANIEL GOODWYN: Status Conference set for 10/5/2021 at 09:00 AM by Telephonic/VTC before Judge Reggie B. Walton. (hs) (Entered: 10/01/2021)
10/03/2021	27	MOTION to Withdraw as Attorney for Defendant by John Daniel Hull. by DANIEL GOODWYN. (Hull, John) (Entered: 10/03/2021)
10/04/2021	28	NOTICE MEMORANDUM REGARDING STATUS OF DISCOVERY Regarding Status of General Discovery by USA as to DANIEL GOODWYN (Sun, Lucy) Modified event title on 10/4/2021 (zstd). (Entered: 10/04/2021)
10/05/2021		Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference as to DANIEL GOODWYN held on 10/5/2021. A joint oral request for a 60 day continuance; heard and granted. Oral ruling issued, granting 27 MOTION to Withdraw as Attorney for Defendant by John Daniel Hull. Speedy Trial Time Excluded 10/5/2021-12/9/2021(XT). Status Conference set for 12/9/2021 at 09:00 AM by VTC before Judge Reggie B. Walton. Bond Status of Defendant: Personal Recognizance/Appeared via video; Court Reporter: Cathryn Jones; Defense Attorney: Joseph McBride; US Attorney: Lucy Sun; (hs) (Entered: 10/05/2021)
10/05/2021		MINUTE ORDER, granting 27 Motion to Withdraw as Attorney. John Daniel Hull, IV withdrawn from case. as to DANIEL GOODWYN. Signed by Judge Reggie B. Walton on

		10/5/2021. (hs) (Entered: 10/05/2021)
10/06/2021	30	ORDER as to DANIEL GOODWYN. Signed by Judge Reggie B. Walton on 10/5/2021. (hs) (Entered: 10/06/2021)
10/13/2021	31	MOTION for an Order to Disclose <i>Items Protected By FRCP 6(e) and Sealed Materials</i> by USA as to DANIEL GOODWYN. (Attachments: # 1 Text of Proposed Order)(Sun, Lucy) Modified event title on 10/14/2021 (zstd). (Entered: 10/13/2021)
10/27/2021	32	NOTICE <i>Regarding Status cf General Discovery</i> by USA as to DANIEL GOODWYN (Sun, Lucy) (Entered: 10/27/2021)
11/09/2021	33	NOTICE <i>cf the Government's Discovery Update</i> by USA as to DANIEL GOODWYN (Sun, Lucy) (Entered: 11/09/2021)
11/10/2021	34	SUPERSEDING INDICTMENT as to DANIEL GOODWYN (1) count(s) 1s, 2s, 3s, 4s, 5s. (zhsj) (Entered: 11/15/2021)
01/04/2022	36	ORDER, granting 31 Motion for Disclosure as to DANIEL GOODWYN (1) Signed by Judge Reggie B. Walton on 1/3/2022. (adh,) (Entered: 01/04/2022)
01/07/2022		Set/Reset Hearings as to DANIEL GOODWYN: Status Conference set for 1/10/2022 at 02:00 PM by VTC before Judge Reggie B. Walton. (adh) (Entered: 01/07/2022)
01/10/2022		Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference/Arraignment as to DANIEL GOODWYN held on 1/10/2022. A joint oral request for a continuance; heard and granted. Arraignment as to DANIEL GOODWYN (1) Counts 1s-5s of the Superseding Indictment. Not Guilty Plea entered as to all counts. Speedy Trial Time Excluded (XT) 12/9/2021 - 3/28/2022. Status Conference set for 3/28/2022 at 09:30 AM by Telephonic/VTC before Judge Reggie B. Walton. Bond Status of Defendant: Personal Recognizance / appeared by video; Court Reporter: Cathryn Jones; Defense Attorney: Joesph McBride; US Attorney: Lucy Sun. (adh,) (Entered: 01/10/2022)
01/11/2022	38	ORDER, as to DANIEL GOODWYN Signed by Judge Reggie B. Walton on 1/10/2022. (adh) (Entered: 01/11/2022)
01/26/2022	39	NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney Lehr, Susan added. (Lehr, Susan) (Entered: 01/26/2022)
02/11/2022	40	STATUS REPORT <i>Regarding Status cf Discovery as cf 2-9-22</i> by USA as to DANIEL GOODWYN (Lehr, Susan) (Entered: 02/11/2022)
03/02/2022	41	MOTION to Modify Conditions of Release by DANIEL GOODWYN. (McBride, Joseph) (Entered: 03/02/2022)
03/08/2022	42	ORDER, denying 22 Motion to Revoke as to DANIEL GOODWYN (1); granting 41 Motion to Modify Conditions of Release as to DANIEL GOODWYN (1) Signed by Judge Reggie B. Walton on 3/7/2022. (adh,) (Entered: 03/08/2022)
03/15/2022	43	MOTION to Modify Conditions of Release by DANIEL GOODWYN. (McBride, Joseph) (Entered: 03/15/2022)
03/22/2022	44	ORDER, granting 43 Motion to Modify Conditions of Release as to DANIEL GOODWYN (1). Signed by Judge Reggie B. Walton on 3/21/2022. (adh,) (Entered: 03/22/2022)
03/25/2022	46	Unopposed MOTION to Strike by USA as to DANIEL GOODWYN. (Lehr, Susan) (Entered: 03/25/2022)

03/28/2022		Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference as to DANIEL GOODWYN held on 3/28/2022. A joint oral request for a continuance; heard and granted. Speedy Trial Time Excluded (XT) 3/28/2022 - 6/16/2022. Status Conference set for 6/16/2022 at 09:00 AM by Telephonic/VTC before Judge Reggie B. Walton. Bond Status of Defendant: Personal Recognizance / appeared via video; Court Reporter: Cathryn Jones; Defense Attorney: Joseph McBride; US Attorney: Susan Lehr. (adh,) (Entered: 03/28/2022)
03/30/2022	47	ORDER as to DANIEL GOODWYN. Signed by Judge Reggie B. Walton on 3/28/2022. (adh,) (Entered: 03/30/2022)
04/29/2022	48	NOTICE OF ATTORNEY APPEARANCE Brian Daniel Brady appearing for USA. (Attachments: # 1 Certificate of Service)(Brady, Brian) (Entered: 04/29/2022)
06/16/2022		Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference as to DANIEL GOODWYN held on 6/16/2022. Parties Updated The Court On The Current Posture Of This Matter. Defendant Request One (1) Month Continuance With No Objection From The Government. Status Conference set for 7/14/2022 at 9:00 AM in Telephonic/VTC before Judge Reggie B. Walton. With The Consent Of The Defendant, Speedy Trial Time Is Tolloed 6/16/22 - 7/14/22 In The Interest Of Justice (XT). Bond Status of Defendant: APPEARED VIA VTC - REMAINS ON PERSONAL RECOGNIZANCE; Court Reporter: CATHRYN JONES; Defense Attorney: JOSEPH MCBRIDE; US Attorney: SUSAN LEHR; (mac) (Entered: 06/16/2022)
06/16/2022	50	ORDER as to DANIEL GOODWYN. (See Order For Details) Signed by Judge Reggie B. Walton on 06/16/22. (mac) (Entered: 06/16/2022)
07/14/2022		Minute Entry for proceedings held Via VTC before Judge Reggie B. Walton: Status Conference as to DANIEL GOODWYN held on 7/14/2022. Parties Updated The Court In Regards To The Current Posture Of This Matter. Status Conference set for 7/27/2022 at 9:30 AM in Telephonic/VTC before Judge Reggie B. Walton. Bond Status of Defendant: APPEARED VIA VTC - REMAINS ON PERSONAL RECOGNIZANCE; Court Reporter: CATHRYN JONES; Defense Attorney: JOSEPH MCBRIDE; US Attorney: DANIEL BRADY; (mac) (Entered: 07/14/2022)
07/14/2022	52	ORDER as to DANIEL GOODWYN That The Parties Shall Appear Before The Court For A Status Hearing On July 27, 2022 at 9:30a.m. Via Videoconference. Signed by Judge Reggie B. Walton on 07/14/22. (mac) (Entered: 07/14/2022)
07/27/2022		Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference as to DANIEL GOODWYN held on 7/27/2022. Government hopes to offer by a plea deal by the end of the week. Trial date requested. Jury Trial set for 2/27/2023 at 9:00 AM in Courtroom 16 before Judge Reggie B. Walton. Pretrial Conference set for 1/19/2023 at 2:00 PM. Motions in Limine due by 9/30/2022. Responses due by 10/28/2022. Replies due by 11/11/2022. Court Order to follow. Bond Status of Defendant: Remains on personal recognizance; appeared via video. Court Reporter: Cathryn Jones. Defense Attorney: Joseph McBride. US Attorney: Brian Brady. (zcdw) (Entered: 07/29/2022)
08/02/2022	53	GENERAL ORDER as to DANIEL GOODWYN Governing Criminal Cases Before The Honorable Reggie B. Walton. (See Order For Details) Signed by Judge Reggie B. Walton on 08/02/22. (mac) (Entered: 08/02/2022)
08/02/2022	54	PRE-TRIAL SCHEDULING ORDER as to DANIEL GOODWYN. Signed by Judge Reggie B. Walton on 08/02/22. (mac) (Entered: 08/02/2022)
09/30/2022	55	NOTICE OF ATTORNEY APPEARANCE: Carolyn Stewart appearing for DANIEL GOODWYN (Stewart, Carolyn) (Entered: 09/30/2022)

09/30/2022	56	MOTION for 404(b) Evidence by USA as to DANIEL GOODWYN. (Attachments: # 1 Certificate of Service, # 2 Text of Proposed Order)(Brady, Brian) Modified event title and text on 9/30/2022 (zstd). (Entered: 09/30/2022)
09/30/2022	57	MOTION in Limine by USA as to DANIEL GOODWYN. (Attachments: # 1 Certificate of Service)(Brady, Brian) (Entered: 09/30/2022)
09/30/2022	58	MOTION in Limine by USA as to DANIEL GOODWYN. (Attachments: # 1 Certificate of Service, # 2 Declaration, # 3 Declaration)(Brady, Brian) (Entered: 09/30/2022)
09/30/2022	59	MOTION to Dismiss Count by DANIEL GOODWYN. (Attachments: # 1 Exhibit Proposed Order)(Stewart, Carolyn) (Entered: 09/30/2022)
09/30/2022	60	MOTION in Limine <i>Preclude Ir,flammatory Terms</i> by DANIEL GOODWYN. (Attachments: # 1 Exhibit Proposed Order)(Stewart, Carolyn) (Entered: 09/30/2022)
09/30/2022	61	MOTION in Limine <i>Preclude Testimony and Evidence</i> by DANIEL GOODWYN. (Attachments: # 1 Exhibit Proposed Order)(Stewart, Carolyn) (Entered: 09/30/2022)
09/30/2022	62	ERRATA by DANIEL GOODWYN re 61 Motion in Limine (Stewart, Carolyn) (Entered: 09/30/2022)
09/30/2022	63	NOTICE <i>Cf Intent to Apply Section 1512 A,firmative Defense</i> by DANIEL GOODWYN (Stewart, Carolyn) (Entered: 09/30/2022)
10/24/2022	64	MOTION to Dismiss Count by DANIEL GOODWYN. (Attachments: # 1 Exhibit Proposed Order)(Stewart, Carolyn) (Entered: 10/24/2022)
10/24/2022	65	MOTION for Leave to File <i>out cf time</i> by USA as to DANIEL GOODWYN. (Attachments: # 1 Exhibit GOV Response to Def MTD Count One (ECF 59))(Brady, Brian) (Entered: 10/24/2022)
10/28/2022	66	RESPONSE by USA as to DANIEL GOODWYN re 60 MOTION in Limine <i>Preclude Ir,flammatory Terms</i> (Brady, Brian) (Entered: 10/28/2022)
10/28/2022	67	RESPONSE by USA as to DANIEL GOODWYN re 61 MOTION in Limine <i>Preclude Testimony and Evidence</i> (Brady, Brian) (Entered: 10/28/2022)
10/28/2022	68	RESPONSE by DANIEL GOODWYN re 56 MOTION for 404(b) Evidence (Attachments: # 1 Exhibit Proposed Order, # 2 Exhibit)(Stewart, Carolyn) (Entered: 10/28/2022)
10/28/2022	69	RESPONSE by DANIEL GOODWYN re 58 MOTION in Limine , 57 MOTION in Limine (Stewart, Carolyn) (Entered: 10/28/2022)
11/07/2022	70	RESPONSE by DANIEL GOODWYN re 65 MOTION for Leave to File <i>out cf time</i> (Stewart, Carolyn) (Entered: 11/07/2022)
11/07/2022	71	MOTION for Extension of Time to <i>file pretrial jury related documents</i> by DANIEL GOODWYN. (Attachments: # 1 Text of Proposed Order)(Stewart, Carolyn) (Entered: 11/07/2022)
11/10/2022	72	REPLY in Support by USA as to DANIEL GOODWYN re 58 MOTION in Limine , 57 MOTION in Limine <i>USSS and CCTV evidence</i> (Brady, Brian) (Entered: 11/10/2022)
11/14/2022	73	REPLY TO OPPOSITION to Motion by DANIEL GOODWYN re 60 MOTION in Limine <i>Preclude Ir,flammatory Terms Response at No. 66</i> (Stewart, Carolyn) (Entered: 11/14/2022)
11/14/2022	74	REPLY TO OPPOSITION to Motion by DANIEL GOODWYN re 61 MOTION in Limine <i>Preclude Testimony and Evidence reply Govt dkt 67</i> (Stewart, Carolyn) (Entered: 11/14/2022)

		11/14/2022)
11/17/2022	75	NOTICE OF ATTORNEY APPEARANCE Andrew Haag appearing for USA. (Haag, Andrew) (Entered: 11/17/2022)
12/16/2022	76	ORDER granting 65 Motion for Leave to File out of time as to DANIEL GOODWYN (1). See attached Order for details. Signed by Judge Reggie B. Walton on 12/16/2022. (zcdw) (Entered: 12/21/2022)
12/16/2022	77	ORDER granting in part and denying in part 71 Motion for Extension of Time to file pretrial jury related documents as to DANIEL GOODWYN (1). See attached Order for details. Signed by Judge Reggie B. Walton on 12/16/2022. (zcdw) (Entered: 12/21/2022)
12/22/2022	78	ORDER as to DANIEL GOODWYN That The Parties December 22,2022 Deadline To Submit Joint Proposed Voir Dire Questions, Jury Instructions And Verdict Forms Is Vacated. Signed by Judge Reggie B. Walton on 12/22/22. (mac) (Entered: 12/22/2022)
12/22/2022	79	MOTION for Extension of Time to File Response/Reply to ECF No.65-1 by DANIEL GOODWYN. (Attachments: # 1 Exhibit proposed order)(Stewart, Carolyn) (Entered: 12/22/2022)
12/27/2022		Set/Reset Deadlines/Hearings as to DANIEL GOODWYN: Plea Agreement Hearing set for 1/31/2023 at 2:00 PM via video conference before Judge Reggie B. Walton. (zcdw) (Entered: 12/27/2022)
01/09/2023	80	ORDER as to DANIEL GOODWYN That The Pre-Trial Conference Scheduled For January 19, 2023 Is Vacated. Signed by Judge Reggie B. Walton on 01/09/23. (mac) (Entered: 01/09/2023)
01/31/2023		Minute Entry for proceedings held before Judge Reggie B. Walton: Plea Agreement Hearing as to DANIEL GOODWYN held on 1/31/2023. Plea of guilty entered on Count 2s. Defendant referred to the probation office for presentence investigation. Presentence Report due by 5/1/2023. Sentencing Memoranda due by 5/22/2023. Sentencing set for 5/31/2023 at 10:00 AM in Courtroom 16 before Judge Reggie B. Walton. Bond Status of Defendant: Remains on personal recognizance; appeared via video. Court Reporter: Stacy Heavenridge. Defense Attorney: Carolyn Stewart. US Attorneys: Brian Daniel Brady and Andrew Haag. (zcdw) (Entered: 02/01/2023)
01/31/2023	82	PLEA AGREEMENT as to DANIEL GOODWYN. (zcdw) (Entered: 02/01/2023)
01/31/2023	83	STATEMENT OF OFFENSE by USA as to DANIEL GOODWYN. (zcdw) (Entered: 02/01/2023)
02/03/2023	84	Consent MOTION to Modify Dates Using Fed R. Crim P. 32, MOTION for Order Reset dates related to sentencing by DANIEL GOODWYN. (Attachments: # 1 Exhibit proposed order)(Stewart, Carolyn) (Entered: 02/03/2023)
02/15/2023	85	ORDER as to DANIEL GOODWYN (See Order For Details) Signed by Judge Reggie B. Walton on 02/15/23. (mac) (Entered: 02/15/2023)
03/14/2023	86	ORDER as to DANIEL GOODWYN: granting in part and denying in part 84 Defendant's Unopposed Motion to Apply Rule 32 Times Based on the Presentencing Report Delivery, with Memorandum of Law. Presentence Report due by 4/25/2023. Signed by Judge Reggie B. Walton on March 14, 2023. (zalh) (Entered: 03/15/2023)
03/24/2023	87	ORDER as to DANIEL GOODWYN. Final Presentence Report due by 5/1/2023. Sentencing continued to 6/5/2023 at 10:00 AM in Courtroom 16- In Person before Judge Reggie B. Walton. See order for details. Signed by Judge Reggie B. Walton on March 24, 2023. (zalh) (Entered: 03/27/2023)

03/27/2023	88	MOTION for Sentencing via VTC re 87 Order,, Set Deadlines/Hearings by DANIEL GOODWYN. (Attachments: # 1 Exhibit proposed order)(Stewart, Carolyn) Modified text on 3/27/2023 (zstd). (Entered: 03/27/2023)
04/07/2023	90	ORDER as to DANIEL GOODWYN: denying 88 Unopposed Defendant's Motion for Sentencing Via VTC. Signed by Judge Reggie B. Walton on April 7, 2023. (zalh) (Entered: 04/07/2023)
04/20/2023	92	MOTION to Withdraw as Attorney by Joseph D. McBride. by DANIEL GOODWYN. (McBride, Joseph) (Entered: 04/20/2023)
04/20/2023	93	MOTION for Leave to File <i>EXHIBIT A</i> by DANIEL GOODWYN. (McBride, Joseph) (Entered: 04/20/2023)
04/21/2023	95	ORDER as to DANIEL GOODWYN: granting 93 Motion for Leave to File Under Seal Exhibit A to Motion to Withdraw as Counsel. Signed by Judge Reggie B. Walton on April 21, 2023. (zalh) (Entered: 04/26/2023)
04/28/2023	98	ORDER as to DANIEL GOODWYN: granting 92 Motion to Withdraw as Counsel. Joseph Daniel McBride withdrawn from case. Signed by Judge Reggie B. Walton on April 28, 2023. (zalh) (Entered: 05/01/2023)
05/15/2023		NOTICE OF ERROR as to DANIEL GOODWYN regarding 101 SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL as to DANIEL GOODWYN. (This document is SEALED and only available to authorized persons.). The following error(s) were corrected: The corrected filing is at DE #102. (zstd) (Entered: 05/17/2023)
05/18/2023	103	SENTENCING MEMORANDUM by USA as to DANIEL GOODWYN (Haag, Andrew) (Entered: 05/18/2023)
05/23/2023	104	MOTION for Extension of Time to File <i>Sentence Memorandum</i> by DANIEL GOODWYN. (Stewart, Carolyn) (Entered: 05/23/2023)
05/23/2023	105	SENTENCING MEMORANDUM by DANIEL GOODWYN (Attachments: # 1 Exhibit sentencing Section 1752(a)(1)), # 2 Exhibit support letters)(Stewart, Carolyn) (Attachment 2 replaced on 5/23/2023) (zltp). (Entered: 05/23/2023)
05/23/2023	106	ORDER as to DANIEL GOODWYN: granting 104 Defendant's Motion for Leave of Court to Extend Time to File. Defendant's Sentencing Memorandum due by 5/23/2023. Signed by Judge Reggie B. Walton on May 23, 2023. (zalh) (Entered: 05/24/2023)
06/01/2023		NOTICE OF HEARING as to DANIEL GOODWYN: Sentencing reset for 3:00 PM on 6/5/2023 in Courtroom 16- In Person before Judge Reggie B. Walton. (zalh) (Entered: 06/01/2023)
06/05/2023		Minute Entry for proceedings held before Judge Reggie B. Walton: Sentencing as to DANIEL GOODWYN held on 6/5/2023. Sentencing is continued to 6/6/2023 at 1:30 PM in Courtroom 16- In Person before Judge Reggie B. Walton. Bond Status of Defendant: remains on Personal Recognizance; Court Reporter: Sherry Lindsay; Defense Attorney: Carolyn Stewart; US Attorney: Andrew Haag; Probation Officer: Jessica Reichler. (zalh) (Entered: 06/05/2023)
06/06/2023		Minute Entry for proceedings held before Judge Reggie B. Walton: Sentencing resumed and concluded on 6/6/2023 as to DANIEL GOODWYN on Count 2s. Defendant sentenced to Sixty (60) Days of incarceration with credit for time served followed by One (1) Year of Supervised Release. Special Assessment of \$25 imposed. Restitution of \$500 imposed. Fine of \$2,500 imposed. Defendant permitted to voluntarily surrender. Government's oral motion to dismiss the remaining counts; heard and granted. Bond Status of Defendant: remains on Personal Recognizance until self-surrender; Court

		Reporter: Sherry Lindsay; Defense Attorney: Carolyn Stewart; US Attorney: Andrew Haag; Probation Officer: Jessica Reichler. (zalh) (Entered: 06/08/2023)
06/15/2023	108	JUDGMENT as to DANIEL GOODWYN. Statement of Reasons Not Included. Signed by Judge Reggie B. Walton on 6/15/2023. (zstd) (Entered: 06/16/2023)
06/15/2023	109	STATEMENT OF REASONS as to DANIEL GOODWYN re 108 Judgment Access to the PDF Document is restricted per Judicial Conference Policy. Access is limited to Counsel of Record and the Court. Signed by Judge Reggie B. Walton on 6/9/2023. (zstd) (Entered: 06/16/2023)
06/30/2023	110	NOTICE OF APPEAL - Final Judgment by DANIEL GOODWYN re 108 Judgment. Filing fee \$ 505, receipt number ADCDC-10176871. Fee Status: Fee Paid. Parties have been notified. (Attachments: # 1 Exhibit)(Stewart, Carolyn) (Entered: 06/30/2023)
07/03/2023	111	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid as to DANIEL GOODWYN re 110 Notice of Appeal - Final Judgment. (zstd) (Entered: 07/03/2023)
07/07/2023		USCA Case Number as to DANIEL GOODWYN 23-3106 for 110 Notice of Appeal - Final Judgment filed by DANIEL GOODWYN. (zstd) (Entered: 07/07/2023)
07/15/2023	112	<p>TRANSCRIPT OF PROCEEDINGS in case as to DANIEL GOODWYN before Judge Reggie B. Walton held on 6/6/2023; Page Numbers: 1-65. Date of Issuance:7/15/23. Court Reporter/Transcriber Sherry Lindsay, Telephone number 202-354-3053, Transcripts may be ordered by submitting the Transcript Order Form</p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 8/5/2023. Redacted Transcript Deadline set for 8/15/2023. Release of Transcript Restriction set for 10/13/2023.(stl) (Entered: 07/15/2023)</p>
07/15/2023	113	<p>TRANSCRIPT OF PROCEEDINGS in case as to DANIEL GOODWYN before Judge Reggie B. Walton held on 6/6/23; Page Numbers: 1-15. Date of Issuance:7/15/2023. Court Reporter/Transcriber Sherry Lindsay, Telephone number 202-354-3053, Transcripts may be ordered by submitting the Transcript Order Form</p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five</p>

personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.

Redaction Request due 8/5/2023. Redacted Transcript Deadline set for 8/15/2023.
Release of Transcript Restriction set for 10/13/2023.(stl) (Entered: 07/15/2023)

PACER Service Center			
Transaction Receipt			
08/30/2023 12:26:11			
PACER Login:	cpnycpa17	Client Code:	
Description:	Docket Report	Search Criteria:	1:21-cr-00153-RBW
Billable Pages:	12	Cost:	1.20



U.S. Department of Justice

Matthew M. Graves
United States Attorney

District of Columbia

*Patrick Henry Building
601 D St., N.W.
Washington, D.C. 20530*

FILED

December 2, 2022

Clerk, U.S. District & Bankruptcy
Court for the District of Columbia

Joseph McBride, jmcbride@mcbridelawnyc.com
Carolyn Stewart, carolstewart_esq@protonmail.com

Re: United States v. Daniel Goodwyn
Criminal Case No. 21-cr-153

Dear Ms. Stewart and Mr. McBride:

This letter sets forth the full and complete plea offer to your client, Daniel Goodwyn (hereinafter referred to as “your client” or “defendant”), from the Office of the United States Attorney for the District of Columbia (hereinafter also referred to as “the Government” or “this Office”). This plea offer expires on **December 21, 2022**. If your client accepts the terms and conditions of this offer, please have your client execute this document in the space provided below. Upon receipt of the executed document, this letter will become the Plea Agreement (hereinafter referred to as “this Agreement”). The terms of the offer are as follows:

1. **Charges and Statutory Penalties**

Your client agrees to plead guilty Count two in the Indictment, charging your client with Entering and Remaining in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1).

Your client understands that a violation of 18 U.S.C. § 1752(a)(1) carries a maximum sentence of one (1) year of imprisonment; a fine of \$100,000, pursuant to 18 U.S.C. § 3571(b)(5); a term of supervised release of not more than 1 year, pursuant to 18 U.S.C. § 3583(b)(3); and an obligation to pay any applicable interest or penalties on fines and restitution not timely made.

In addition, pursuant to 18 U.S.C. § 3013(a)(1)(A)(iii), your client agrees to pay a special assessment of \$25 per class A misdemeanor conviction to the Clerk of the United States District Court for the District of Columbia. Your client also understands that, pursuant to 18 U.S.C. § 3572 and § 5E1.2 of the United States Sentencing Commission, *Guidelines Manual* (2021) (hereinafter “Sentencing Guidelines,” “Guidelines,” or “U.S.S.G.”), the Court may also impose a

fine that is sufficient to pay the federal government the costs of any imprisonment, term of supervised release, and period of probation.

2. **Cooperation with Additional Investigation**

Your client agrees to allow law enforcement agents to conduct an interview of your client regarding the events in and around January 6, 2021 prior to sentencing.

3. **Factual Stipulations**

Your client agrees that the attached "Statement of Offense" fairly and accurately describes your client's actions and involvement in the offense to which your client is pleading guilty. Please have your client sign and return the Statement of Offense as a written proffer of evidence, along with this Agreement.

4. **Additional Charges**

In consideration of your client's guilty plea to the above offense, your client will not be further prosecuted criminally by this Office for the conduct set forth in the attached Statement of Offense. The Government will request that the Court dismiss the remaining counts of the Indictment in this case at the time of sentencing. Your client agrees and acknowledges that the charge(s) to be dismissed at the time of sentencing were based in fact.

After the entry of your client's plea of guilty to the offense identified in paragraph one above, your client will not be charged with any non-violent criminal offense in violation of Federal or District of Columbia law which was committed within the District of Columbia by your client prior to the execution of this Agreement and about which this Office was made aware by your client prior to the execution of this Agreement. However, the United States expressly reserves its right to prosecute your client for any crime of violence, as defined in 18 U.S.C. § 16 and/or 22 D.C. Code § 4501, if in fact your client committed or commits such a crime of violence prior to or after the execution of this Agreement.

5. **Sentencing Guidelines Analysis**

Your client understands that the sentence in this case will be determined by the Court, pursuant to the factors set forth in 18 U.S.C. § 3553(a), including a consideration of the Sentencing Guidelines. Pursuant to Federal Rule of Criminal Procedure 11(c)(1)(B), and to assist the Court in determining the appropriate sentence, the parties agree to the following:

A. Estimated Offense Level Under the Guidelines

The parties agree that the following Sentencing Guidelines sections apply:

U.S.S.G. § 2B2.3(a)	Base Offense Level	4
U.S.S.G. § 2B2.3(b)(1)(A)	Specific Offense Characteristics	2
	Total	6

Acceptance of Responsibility

The Government agrees that a 2-level reduction will be appropriate, pursuant to U.S.S.G. § 3E1.1, provided that your client clearly demonstrates acceptance of responsibility, to the satisfaction of the Government, through your client's allocution, adherence to every provision of this Agreement, and conduct between entry of the plea and imposition of sentence.

Nothing in this Agreement limits the right of the Government to seek denial of the adjustment for acceptance of responsibility, pursuant to U.S.S.G. § 3E1.1, and/or imposition of an adjustment for obstruction of justice, pursuant to U.S.S.G. § 3C1.1, regardless of any agreement set forth above, should your client move to withdraw your client's guilty plea after it is entered, or should it be determined by the Government that your client has either (a) engaged in conduct, unknown to the Government at the time of the signing of this Agreement, that constitutes obstruction of justice, or (b) engaged in additional criminal conduct after signing this Agreement.

In accordance with the above, the Estimated Offense Level will be at least 4.

B. Estimated Criminal History Category

Based upon the information now available to this Office (including the representations by the defense), your client has no criminal convictions.

Accordingly, your client is estimated to have 0 criminal history points and your client's Criminal History Category is estimated to be I (the "Estimated Criminal History Category"). Your client acknowledges that after the pre-sentence investigation by the United States Probation Office, a different conclusion regarding your client's criminal convictions and/or criminal history points may be reached and your client's criminal history points may increase or decrease.

C. Estimated Guidelines Range

Based upon the Estimated Offense Level and the Estimated Criminal History Category set forth above, your client's estimated Sentencing Guidelines range is 0 months to 6 months (the "Estimated Guidelines Range"). In addition, the parties agree that, pursuant to U.S.S.G. § 5E1.2, should the Court impose a fine, at Guidelines level 4, the estimated applicable fine range is \$500 to \$9,500. Your client reserves the right to ask the Court not to impose any applicable fine.

The parties agree that, solely for the purposes of calculating the applicable range under the Sentencing Guidelines, neither a downward nor upward departure from the Estimated Guidelines Range set forth above is warranted, except the Government reserves the right to request an upward departure pursuant to U.S.S.G. § 3A1.4, n. 4. Except as provided for in the “Reservation of Allocation” section below, the parties also agree that neither party will seek any offense-level calculation different from the Estimated Offense Level calculated above in subsection A. However, the parties are free to argue for a Criminal History Category different from that estimated above in subsection B.

Your client understands and acknowledges that the Estimated Guidelines Range calculated above is not binding on the Probation Office or the Court. Should the Court or Probation Office determine that a guidelines range different from the Estimated Guidelines Range is applicable, that will not be a basis for withdrawal or rescission of this Agreement by either party.

Your client understands and acknowledges that the terms of this section apply only to conduct that occurred before the execution of this Agreement. Should your client commit any conduct after the execution of this Agreement that would form the basis for an increase in your client’s base offense level or justify an upward departure (examples of which include, but are not limited to, obstruction of justice, failure to appear for a court proceeding, criminal conduct while pending sentencing, and false statements to law enforcement agents, the probation officer, or the Court), the Government is free under this Agreement to seek an increase in the base offense level based on that post-agreement conduct.

6. **Agreement as to Sentencing Allocation**

The parties further agree that a sentence within the Estimated Guidelines Range would constitute a reasonable sentence in light of all of the factors set forth in 18 U.S.C. § 3553(a), should such a sentence be subject to appellate review notwithstanding the appeal waiver provided below. However, the parties agree that either party may seek a variance and suggest that the Court consider a sentence outside of the applicable Guidelines Range, based upon the factors to be considered in imposing a sentence pursuant to 18 U.S.C. § 3553(a).

7. **Reservation of Allocation**

The Government and your client reserve the right to describe fully, both orally and in writing, to the sentencing judge, the nature and seriousness of your client’s misconduct, including any misconduct not described in the charges to which your client is pleading guilty, to inform the presentence report writer and the Court of any relevant facts, to dispute any factual inaccuracies in the presentence report, and to contest any matters not provided for in this Agreement. The parties also reserve the right to address the correctness of any Sentencing Guidelines calculations determined by the presentence report writer or the court, even if those calculations differ from the Estimated Guidelines Range calculated herein. In the event that the Court or the presentence report writer considers any Sentencing Guidelines adjustments, departures, or calculations different from those agreed to and/or estimated in this Agreement, or contemplates a sentence outside the Guidelines range based upon the general sentencing factors

listed in 18 U.S.C. § 3553(a), the parties reserve the right to answer any related inquiries from the Court or the presentence report writer and to allocute for a sentence within the Guidelines range, as ultimately determined by the Court, even if the Guidelines range ultimately determined by the Court is different from the Estimated Guidelines Range calculated herein.

In addition, if in this Agreement the parties have agreed to recommend or refrain from recommending to the Court a particular resolution of any sentencing issue, the parties reserve the right to full allocation in any post-sentence litigation. The parties retain the full right of allocation in connection with any post-sentence motion which may be filed in this matter and/or any proceeding(s) before the Bureau of Prisons. In addition, your client acknowledges that the Government is not obligated and does not intend to file any post-sentence downward departure motion in this case pursuant to Rule 35(b) of the Federal Rules of Criminal Procedure.

8. **Court Not Bound by this Agreement or the Sentencing Guidelines**

Your client understands that the sentence in this case will be imposed in accordance with 18 U.S.C. § 3553(a), upon consideration of the Sentencing Guidelines. Your client further understands that the sentence to be imposed is a matter solely within the discretion of the Court. Your client acknowledges that the Court is not obligated to follow any recommendation of the Government at the time of sentencing. Your client understands that neither the Government's recommendation nor the Sentencing Guidelines are binding on the Court.

Your client acknowledges that your client's entry of a guilty plea to the charged offense authorizes the Court to impose any sentence, up to and including the statutory maximum sentence, which may be greater than the applicable Guidelines range. The Government cannot, and does not, make any promise or representation as to what sentence your client will receive. Moreover, it is understood that your client will have no right to withdraw your client's plea of guilty should the Court impose a sentence that is outside the Guidelines range or if the Court does not follow the Government's sentencing recommendation. The Government and your client will be bound by this Agreement, regardless of the sentence imposed by the Court. Any effort by your client to withdraw the guilty plea because of the length of the sentence shall constitute a breach of this Agreement.

9. **Conditions of Release**

Your client acknowledges that, although the Government will not seek a change in your client's release conditions pending sentencing, the final decision regarding your client's bond status or detention will be made by the Court at the time of your client's plea of guilty. The Government may move to change your client's conditions of release, including requesting that your client be detained pending sentencing, if your client engages in further criminal conduct prior to sentencing or if the Government obtains information that it did not possess at the time of your client's plea of guilty and that is relevant to whether your client is likely to flee or pose a danger to any person or the community. Your client also agrees that any violation of your client's release conditions or any misconduct by your client may result in the Government filing an ex parte motion with the Court requesting that a bench warrant be issued for your client's

arrest and that your client be detained without bond while pending sentencing in your client's case.

10. **Waivers**

a. **Venue**

Your client waives any challenge to venue in the District of Columbia.

b. **Statute of Limitations**

Your client agrees that, should the conviction following your client's plea of guilty pursuant to this Agreement be vacated for any reason, any prosecution, based on the conduct set forth in the attached Statement of Offense, that is not time-barred by the applicable statute of limitations on the date of the signing of this Agreement (including any counts that the Government has agreed not to prosecute or to dismiss at sentencing pursuant to this Agreement) may be commenced or reinstated against your client, notwithstanding the expiration of the statute of limitations between the signing of this Agreement and the commencement or reinstatement of such prosecution. It is the intent of this Agreement to waive all defenses based on the statute of limitations with respect to any prosecution of conduct set forth in the attached Statement of Offense that is not time-barred on the date that this Agreement is signed.

c. **Trial Rights**

Your client understands that by pleading guilty in this case your client agrees to waive certain rights afforded by the Constitution of the United States and/or by statute or rule. Your client agrees to forego the right to any further discovery or disclosures of information not already provided at the time of the entry of your client's guilty plea. Your client also agrees to waive, among other rights, the right to plead not guilty, and the right to a jury trial. If there were a jury trial, your client would have the right to be represented by counsel, to confront and cross-examine witnesses against your client, to challenge the admissibility of evidence offered against your client, to compel witnesses to appear for the purpose of testifying and presenting other evidence on your client's behalf, and to choose whether to testify. If there were a jury trial and your client chose not to testify at that trial, your client would have the right to have the jury instructed that your client's failure to testify could not be held against your client. Your client would further have the right to have the jury instructed that your client is presumed innocent until proven guilty, and that the burden would be on the United States to prove your client's guilt beyond a reasonable doubt. If your client were found guilty after a trial, your client would have the right to appeal your client's conviction. Your client understands that the Fifth Amendment to the Constitution of the United States protects your client from the use of self-incriminating statements in a criminal prosecution. By entering a plea of guilty, your client knowingly and voluntarily waives or gives up your client's right against self-incrimination.

Your client acknowledges discussing with you Rule 11(f) of the Federal Rules of Criminal Procedure and Rule 410 of the Federal Rules of Evidence, which ordinarily limit the admissibility of statements made by a defendant in the course of plea discussions or plea

proceedings if a guilty plea is later withdrawn. Your client knowingly and voluntarily waives the rights that arise under these rules in the event your client withdraws your client's guilty plea or withdraws from this Agreement after signing it.

Your client also agrees to waive all constitutional and statutory rights to a speedy sentence and agrees that the plea of guilty pursuant to this Agreement will be entered at a time decided upon by the parties with the concurrence of the Court. Your client understands that the date for sentencing will be set by the Court.

d. Appeal Rights

Your client agrees to waive, insofar as such waiver is permitted by law, the right to appeal the conviction in this case on any basis, including but not limited to claim(s) that (1) the statute(s) to which your client is pleading guilty is unconstitutional, and (2) the admitted conduct does not fall within the scope of the statute(s). Your client understands that federal law, specifically 18 U.S.C. § 3742, affords defendants the right to appeal their sentences in certain circumstances. Your client also agrees to waive the right to appeal the sentence in this case, including but not limited to any term of imprisonment, fine, forfeiture, award of restitution, term or condition of supervised release, authority of the Court to set conditions of release, and the manner in which the sentence was determined, except to the extent the Court sentences your client above the statutory maximum or guidelines range determined by the Court. In agreeing to this waiver, your client is aware that your client's sentence has yet to be determined by the Court. Realizing the uncertainty in estimating what sentence the Court ultimately will impose, your client knowingly and willingly waives your client's right to appeal the sentence, to the extent noted above, in exchange for the concessions made by the Government in this Agreement. Notwithstanding the above agreement to waive the right to appeal the conviction and sentence, your client retains the right to appeal on the basis of ineffective assistance of counsel, but not to raise on appeal other issues regarding the conviction or sentence.

e. Collateral Attack

Your client also waives any right to challenge the conviction entered or sentence imposed under this Agreement or otherwise attempt to modify or change the sentence or the manner in which it was determined in any collateral attack, including, but not limited to, a motion brought under 28 U.S.C. § 2255 or Federal Rule of Civil Procedure 60(b), except to the extent such a motion is based on newly discovered evidence or on a claim that your client received ineffective assistance of counsel. Your client reserves the right to file a motion brought under 18 U.S.C. § 3582(c)(2).

f. Hearings by Video Teleconference and/or Teleconference

Your client agrees to consent, under the CARES Act, Section 15002(b)(4) and otherwise, to hold any proceedings in this matter – specifically including but not limited to presentment, initial appearance, plea hearing, and sentencing – by video teleconference and/or by teleconference and to waive any rights to demand an in-person/in-Court hearing. Your client further agrees to not challenge or contest any findings by the Court that it may properly proceed by video

teleconferencing and/or telephone conferencing in this case because, due to the COVID-19 pandemic, an in-person/in-Court hearing cannot be conducted in person without seriously jeopardizing public health and safety and that further there are specific reasons in this case that any such hearing, including a plea or sentencing hearing, cannot be further delayed without serious harm to the interests of justice.

g. **Use of Self-Incriminating Information**

The Government and your client agree, in accordance with U.S.S.G. § 1B1.8, that the Government will be free to use against your client for any purpose at the sentencing in this case or in any related criminal or civil proceedings, any self-incriminating information provided by your client pursuant to this Agreement or during the course of debriefings conducted in anticipation of this Agreement, regardless of whether those debriefings were previously covered by an “off the record” agreement by the parties.

11. **Restitution**

Your client acknowledges that the riot that occurred on January 6, 2021, caused as of October 14, 2022, approximately \$2,881,360.20 damage to the United States Capitol. Your client agrees as part of the plea in this matter to pay restitution to the Architect of the Capitol in the amount of \$500.

Payments of restitution shall be made to the Clerk of the Court. In order to facilitate the collection of financial obligations to be imposed in connection with this prosecution, your client agrees to disclose fully all assets in which your client has any interest or over which your client exercises control, directly or indirectly, including those held by a spouse, nominee or other third party. Your client agrees to submit a completed financial statement on a standard financial disclosure form which has been provided to you with this Agreement to the Financial Litigation Unit of the United States Attorney’s Office, as it directs. If you do not receive the disclosure form, your client agrees to request one from usadc.ecfflu@usa.doj.gov. Your client will complete and electronically provide the standard financial disclosure form to usadc.ecfflu@usa.doj.gov 30 days prior to your client’s sentencing. Your client agrees to be contacted by the Financial Litigation Unit of the United States Attorney’s Office, through defense counsel, to complete a financial statement. Upon review, if there are any follow-up questions, your client agrees to cooperate with the Financial Litigation Unit. Your client promises that the financial statement and disclosures will be complete, accurate and truthful, and understands that any willful falsehood on the financial statement could be prosecuted as a separate crime punishable under 18 U.S.C. § 1001, which carries an additional five years’ incarceration and a fine.

Your client expressly authorizes the United States Attorney’s Office to obtain a credit report on your client in order to evaluate your client’s ability to satisfy any financial obligations imposed by the Court or agreed to herein.

Your client understands and agrees that the restitution or fines imposed by the Court will be due and payable immediately and subject to immediate enforcement by the United States. If

the Court imposes a schedule of payments, your client understands that the schedule of payments is merely a minimum schedule of payments and will not be the only method, nor a limitation on the methods, available to the United States to enforce the criminal judgment, including without limitation by administrative offset. If your client is sentenced to a term of imprisonment by the Court, your client agrees to participate in the Bureau of Prisons' Inmate Financial Responsibility Program, regardless of whether the Court specifically imposes a schedule of payments.

Your client certifies that your client has made no transfer of assets in contemplation of this prosecution for the purpose of evading or defeating financial obligations that are created by this Agreement and/or that may be imposed by the Court. In addition, your client promises to make no such transfers in the future until your client has fulfilled the financial obligations under this Agreement.

12. **Breach of Agreement**

Your client understands and agrees that, if after entering this Agreement, your client fails specifically to perform or to fulfill completely each and every one of your client's obligations under this Agreement, or engages in any criminal activity prior to sentencing, your client will have breached this Agreement. In the event of such a breach: (a) the Government will be free from its obligations under this Agreement; (b) your client will not have the right to withdraw the guilty plea; (c) your client will be fully subject to criminal prosecution for any other crimes, including perjury and obstruction of justice; and (d) the Government will be free to use against your client, directly and indirectly, in any criminal or civil proceeding, all statements made by your client and any of the information or materials provided by your client, including such statements, information and materials provided pursuant to this Agreement or during the course of any debriefings conducted in anticipation of, or after entry of, this Agreement, whether or not the debriefings were previously characterized as "off-the-record" debriefings, and including your client's statements made during proceedings before the Court pursuant to Rule 11 of the Federal Rules of Criminal Procedure.

Your client understands and agrees that the Government shall be required to prove a breach of this Agreement only by a preponderance of the evidence, except where such breach is based on a violation of federal, state, or local criminal law, which the Government need prove only by probable cause in order to establish a breach of this Agreement.

Nothing in this Agreement shall be construed to permit your client to commit perjury, to make false statements or declarations, to obstruct justice, or to protect your client from prosecution for any crimes not included within this Agreement or committed by your client after the execution of this Agreement. Your client understands and agrees that the Government reserves the right to prosecute your client for any such offenses. Your client further understands that any perjury, false statements or declarations, or obstruction of justice relating to your client's obligations under this Agreement shall constitute a breach of this Agreement. In the event of such a breach, your client will not be allowed to withdraw your client's guilty plea.

13. **Complete Agreement**

No agreements, promises, understandings, or representations have been made by the parties or their counsel other than those contained in writing herein, nor will any such agreements, promises, understandings, or representations be made unless committed to writing and signed by your client, defense counsel, and an Assistant United States Attorney for the District of Columbia.

Your client further understands that this Agreement is binding only upon the Criminal and Superior Court Divisions of the United States Attorney's Office for the District of Columbia. This Agreement does not bind the Civil Division of this Office or any other United States Attorney's Office, nor does it bind any other state, local, or federal prosecutor. It also does not bar or compromise any civil, tax, or administrative claim pending or that may be made against your client.

If the foregoing terms and conditions are satisfactory, your client may so indicate by signing this Agreement and the Statement of Offense, and returning both to me no later than December 21, 2022.

Sincerely yours,



Matthew M. Graves
United States Attorney

By: /s/ Brian Brady
Brian Brady
Trial Attorney, Department of Justice
DC Bar No. 1674360
1301 New York Ave. N.W., Suite 800
Washington, DC 20005
(202) 834-1916
Brian.Brady@usdoj.gov

DEFENDANT'S ACCEPTANCE

I have read every page of this Agreement and have discussed it with my attorneys, Joseph McBride and Carolyn Stewart. I fully understand this Agreement and agree to it without reservation. I do this voluntarily and of my own free will, intending to be legally bound. No threats have been made to me nor am I under the influence of anything that could impede my ability to understand this Agreement fully. I am pleading guilty because I am in fact guilty of the offense(s) identified in this Agreement.

I reaffirm that absolutely no promises, agreements, understandings, or conditions have been made or entered into in connection with my decision to plead guilty except those set forth in this Agreement. I am satisfied with the legal services provided by my attorney in connection with this Agreement and matters related to it.

Date: 12/20/2022

Daniel Goodwyn

Daniel Goodwyn
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read every page of this Agreement, reviewed this Agreement with my client, Daniel Goodwyn, and fully discussed the provisions of this Agreement with my client. These pages accurately and completely set forth the entire Agreement. I concur in my client's desire to plead guilty as set forth in this Agreement.

Date: 12/20/2022

/s/ Joseph McBride

Joseph McBride
Attorney for Defendant

Date: 12/20/2022

Carolyn Stewart

Carolyn Stewart
Attorney for Defendant

FILED

Clerk, U.S. District & Bankruptcy
Court for the District of Columbia

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

UNITED STATES OF AMERICA	:	Case No.: 21-CR-153 (RBW)
	:	
v.	:	18 U.S.C. § 1752(a)(1)
	:	
DANIEL GOODWYN,	:	
	:	
Defendant.	:	
	:	

STATEMENT OF OFFENSE

Pursuant to Fed. R. Crim. P. 11, the United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the Defendant, Daniel Goodwyn, with the concurrence of his attorneys, agree and stipulate to the below factual basis for the Defendant’s guilty plea—that is, if this case were to proceed to trial, the parties stipulate that the United States could prove the below facts beyond a reasonable doubt:

The Attack at the U.S. Capitol on January 6, 2021

1. The U.S. Capitol, which is located at First Street, SE, in Washington, D.C., is secured twenty-four hours a day by U.S. Capitol Police (USCP). Restrictions around the Capitol include permanent and temporary security barriers and posts manned by USCP. Only authorized people with appropriate identification are allowed access inside the Capitol.

2. On January 6, 2021, the exterior plaza of the Capitol was closed to members of the public.

3. On January 6, 2021, a joint session of the United States Congress convened at the Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in the Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election,

which had taken place on Tuesday, November 3, 2020. The joint session began at approximately 1:00 PM. Shortly thereafter, by approximately 1:30 PM, the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

4. As the proceedings continued in both the House and the Senate, and with Vice President Pence present and presiding over the Senate, a large crowd gathered outside the Capitol. Temporary and permanent barricades, as noted above, were in place around the exterior of the Capitol, and USCP officers were present and attempting to keep the crowd away from the Capitol and the proceedings underway inside.

5. At approximately 2:00 PM, certain individuals in the crowd forced their way through, up, and over the barricades. Officers of the USCP were forced to retreat and the crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks as required by USCP officers or other authorized security officials.

6. At such time, the certification proceedings were still underway, and the exterior doors and windows of the Capitol were locked or otherwise secured. Members of the USCP attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 PM, individuals in the crowd forced entry into the Capitol, including by breaking windows and by assaulting members of law enforcement, as others in the crowd encouraged and assisted those acts. The riot resulted in substantial damage to the Capitol, requiring the expenditure of more than \$2.8 million dollars for repairs according to the Architect of the Capitol (AOC).

7. Shortly thereafter, at approximately 2:20 PM, members of the House of Representatives and of the Senate, including the President of the Senate, Vice President Pence, were instructed to—and did—evacuate the chambers. Accordingly, all proceedings of the United States Congress, including the joint session, were effectively suspended until shortly after 8:00 PM on January 6, 2021. In light of the dangerous circumstances caused by the unlawful entry to the Capitol—including the danger posed by individuals who had entered the Capitol without any security screening or weapons check—Congressional proceedings could not resume until after every unauthorized occupant had been removed from or left the Capitol, and USCP confirmed that the building was secured. The proceedings resumed at approximately 8:00 PM after the building had been secured. Vice President Pence remained in the Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

Daniel Goodwyn's Participation in the January 6, 2021, Capitol Riot

8. The Defendant, Daniel Goodwyn, lives in Corinth, Texas as a condition of his release. In January 2021 he was a legal resident of California where he intends to return. On or about January 1, 2021, Defendant traveled from San Francisco, California to Washington, D.C. A purpose of the Defendant's trip to Washington, D.C., was to support Senator Cruz's objection with call for investigation and to protest Congress' certification of the Electoral College.

9. Prior to January 6, on November 7, 2020, Defendant posted a picture on Twitter ("tweeted") of the Proud Boys logo and stated, "Stand back and stand by! Show up at your state Capitol at noon today local time. Await orders from our Commander in Chief. #StopTheSteal! StopTheSteal.US." The January 6, 2021 events at the Ellipse were not announced until approximately December 18, 2020. On December 28, 2020, the Defendant tweeted "#FightForTrump" and "#StopTheSteal" and linked a GiveSendGo account where he was soliciting donations to fund his travel to Washington, D.C. on January 6, 2021.

10. On January 6, Defendant attended the “Stop the Steal” rally and then marched with other protestors to the Capitol.

11. Between 2 p.m. and 4 p.m., Defendant was a part of the crowd that had gathered on the northern Lower West Terrace on the restricted grounds of the Capitol.



12. While there, the Defendant utilized a bullhorn handed to him by a stranger to encourage others to enter the Capitol. Defendant stated, “Behind me, the door is open” and “we need you to push forward, forward;” and “we need critical mass for this to work” and “Go behind me and go in.”

13. At 3:32 p.m., Defendant entered the Capitol through the open Senate Wing door.



As the Defendant entered the Capitol an officer reached out and touched the Defendant. The Defendant turned to the officer and continued inside the Capitol. While exiting the Capitol, Defendant was called out as "stthoughtcriminal" by Anthime Gionet aka "Baked Alaska" who was inside the Capitol livestreaming his broadcast. Defendant slowed down and paused to identify

himself on the video as “Daniel Goodwyn” after having been told to leave the building by a law enforcement officer. As Defendant left, he told strangers in his vicinity that the officer was an “Oathbreaker” and to get his badge number. The Defendant then exited the Capitol at 3:33 p.m., 36 seconds after he entered.



14. On January 6, 2021, Defendant sent and received a number of text messages. For example, at 2:15 p.m., Defendant was asked by Christopher Goodwyn, "What's going on?" Then at 3:17 after no response Christopher Goodwyn wrote "Hey where are you?" At 3:39 the Defendant responded, "Capitol." At 3:53 p.m. Christopher Goodwyn texted, "you safe and ok?" At 3:54 Christopher Goodwyn added "heard some knuckleheads stormed the capitol building." At 3:56 p.m. the Defendant answered "yes I'm safe" followed by the text "I went inside." Christopher Goodwyn replied at 4:09 p.m., "Inside where?" At 4:29 p.m., the Defendant responded, "The capitol building." At 4:54 p.m. Christopher Goodwyn asked, "Why?" At 5:01 p.m. the Defendant responded, "That's what we were doing." At 8:02 p.m., the Defendant sent Christopher Goodwyn and three other persons private texts with a link to a CBS News live update article which followed the certification

of the electoral vote.

15. At 4:02 p.m. Laura McGregor texted the Defendant that it seemed like Antifa was present. At 4:03 p.m., Defendant messaged Laura McGregor, "Patriots rushed the Capitol."

16. On January 6, 2021, at 9:41 p.m., in response to DrewHLive's Twitter status the Defendant posted on Twitter, "They WANT a revolution. They're proving our point. They don't represent us. They hate us. (DrewHLive's status is available at: <https://web.archive.org/web/20210107020503/https://twitter.com/DrewHLive/status/1347001087975432192>.)

17. On the night of January 6, 2021, Mr. Goodwyn posted on his Instagram story account @DanielGoodwyn that was banned and deleted; "I didn't break or take anything."

Elements of the Offense

18. Daniel Goodwyn knowingly and voluntarily admits to all the elements of Entering or Remaining in a Restricted Building or Grounds, a violation of Title 18, United States Code, Section 1752(a)(1). Specifically, defendant admits he entered or remained in a restricted building or grounds without lawful authority to do so and that he did so knowingly. A person acts "knowingly" if he realizes what he is doing and is aware of the nature of his conduct, and does not act through ignorance, mistake, or accident.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney
D.C. Bar No. 481052

By: *Brian Brady*
Brian Brady
Trial Attorney
D.C. Bar No. 1674360

DEFENDANT'S ACKNOWLEDGMENT

I, Daniel Goodwyn, have read this Statement of the Offense and have discussed it with my attorney. I fully understand this Statement of the Offense. I agree and acknowledge by my signature that this Statement of the Offense is true and accurate. I do this voluntarily and of my own free will. No threats have been made to me nor am I under the influence of anything that could impede my ability to understand this Statement of the Offense fully.

Date: 12/20/2022 Daniel Goodwyn
Daniel Goodwyn
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read this Statement of the Offense and have reviewed it with my client fully. I concur in my client's desire to adopt this Statement of the Offense as true and accurate.

Date: 12/20/2022 /s/ Joseph McBride
Joseph McBride
Attorney for Defendant

Date: 12/20/2022 /s/ Carolyn Stewart
Carolyn Stewart
Attorney for Defendant

AO 245B (Rev. 09/19) Judgment in a Criminal Case
 Sheet 1

UNITED STATES DISTRICT COURT

District of Columbia

UNITED STATES OF AMERICA
 v.
 DANIEL GOODWYN

) **JUDGMENT IN A CRIMINAL CASE**
)
)
) Case Number: 21-CR-153 (RBW)
)
) USM Number: 27932-509
)
) Carolyn Stewart
) _____
) Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) 2s of the Superseding Indictment filed on 11/10/2021
- pleaded nolo contendere to count(s) _____
 which was accepted by the court.
- was found guilty on count(s) _____
 after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 1752(a)(1)	Entering and Remaining in a Restricted Building or Grounds	1/6/2021	2s

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____
- Count(s) ALL REMAINING COUNTS is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

6/6/2023

 Date of Imposition of Judgment

Reggie B. Walton

 Signature of Judge

Reggie B. Walton, U.S. District Judge

 Name and Title of Judge

June 15, 2023

 Date

DEFENDANT: DANIEL GOODWYN
CASE NUMBER: 21-CR-153 (RBW)

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

Sixty (60) days on Count 2s with credit for time served.

- The court makes the following recommendations to the Bureau of Prisons:
Defendant to be detained at FCI Bastrop, FCI El Reno, or any other minimum security facility located as close as possible to his family.
- The defendant is remanded to the custody of the United States Marshal.
- The defendant shall surrender to the United States Marshal for this district:
 - at _____ a.m. p.m. on _____
 - as notified by the United States Marshal.
- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
 - before 2 p.m. on _____
 - as notified by the United States Marshal.
 - as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: DANIEL GOODWYN
CASE NUMBER: 21-CR-153 (RBW)

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

One (1) year of supervised release on Count 2s.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: DANIEL GOODWYN
CASE NUMBER: 21-CR-153 (RBW)

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: DANIEL GOODWYN
CASE NUMBER: 21-CR-153 (RBW)

SPECIAL CONDITIONS OF SUPERVISION

Mental Health Treatment - You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

Financial Information Disclosure - You must provide the probation officer access to any requested financial information and authorize the release of any financial information until you pay the financial obligations imposed by the Court. The probation office may share financial information with the United States Attorney's Office.

Financial Restrictions - You must not incur new credit charges, or open additional lines of credit without the approval of the probation officer.

Firearm Restriction - You shall remove firearms, destructive devices, or other dangerous weapons from areas over which you have access or control until the term of supervision expires.

Computer Monitoring/Search - To ensure compliance with the computer monitoring condition, you must allow the probation officer to conduct initial and periodic unannounced searches of any computers (as defined in 18 U.S.C. § 1030(e)(1)) subject to computer monitoring. These searches shall be conducted to determine whether the computer contains any prohibited data prior to installation of the monitoring software, whether the monitoring software is functioning effectively after its installation, and whether there have been attempts to circumvent the monitoring software after its installation. You must warn any other people who use these computers that the computers may be subject to searches pursuant to this condition.

DEFENDANT: DANIEL GOODWYN
 CASE NUMBER: 21-CR-153 (RBW)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 25.00	\$ 500.00	\$ 2,500.00	\$	\$

- The determination of restitution is deferred until _____ . An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Architect of the Capitol		\$500.00	
Office of the Chief Financial Officer			
Attn: Kathy Sherrill, CPA			
Ford House Office Building, Room H2-205B			
Washington, DC 20515			

TOTALS	\$ _____	0.00	\$ _____	500.00
---------------	----------	------	----------	--------

- Restitution amount ordered pursuant to plea agreement \$ _____
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- the interest requirement is waived for the fine restitution.
- the interest requirement for the fine restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.
 ** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.
 *** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: DANIEL GOODWYN
CASE NUMBER: 21-CR-153 (RBW)

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Lump sum payment of \$ 3,025.00 due immediately, balance due
 - not later than _____, or
 - in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:
 The financial obligations are immediately payable to the Clerk of the Court for the U.S. District Court, 333 Constitution Ave NW, Washington, DC 20001. Within 30 days of any change of address, you shall notify the Clerk of the Court of the change until such time as the financial obligation is paid in full.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
---	--------------	-----------------------------	--

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

United States District Court for the District of Columbia

UNITED STATES OF AMERICA)
 vs.) Criminal No. 1:21-cr-00153 (RBW)
 Daniel Goodwyn)

NOTICE OF APPEAL

Name and address of appellant: Daniel Goodwyn
 2408 Creekwood Street
 Corinth, Texas 76210

Name and address of appellant's attorney: Carolyn Stewart
 Stewart Country Law PA
 1204 Swilley Rd
 Plant City, FL 33567

Offense: 18 U.S.C. Section 1752(a)(1)

Concise statement of judgment or order, giving date, and any sentence:

Judgment order entered June 16, 2023 ECF No. 108, with Special Condition of Supervised Release for Computer Monitoring/Search. The transcript provides that computer monitoring/searches using installed devices and software will be by the Probation Office to see if Appellant uses speech containing "disinformation."

Name and institution where now confined, if not on bail:

I, the above named appellant, hereby appeal to the United States Court of Appeals for the District of Columbia Circuit from the above-stated judgment.

06/30/2023 DATE Daniel Goodwyn APPELLANT
 Carolyn Stewart ATTORNEY FOR APPELLANT

GOVT. APPEAL, NO FEE
 CJA, NO FEE
 PAID USDC FEE
 PAID USCA FEE

Does counsel wish to appear on appeal? YES NO
 Has counsel ordered transcripts? YES NO
 Is this appeal pursuant to the 1984 Sentencing Reform Act? YES NO

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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

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P R O C E E D I N G S

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

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

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

THE COURT: Good afternoon.

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

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

CERTIFICATE OF SERVICE

I hereby certify on the 5th day of SEPTEMBER 2023, a copy of the foregoing was served upon all parties as forwarded through the Electronic Case Filing (ECF) System.

On this same date, the original and additional copies of the foregoing Joint Appendix were filed by overnight delivery, postage prepaid, addressed as follows:

Clerk's Office—Appeal No. 23-3106
U.S. Court of Appeals for the D.C. Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Ave., NW
Washington, DC 20001

/s/ Carolyn Stewart
Carolyn Stewart, Esq.