

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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UNITED STATES OF AMERICA CR No. 1:21-cr-00117-RCL-1

v.

RYAN TAYLOR NICHOLS, Washington, D.C.  
Thursday, May 2, 2024  
12:30 p.m.

Defendant.

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TRANSCRIPT OF SENTENCING  
HELD BEFORE THE HONORABLE ROYCE C. LAMBERTH  
UNITED STATES DISTRICT JUDGE

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APPEARANCES:

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P R O C E E D I N G S

1  
2 THE DEPUTY CLERK: We're on the record in Criminal  
3 Case 21-117-1, United States of America v. Ryan Taylor  
4 Nichols.

5 Starting with the Government, please approach the  
6 podium and state your appearance for the record.

7 MR. BRASHER: Good afternoon, Your Honor. Doug  
8 Brasher for the United States of America, and with me at  
9 counsel table are Trial Attorney Sarah Rocha and AUSA Sean  
10 McCauley.

11 THE COURT: Okay.

12 MR. MCBRIDE: Good afternoon, Your Honor. Joseph  
13 McBride on behalf of Mr. Nichols. I am accompanied today  
14 with Co-Counsel Bradford Geyer and my head paralegal and  
15 wife Cassandra Dikijian. Thank you.

16 THE COURT: Okay.

17 THE PROBATION OFFICER: Good afternoon, Your  
18 Honor. Sherry Baker on behalf of the Probation Office. I'm  
19 standing in for Andre Wilson.

20 THE COURT: Okay. As in all sentencings, we would  
21 start with the discussion about the guideline calculations  
22 before we go to the allocution and whether there should be  
23 an either departure or variation. In talking to the  
24 probation officer beforehand, she advised me that the  
25 Probation Office agrees that the calculation was incorrect

1 in the -- Probation agrees was incorrect in the report  
2 itself in the -- that they overlooked the six-level victim  
3 enhancement in Count 1 and the -- that was in the plea  
4 agreement and the three-level bodily injury enhancement in  
5 Count 2 so that the Probation Office itself agrees with the  
6 Government's objections to those. Those were not noted by  
7 the Government in their -- in any objection to the  
8 presentence report at the time the original report was  
9 written, but the Probation Office agrees with those  
10 objections by the Government.

11 Mr. Nichols also makes an objection to the  
12 four-point specific offense characteristic in Count 2  
13 relying on out-of-Circuit case law that prohibits this  
14 enhancement in his argument by Mr. McBride, saying that  
15 because this enhancement is for using a dangerous weapon and  
16 there's also a six-level enhancement for assaulting police,  
17 that there were -- creating a substantial risk of a serious  
18 bodily injury. There's no in-Circuit authority for that  
19 proposition, and so I reject that.

20 And so my calculation, then, would be that with  
21 the six-level enhan- -- official victim enhancement in Count  
22 1 and three-level bodily injury enhancement in Count 2, the  
23 combined total offense level, then, would be 21 -- 24, I'm  
24 sorry, as opposed to 20 in the report as originally written.  
25 Criminal history category would still be I.

1           So if that was the final level, let me take any  
2           objection to that and then I'll have the probation officer  
3           give us what the guidelines would be, because I have to  
4           announce what the guidelines would be before I let you all  
5           argue about whether there should be either a variance or a  
6           departure from the guidelines.

7           Any other objections, though, to the guidelines  
8           determination?

9           MR. BRASHER: No other objections from the  
10          Government, Your Honor. But just for record purposes, we  
11          had a discussion with Mr. McBride before we began today  
12          where he agreed to withdraw his objection to the four-level  
13          dangerous weapon enhancement for Count 2. I understand the  
14          Court's already ruled on that and has rejected that --

15          THE COURT: Okay.

16          MR. BRASHER: -- but I would like just to confirm  
17          on the record for any future proceedings that the defendant  
18          has agreed to withdraw that.

19          THE COURT: Okay.

20          MR. MCBRIDE: Judge, with all due deference and  
21          respect to your findings today, it feels a little unfair  
22          that the Government is being given the benefit of the doubt  
23          for this -- the inclusion of this enhancement. The  
24          Government had a -- has a duty to object in a timely fashion  
25          to these enhancements, and that did not happen here. So I

1 would ask that while I have withdrawn my application to have  
2 the four-point enhancement withdrawn -- I've dispensed with  
3 that application as of this morning -- I would ask for  
4 preclusion on the additional enhancement that the  
5 Government's failed to object to.

6 Thank you.

7 THE COURT: Okay. That's denied, but I agree that  
8 they were -- did not timely object. So if you want  
9 additional time, I would grant it.

10 MR. MCBRIDE: Your Honor, we've all worked very  
11 hard to get here today. So --

12 THE COURT: Okay.

13 MR. MCBRIDE: -- we're going to waive the Court's  
14 indulgence. Thank you.

15 THE COURT: All right, then. With a Level 24 and  
16 Criminal History Category I, let me ask the probation  
17 officer if you would give us what the guideline provisions  
18 would be. I think they would be -- 51 to 63 would be the  
19 custody guidelines. Is that right?

20 THE PROBATION OFFICER: Your Honor, you said with  
21 a total offense level of 24?

22 (Brief pause.)

23 Yes, Your Honor. So based on the calculations, as  
24 to the Court's findings, Count 1 is with a total offense  
25 level of 20; and Count 2 is with a total offense level of

1 27. With the grouping analysis, 27 will be the higher where  
2 they are grouped together under 3D1.4. So 27; then we  
3 subtract 3 for acceptance. We have 24. And in a  
4 Category I, it is 51 to --

5 THE COURT: Pull that microphone over, would you?

6 THE PROBATION OFFICER: Huh?

7 THE COURT: Pull the microphone over so I can --

8 THE PROBATION OFFICER: Oh, I'm sorry.

9 THE COURT: -- hear you.

10 THE PROBATION OFFICER: I'm sorry. Do I need to  
11 repeat from the beginning?

12 THE COURT REPORTER: (Indicates affirmatively.)

13 THE PROBATION OFFICER: Okay.

14 So under Count 1, the total offense level will be  
15 20; and then Count 2, the total offense level will be 27.  
16 Both of them are grouped under the 3D1.4. So with 27 and  
17 then we subtract 3 for acceptance, we do have a total  
18 offense level of 24. And 24 would give us a guideline range  
19 of 51 to 63 months and a fine range of 20,000 to 200,000.

20 THE COURT: All right.

21 THE PROBATION OFFICER: And supervised release and  
22 probation and all of that will be the same. It would not  
23 change, even though the offense level has changed.

24 THE COURT: Okay. So the supervised release would  
25 be one to three years.

1 THE PROBATION OFFICER: Yes.

2 THE COURT: Probation would still be ineligible.  
3 Fine range would be 20,000 to 200,000.

4 THE PROBATION OFFICER: Correct.

5 THE COURT: Restitution would remain at 2,000.  
6 And the special assessment would still be \$100 per count.

7 THE PROBATION OFFICER: Correct, Your Honor.

8 THE COURT: So those would be the guidelines.  
9 Okay.

10 THE PROBATION OFFICER: Correct.

11 THE COURT: Now, to Counsel, then, the Court  
12 would, accepting those as the guidelines, allow you to argue  
13 whether I should vary or depart from the guidelines as part  
14 of the allocution. And we'll start with the Government's  
15 allocution first.

16 MR. BRASHER: Thank you, Your Honor.

17 A lot has been said, and a lot will likely still  
18 be said, about Ryan Nichols and his hurricane rescue work.  
19 But on January 6th, Ryan Nichols was a one-man hurricane; a  
20 tempest of terror that left destruction and ruin in his  
21 wake. Just as a hurricane moves slowly offshore, fomenting,  
22 swelling, and threatening from afar, Ryan Nichols slowly  
23 marched to the Capitol, unleashing a threatening tirade  
24 against our elected leaders. And when Ryan Nichols finally  
25 made landfall at the mouth of the lower west terrace tunnel,

1 he unleashed his violence on the police officers who stood  
2 in his path, raining down on them with their own OC spray.

3 Thankfully, the storm walls of our democracy stood  
4 firm that day, but Ryan Nichols's assaulted -- assault  
5 against police officers and his violent rhetoric before,  
6 during, and after the riot left a festering wound that must  
7 be addressed in the sentence of this Court. And for those  
8 reasons, we are asking this Court to vary upward to a  
9 sentence of 83 months. A sentence of 83 months in the  
10 context of all the defendant's actions, even though it's an  
11 upward variance, would still be a lenient sentence,  
12 considering all of the -- of his actions. And 83 months  
13 should be the floor, not the ceiling.

14 I'd like to just show four brief clips that  
15 demonstrate the defendant's actions and rhetoric on the --  
16 January 6th.

17 We start with the march to the Capitol Building.  
18 This is Government's Exhibit-D starting at minute 7 and 36  
19 seconds.

20 (Video played.)

21 MR. BRASHER: Once he reached the tunnel, he  
22 beckoned for a cannister of police OC spray. This is not a  
23 personal jogger-size pepper spray. This is a large  
24 cannister of spray; recognized that the person holding it  
25 was not doing anything with it, so he beckoned for it, "Give



1 it to me," and then he sprayed it onto the officers.

2 (Video played.)

3 MR. BRASHER: That was Government's Exhibit-E  
4 starting at marker 04 seconds to approximately 37 seconds.

5 A couple things to point out in this video clip is  
6 that directly in front of Mr. Nichols is a man headed  
7 directing -- the direction opposite, out of the tunnel,  
8 trying to leave. People were leaving and could leave, but  
9 he was -- Mr. Nichols was still pushing forward and  
10 unleashed the spray onto the officers in front of him.

11 Then later that evening back in his hotel room,  
12 having had a chance to reflect on his actions that day,  
13 Government's Exhibit-I includes the livestream that  
14 Mr. Nichols did from his hotel room on Facebook. Starting  
15 at minute 4 and 21 seconds.

16 (Video played.)

17 MR. BRASHER: Stopping at 5 minutes and 3 seconds  
18 and resuming at 7 minutes and 21 seconds.

19 (Video played.)

20 MR. BRASHER: Stopping at minute 9 and 19 seconds.

21 Your Honor, as this Court knows, a lot of  
22 people -- a lot of January 6th defendants have raised a  
23 common refrain of being caught up in the crowd, but that's  
24 not what happened here. Ryan Nichols was a leader of that  
25 crowd, a self-proclaimed leader, a person who wanted to be a

1 leader, a person who stood on a ledge outside of a broken  
2 window and encouraged a crowd of rioters to get their  
3 weapons. The Court is familiar with the account of multiple  
4 officers who have said they were a hair's trigger away from  
5 pulling their own weapons in defense of themselves in the  
6 Capitol, and luckily they didn't. But here is Ryan Nichols  
7 on a ledge with a bullhorn calling for people to arm  
8 themselves with weapons while he himself is waving a crowbar  
9 that he brought as a weapon.

10 This type of political violence -- threatened,  
11 committed, encouraged, and encouraged again -- cannot be  
12 normalized. An upward variance is appropriate here because  
13 of the danger that Mr. Nichols posed to Congress inside the  
14 building as they were performing one of the key aspects of  
15 our democratic process. An upward variance is appropriate  
16 for the corruptness of Mr. Nichols in performing his actions  
17 and in speaking his words. When the Court compares his case  
18 to others, including one of the most recent sentencings this  
19 Court has issued in Mr. Sullivan's case -- admittedly, that  
20 was a trial, whereas we have a guilty plea here -- but just  
21 looking from the outside, the conduct of Mr. Nichols is  
22 much, much worse.

23 THE COURT: In which case?

24 MR. BRASHER: John Sullivan.

25 Again, a sentence of 83 months is lenient in light

1 of his actions and his words.

2 The sentencing today is not about Mr. Nichols's  
3 medical issues. It's not about any perceived mistreatment  
4 that he has endured while in custody. The sentence that  
5 we're asking for will put him into BOP custody. He is --  
6 BOP is more than capable of addressing any medical issues he  
7 has. In the rare event that they are unable to do that,  
8 Mr. Nichols is savvy and knows how to advocate for himself  
9 and get the change that he needs, but it's not a reason for  
10 leniency today.

11 Similarly, the defendant's prior service in the  
12 military, in the Marines, that's not a reason for leniency  
13 here either. As you heard from Mr. Nichols himself, he  
14 undertook an oath to defend the United States Constitution,  
15 and on January 6th he violated that oath and he continued to  
16 call for others to violate it going forward with him.

17 Additionally, while we have agreed to a  
18 three-level downward adjustment for acceptance of  
19 responsibility, the Court should be somewhat wary of fully  
20 accepting the remorse and the acceptance of responsibility  
21 by Mr. Nichols. When he was interviewed by the FBI in March  
22 of 2021, he admitted responsibility and took -- said he was  
23 remorseful, but after that engaged on a multi-year  
24 disputation of his role in the riot, blaming others for his  
25 actions, suggesting that it was an under- -- a federal agent

1 conspiracy that had encouraged him to act as he did, and  
2 other things that are inconsistent with full acceptance of  
3 responsibility. Then -- so essentially, you know, the  
4 defendant has a history of changing his position on  
5 remorsefulness when it suits him based on the circumstances.  
6 The Court is familiar with cases where defendants have  
7 appeared before a sentencing judge, been remorseful, and  
8 then turn around as they are walking out of court and doing  
9 a complete 180. The Government has some concerns that that  
10 could happen here.

11 THE COURT: Well, in those, I didn't see all the  
12 family come forward as they have here and said he genuinely  
13 has changed his mind. I -- the family videos that I saw --  
14 I've never seen family videos like I did here. I watched  
15 all those videos this morning and they're quite powerful,  
16 actually, about the story they tell about how he realizes  
17 now the mistake he made. They're pretty powerful.

18 MR. BRASHER: I don't dispute that, Your Honor. I  
19 do just point out the timing of it; that it was very --

20 THE COURT: I understand. It's now.

21 MR. BRASHER: -- very late in the game.

22 THE COURT: I understand.

23 MR. BRASHER: And it's not a game. I --

24 THE COURT: And they understand where we are  
25 today, too.

1 MR. BRASHER: Yes.

2 The one thing I would point out as to the letters  
3 that were submitted on his behalf, I do want the Court to  
4 take notice that, I think, a vast majority of those letters  
5 that were submitted with the defense sentencing memorandum  
6 were letters that were written in 2021 in connection with  
7 his detention hearing at a time when the full conduct and  
8 the videos were not well known to the public. And so I  
9 think there's -- somewhat discounted in light of that.

10 But I think, again, as we've stated in our  
11 sentencing memorandum --

12 THE COURT: His father was very impressive,  
13 though. His father is convinced that he really turned his  
14 life around. And his father's a minister; knows something  
15 about the character of people, I think, you know?

16 MR. BRASHER: Yes, I --

17 THE COURT: His wife -- I understand you might be  
18 able to fool your wife, but I don't know about fooling your  
19 father.

20 MR. BRASHER: Well, I think that -- I've heard it  
21 said that prosecutors don't like to have ministers on their  
22 jury because they're in the business of forgiveness, but I  
23 would note that, you know, the one thing I've not mentioned  
24 to date is that the defendant came to Washington, D.C. with  
25 firearms. He researched how to do that. He brought body

1 armor.

2 MR. MCBRIDE: Judge, I object. These are facts  
3 that are not in the record. He did not enter Washington,  
4 D.C. with firearms. That is a --

5 MR. BRASHER: I --

6 MR. MCBRIDE: -- material --

7 MR. BRASHER: I will --

8 MR. MCBRIDE: -- misstatement of fact.

9 MR. BRASHER: I will -- I'll clarify my statement.  
10 He came on his trip to D.C. bringing firearms. From all  
11 evidence that we are aware of, he did not bring them to the  
12 Capitol on January 6th, but he brought them in the event  
13 that he needed them and they were only a short distance  
14 away. His father helped him construct the box in the truck  
15 that would -- that allowed him to bring them. So there's --  
16 again, that --

17 THE COURT: He came from Texas; right?

18 MR. BRASHER: I'm sorry?

19 THE COURT: He came from Texas at that time;  
20 right?

21 MR. BRASHER: Yes. And I would just point out  
22 that that is -- as coming from Texas myself, I know many in  
23 this court have ties to Texas. This is just an unfortunate  
24 one more person from the State of Texas that has been  
25 involved in this attack on our democracy, the shameful

1 attack, and it needs to be addressed.

2 Your Honor, for all these reasons, we think a  
3 sentence of 83 months is sufficient and necessary in light  
4 of the defendant's conduct to deter him and others. The --  
5 as the Court is aware, the political season coming up and is  
6 upon us is getting heated and has been heated for a while  
7 not just on the national level at the presidency but local  
8 elections are becoming contentious, and the message needs to  
9 be sent that political violence is not acceptable. It's not  
10 acceptable to engage in it, it's not acceptable to encourage  
11 it or to call for it or to threaten it, and those are things  
12 that the defendant did over and over and over on January  
13 6th. And I think the guidelines come out lower than we  
14 expected due to some appellate issues that we're not  
15 contesting, but when we -- the parties entered the plea  
16 agreement, this range of 83 months was something that was  
17 contemplated and agreed upon as something that would be an  
18 appropriate sentence in this case. So I don't think we're  
19 asking too much, and we would ask the Court to impose a  
20 sentence of 83 months.

21 THE COURT: Thank you, Mr. Brasher.

22 Mr. McBride?

23 MR. MCBRIDE: Thank you, Your Honor, for taking  
24 the time to hear from me on behalf of Mr. Nichols today.

25 Mr. Nichols, of course, is joined today by his

1 wife, Bonnie [ph]; and his mother, Patty [ph].

2 Judge, Mr. Nichols is a good man.

3 THE COURT: I didn't mean to denigrate his mother.  
4 I saw her on the tape, too, but --

5 (Laughter.)

6 Mothers are always going to say something good  
7 about their sons. Fathers can't be counted on.

8 (Laughter.)

9 MR. MCBRIDE: That's -- you speak the truth  
10 indeed.

11 Mr. Nichols is a good man who did a bad thing.  
12 And since the inception of this case, he's always wanted to  
13 be held accountable for his actions, but we felt in the  
14 beginning that the plea offer that was on the table was  
15 truly unfair. So I did what I had to do to leave no stone  
16 unturned in pursuit of justice for him.

17 I take issue with some of the things -- many of  
18 the things that the Government has said in its motion and  
19 its characterization of Mr. Nichols, and in particular his  
20 military service. The Government states that military  
21 service in the case of Mr. Nichols is a double-edged sword.  
22 When in God's name is military service to this country ever  
23 a double-edged sword?

24 So with that in mind, I don't know who's in the  
25 audience today, but if you are a member or former member of



1 the military who served in this country or for anybody else  
2 in this courtroom who has ever served, I applaud you and  
3 thank you for your service.

4 Ryan, I thank you for your honorable service to  
5 this country.

6 To my wife, Cassandra, who was a helicopter  
7 mechanic in Afghanistan with the United States Marine Corps,  
8 I thank you for your service.

9 And, Judge Lamberth, I thank you for your service  
10 to this country, as well.

11 I was in front of Judge Hogan for some time, and  
12 it took me some -- quite some time to build a rapport with  
13 Judge Hogan. We come from very different worlds. I show up  
14 in D.C. It's very different than Brooklyn. It's very  
15 different than New York City, the way things are litigated  
16 here. There's a lot of rules that I don't know about. And  
17 here I am, this loudmouth lawyer just going down what I  
18 perceived to be a litany of injustices by the Department of  
19 Justice against my client. And I could tell that, at the  
20 time -- and Judge Hogan was more focused on what Ryan had  
21 said and did on January 6th, and understandably so. But at  
22 some point, I was able to prove to Judge Hogan that the  
23 Department of Justice and the Bureau of Prisons are not  
24 giving Ryan his discovery, and his discovery was necessary  
25 for him to make an informed decision on whether to go to

1 trial or whether to plead, and because of that -- I mean, we  
2 litigated a habeas motion against D.C. Jail and all this  
3 other stuff, and D.C. Jail lied through their teeth the  
4 entire time about providing Ryan his discovery.

5 Rappahannock, conversely, had him for two weeks and said,  
6 "Hey, we can't do this right." Judge Hogan let him out,  
7 boom, right on the spot. And I hope that that builds some  
8 credibility with some of the things that I want to talk  
9 about today with regard to the horrors of his incarceration.

10 THE COURT: Well, there's a prior prisoner, you  
11 know, that I held the D.C. Corrections people in contempt  
12 and it resulted in some changes. I was disappointed when I  
13 read in your sentencing memo that some of those changes  
14 haven't been long-lasting, it looks like.

15 MR. MCBRIDE: That is, in fact, true, Your Honor.  
16 I now represent Christopher Worrell --

17 THE COURT: Oh. Do you?

18 MR. MCBRIDE: -- in his -- yeah -- in his  
19 forthcoming civil suit against the Bureau of Prisons and  
20 D.C. Jail that will be coming at some point, and I read up  
21 on your -- on the --

22 THE COURT: So you know a lot of what I did, then.

23 MR. MCBRIDE: I know. I know a lot of what you  
24 did, and I'm thankful for it, truly.

25 Before I talk about that case real quick, I just

1 want to say that I didn't know what to expect when the case  
2 got transferred to you. Honestly, I didn't know. And I  
3 asked around. I saw some of the sentences at the time and I  
4 said, "Oh, man. How am I going to get Judge Lamberth to  
5 understand my guy?" And I spoke to -- I have two people --  
6 I have a bunch of people who have helped me in navigating  
7 D.C.: Brad Geyer, my co-counsel, former Department of  
8 Justice guy for 25 years this -- Joe, maybe, you want to  
9 slow down on this and not say that a few times -- and Paul  
10 Kavanaugh [ph] is my mentor. He's a guy who's instructed  
11 me, and he's in the background of all my January 6th cases.

12 But when I had January 6th-related legal anxiety,  
13 there's usually one person I run to, and that's Ms. Kira  
14 West. And I ran to her and I said, "I, you know -- I don't  
15 know anything about Judge Lamberth. He's going to see all  
16 this stuff about me. I'm scared. What do I do?" And she  
17 said, "Joe, you don't have any reason to be scared. If  
18 there's one thing about Judge Lamberth, I can tell you this.  
19 I can describe him in one word when it comes to how he is on  
20 the bench," and she said, "Accountability. He will hold  
21 both sides fully accountable for the law." And when I --  
22 when she said that to me, a sense of peace came over me  
23 because I knew that I was going to have a fair shot.  
24 Despite the difficulties of the situation, despite the crazy  
25 politics and everything else that's surrounding it, despite

1 the madness that came out of Ryan's mouth, I knew that you'd  
2 give me a fair shot. I knew that you'd give Ryan a fair  
3 shot.

4 And then when I did, you know -- be prepared.  
5 You've got to be prepared. I -- my father raised me to be  
6 prepared. My grandfather, a Korean War veteran, raised me  
7 to be prepared. So I did my homework. And I realized that,  
8 wow, the man that I'm going to be standing in front of went  
9 to Vietnam for this country and he defended six Army Rangers  
10 on the Jolley Trail who were accused of a great crime after  
11 their honorable service because they said some wildly  
12 inappropriate stuff, and you defended them. Not only did  
13 you defend them; you went into the jungle on behalf of their  
14 defense in a Huey, and that Huey went down. You did that.  
15 You went that far in defense of your clients. Even though  
16 your General was giving you the business and even though  
17 everybody else around you was coming at you one way or the  
18 other because of it, you did that for them. And I said,  
19 "Man, this is the judge that I'm going to be in front of.  
20 He understands justice. I'm going to get a fair shot."

21 THE COURT: Well, he understands defense counsel.

22 MR. MCBRIDE: Thank you. Yes, and you understand  
23 defense counsel. I mean, the similarities here in the  
24 Jolley case for me and Ryan's case, because of what he said,  
25 really struck me. I mean, it struck me. It struck my wife.

1 I mean, she's a military veteran living with PTSD. She's 80  
2 percent going on 100 percent disabled. You'd never know it  
3 by looking at her because of how beautiful she is, but she  
4 walks around with the pain and suffering of that stuff  
5 inside of her every day. It's a real thing. So just  
6 because somebody looks healthy on the outside doesn't mean  
7 that everything is okay on the inside all the time.

8 And when it comes to Ryan, Mr. Brasher said that  
9 he came in like a Cat 5 hurricane. Judge, you're from  
10 Texas. You know the difference between a Cat 5 and a  
11 tropical storm. A tropical storm talks a lot. It doesn't  
12 do a lot of damage. Sometimes it even starts out as a Cat 5  
13 but peters out over time. A real Cat 5 comes in and it  
14 wipes everyone and everything out without mercy, without  
15 recourse, without consideration. Ryan said, as those videos  
16 demonstrate, some really unfortunate things and he talked  
17 like a Cat 5 hurricane, but on January 18th when he found  
18 out that the FBI was looking for him, he turned himself in.  
19 He didn't run and try to start some new Texas militia. He  
20 didn't run to Tennessee and look for the hideouts of Bowie  
21 and Crockett. He didn't do any of those things. He said,  
22 "I've got to go face the music." He turned himself in.  
23 That is not a guy who is hellbent on delivering on the wild  
24 things he said in those videos. That is a guy who has come  
25 to his senses, said, "Oh, man. I'm a father. I'm a

1 businessman. I don't have a criminal record. I need to get  
2 right." So with his father, Don, they talked about it; they  
3 prayed together; and Don told him, "Son, you've got to go  
4 face the law," and that's what he did.

5 Since that time, Ryan hasn't said much of  
6 anything. Really, the only public statement he ever made  
7 was in front of Your Honor on the 7th of November when  
8 Mr. Brasher said that he's been saying this; he's been  
9 saying that. I said, "Hey, wait a minute. I've been saying  
10 everything. He hasn't said anything. If you really want to  
11 hear what he has to say, let's give him a minute here," and  
12 he apologized to you first chance he gets. "Your Honor, I'm  
13 sorry. I messed up. It is wrong. I will talk to you again  
14 on the sentencing date. I apologize. I am accountable. I  
15 recognize that what I did was wrong." And he's going to  
16 speak to you respectfully again today.

17 There's been -- I saw with, you know -- I'll tip  
18 my cap to Mr. Brasher. He said political violence cannot be  
19 normalized. Well, I know who said that; right? He's  
20 quoting this Court. He's quoting Your Honor. That's  
21 something that you talk talked about, and you're right. It  
22 shouldn't be normalized. It's evil. It's wrong. It is  
23 dangerous. You have spoken about terms like "hostage" and  
24 "political prisoner" and the message that that stuff sends.  
25 It's deeply troubling. And I have participated in that to

1 some extent, but I want to explain myself. I want to be  
2 accountable before you, as well. Newton's third law, what  
3 does it say here? It says -- I'm no scientist. I'm going  
4 to read it, because if I get it up, the -- if I messed up,  
5 the media will never let me live it down. Newton's third  
6 law states that for every action, there is an equal and  
7 opposite reaction. For every action, there is an equal and  
8 opposite reaction.

9 Nearly every day since January 6th, our president,  
10 Merrick Garland, Christopher Wray have called Mr. Nichols  
11 and people like him insurrectionist, terrorist, domestic  
12 terrorist, white nationalist, and the list goes on:  
13 insurrectionist, political prisoner, MAGA extremist,  
14 political hostage. All that's wrong. None of it should be  
15 happening. And to the extent that my participation in that  
16 type of conversation has offended you, I apologize. When I  
17 got in front of you, I read your rulings; I read the media  
18 coverage on you; and I said, "Man, why is he saying this?"  
19 And then I thought about it and I prayed about it and I  
20 said, "Well, he's right. So I'm going to tone it down." I  
21 toned it down to the reasonable -- to the extent that I  
22 could, all while making sure that his constitutional rights  
23 weren't trampled on.

24 Ryan, as we laid out in our motions, has a stellar  
25 history of good works and honorable service not just as a

1 Marine but as a man who came out of the Marines, figured out  
2 he had a problem, and said, "I'm going to go do this search  
3 and rescue work because it helps me, it helps my soul, and  
4 it helps other people." You saw the videos, the letters,  
5 the testimonies. White, Black, brown, gay, straight, it  
6 doesn't matter. He will rescue whoever needs help. That's  
7 just not talk. The facts are there to back it up, dozens  
8 and dozens and dozens of rescues. When he went viral for  
9 rescuing those puppies in 2018 and he went on the Ellen  
10 DeGeneres Show, she found out that he had not been on a  
11 hurricane -- he had not been on a honeymoon, because on his  
12 honeymoon he was working a hurricane. And she wrote him a  
13 check; said, "I'm going to give you \$10,000 to go to  
14 Hawaii," and she made a \$25,000 donation to the Humane  
15 Society on his behalf. And he took the \$10,000 check. And  
16 what did him and Bonnie [ph] do? They went and bought a  
17 boat, because Ryan knew that he needed a boat to do more  
18 meaningful rescue work. He had to save the old and the  
19 young, the pregnant and the crippled, and everybody else in  
20 between, because he's a good man. He's a good man that was  
21 raised by a good family in a good state with a good heart  
22 who loves this country.

23 I don't want to diminish what took place at the  
24 Capitol. It's -- I've had a lot of time to think about  
25 this. I've seen one of your recent cases. Somebody



1 referred to you as having a Ph.D. in January 6th-related  
2 matters. So I hope I have a bachelor's degree at this  
3 point. And I -- there's been a lot of time and a lot of  
4 effort and a lot of prayer and a lot of reflection as to  
5 what happened that day. And for the first probably couple  
6 years, I only really saw it one way. And I realized I  
7 wasn't putting myself in the shoes of the other people, the  
8 other people who see the world differently than me; the  
9 other world [sic] who have different religious beliefs,  
10 philosophical beliefs, and because of those reasons they  
11 support a different candidate.

12 And I reminded myself of, you know -- you've got  
13 to put yourself in the other person's shoes. Mom and dad  
14 always taught you that. That's what Jesus tells you to do.  
15 You've got to do it. And when I put myself in the other  
16 person's shoes and everybody else's shoes, the first thing I  
17 felt was fear. And I said, "Oh, man. Joe, you guys have --  
18 you're missing a significant part of it. That's why  
19 everybody's blowing trial here. It's not that D.C. juries  
20 can't get it right out. It's -- only really one side of the  
21 story's being accounted for and being told," and I began to  
22 change the way that I thought and felt; Ryan began to change  
23 the way that he thought and felt; my family, despite our  
24 beliefs, began to change the way that we thought and felt;  
25 and we found a more balanced approach. John Paul II often

1 said that common ground is holy ground. So we tried to work  
2 our way back to center. And Mr. Brasher talked about, you  
3 know, the forthcoming election that's coming. Sure, it's  
4 coming, but we're all changed and we're all different, and  
5 nobody -- nobody -- ever wants to see another January 6th  
6 ever again.

7 In terms of rhetoric, in terms of some of the  
8 stuff that the Department of Justice has said in the  
9 prosecution of these cases, the January 6th Committee, this  
10 is the greatest attack on democracy. Okay. Debatable. But  
11 this is the most devastating attack that has ever happened  
12 in our country? Terrorist attack? I mean, I was -- I'm  
13 from New York City. 9/11. I know that, from my research on  
14 you, you were in close proximity to D.C., possibly even in  
15 your car making calls on that day, and you might have even  
16 had smoke filling up your car at some point. We saw the  
17 devastation that happened to our country. These two events,  
18 with all due respect to the -- what happened on January 6th,  
19 are not comparable. I know that you sat on the FISA Court  
20 early on and then, again, for a substantial amount of time.  
21 And I can't even begin to imagine what you're privy to and  
22 the types of events and threats to this nation that you've  
23 had to process. And I know that you've been sitting on  
24 these January 6th cases for a long time, too, and I think  
25 it's fair to say that the two are just not comparable.

1 January 6th is sad. It's important. It should never happen  
2 again. But it's not 9/11. It just simply is not.

3 When you consider the depth of the 57 character  
4 letters that were written, right, we had an even greater  
5 number of people that wanted to turn in letters. I turned  
6 away a lot of people. I wanted them to be meaningful, I  
7 wanted them to have something to say, and I wanted it to be  
8 from the heart, and I wanted it to count. And I hope that  
9 you can see from those letters that Ryan is respected, he's  
10 loved, he's missed, he's adored, and that everybody knows  
11 that he's a good guy. In particular, the one letter that my  
12 wife prepared me for before she brought it to me because it  
13 broke me in half was the letter from his son Blake and the  
14 video as well from both of his sons. These are good boys  
15 who have missed a substantial part of their father being in  
16 their life and they're being punished because of his crimes.  
17 But at some point, the ideas of justice, the ideas of does  
18 the punishment fit the crime, they have to factor in. They  
19 have to weigh in. And I know that they weigh in for you.  
20 I'm just saying that so everybody in here hears it, so I  
21 hear it. And it takes a lot for a man who said those things  
22 to get up here and to say, "I did that. I was wrong. I am  
23 sorry. And I'm not running from it." Ryan has been  
24 incarcerated on and off for about 39 months: 28 months of  
25 time specifically spent in jail --

1 THE COURT: Right.

2 MR. MCBRIDE: -- another 11 months in --

3 THE COURT: Hard time.

4 MR. MCBRIDE: Hard time.

5 THE COURT: I agree with that.

6 MR. MCBRIDE: Thank you, Your Honor. Thank you.

7 I appreciate that from the bottom of my heart.

8 For anybody in the audience who's listening today  
9 and, of course, for you, Your Honor, and for me, I'm  
10 somebody who has suffered over the past few years with some  
11 serious medical illnesses. I have come to know the  
12 difference between a doctor with good bedside manners and  
13 bad, a nurse with good bedside manners and bad. And the  
14 idea that your father, your husband, your brother, or your  
15 son, somebody you love, the person that you love the most in  
16 the world, whoever it is, whether it's your wife or whoever,  
17 is going to be cared for by a good physician, a good doctor,  
18 a good nurse practitioner, that's a comforting thing. The  
19 idea -- the inverse of that, the idea that one of these  
20 people -- somebody you love, the person you cherish the most  
21 in the world -- in their most vulnerable state is going to  
22 be cared for by somebody who just doesn't even recognize  
23 them as a human being --

24 THE COURT: Well, I still hope the Bureau of  
25 Prisons is not like the D.C. Corrections.

1 MR. MCBRIDE: I --

2 THE COURT: I don't know.

3 MR. MCBRIDE: I --

4 THE COURT: It bothers me a little.

5 MR. MCBRIDE: It should bother you, respectfully,  
6 Your Honor. I represented for a time Christopher Quaglin  
7 who was sent to Northern Neck Regional Jail and that place  
8 was horrible, as well.

9 THE COURT: Northern Neck?

10 MR. MCBRIDE: Northern Neck. It's -- the place  
11 should be shut down as far as I'm concerned. It's  
12 unconscionable, the things that happened there. And I mean,  
13 he has a -- Quaglin had a documented -- evidence of celiac  
14 disease and they knowingly fed him none-celiac-safe food.  
15 He lost, like, 60 pounds at some point. It's just -- it's  
16 not right.

17 And in terms of Ryan's case, first almost 11  
18 months of his incarceration, he was in solitary confinement.  
19 Now, there are reasons for that, some justifiable; maybe,  
20 some unjustifiable, but the Nelson Mandela Rules, which is  
21 the international standard for solitary confinement, defines  
22 "solitary confinement" as captivity in a cell or a closed-in  
23 area for more than 22 hours a day absent meaningful human  
24 contact. And those rules have been adopted by several  
25 states -- New York State, one of them, and they're on the

1 books in about 16 other states -- in terms of defining  
2 solitary and outlawing the use of solitary in certain  
3 instances.

4 Now, Ryan was a pretrial detainee for the first 11  
5 months; right? Fifth Amendment says innocent until proven  
6 guilty. You're being held for safekeeping. You can't be  
7 punished; right? He was punished. And solitary -- a few  
8 days in solitary is troubling for even the strongest mind,  
9 but the mind with PTSD; the mind that is responsible for 24  
10 veterans every day blowing their brains out is not the mind  
11 that's appropriate for solitary confinement for even one  
12 hour. Never mind 11 months of it. It's horrible. It's  
13 hard time. And in terms of how the Court considers those  
14 days, I would submit that one day should count for 100 days.  
15 That's how I feel about it. It's that bad. It's that  
16 devastating. And this is evidenced by the fact that he was  
17 driven to suicide watch. And when he was on suicide watch,  
18 they mocked him. They made fun of him to the point where he  
19 was just like, "Look, I'm not suicidal anymore; just get me  
20 out of here," because he felt they were encouraging him to  
21 take his own life.

22 Ryan gets out. We stopped the music, we stop the  
23 press, and we stop our engagement publicly about his case,  
24 because our outrage was about the way he was being treated,  
25 and we said, "You're out now. We've got to focus on whether

1 we plea or go to trial. And we can't make any more noises  
2 in front of the Court, because we could get in front of the  
3 judge, and if we're talking about anything on sentencing  
4 that we can't justify, he's going to hammer us. So it's  
5 silence from here on out." He went back in, and you would  
6 think that after the habeas petition; that after Your Honor  
7 holding them in contempt -- that they stood here in your  
8 court and said, "We got it wrong this time, but, you know,  
9 we're going to learn our lesson and we're going to get it  
10 right next time." They lied. They didn't get it right,  
11 because when he came back to jail, jacked up, liver issues,  
12 blood issues, testosterone issues, vitamin C deficiencies,  
13 60 pounds heavier, no one knew what was going on with him,  
14 and we had 11 months' worth of work that was -- that the  
15 jail was in possession of. He told them, "This is my  
16 treatment. This is what I'm getting. I need a certain  
17 level of testosterone medication because it helps me with my  
18 liver; it helps me with my enzymes; it helps me with this.  
19 I need" --

20 THE COURT REPORTER: Slow down.

21 MR. MCBRIDE: Sorry. I apologize. That's -- just  
22 throw something at me. I'm sorry.

23 So he needs various treatment options. He had a  
24 treatment plan. We made sure that we -- in anticipation of  
25 him going in, that we had good -- a good doctor with good

1 notes that was going to let them know, "He's got PTSD  
2 issues. He's got problems with his liver. He's got  
3 problems with his hormones. This is what you need to do."  
4 We go in there, and they give him the same battery of tests  
5 in -- back in -- that he did back in 2021 before you heard  
6 Christopher Worrell's case in here. They didn't care about  
7 anything that we gave them. They didn't care about anything  
8 that you said. They just -- "We're going to treat you the  
9 way we're going to treat you and you're going to deal with  
10 it. Because who's going to say anything to us? We're in  
11 control, and that's the end of it."

12           And, as we stated in the motion, he had a positive  
13 test for syphilis, of all things, in 2021. Now, it came  
14 back as a biological false positive. And he said, "Listen,  
15 I understand it come back as a false positive, but I'd like  
16 to be retested here because that's scary business.  
17 Syphilis was -- Al Capone died from syphilis. What year are  
18 we living in here? This is scary. I'm in jail. Syphilis,  
19 tuberculosis, I don't know what's going on. Help me." They  
20 denied him the test. Okay? We go back out into the world.  
21 He comes back in. They given him another test, comes up for  
22 syphilis again, but it turns out it's a biological false  
23 positive again. So we do the research. What does this  
24 mean? If you have consecutive biological false positives,  
25 it is an indication that you have a serious underlying



1 condition. And we put those underlying conditions into our  
2 memo; right? But this time, they didn't even tell him that  
3 he had another biological false positive. They sent him a  
4 letter saying, "Your lab results are normal." That is a  
5 lie. And we FOIA'd his medical records --

6 THE COURT: This is a contractor for the jail or  
7 what?

8 MR. MCBRIDE: This is D.C. Jail Medical staff,  
9 whoever's taking care of him. So generally, we, you know --  
10 he had a nurse practitioner, Gute, who was taking care of  
11 him until we FOIA'd the records. And when they found out  
12 that we FOIA'd the records, they went berserk in there.  
13 Gute disappeared. Can't find her. She's not there anymore.  
14 And they know that we got them dead to rights on lying to  
15 him on patient consent, on informed consent. They misdosed  
16 purposely his testosterone levels. They just did whatever  
17 they wanted to do, and they hurt him because of it. And  
18 this is medical stuff. You get one liver, you get one pair  
19 of lungs, you get one pair of kidneys, you get one heart,  
20 and you get one brain. And we don't know what's happened to  
21 him. But as we argued at length in the motion, is that our  
22 position is that the BOP is historically, in our  
23 experience -- and especially when it comes to him and D.C.  
24 Jail -- utterly and grossly incompetent when it comes to  
25 taking care of people with serious underlying medical

1 issues. They had not one chance but two chances to get it  
2 right, and they got it very, very wrong in both cases. And  
3 when you juxtapose that with his life of service and his  
4 military history and the fact that PTSD does affect the  
5 brain and there are impulse-control issues with the fact  
6 that he has said, "I'm guilty"; with the fact that he has  
7 said, "I'm sorry"; with the fact that he said, "I have  
8 repented of my sins and that I am no longer interested as I  
9 learned my lesson," the reasonable conclusion is that time  
10 served would be the best sentence.

11 Now, I just want to leave you with this quote, and  
12 I think you actually touched on it earlier. Judge John  
13 Sirica, the Watergate judge who was the Chief Justice of  
14 this court -- Chief Judge of this court at some point, he  
15 said a great intellectual doesn't make a great trial judge.  
16 A man who's been a trial lawyer is a better judge of human  
17 nature than Professor X at Harvard who's probably never been  
18 in the well of a courtroom. The important question is  
19 whether a judge is honest. And does he have the courage of  
20 his convictions to do what is right at the moment? Your  
21 Honor, I have no doubt whether you're honest or have the  
22 courage of your convictions. I'm quoting that because that  
23 was an article published by the Federal Bar Association  
24 about you and it was holding you out to be that type of man,  
25 to be that type of judge, and they were honoring you because

1 of that.

2 I'm glad I've had the opportunity to make these  
3 arguments with you today. I ask for mercy and compassion on  
4 behalf of Ryan Nichols. When Jesus was informed that  
5 Lazarus had passed away, he cried because Lazarus was his  
6 friend. And because Lazarus was his friend, he went and he  
7 raised him from the dead. I don't know if that was planned  
8 or if the Father had that planned or that was in store,  
9 whatever it was, but I know that he cried. He was moved  
10 with compassion. Ryan Nichols is my friend, he's my  
11 brother, and I love him, and I hope that you let him go  
12 home.

13 Thank you.

14 THE COURT: Mr. Nichols, let me hear from you  
15 last.

16 Let me ask the Government. Did -- does the  
17 Government know any more about the medical issues at the  
18 jail?

19 MR. BRASHER: Your Honor, all we have are the  
20 records that were submitted in connection with sentencing.  
21 It appears some of those records are incomplete. But I have  
22 yet to encounter a situation where BOP has not been able to  
23 address an inmate's medical issues.

24 THE COURT: All right. Mr. Nichols, if you'd come  
25 forward, I'm going to take a short recess, but I want to

1 hear what you have to say before I do. I know you'd be  
2 nervous at a time like this, but I heard from all of your  
3 family. So I want to hear whatever you want to say.

4 THE DEFENDANT: Yes, sir. And first, I'd like to  
5 apologize for how I look. They didn't bring the clippers  
6 in. I didn't get a chance -- I'd like to come, you know,  
7 clean-shaven, clean-cut, but that wasn't --

8 THE COURT: I understand.

9 THE DEFENDANT: -- made available.

10 I have a couple papers here. It will take just a  
11 couple minutes to go through.

12 THE COURT: Sure.

13 THE DEFENDANT: I want to say to the Honorable  
14 Judge Lamberth, the Government, and the victims of January  
15 6th, after three-plus years since January 6th, many of which  
16 I've spent in a jail cell, I'm extremely thankful and  
17 grateful to finally get the opportunity to address you  
18 directly in detail about my personal thoughts pertaining to  
19 the events before, during, and after January 6th as they  
20 relate to me.

21 Following the year since January 6th and my  
22 arrest, there are many thoughts that I have wished to  
23 express; however, following my legal counsel's advice, I  
24 have kept my mouth closed until it was my turn in the  
25 process to speak. My intentions during this process have

1       been to, one, never disrespect the Court or Government; and,  
2       two, always respect the Court's decision. With that being  
3       said, it is my hope that this Honorable Court and the  
4       Government accept that my silence until now was meant to  
5       respect the judicial process. Furthermore, I want to assure  
6       this Honorable Court and the Government that my silence  
7       never constituted a lack of remorse and compassion for the  
8       victims of January 6th and that I don't take full  
9       responsibility for my actions on January 6th.

10                Though I was allowed to address the Court on  
11       November 7th, 2023, I didn't come close to saying everything  
12       that needed to be said in the few minutes that I spoke. As  
13       advised by my attorney, Mr. Joseph McBride, the plea hearing  
14       was not the time nor the place to tell you everything I'm  
15       about to tell you and say now.

16                First and foremost, I'd like to apologize directly  
17       to the victims that suffered on and after January 6th.  
18       Those victims include members of the 117th Congress; Capitol  
19       Police; D.C. Metropolitan Police Department; peaceful  
20       protesters; family members of Congress; Capitol Police; MPD;  
21       and protesters; and the citizens of Washington, D.C.

22                After much thought and reflection over the last  
23       three-plus years, I realize that my actions on January 6th  
24       caused pain, heartache, and trauma for these victims, and  
25       for that I deeply apologize and express my sincere regret

1 for hurting you. Had I known the pain that would be caused  
2 that day beforehand, not only would I have not partaken in  
3 it; I would have actively spoken out against it. However,  
4 hindsight is 20/20 and I cannot change the past. I can  
5 learn from this mistake and make sure it does not happen to  
6 me again.

7 Before I leave the topic of the victims and  
8 directly address the Government and this Honorable Court,  
9 I'd like to express, once again, my sincerest apologies and  
10 empathy for the trauma and PTSD that was inflicted on you  
11 that day that you'll forever carry. As a Marine Corps  
12 veteran with diagnosed PTSD, I know all too well that trauma  
13 is long-lasting and a burden to carry. I hope and pray you  
14 have already or eventually find ease and peace surrounding  
15 January 6th. Though you may not be willing to forgive, even  
16 after three years, I do seek your forgiveness as my  
17 intention was never to pass the trauma and PTSD that I carry  
18 over to you, even though that's exactly what happened. You  
19 certainly didn't deserve that, and I'll spend the rest of my  
20 life guiltting and shaming myself for this. I'm sorry.

21 To this Honorable Court and the Government, I,  
22 once again, would like to take a few minutes and acknowledge  
23 the seriousness of my crimes. My actions and my words that  
24 day were heinous, disgusting, and awful. Assault on anyone,  
25 especially law enforcement officers, is both unacceptable

1 and out of character for me. As someone who has worked  
2 alongside law enforcement, first responders, and military  
3 for years, I am deeply ashamed to now forever be a convicted  
4 felon who assaulted the men and women who protect this  
5 nation on a daily basis. As someone with longtime friends  
6 back home who are law enforcement and first responders, I am  
7 unsure and even scared to look these good people in the eye,  
8 as I know that my actions on January 6th have irrevocably  
9 stripped that trust that was once there. Due to the  
10 seriousness of my crime and that trust being broken, I don't  
11 know if I'll ever again have the opportunity to do  
12 hurricane, tornado, and missing persons search and rescue  
13 with law enforcement and first responders that, for years, I  
14 worked beside as we saved hundreds of lives during  
15 life-and-death situations. Though I'll one day leave jail  
16 and prison and never come back, I'll forever be punished if  
17 I'm not able to rescue another human being who's about to  
18 lose their life. To me, there's not many things in life  
19 more fulfilling than that, saving a life.

20 Your Honor, you've been appointed to this court  
21 for quite some time. I imagine that the level of offense  
22 towards you specifically of not only my crime but all other  
23 indicted protesters that day is great. This courthouse sits  
24 right across the street from our nation's Capitol. I'm sure  
25 you were able to look out of a window or even walk outside

1 and see what was happening that day. I'm sure that what you  
2 witnessed and/or heard deeply troubled you and even possibly  
3 caused you great anger. For that, I apologize on my behalf  
4 and on the behalf of the other indicted and unindicted  
5 January 6th defendants that caused you any anger, pain, or  
6 trauma. You didn't deserve that, and I'm sorry.

7 I'd also like to address the Government.

8 Mr. Brasher, I've watched you work on my case as well as  
9 many other January 6th defendants for years. You've put in  
10 many hours and much travel in between Dallas and Washington,  
11 D.C. Though it may look like it's a you-versus-me scenario,  
12 I want you to know that I don't hold any ill will or  
13 animosity towards you. I appreciate and respect the work  
14 you do on a daily basis and am forever grateful that you  
15 were willing to work together with my attorneys, Joseph  
16 McBride and Brad Geyer, to work a deal that kept us from  
17 going to trial. I hope that when this is over, you can see  
18 me not as a bad guy who made a bad mistake but rather a good  
19 guy that made a bad mistake and has paid my debt to society.  
20 And, once again, thank you for your service and the service  
21 of those on your team.

22 Your Honor, I've spoken to the victims; this  
23 Honorable Court; and the Government. I'd like to now wrap  
24 this up by speaking on behalf of myself which is something I  
25 haven't had the opportunity to do in the last



1 three-and-a-half years. There are three quick points I'd  
2 like to discuss.

3 They are, one, I want to explain why January 6th  
4 was an aberration in my life. I've never been involved in  
5 any protests before in my life. January 6th was the first  
6 rally and protest I have ever been involved with and, after  
7 this experience, will undoubtedly be my last. Not only will  
8 I be held accountable by myself and Probation for the next  
9 few years, but my loving wife in the back of the courtroom  
10 will see to it, Your Honor, that this man will never see  
11 another political rally or protest. My wife, Bonnie [ph],  
12 often jokes that when I come home, she's going to chain me  
13 to the bed. Something in me tells me that there may be a  
14 little truth to this. As we speak at this very moment,  
15 there are protests breaking out across the country, none of  
16 which I find amusing, interesting. What I see are a lot of  
17 angry people who, just like me, are going to end up in jail  
18 for an extended period of time and have their entire lives  
19 altered if they don't learn from the mistakes of people like  
20 me.

21 Your Honor, January 6th was a one-time event in my  
22 life that I can assure you will never happen again. I'm a  
23 risk-to-reward type of guy, and the risk of going to jail  
24 and losing my wife and children again far outweighs any  
25 potential reward I would ever receive for being at another

1 political rally or protest. You have my word as a man on  
2 this matter. Should I ever go back on my word, I would  
3 recommend that you throw the book at me and bury me under  
4 the jail, but please allow me the chance to prove my word to  
5 you, to this Honorable Court, and the Government, that I  
6 will never be involved in anything like this again.

7 Two, I'd like to speak directly about my words and  
8 actions on January 6th. By now, it's no secret that my  
9 words and actions on January 6th were disgusting and  
10 completely out of character for a United States citizen,  
11 honorably-discharged Marine Corps veteran, husband, and  
12 especially a father. This is not an example I want to set  
13 for my seven- and nine-year-old sons on how to be a good and  
14 honorable man.

15 Your Honor, I have a diagnosed mental illness  
16 called post-traumatic stress disorder, or PTSD, that, when  
17 left untreated, I say and do things that I would normally  
18 never do. I came off of my prescribed Zoloft and Xanax  
19 during the 2020 hurricane season and leading into the  
20 election. I wanted to be chemically free and independent  
21 and lean on the high of life-and-death rescues during  
22 hurricanes and tornadoes to self-medicate. What a terrible  
23 decision that was. The first three days were easy, but on  
24 the fourth day I started having out-of-body experiences,  
25 suicidal thoughts, and instant moments of anger and rage.

1 To say it almost killed me is an understatement. What I  
2 didn't realize then that I fully realize now after much  
3 research was that the SSRI chemical component of Zoloft was  
4 meant to rewire my brain so my mental illness, PTSD, was for  
5 the main part subdued. When the SSRI chemical component of  
6 Zoloft is taken away, an unrecognizable version of myself  
7 comes to life, as shamed as I am to say that.

8 Some of the events that caused this mental illness  
9 to fester in my brain include, one, my father and I being  
10 robbed at gunpoint in our yard when I was 16 years old; two,  
11 watching my Marine Corps buddies go to war and come home  
12 with no legs, no arms, no mind left, or outright dead and  
13 I'm not able to attend their funerals; three, guarding the  
14 entrance of a Marine Corps base overseas on the 10th  
15 anniversary of 9/11 and having a man with what was a  
16 suspected VBIED, or vehicle-borne improvised explosive  
17 device, drive to the gate and threaten to blow us up. After  
18 holding him at gunpoint outside the gate, he got back in his  
19 car and left. I was later chewed out by a senior Marine  
20 Corps official for not simply shooting the man, but I stand  
21 by my decision.

22 In August and September of 2013 while doing combat  
23 training in the Mojave Desert, I watched as an AAV  
24 backfired, exploded, and I watched a marine burn alive and  
25 melt to the back of the AAV.

1           During Hurricane Harvey, I saved a man from  
2           drowning by pulling him by his hair from under the water, as  
3           his hair was all I could grab. I had never seen anything  
4           like that in my life. Later that day during search and  
5           rescue, I got a call from a mother on our rescue chat who  
6           said her and her children were stuck in the attic as the  
7           waters were rising into the attic. Due to the major  
8           flooding and rode closures, we were not able to reach them  
9           and I never heard from them again, and this still haunts me  
10          to this day.

11           Since then, I have participated in hundreds of  
12          these same rescues of children as young as six weeks old and  
13          women as old as 90. Black, white, brown, Republican, or  
14          Democrat, it didn't matter. If you needed a rescue, I was  
15          going to be there. We rescued everyone, people and animals  
16          alike. During my many years of rescue, I worked directly  
17          with law enforcement and first responders. I lived a  
18          law-abiding life doing whatever I could do to continue  
19          serving this country, my community, my family, and my  
20          business.

21           With all this being said, I went into election  
22          season off of my medications and completely mentally  
23          unstable. After the night of the election and having -- and  
24          hearing that the election had been stolen, I believed that  
25          America was under attack and needed a rescue. Obviously, I

1 wasn't thinking clearly or rationally. Leading up to and on  
2 January 6th, I made statements that now, being on my mental  
3 health meds, literally make me physically uncomfortable to  
4 watch just as it was a few minutes ago for me. I'm deeply  
5 ashamed and embarrassed each time those videos are played.

6           While on the Capitol grounds on January 6th, I  
7 believed for a moment in time that the government was  
8 attacking U.S. citizens. I watched women like Victoria  
9 White get sprayed, punched, and beaten in the tunnel as she  
10 and others pleaded for mercy and screamed for help. Moments  
11 later, Alex and I received a phone call from my father that  
12 another protester, who we now know was Ashli Babbitt, was  
13 shot and killed inside. Moments later, after that, another  
14 woman right beside us, who we know was Rosanne Boyland, also  
15 died and her lifeless body was drug back and forth. In  
16 full-blown meltdown mode and my PTSD fully inflamed with no  
17 medications, I went absolutely crazy. I made statements the  
18 rest of the day that were terrible and completely out of  
19 character. During this meltdown, I ultimately ended up  
20 making a life-altering decision of assaulting an officer.  
21 Though I know I wasn't in my right mind, I want to be clear.  
22 I take full responsibility for my actions, and I'm deeply  
23 regretful to the officer in which I assaulted. He or she  
24 was merely doing their job and didn't deserve that, and I'm  
25 sorry.

1           Last, I want to speak on the time I've spent,  
2           served, and my lessons learned. Though I was off my meds on  
3           January 18th when the FBI task force raided my home and I  
4           was at my in-laws house four hours away, I still had enough  
5           common sense to drive the same day and self-surrender. For  
6           the following two years and even until now, my life has been  
7           nothing short of a nightmare. I spent months in solitary  
8           confinement for 23 to 32-plus hours at a time due to COVID  
9           protocols, only allowed out for one hour to shower or make a  
10          phone call just to be locked in that 10-by-7-foot cell for  
11          another 23 to 32-plus hours at a time. Mental torture is an  
12          understatement. I heard grown men screaming and crying out  
13          for their mothers, me included. Many nights, I cried myself  
14          to sleep. With no court dates, no discovery, and no ending  
15          in sight, I felt hopeless and my mental health spiraled out  
16          of control. Eventually, I decided that, maybe, I needed to  
17          seek professional help. I put in a mental health request,  
18          and two weeks later I was back on Zoloft. Though this  
19          certainly helped control my mind and get my emotional  
20          imbalance in alignment, the solitary confinement was still  
21          overwhelming.

22                 I started writing requests for mental health care  
23                 only to be outright ignored for weeks and months. These  
24                 requests turned to grievances. I followed the law and  
25                 policy regarding the grievance process and was still

1 ignored. My cries for help, as I became suicidal, were  
2 blatantly disregarded. At my lowest point in April of 2022,  
3 I worked up the courage to tell a lieutenant that I was  
4 feeling suicidal, only to have him respond, "Well, hope you  
5 don't die," as he turned his back on me and walked out of  
6 the pod. This lieutenant was a military veteran and an  
7 officer in the jail I respected. It took me having to tell  
8 three more officers that day before I was finally taken to  
9 Medical. All Medical did was take me to a suicide room,  
10 strip me down naked, turn the light on 24/7 on a cold, bare  
11 room, and watch me through a glass for four days. I  
12 received no help, and I wasn't allowed out of that room  
13 until I would admit that I was no longer suicidal. No real  
14 help ever came.

15 During and since these days of being in jail,  
16 before I was released on home confinement, I witnessed  
17 officers spray inmates with OC spray for not wearing masks,  
18 I being mistakenly sprayed in the crossfire multiple times.  
19 At least one of those officers, if not more, were later  
20 fired for their misconduct.

21 What ultimately saved my life and turned things  
22 around were my wife, Bonnie [ph], and my attorney, Joseph  
23 McBride, coming to rescue me. In November of 2022, I was  
24 released by the Honorable Judge Hogan to home confinement  
25 for 11-and-a-half months, all of which I abided by all rules

1 and regulations, passing all required drug tests, never  
2 being out of bounds, and having a great relationship with my  
3 probation officer, Mr. Watson.

4 Your Honor, I feel that my debt to society has  
5 been paid in full. My punishment as a pretrial detainee and  
6 presentencing detainee has been sufficiently exerted. This  
7 process has punished not only me but my wife and two young  
8 sons as well who are now fatherless and in danger of going  
9 down a terrible path in life if I cannot return to them and  
10 be a meaningful part of their childhood. I know I deserve  
11 to be punished, and I have been punished, but please help me  
12 not to punish my wife and children any longer. If I could  
13 take everything back, I would do it instantly; however, I  
14 can't take back what happened, and I'm extremely remorseful,  
15 and I own every single bit of it.

16 Your Honor, three-and-a-half years ago, I was  
17 deemed a danger to society. I want to assure you right now  
18 I'm no longer a danger to society and never will be again.  
19 I'm on my medications and never will come off of them. I am  
20 actively seeking counseling, though I don't receive any.  
21 Only by going home can I fully heal myself by seeking the  
22 counseling and medical treatment that I so long desire. I  
23 know what I said, but I want to assure you I do not stand  
24 for violence. I have missed my children's first baseball,  
25 football, and soccer games. I've missed their first days of



1 school and kindergarten graduations. I've missed their  
2 birthdays, holidays, happy days, and sad days. I have great  
3 fear that they will grow up to hate and resent me because I  
4 wasn't there when they needed me. This punishment alone has  
5 broken my spirit as a father and destroyed my personal value  
6 of self-worth. I could work an entire lifetime and never  
7 come close to making up for the time lost.

8 Your Honor, I know, after almost two-and-a-half  
9 years of incarceration, how terrible jail and prison is.  
10 The entire atmosphere is violent, dark, and unforgiving.  
11 For the majority of my life, I've heard, but never been able  
12 to empathize with, people of color when they testified to  
13 the harsh environment and treatment within the jail and the  
14 prison system. Make no mistake, I am now a witness to their  
15 testimony. Being in jail and prison is a living hell of  
16 eternal separation from the light. Sometimes it feels like  
17 not even God himself can penetrate those walls.

18 So this is where I'd like to redirect my energy in  
19 life. I'd like to continue serving locally by finding ways  
20 of helping the recently or active incarcerated individuals  
21 reintegrate back into society and become productive and  
22 respected members of society again, just the same as I long  
23 to do. I also want to earn my way into working with law  
24 enforcement and first responders to do search and rescue  
25 again. Your Honor, respectfully, I'm asking for grace,

1 mercy, and a second chance to return to society and become a  
2 positive contribution to my family and community. I've  
3 learned my lesson tenfold, and I do not stand for violence.  
4 I can comply to any restrictions you wish to give me, as I  
5 have already done so. Just please give me a chance. You  
6 have my word that I will not make a fool out of you.

7 Thank you, Your Honor.

8 THE COURT: Okay. We'll take a short recess and  
9 we'll come back for sentencing.

10 THE DEPUTY CLERK: All rise.

11 (Brief recess taken.)

12 THE COURT: The defendant can come forward.

13 All right. Pursuant to the Sentencing Reform Act  
14 of 1984 and in consideration of the provisions of 18 U.S.C.  
15 Section 3553, it's the judgment of the Court that you, Ryan  
16 Taylor Nichols, are hereby committed to the custody of the  
17 Bureau of Prisons for concurrent terms of 63 months on  
18 Counts 1 and 2. You're further sentenced to serve  
19 concurrent terms of supervised release of 36 months on  
20 Counts 1 and 2. In addition, you're ordered to pay a  
21 special assessment of \$200 in accordance with 18 U.S.C.  
22 Section 3013. The Court declines the request for upward  
23 departure, a downward departure, and has determined to  
24 sentence you in accordance with the sentencing guidelines.  
25 Neither an upward or downward departure or a variance are

1 appropriate in this case.

2 Turning to the issue of departure, the Court finds  
3 that you appear to be sincere in your expressions today, but  
4 the Court has not had great success in determining  
5 necessarily the sincerity of January 6th defendants and  
6 those expressions at time of sentencing, especially when  
7 continued comments have been made during period of  
8 incarceration and other times while the case has been  
9 pending that are inconsistent, and especially in light of  
10 the very vigorous comments that you made in the tapes that  
11 were played at the time of the incident.

12 I have some other things to read, but I also have  
13 to say that in terms of arriving at the protest wearing a  
14 ballistic plate and the plate carrier and armed with a  
15 crowbar, this is not a case in which this was just a  
16 political protest gone awry.

17 The other problem in sentencing as well is the  
18 question of a fine. So the Court will impose a fine in the  
19 amount of \$200,000, which is a guideline range for the fine.  
20 The Court frequently declines to impose a fine because of  
21 defendants' inability to pay a fine, but Mr. Nichols did not  
22 show an inability to pay a fine. He declined to cooperate  
23 with the probation officer in its investigation of the  
24 financial condition based on Paragraph 106 of the  
25 presentence report. So based on available financial data,

1 it does not appear that he would not be able to pay the  
2 fine. So the fine will be imposed as well as the \$2,000  
3 disbursement to the Architect of the Capitol for  
4 restitution.

5 While on supervision, the defendant shall abide by  
6 the following mandatory conditions of supervision as well as  
7 the discretionary conditions recommended by the probation  
8 officer in Part D, the sentencing options, of the  
9 presentence report which are imposed to establish the basic  
10 expectations for your conduct while on supervision.

11 The mandatory conditions include, one, you must  
12 not commit another federal, state, or local crime.

13 Two, you must not unlawfully possess a controlled  
14 substance.

15 Three, you must refrain from any unlawful use of a  
16 controlled substance. You must submit to one drug test  
17 within 15 days of placement on supervision and at least two  
18 periodic drug tests thereafter as determined by the Court.

19 Four, you must cooperate in the collection of DNA  
20 as directed by the probation officer.

21 And, five, you must make restitution in accordance  
22 with 18 U.S.C. Section 3663 and 3663A or any other statute  
23 authorizing restitution.

24 Restitution payments shall be made to the Clerk of  
25 Court, U.S. District Court, the District of Columbia, for

1 disbursement to the following victim: Architect of the  
2 Capitol, in the amount of \$2,000; Office of the Chief  
3 Financial Officer; Ford House Office Building; Room H2-205B;  
4 Washington, D.C. 20515.

5 You must provide the probation officer access to  
6 any requested financial information and authorize the  
7 release of any financial information. The probation officer  
8 may share financial information with the U.S. Attorney's  
9 Office.

10 You must not incur new credit charges or open  
11 additional lines of credit without the approval of the  
12 probation officer.

13 (Brief pause.)

14 Financial obligations are payable to the Clerk of  
15 Court, U.S. District Court, 333 Constitution Avenue, NW,  
16 Washington, D.C. 20001. Within 30 days of any change of  
17 address, you shall notify the Clerk of Court of the change  
18 until such time as the complete financial obligation is paid  
19 in full.

20 Probation Office shall release the presentence  
21 investigation report to all appropriate agencies which  
22 includes the Probation Office in the approved district of  
23 residence in order to execute the sentence of the Court.  
24 Treatment agencies shall return the presentence report to  
25 the Probation Office upon the defendant's completion or

1 termination from treatment.

2 You can appeal your conviction to the U.S. Court  
3 of Appeals for the District of Columbia Circuit if you  
4 believe your guilty plea was somehow unlawful or involuntary  
5 or there's some other fundamental defect in the proceeding  
6 that was not waived in your plea agreement.

7 Under some circumstances, you have the right to  
8 appeal the sentence to the D.C. Circuit. Defendant may  
9 waive that right as part of the plea agreement, however, and  
10 you have entered into such a plea agreement that waives some  
11 of your rights to appeal the sentence itself. Such waivers  
12 are generally enforceable, but if you believe the waiver  
13 itself is not valid, you can present that theory to the  
14 appellate court.

15 Pursuant to 28 U.S.C. Section 2255, you also have  
16 the right to challenge the conviction entered or sentence  
17 imposed to the extent permitted by that statute and your  
18 plea agreement.

19 Any notice of appeal must be filed within 14 days  
20 of the entry of judgment or within 14 days of the filing of  
21 a notice of appeal by the Government.

22 If you're unable to afford the costs of an appeal,  
23 you may request permission from the Court to file an appeal  
24 without costs to you.

25 On appeal, you may also apply for Court-appointed

1 counsel.

2 First, as to Counsel, are there any objections to  
3 the sentence as imposed that are not already noted on the  
4 record under U.S. v. Hunter, 809 F.3d 677, from the  
5 Government?

6 MR. BRASHER: No, Your Honor.

7 THE COURT: Mr. McBride?

8 MR. MCBRIDE: Your Honor, did you say that the  
9 fine was \$200,000?

10 THE COURT: Yes. That's the guideline -- maximum  
11 under the guidelines.

12 MR. MCBRIDE: I guess we'll have to just raise the  
13 issue on appeal. The guidelines, as -- over our objection  
14 this -- we objected this morning, and --

15 THE COURT: Okay.

16 MR. MCBRIDE: -- the guidelines have significantly  
17 moved the goalpost here on what that fine is. So we're just  
18 going to reiterate the objection as it relates to the  
19 corresponding fine.

20 THE COURT: Okay. And then any recommendation you  
21 want to make regarding place of incarceration?

22 MR. MCBRIDE: Yes.

23 (Brief pause.)

24 We were looking at Seagoville in Texas, Your  
25 Honor.

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THE COURT: Seagoville? Okay.

MR. MCBRIDE: Yes.

THE COURT: All right. The defendant is remanded.  
Good luck to you.

THE DEFENDANT: Thank you, Your Honor.

MR. BRASHER: Your Honor --

THE COURT: The Court will be in recess.

MR. BRASHER: I'm sorry.

THE COURT: Yes?

MR. BRASHER: The Government moves to dismiss the  
remaining counts --

THE COURT: Remaining counts are dismissed on  
motion of the United States.

MR. BRASHER: Thank you.

THE COURT: The Court will be in recess, and then  
I'll take the pretrial as soon as we're set up.

(Proceedings concluded at 2:19 p.m.)

\* \* \* \* \*

**CERTIFICATE OF OFFICIAL COURT REPORTER**

I, **TIMOTHY R. MILLER, RPR, CRR, NJ-CCR**, do hereby certify  
that the above and foregoing constitutes a true and accurate  
transcript of my stenographic notes and is a full, true and  
complete transcript of the proceedings to the best of my  
ability, dated this 7th day of May 2024.

**/s/Timothy R. Miller, RPR, CRR, NJ-CCR**  
**Official Court Reporter**



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United States Courthouse  
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Washington, DC 20001