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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,)	CASE NO. 3:22-CR-426-JSC
15 Plaintiff,)	UNITED STATES' SUPPLEMENT TO
16 v.)	SENTENCING MEMORANDUM
17 DAVID WAYNE DEPAPE,)	Court: Hon. Jacqueline Scott Corley, Courtroom 8
18 Defendant)	Sentencing Date: May 17, 2024
)	Sentencing Time: 10:00 a.m.
)	

21 The United States submits this supplement to its sentencing memorandum to attached three
22 letters, included here as Exhibits A, B, and C.

23 DATED: May 17, 2024

Respectfully submitted,

24 ISMAIL J. RAMSEY
United States Attorney

25 _____
26 /s/
HELEN L. GILBERT
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Assistant United States Attorneys

Exhibit A

NANCY PELOSI
11TH DISTRICT, CALIFORNIA

SPEAKER EMERITA

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Congress of the United States
House of Representatives
Washington, DC 20515-0508

DISTRICT OFFICE:

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May 10, 2024

The Honorable Jacqueline Scott Corley
United States District Court
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

To the Honorable Judge Corley:

I am writing with respect to sentencing in *U.S. v. DePape*.

I have served as Chief of Staff to Speaker Nancy Pelosi since 2019 and I have been honored to know Speaker Pelosi, Mr. Pelosi and the Pelosi family since I joined her office shortly after graduating from college more than thirty years ago.

The defendant broke into my employer's house to hurt her. Not finding her at home, the defendant viciously assaulted one of the kindest, most generous people I have ever known, a person who through his every action has supported the challenging work of the Speaker and her team. He has provided our staff comfort and inspiration by virtue of his calming presence. He has sacrificed to enable her service and our work for the Speaker. The traumatic impact the attack had on her staff at the time – when our worst fears had been realized – will always be with many of us. The trauma it has caused this family I respect and admire deeply is incalculable.

When I first began government service, and even in my current role, I never could have expected how significant a part of that service would now include anticipating, reacting to and processing serious and violent threats to the lives of the Speaker and our staff. In the two decades since Speaker Pelosi first became House Democratic Leader, I have observed firsthand the radicalization of the political rhetoric in the public square and have seen the intensified impact on public servants as right-wing extremists escalated to hateful and violent rhetoric and then to threats against Members and staff.

As Chief of Staff to the Speaker of the House – who is second in line in Presidential succession - I had operational connection to the U.S. Capitol Police, the White House and the military. My duties included and still include working to ensure the protection of Speaker Pelosi and our staff.

We had established protocols to ensure that Speaker Pelosi would be able to fulfill her duties or the duties of the President or Vice President in the case of a national security threat. The Speaker had 24-hour U.S. Capitol Police security for two critical reasons: because of her essential role in Presidential succession and the continuity of government and because she faced a constant and significant number of threats against her life. Although she made the decision to step down from House leadership in November 2022, the 24-hour security remains because the threats continue.

As U.S. Capitol Police Agent Littlejohn testified, Speaker Pelosi was always the Speaker of the House. Wherever the Speaker went and whatever time it was, she was prepared to perform her official duties. On the day of the attack, our staff and security were prepared for a full schedule of events in which she would participate. Those included a classified national security briefing, which

was cancelled after the attack, when the Speaker spent the next several days at the hospital with Mr. Pelosi. When she flew to San Francisco to be with her husband, we had no idea whether this was part of a planned lone-wolf terrorist attack or what we had to be prepared for to ensure her security. We also did not know what elements of her official duties would have to be altered in the wake of the attack. Again, she was always the Speaker. Even at Mr. Pelosi's bedside, she had to carry out her official duties. Many friends, colleagues and people from around the world, horrified by the attack, reached out with words of sympathy and support. But even still, despite what had happened, we continued to receive additional threats.

A Member of Congress usually participates in many events in the community. Speaker Pelosi has always eagerly done so and always will. The assault on Mr. Pelosi by the defendant continues to impact scheduling decisions about her participation in events and the performance of her official duties.


Our current reality as a congressional office includes having to endure and report violent threats by phone or email. Every new staff member is trained to deescalate hostile conversations, including those with visitors to our office, and to report to Capitol Police hundreds of potentially threatening communications. No one ever gets used to listening in excruciating detail to how someone wants to hurt or kill the Speaker or us, and no one ever knows who is going to act on that threat. We take each threat extremely seriously.

The time taken to process the call or voice mail, interact with the Capitol Police threats division, and process the emotional impact, is time we do not budget for. It disrupts the ability to execute necessary tasks and to serve constituents. Most importantly, it instills a fear of potential violence that, as we have seen, is all too real. In the past, opportunities to staff the Speaker Emerita on the phone or in person and be in close proximity to her were greatly valued. Now, each staff member who takes that responsibility must also recognize and prepare for not only a threat to Speaker Pelosi but the risk to their own life.

After we experienced the threat to the lives of the Speaker, Members of Congress and staff on January 6, 2021, we knew we were not safe at our workplace. "Where's Nancy?" they cried as they attacked the Capitol and we feared for our lives. We could not imagine anything worse could happen in our world. Yet it did, because of this defendant's actions. "Where's Nancy?" he asked. After the brutal attack on Mr. Pelosi in October 2022, we knew the Speaker and her family were not safe in their own homes. It stands to reason that each time a staff member receives a violent threat, they feel a responsibility that these brutal assaults never happen again on our watch. The pressure it exerts and the disruption it creates is significant and difficult to describe. We as congressional staff will never be the same.

Thank you for the opportunity to address the real and lasting impact of this horrific crime.

Sincerely,

A large black rectangular redaction box covering the signature of the Chief of Staff.

Chief of Staff

Exhibit B



Nancy Pelosi
Speaker Emerita

May 17, 2024

The Honorable Jacqueline Scott Corley
United States District Court
Northern District of California
450 Golden Gate Avenue
San Francisco, California 94102

Dear Judge Corley:

The violent assault on my husband Paul in the privacy of our home has had a devastating effect on three generations of our family.

Reports of the home invasion with shouts of “Where’s Nancy?” – echoing the January 6th threats – filled me with great fear and deep pain. A violent man broke into our home, threatened to kidnap me and – in his own words – made my husband Paul “take the punishment” in my absence with a near-fatal attack with a hammer.

My husband Paul is a kind gentleman and husband, a revered father and grandfather, and a respected friend to many. Our home has always been a sanctuary for our family. Therefore, the break-in and violation of our domestic tranquility is having a long-lasting impact.

Despite my husband’s courageous efforts to save his own life – by trying to escape to the elevator, by calling 9-1-1 and by calmly convincing the attacker to go downstairs to the front door – Paul was nearly killed in the front entrance to our home. Even now, eighteen months after the home invasion and assault, the signs of blood and break-in are impossible to avoid. Our home remains a heartbreaking crime scene.

Personally, the physical attack on Pop (his family name) continues to take its toll on his well-being. Being violently struck in the head multiple times with a hammer has ongoing consequences. Instances of dizziness and fainting persist — and falling down as a result of fainting has caused him further pain, bruising and nerve damage.

When I first learned about the attack, I flew home to San Francisco from Washington, D.C. and spent six days with Paul in the hospital. When Paul came home, I spent many days with him as he convalesced. In the year and a half since his hospitalization, Paul has continued to struggle with injuries — and those struggles have become part of our domestic routine. Eighteen months after the assault, the repercussions of the attack on Paul affect his health and limit his social and public engagements. While Pop has been able to participate in some events, they are limited — and Paul has to prepare carefully for them. At all events, he paces himself, avoids extended exposure to bright lights and loud noises, and mostly remains seated.

This, in turn, affects my official schedule. For example, I was preparing to leave San Francisco in November 2023 on a redeye flight to Atlanta to attend the funeral of former First Lady Rosalynn Carter, whom I was proud to know. However, that afternoon, I saw Paul faint and fall in the kitchen. Later, Paul fainted and fell on our bedroom floor. I canceled my trip and accompanied him to medical appointments. While we would usually not


speaking publicly about his injuries, it was clear that my plans to attend the Carter funeral changed for personal health reasons, and everyone was sympathetic.

Paul and I have not discussed the events of that horrible night of October 28, 2022. Paul doesn't want to undergo revisiting it, and the doctors' advice is that discussing the vicious assault would only renew his trauma.

Once you are attacked in such a public and political manner with such threatening language, you always have to fear a copycat. Adding to the pain and uncertainty of recovery is the terrible example set for other families in public service. When I encourage people – especially women – to consider running for office, physical threats to the family should not even be a factor, but they are. In addition, when the attack is a source of sick humor – especially to people in high places – it adds to the pain, the fear and the threat to those who might consider public office.

It is therefore necessary that the guilty party's sentence be very long as a punishment for the attack and the injuries Paul continues to suffer – and as a deterrent to others considering violence against public officials.

Sincerely,



NANCY PELOSI
Speaker Emerita

Exhibit C

PAUL F. PELOSI

[REDACTED]

May 17, 2024

The Honorable Jacqueline Scott Corley

United States District Court
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Dear Judge Corley,

Ever since the defendant violently broke into my home and woke me up yelling “Where’s Nancy?” at 2:00 am on October 28, 2022, my life has been irrevocably changed.

Awakened by a large violent man holding a hammer and zip ties, I tried to calm him and save my own life. I tried escaping from my bedroom to the elevator to call the police but he crowded into the elevator with me and prevented my escape or rescue. The defendant knew I was alone and could have left once he learned that my wife Nancy Pelosi, then Speaker of the House of Representatives, was in Washington, DC for work — but he kept me hostage in my own home saying he would wait for her. I managed to make my way into my bathroom to call the police — and he could have left — but he continued to stay. He threatened me, saying he would tie me up and wait for my wife. He repeatedly said that he could “take me out.” I finally convinced the defendant to go downstairs — and just when the police arrived and I thought I would be free, he did not run away out the back patio door that he’d broken into — or even run past the police officers who stood at the door without their guns or tasers in hand. Instead, as he later testified, the defendant made me “take the punishment” with a vicious assault. After the defendant struck me in the head with blows from his hammer, I fell unconscious.

When I awoke in a pool of my own blood, I had severe head, arm and hand injuries. The paramedics who cut off my clothes and put tourniquets on my head and arms kept me awake and helped save my life. But even after emergency trauma surgery and six days at San Francisco General Hospital, my injuries were severe and persistent.

My head injuries continue to affect my life. My hair grew back — but I have bumps on my head from the hammer blows and a metal plate from skull surgery. The dizziness has not gone away. In late November of 2023 — 13

months after the assault — I felt vertigo and fell twice at home, leading to extensive medical evaluations including MRIs and nerve block injections in my neck. Treatments continued into February 2024. I walk slowly and have difficulty with my balance. Nearly every day I get headaches that become migraines unless quickly addressed. I need to sleep during the day and cannot tolerate bright lights or loud noises for extended periods of time.

The defendant severely damaged the nerves in my left hand. My forehand was “de-gloved” exposing raw nerves and blood vessels. Surgeries and treatments mostly healed the skin, but underneath I still feel pinched nerves in my left hand. This makes basic tasks like using buttons, cutlery and simple tools more difficult.

My right arm had several stitches for 8 weeks.

For months, sleeping alone in my home was very difficult because I kept remembering the defendant breaking into my house.

To this day, I keep away from media and video of the attack for my own peace of mind. My family and friends were traumatized by the attack — and many political spouses with whom I have grown close during my wife’s service in Congress have been both sympathetic to me and scared for their own safety. To protect my healing, I do not address the assault with my wife or anyone else. Nor do I discuss the trauma experienced by my wife who remains under 24-hour security even though she is no longer serving as Speaker of the House.

It has taken many months to reclaim my home and well-being. Even so, we do not answer our landline phone or our front door due to ongoing threats. We cannot fully remove the stain on the floor in the front entryway where I bled. As recently as this week, we have had to improve security measures at our home due to ongoing threats.

I ask that you consider the premeditated kidnapping of my wife, the vicious assault on my life, and the ongoing physical and mental injuries caused by the defendant and sentence him to the fullest extent the law provides.

Thank you for your consideration.

Sincerely,

Paul Pelosi