

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, :
Plaintiff, :
v. : No. 21-CR-461 (RCL)
Hon. Royce C. Lamberth
DEVLYN THOMPSON, :
Defendant. :

DEFENDANT’S SENTENCING MEMORANDUM

Now comes the Defendant, Devlyn Thompson, by and through his attorney, Elizabeth Kelley, and submits the following Memorandum to assist the Court in fashioning a just sentence for this case.

Table of Contents

	Page
SENTENCING RECCOMENDATION.....	3
NATURE AND CIRCUMSTANCES OF THE OFFENSE.....	5
I. Forensic evaluation by Dr. Laurie Sperry undoubtedly concludes Mr. Thompson is Autistic.....	6
II. Early Manifestations of Autism.....	7
III. Mr. Thompson’s Vineland Scores are indictive of his decisions on 1/6.....	9
IV. Mr. Thompson’s suggestibility can be explained by his ASD and his Vineland Scores	12
V. Mr. Thompson believed that former President Donald Trump would be coming to the Capitol after his speech.....	17
VI. Mr. Thompson has uneven development.....	20
VII. Prison is harmful to people with autism.....	25
OTHER SENTENCING CONSIDERATIONS.....	31
I. Mr. Thompson cooperated with the authorities.....	31
II. Mr. Thompson was compliant while on bond.....	31
III. Because of the internet, the consequences will endure.....	32
IV. Mr. Thompson has a history of being bullied.....	32
V. Prison would be detrimental to Mr. Thompson.....	33
VI. Mr. Thompson expresses genuine remorse for his actions and apologizes to the officer in question	33
VII. Family and friends believe in Mr. Thompson’s inherent goodness and pledge to support him in the future	34
CONCLUSION.....	34
CERTIFICATE OF SERVICE	35

SENTENCING RECCOMENDATION

At the outset, Mr. Thompson's case presents unusual and compelling mitigating circumstances, warranting a substantial downward variance in his sentence. As discussed extensively below, although Mr. Thompson is 28-years old, he functions in many ways as a young child.

On August 6th, 2021, when represented by previous Counsel Thomas Durkin, Mr. Thompson agreed that a sentence that falls within the estimated sentencing guidelines of 46 months to 57 months would be reasonable, but according to that agreement¹, either party is permitted to seek a variance from those guidelines and to ask the Court to consider both a just and merciful sentence². Again, as will be detailed below, there are substantial and compelling

¹ From the plea agreement: "The parties further agree that a sentence within the Estimated Guidelines Range would constitute a reasonable sentence in light of all of the factors set forth in 18 U.S.C. § 3553(a), should such a sentence be subject to appellate review notwithstanding the appeal waiver provided below. However, the parties agree that either party may seek a variance and suggest that the Court consider a sentence outside of the applicable Guidelines Range, based upon the factors to be considered in imposing a sentence pursuant to 18 U.S.C. § 3553(a)."

² See *United States v. Booker*, 543 U.S. 220 (2005) which holds the guidelines are advisory, not mandatory. It also holds Courts may "tailor the sentence in light of statutory concerns. (2005). See also *Gall v. United States*, 552 U.S. 38 (2007) (the guidelines serve but just one among several factors to be considered at sentencing); *Kimbrough v. United States*, 552 U.S. 85 (2007) (an individualized assessment should be used based on the facts provided.) The Supreme Court

grounds to request the Court for leniency. U.S.C § 3553 tasks the Court with the following objectives in sentencing a defendant: (A) the Court must take into account the nature and circumstances of the offense, the need for the sentence to be imposed to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; (B) the Court shall fashion a sentence that protects the public from any future crimes the defendant may commit and afford adequate deterrence to criminal conduct for the public; and (C) the Court will provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

In light of these objectives and due to the unusual and extenuating circumstances, Mr. Thompson requests the Court to carefully consider his role in the offense to which he pleaded guilty and seeks a downward variance due to the unusual extenuating circumstances of his situation. Given these circumstances,

also has held that section 3582(a) of the Sentencing Reform Act (SRA) "precludes sentencing courts from imposing or lengthening a prison term to promote an offender's rehabilitation," because the Act specifically mandates that "imprisonment is not an appropriate means of promoting correction and rehabilitation." *Tapia v. United States*, 564 U.S. 319 (2011). (quoting 18 U.S.C. § 3582(a). Finally, 18 U.S.C. § 3553(a) sets forth that a sentence must be sufficient, but not greater than necessary to serve the purposes of punishment.

Mr. Thompson requests that the Court impose a sentence of one year and one day in the custody of the Bureau of Prisons (BOP).

Nature and Circumstances of the Offense
**Mr. Thompson's Autism Makes This Case Unique From Other
January 6 Cases**

Devlyn Thompson is not a typical January 6 defendant. His understanding of the events as they were happening in real time on January 6 was severely impacted and distorted by his diagnosed condition of autism spectrum disorder (ASD), which is a disability of social communication and understanding. His motives for proceeding from the Ellipse to the Capitol on January 6 were unlike similarly situated defendants, whose actual purpose was to overthrow the government of the United States of America. In contrast to individuals who planned to change the election results by storming the Capitol Building with brute force, Mr. Thompson's understanding of what was transpiring was naïve and inaccurate due to his autism. See Dr. Laurie A. Sperry's Report attached as Exhibit A.

Autism³ is not and should not be an excuse for bad behavior, but rather, it should be considered when a person's individual culpability and degree of social understanding is called into question.

³ Taken from Dr. Sperry's report is the definition of autism...."Autism Spectrum Disorder Autism Spectrum Disorder Diagnostic Criteria, American Psychiatric Association, DSM 5 (2013). A. Persistent deficits in social communication and social interaction across multiple

**I. Forensic Evaluation by Dr. Laurie Sperry Undoubtedly Concludes
Mr. Thompson is Autistic (Autism Spectrum Disorder or ASD)**

On September 23, 2021, Dr. Laurie Sperry, a forensic psychologist and certified behavior analyst, conducted a thorough examination of Mr. Thompson while he was held at SeaTac Federal Detention Center. Dr. Sperry also interviewed Mr.

contexts, as manifested by the following, currently or by history: 1. Deficits in social-emotional reciprocity, ranging, for example, from abnormal social approach and failure of normal back-and-forth conversation; to reduced sharing of interests, emotions, or affect; to failure to initiate or respond to social interactions. 2. Deficits in nonverbal communicative behaviors used for social interaction, ranging, for example, from poorly integrated verbal and nonverbal communication; to abnormalities in eye contact and body language or deficits in understanding and use of gestures; to a total lack of facial expressions and nonverbal communication. 3. Deficits in developing, maintaining, and understanding relationships, ranging, for example, from difficulties adjusting behavior to suit various social contexts; to difficulties in sharing imaginative play or in making friends; to absence of interest in peers. B. Restricted, repetitive patterns of behavior, interests, or activities, as manifested by at least two of the following, currently or by history (examples are illustrative, not exhaustive; see text): 1. Stereotyped or repetitive motor movements, use of objects, or speech (e.g., simple motor stereotypies, lining up toys or flipping objects, echolalia, idiosyncratic phrases). 2. Insistence on sameness, inflexible adherence to routines, or ritualized patterns or verbal nonverbal behavior (e.g., extreme distress at small changes, difficulties with transitions, rigid thinking patterns, greeting rituals, need to take the same route or eat food every day). 3. Highly restricted, fixated interests that are abnormal in intensity or focus (e.g., strong attachment to or preoccupation with unusual objects, excessively circumscribed or perseverative interest). 4. Hyper- or hypo reactivity to sensory input or unusual interests in sensory aspects of the environment (e.g., apparent indifference to pain/temperature, adverse response to specific sounds or textures, excessive smelling or touching of objects, visual fascination with lights or movement). C. Symptoms must be present in the early developmental period (but may not become fully manifest until social demands exceed limited capacities or may be masked by learned strategies in later life). D. Symptoms cause clinically significant impairment in social, occupational, or other important areas of current functioning. 4 E. These disturbances are not better explained by intellectual disability (intellectual developmental disorder) or global developmental delay. Intellectual disability and autism spectrum disorder frequently co-occur; to make comorbid diagnoses of autism spectrum disorder and intellectual disability, social communication should be below that expected for general developmental level”

Thompson's mother at length on September 14, 2021. Dr. Sperry administered three diagnostic instruments⁴ testing for ASD in which Mr. Thompson met, and in most cases exceeded, the cutoff on all three tests, meriting a conclusive diagnosis of ASD. According to Dr. Sperry, Mr. Thompson had been previously diagnosed with Asperger's Syndrome⁵ at age 5. Autism as a diagnosis is next to impossible to feign because its behavioral manifestations must be present in early childhood⁶. This was indeed the case for Mr. Thompson as indicated by his early childhood Asperger's diagnosis and other childhood behavioral manifestations described by his mother to Dr. Sperry. Additionally, Dr. Sperry's report states there is a history of autism in Mr. Thompson's family, providing one more data point to suggest that there is likely a genetic component to his autism that was at work before he was even born.

II. Early Manifestations of Autism

Dr. Sperry's report was replete with examples of Mr. Thompson's childhood being impacted by his autism. According to her report, Mr. Thompson's behavioral

⁴ Autism Diagnostic Interview Revised (ADI-R) • Vineland Adaptive Behavior Scales- 3 (VABS-3) • The Autism Diagnostic Observation Scale-2, Module 4- Adolescent/Adult Fluent Speech (ADOS 2)

⁵ See page 6 of Dr. Sperry's report

⁶ Item C of the DSM definition for Autism states that symptoms must be present in the early developmental period.

symptoms of autism began manifesting on or before 36 months of age. He had an uneven pattern of development⁷ which is very common in individuals with ASD. For example, Mr. Thompson attained language at an early age, yet still could not communicate his basic needs to his mother even after the acquisition of language. He preferred to play with adults rather than other children⁸ because he felt more comfortable with them, but found it difficult to play with groups of children because of his difficulties reading social cues. Mr. Thompson only had a small group of friends, and his mother reported to Dr. Sperry that they only remained friends with him because they “got him” or “accepted him”. According to Dr. Sperry’s report, Mr. Thompson “had a lack of imaginative play and had limited interests in playing with other children...” (P.23). She also stated that he had a tendency to be “tricked by others into doing things that could harm himself or others” (P. 14). Mr. Thompson also received special services in school. ⁹Clearly, Mr. Thompson’s perceptions of the world have been different from his

⁷ See. Grandin, Temple. "Perspectives on Education from a Person on the Autism Spectrum." *educational HORIZONS* 84, no. 4 (2006): 229-234.

⁸ See checklist item number five under the “Social Behavior” checklist in... Attwood, Tony. "Asperger's syndrome." *Tizard Learning Disability Review* (2006).

⁹ Information obtained from an email correspondence with Dr. Sperry.

neurotypical¹⁰ peers throughout his entire life through no fault of his own¹¹, putting him at a profound disadvantage in making socially acceptable and appropriate decisions.

III. Mr. Thompson's Vineland Scores are indictive of his decisions on January 6

Dr. Sperry administered the Vineland Adaptive Behavior Scales-Third Edition to Michelle LaVergne, Mr. Thompson's mother on September 14, 2021. According to Dr. Sperry, "The Vineland-3 is a standardized measure of adaptive behavior- the things that people do to function in their everyday lives. Whereas ability measures focus on what the examinee can do in a testing situation, the Vineland-3 focuses on what he or she actually does in daily life. Because it is a norm-based instrument, the examinee's adaptive functioning is compared to that of others his or her age." (P.9).

10. Definition of neurotypical: "A neurotypical person who thinks, perceives, and behaves in ways that are considering to be normal by the general population."
<https://www.verywellhealth.com/what-does-it-mean-to-be-neurotypical-260047>.

¹¹ Autism is a condition with which one is born. See Hazlett, Heather Cody, Michele Poe, Guido Gerig, Rachel Gimpel Smith, James Provenzale, Allison Ross, John Gilmore, and Joseph Piven. "Magnetic resonance imaging and head circumference study of brain size in autism: birth through age 2 years." *Archives of general psychiatry* 62, no. 12 1366-276 (2005): This article has been cited 738 times in the literature to date.

First, Dr. Sperry described the communication domain of the Vineland, which measured how well Mr. Thompson exchanges information with others. It measured how well he listens, understands, and expresses himself through speech, reading and writing. On this domain, he scored at the 1st percentile among peers of a similar age. Significant impairments were noted by Dr. Sperry in Mr. Thompson's expressive communication and also his receptive communication, or what he socially understands. With regards to what he socially understands, his age equivalency is that of around a 4-year-old. And with regards to how he expresses himself, he age equivalency is closer to that of a 6-year-old. As Dr. Sperry states on page 12 of the report, "The people in Devlyn's life may think he understands everything that is being said to him, but he may not be able to understand the speaker's verbal communication or use his verbal communication effectively to communicate his wants, needs and expectations." She goes on to say that... "Verbal modes of communicating are often subject to varying interpretations due to tone, inflection, and volume." (P. 13). And "It is therefore not uncommon to see a score pattern similar to Devlyn's: very low scores in the Communication and Socialization domains, and a somewhat higher score within the Daily Living Skills domain." (P.13).

Mr. Thompson's Daily Living Skills domain was, as Dr. Sperry said is typical among people with ASD, his strongest among the domains, putting his age equivalent score of between a 14-year-old to a 22-year-old. Although this may seem like a high score, it still puts him at only the 4th percentile rank among people his age. Daily living scores measures things like hygiene, personal care, taking care of one's health, eating, dressing, household chores, and how well he functions outside of the home.

The last domain on which Mr. Thompson was tested was the socialization domain. This was based on his mother's observations. Under the interpersonal subdomain¹² of the socialization domain, Mr. Thompson tests out with an age equivalent score of a 3 year and 3-month- old. His coping subdomain¹³ skills under socialization tests him out at 4 years old. One of the items in the coping subdomain of the Vineland-3 asks whether an individual understands that a friendly appearing person may actually intend harm.¹⁴ As previously noted in Dr. Sperry's report, Mr.

¹² Page 13 of Dr. Sperry's report: "Interpersonal Relationships assesses how Devlyn responds and relates to others, including friendships, caring, social appropriateness and conversation."

¹³ Also page 13 of Dr. Sperry's report: "His Coping Skills score conveys how well he demonstrates behavioral and emotional control in different situations involving others."

¹⁴ See bottom slide on page 5 of PowerPoint
<http://downloads.pearsonassessments.com/videos/041817-Vineland-3/Vineland-3-Overview-Webinar-Handout-041817.pdf>.

Thompson's mother stated that he had been easily tricked by others in the past, which is perfectly consistent with this finding from the Vineland.

IV. Mr. Thompson's suggestibility can be explained by his ASD and his Vineland Scores

Someone like Devlyn Thompson with a coping score of a 4-year-old and a socialization score of a 3 year and 3-month old on the Vineland would be ill-equipped to handle the chaos at the Capitol on January 6. With no one to act as a guardrail in place (his brother was not there to guide him once he got there)¹⁵, Mr. Thompson's emotional dysregulation¹⁶ began to unfold during the course of the day and his cognitive rigidity¹⁷ prevented him from seeing the bigger picture of the consequences flowing from his actions, unlike most of the other people present that day.

When Mr. Thompson arrived at the Capitol on January 6, he was out of his element. As Dr. Sperry states, "To get a sense of that feeling, imagine what it would be like to wake up every day in a foreign world surrounded by people

¹⁵ See page 25 of report.

¹⁶ Coping and emotional regulation are intimately related. See Marroquín, Brett, Howard Tennen, and Annette L. Stanton. "Coping, emotion regulation, and well-being: Intrapersonal and interpersonal processes." In *The happy mind: Cognitive contributions to well-being*, pp. 253-274. Springer, Cham, 2017.

¹⁷ See page 24—25 of report.

adhering to foreign customs and speaking a language you cannot understand, and not receiving explicit instruction regarding those customs or the language, thus not being able to learn them. Further, imagine that the people adhering to those customs and speaking that foreign language treated you as though you should understand, even without explicit instruction or help. That is what everyday life is like for an individual with ASD.” (P.23)

It might be reasonably asked: what was Mr. Thompson doing at the Capitol of his own volition if he was so ill-equipped to be there? When a neurotypical individual goes on websites like 4chan or 8chan, they have the receptive communication abilities of an adult, that is, they can reasonably filter out information while turning to other news sources. If many neurotypical Americans did not do that who were at the Capitol on January 6, it has much more to do with today’s politically charged environment and less to do with their neurological wiring from birth. However, in the case of someone like Mr. Thompson, he was inherently vulnerable due to his neurological wiring. In particular, autistic individuals can be suggestible.¹⁸As Maras and Bowler point out, some ASD individuals accede to propositions which other individuals put forward even if they

¹⁸ Maras, Katie L., and Dermot M. Bowler. "Eyewitness testimony in autism spectrum disorder: A review." *Journal of autism and developmental disorders* 44, no. 11 (2014): 2682-2697.

don't agree with them. Greenspan has stated that individuals with developmental disabilities (of which ASD is one) are more credulous and gullible than their typically developing peers.¹⁹ One's ability to detect or avoid potentially harmful interpersonal situations known as *social vulnerability*, is lower in individuals with ASD²⁰. In other words, ASD individuals can get embroiled in situations where they don't know the consequences. Payne²¹ elaborates on this point by saying..." Theory of Mind (ToM) refers to the attribution of mental states to oneself and to others (Premack & Woodruff, 1978). It has been suggested to underpin an individual's ability to detect harmful intent (Sofronoff et al., 2011). ToM has been widely shown to be diminished in ASD (e.g., Joliffe & Baron-Cohen, 1999), which may suggest that individuals with ASD are increasingly vulnerable to manipulation and coercion into crime. Thus, it may be hypothesized when considering the

¹⁹ See Greenspan, Stephen, Gail Loughlin, and Rhonda S. Black. "Credulity and gullibility in people with developmental disorders: A framework for future research." In *International review of research in mental retardation*, vol. 24, pp. 101-135. Academic Press, 2001.

²⁰ Seward, Rebecca J., Donna M. Bayliss, and Jeneva L. Ohan. "The Children's Social Vulnerability Questionnaire (CSVQ): Validation, relationship with psychosocial functioning, and age-related differences." *International Journal of Clinical and Health Psychology* 18, no. 2 (2018): 179-188.

²¹ Payne, K. L. Introducing social vulnerability and compliance as factors for understanding offending in autism spectrum disorder. PsyPAG 32nd Annual Conference 26th-28th July 2017. 21-24

factors of social vulnerability, compliance and ToM, that individuals with ASD may commit crimes with others (co-offending rather than solo-offending).” (p. 23)

Woodbury-Smith²² concurs by stating: “Beyond holding extremist views, consideration also needs to be given to risk of radicalization. Those individuals who are marginalized or otherwise socially isolated and searching for a sense of belong are at a particularly high risk (Kruglinski et al., 2014); numbered among such people may be some with ASD, who may be additionally vulnerable...

Communication by way of the internet also provides for the opportunity to meet others without the challenge of interaction – itself an avenue for their recruitment, and perhaps unbeknownst to them.” (P. 191). Woodbury-Smith also states: “The tendency for certain individuals with ASD to develop fixations, whether in the pursuit of an interest or due to having a fairly strong and rigid moral compass, is also relevant, as is the ‘black and white’ style of thinking that is often described among such individuals. While the motivation for holding extremist views is complicated (Kruglanski et al., 2014), it is certainly possible that the fixed, black and white beliefs in ASD may develop into views that are politicized and associated with negative emotions towards particular groups (Palmermo, 2013).”

²² Woodbury-Smith, Marc. "ASD and Unlawful Behaviour: Background." In *Handbook of Autism Spectrum Disorder and the Law*, pp. 185-197. Springer, Cham, 2021.

(p.191) Specific to Mr. Thompson, Dr. Sperry states: “His suggestibility and naïveté made him more vulnerable than the average young adult viewer of radical online ideology.” (P.24).

Superimposing the aforementioned academic research onto Mr. Thompson’s own personal story highlights the dynamic of how he was so vulnerable to the unique event such as what occurred at the Capitol. Mr. Thompson had the socialization and communication skills of a young child, but at the same time had the intellectual capacity to maintain politics as his main special interest²³. And because of only having a few friends, he spent hours and hours in front of his computer. This constituted a perfect storm. Without many friends and alone at his computer, Mr. Thompson would spend as much as 40 hours a week²⁴, being fed algorithm after algorithm of false information. Says Dr. Sperry: “All of this was couched in the black and white dichotomy²⁵ of what it means to be a patriotic citizen...” (P.24).

²³ Special interests are intense, focalized interests for ASD individuals in which they spend most of their time invested. They were first noticed by Dr. Leo Kanner in 1943 of Johns Hopkins University in autistic children. See Grove, Rachel, Ilona Roth, and Rosa A. Hoekstra. "The motivation for special interests in individuals with autism and controls: Development and validation of the special interest motivation scale." *Autism Research* 9, no. 6 (2016): 677-68

²⁴ Page 24 of Dr. Sperry’s report

²⁵ Black and white or “either/or” thinking is typical among autistic people. See. Stark, Eloise, James Stacey, Will Mandy, Morten L. Kringelbach, and Francesca Happé. "Autistic Cognition: Charting Routes to Anxiety." *Trends in Cognitive Sciences* (2021).

Dr. Sperry also notes in her report that Mr. Thompson has “weak central coherence”, which is another common characteristic among people on the spectrum. One way of thinking about someone with issues of weak central coherence is that they literally cannot see the forest for the trees. Like the myopic eye of a nearsighted person that only takes in what it is immediately in front of it but can’t view the landscape, people with weak central coherence are fixated on minute details to the point where the big picture becomes a blur. Dr. Sperry elaborates on this point: “when the events of January 6, 2021 began to escalate, he focused on the details, the fallen woman, his perceived need to see what was happening, the pepper spray in the officer’s hand without focusing on the larger context of how chaotic and dangerous the situation had become for everyone.” (P.24). His act of hitting the officer with the baton, while in reality egregious and misdirected, was from Mr. Thompson’s point of view an act of protecting a woman he believed was being harmed by the pepper spray who had fallen to the ground. His violence that day was reactionary, unplanned and completely non-premeditated--- as evidenced by the fact that the baton he picked up was not something on his person before he used it.

V. Mr. Thompson believed that former President Donald Trump would be coming to the Capitol after his speech

Taking into account the previous traits of autism – that Mr. Thompson has the social understanding of a three or four-year old, that he is extremely suggestible, and that he manifests cognitive rigidity -- it is not surprising that Mr. Thompson did not believe an insurrection was about to take place after the speech by former President Trump at the Ellipse. He did not go to the Capitol to overthrow the government. Rather, he believed former President Trump when Trump said ²⁶.... “And after this (his speech), we're going to walk down, and I'll be there with you, we're going to walk down, we're going to walk down.” Trump says three times in that one sentence alone that he was going to be walking down (Pennsylvania Avenue) with the protestors, adding for emphasis that he will be there “with you.” Mr. Thompson literally believed this was what was going to happen, and of course it did not. For someone with a history of being tricked by others and a person with a “literal interpretation”²⁷ of things, it should not be completely surprising that Mr. Thompson believed former President Trump would peaceably calm things down once he arrived at the Capitol. All day long he kept an eye out for former President Trump, waiting for him to arrive at the Capitol and

²⁶ Transcript of President Trump’s 1/6 speech at the Ellipse.
<https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial>.

²⁷ Page 7 of the report

save the day. As Mr. Thompson told Dr. Sperry during his interview with her...

“When I was leaving, my intention was to listen to another speech at the capitol. I had gotten text messages. I got a text that there was a planned speech. There were supposed to be two speeches at the capitol. One from an Arizona legislator and one from Women for Trump. I thought Alex Jones would be there and Trump. I saw secret service cars that I now know were carrying Pence. On the way I was walking with someone talking about architecture in DC. I got there and there was no stage. I got there - on the West side and I’m standing there and there were altercations happening. I still thought there was going to be a speech.... I was told to stay behind the line. I never tried to go past the line.” (P.29-30). Mr. Thompson was bewildered there was no Trump at the Capitol when Trump said he would be “with you” (the protestors). Considering that Mr. Thompson has the coping skills of a four-year old as evidenced by the Vineland, this situation was particularly challenging: “In that moment, I thought I was going to watch a speech, there was no speech. That fueled my anger. It became a lot harder to make good decisions.” (P.30).

Mr. Thompson had attended other Trump rallies, and he thought this one on January 6 would be just like all the others. He was not affiliated with the Oath Keepers, The Proud Boys, The Three Percenters, other militia groups or any formal

right wing organizations there that day, but was instead a solo participant: “I went to a rally in Georgia in November 2020, it was calm, people were praying. I went to a DC rally in November 2020, people gave speeches, it was calm. I went to another rally in Valdosta in Mid-December 2020.” (P. 31). Mr. Thompson’s cognitively rigid brain simply couldn’t conceive of the fact that former President Trump did not arrive that day like he said he would: “If he knew there was no security, no activity, why would he send upset people? There was nothing to hold their attention. His actions were inconceivable. He created a lot of problems and he didn’t even go. The most underreported part of this is that there was supposed to be a speech at the Capitol.” (P.31).

Although many protestors took their cues from the former President on January 6, Mr. Thompson mistook them. He should not have been there that day, because he did not know at all what he was getting himself involved with. Thankfully because this was a once in a lifetime event, Mr. Thompson will likely never be present at such an emotionally charged mass gathering of people for the rest of his life.

VI. Mr. Thompson has Uneven Development

An additional point must be made for the sake of clarification. Item no. 53, p. 12, of the PSR notes Mr. Thompson recalled doing fairly well in school, as well

the PSR noting Mr. Thompson attained a salary of \$90,000 a year working as a portfolio manager before the instant offense occurred.²⁸ The Court might reasonably inquire as to how such a discrepancy could exist between Mr. Thompson's real world accomplishments and his Vineland Scores. The Court may also wonder how such a person who has had some measure of success in the world can be this cognitively rigid. It is widely accepted in the academic literature that there are often uneven gaps in a developmental profile for an ASD individual.

Psychologist Lynda Geller ²⁹ explains:

The uneven development across skills may result in significantly discrepant maturity levels in the same person. Social and emotional maturity may severely lag, but one is expected to behave in a certain way based on age or intellect. So, while development generally marches forward in a more or less predictable manner, emotional regulation for those on the spectrum may be delayed or altered by countless subtle constitutional differences (p. 2).

ASD individuals can have uneven IQ test scores as well. For example, some ASD individuals might have difficulty with the comprehension section of an IQ test, but may score incredibly well on block design. A question could be. "Why do

²⁸ Item 69, p. 15 of the PSR

²⁹ Geller, L. (2005). Emotional regulation and autism spectrum disorders. Asperger Center for Education and Training. <http://aspergercenter.com/articles/Emotional-Regulation-and-Autism-Spectrum.pdf>

we turn the lights off in the room?"³⁰ In other words, even though some individuals on the autism spectrum do not have an intellectual disability, such as Mr. Thompson, this doesn't mean some of those same people do not have a genuine social disability which effects one's ability to accurately gauge the events around them. They absolutely do. One study ³¹qualitatively described the difficulties gifted³² individuals on the autism spectrum have:

In addition to areas of extreme intelligence and insight, there were also areas of deficit, demonstrating the asynchronous development of these students..... All parents discussed their students' struggle with social issues.....This dichotomy between students' academic abilities and their social abilities is one example of asynchronous development that parents consistently discussed. In addition to low social awareness, some of these students struggled with fine motor skills, fiction inference and comprehension, and speech. (p.288).

Other researchers ³³have pointed out that:

Gifted children can have autism spectrum disorders, be severely emotionally disturbed or behaviorally disordered, and have physical handicaps or

³⁰ Melling, Richard, and Jeremy M. Swinson. "The relationship between Autism Spectrum Quotient (AQ) and uneven intellectual development in school-age children." *Cogent Psychology* 3, no. 1 (2016): 1149136.

³¹ Rubenstein, Lisa DaVia, Natalie Schelling, Susan M. Wilczynski, and Elizabeth N. Hooks. "Lived experiences of parents of gifted students with autism spectrum disorder: The struggle to find appropriate educational experiences." *Gifted Child Quarterly* 59, no. 4 (2015): 283-298.

³² This is not to suggest one way or another whether Mr. Thompson is gifted. The point is that even gifted individuals on the autism spectrum can and do still have a social disability.

³³ Neihart, M. (2008). Identifying and providing services to twice exceptional children. In *Handbook of giftedness in children* (pp. 115-137). Springer, Boston, MA.

specific learning disabilities (Baum, 1994; Fox et al., 1983; Moon & Reis, 2004) (p.116).

And author Maureen Bennie echoes this point: ³⁴

The uneven cognitive profile, also known as splinter skills, is when a person on the autism spectrum may demonstrate great strengths in an area but be severely lacking in skills in another area. An example of this may be great academic or verbal ability alongside a weakness in self-help skills such as personal hygiene. We need to be aware of the uneven cognitive profile because we often make assumptions on a person's ability when viewing the strength(s).

Such a description describes Mr. Thompson's life course. He apparently has had tremendous strengths and an ability to be successful in some areas of life, but has needed help in other areas---help which he has not received thus far. To further emphasize this point with regards to Mr. Thompson, Ms. Bennie also states:

The uneven cognitive profile has to be kept in mind as the person enters into adulthood. It may not be feasible to live alone in an apartment because of the amount of responsibility. If this is the person's dream, then assessment of proper supports need to take place.

In spite of the fact that Mr. Thompson made \$90,000 a year before his arrest, his mother reports there has never been a time in his life where he has lived

³⁴ "The Third Part of the Triad: The Uneven Cognitive Profile - Autism Awareness." 2010. Autism Awareness. January 24, 2010. <https://autismawarenesscentre.com/the-third-part-of-the-triad-the-uneven-cognitive-profile/>.

completely independently.³⁵ Living independently would normally be expected for a \$90,000 annual income earner, but presumably because of Mr. Thompson's uneven developmental profile due to his ASD, this has not been the case for him thus far. In sum, the Court should be aware that Mr. Thompson, who made a good living for himself, still had inherent communication and social issues that influenced his behavior on January 6.

Courts are beginning to understand how these deficits can come into play in criminal cases. For example, in *United States v. Shore, Criminal Action No. 17-502 (E.D. Pa. July 7, 2020)* District Court Judge Timothy J. Savage stated:

Autism is a (sic) neuro-developmental disability involving the brain. It is characterized by the presence of narrow, repetitive behavior and differences and difficulties in social interaction, communication, and adjusting to change. A person suffering from ASD is neurologically impaired in his ability to appreciate the unacceptability of his conduct or to intuit why this conduct is unacceptable. Because of his difficulty observing social norms, an ASD individual may engage in socially disapproved or unacceptable behavior, with no consciousness of wrongdoing or a real sense of how his behavior is viewed by others..... But, the same factors bearing on the juvenile's mental development and appreciation of his wrongdoing are present in the case of a defendant with ASD..... Shore, like others with ASD, shares the same characteristics with juveniles whom the Supreme Court has found are "constitutionally different from adults for purposes of sentencing." *Miller v. Alabama*, 567 U.S. 460, 471 (2012). These include immaturity, impulsivity, and failure to appreciate the risks and consequences of their actions. The same analysis applies here.

³⁵ See items 54 and 56, page 12 and 13 respectively of the PSR.

Judge Savage went on to say specifically that the defendant's ASD in *Shore* mitigated the gravity of his offense, even though by statute, the Court was bound by the mandatory minimum it was obliged to give.

VII. Prison is harmful to people with Autism

Mr. Thompson fully recognizes that his plea agreement includes the likelihood of incarceration. Much has been written in recent years in mainstream media regarding the problems prisons have in being ill-equipped to handle autistic inmates³⁶. For example, the Commonwealth of Virginia recently enacted a law giving state judges the power to initiate diversion.³⁷ Dr. Sperry states specific concern specifically about Mr. Thompson serving a long sentence:

In general, prison is a very ineffective consequence for offending behaviors committed by people with ASD (Apel & Diller, 2017). Punishment is a consequence that occurs after a problem behavior occurs, with the intent of reducing the likelihood that the problem behavior will occur again in the future. People with ASD who are incarcerated are exposed to what has been referred to as a "criminal apprenticeship" which may make them more criminally savvy (Durose, Cooper, & Snyder, 2014). Moreover, people with

³⁶ See e.g.,

<https://www.spectrumnews.org/features/deep-dive/autism-behind-bars/>
<https://www.themarshallproject.org/2020/11/02/prison-is-even-worse-when-you-have-a-disability-like-autism>
<https://www.dallasnews.com/opinion/commentary/2017/08/15/the-u-s-justice-system-has-an-autism-problem/>
<https://vadogwood.com/2020/12/29/prison-is-sheer-torture-for-people-with-autism-a-new-virginia-law-might-help/>

³⁷ § 19.2-303.6. Deferred disposition in a criminal case; persons with autism or intellectual disabilities <https://law.lis.virginia.gov/vacode/title19.2/chapter18/section19.2-303.6/>.

ASD are vulnerable to developing cognitive distortions that, in the absence of appropriate peer models, could serve to justify their offending behavior. Paradoxically, prison culture may increase the likelihood of recidivism because of the social acceptance of offending behavior within prisons (Megens & Weerman, 2012). During his interview Devlyn mentioned one “friend” he had made while living in Georgia. A friend he had seen in a bar a few times and thus, determined that this passing level of familiarity made him a friend. Due to his social naivete and suggestibility, Devlyn may leave a prison setting even more indoctrinated towards maladaptive world views.

An alternate scenario is equally problematic for Devlyn. People without autism who enter prison typically quickly affiliate themselves with people who share similar characteristics and beliefs. In other words, they seek and join a group that offers belonging and protection. Given his profound social challenges, Devlyn does not know to do this, nor would he have the skill set to join a group. Thus, like most people with ASD, Devlyn would become an “unaffiliated prisoner.” As such he would be extremely vulnerable to becoming the target of verbal, physical and sexual assault by all groups. Pp. 33-34.

Dr. Sperry’s statement strongly suggests that the less time Mr. Thompson spends in an incarcerated setting, the greater the chances of rehabilitation.

Further attestation of this matter comes in the form of a declaration by Jack T. Donson—Vice President of Prisonology LLC who has more than thirty-three years of experience in providing expert consulting and testimony to federal courts and the Federal Bureau of Prisons (BOP) regarding appropriate placement for a particular defendant (*See* Declaration of Jack T. Donson attached as Exhibit B.) Salient concerns arising in regards to Mr. Thompson from Jack Donson’s report are as follows:

Mr. Donson's professional opinion estimates Devlyn Thompson falling just below the cutoff for eligibility in a minimum security due to the mandatory Public Safety Factors (PSF) of "Greatest Severity Offense" and a "Threat to Government Officials" unless the BOP waives this requirement. Mr. Donson therefore concludes that Mr. Thompson will likely be classified as a low security inmate by the BOP. Mr. Donson expresses significant concern regarding this classification because even in this setting, Mr. Thompson will be placed with others who have a more extensive criminal history and orientation including sex offenders, and people serving sentences longer than 10 years.

Tying the low security classification specifically to Mr. Thompson's ASD, Mr. Donson concurs with Dr. Sperry that Mr. Thompson will be at a greater risk of exploitation and the likelihood of prolonged protective custody. Mr. Donson states that the BOP does not provide appropriate recognition and treatment of ASD for those within their custody and care. Only one BOP facility in the United States even mentions autism in its literature, (Danbury, Connecticut), and their treatment/programs are not tailored at all for ASD individuals. Danbury is the only Low security skills program in the country, but it is significant distance across the country from Mr. Thompson's current residence in Washington State. Mr. Donson quotes the BOP Skills program as making the following statement about ASD:

“When describing the Skills Program, the BOP states inmates with autism spectrum disorder, ‘are more likely to be victimized and/or manipulated by more sophisticated inmates. As a result, they may be placed in the special housing unit for their protection or may have frequent misconduct reports because of their limited decision-making skills.’” (P.5).

Autistic individuals are like fishes out of water in prison. It is the most contraindicative setting one could ever conceive of for a person on the spectrum. For example, ordinarily, individuals on the spectrum benefit from direct, non-ambiguous, individualized instruction and direction on what is appropriate and what isn’t³⁸. But as Mr. Donson points out, the BOP has a ratio of one correctional officer for every 150 inmates. Given such drastic staff limitations, Donson echoes the concerns Dr. Sperry has regarding Mr. Thompson falling into a “criminal apprenticeship” the more time he spends in prison. Guards will not be there to hold his hand when he steps into the facility in which he is to serve time. Inmates will immediately test him upon his arrival in an informal vetting process designed to establish where in the prison hierarchy Mr. Thompson belongs. Autistic individuals are just not inherently equipped to handle this kind of harassment by instinctively joining a group to gain protection from the masses. And as Mr.

³⁸ Kemeny, M. Elizabeth, and Deborah Hutchins. "Comparative effectiveness of an individualized goal-directed approach and nongoal-directed approach for social outcomes in adolescents with autism spectrum disorder." *American Journal of Recreation Therapy* 16, no. 3 (2017): 17-28

Donson eloquently states, Mr. Thompson's history is one where there has been an absence of interest in peers and affiliation with others, suggesting he would be much more vulnerable going it alone in this setting. In addition, Mr. Donson reinforces what was painfully obvious by Mr. Thompson's Vineland Scores: His socialization, communication, coping and daily living scores are like that of a young child. Donson points out Dr. Sperry's evaluation and some of the behavioral characteristics that make up Mr. Thompson's ASD symptomatology. Among those listed were prolonged staring, fixation on objects, showering up to 5 times daily, rocking, head banging and executive functioning³⁹ deficits. Executive functioning challenges often produce processing delays, making responding to emergency AND ordinary situations, such as getting on the ground quickly or standing for count upon request, extremely difficult to perform on the spot. Prison staff may feel Mr. Thompson is being noncooperative if his slow auditory processing makes it harder for him to answer a question quickly or perform a specific task swiftly. These behaviors and challenges, which are inherently harmless in and of themselves towards other people and are a part of Mr. Thompson's makeup, will

³⁹ Executive functioning concerns one's planning ability, generativity, flexibility, working memory, motivation, concept of time, and ability to shift attention. Executive functioning is to human behavior what air traffic control is to aviation. Individuals on the spectrum are usually incredibly hyperfocused on specific things, but sometimes can't keep track of everything that is happening around them—which can effect decision making.

not be tolerated by the BOP. Staff will see these behaviors as issues of non-compliance. They aren't. Having not previously been incarcerated will make things more difficult for Mr. Thompson. This constellation of traits in a custodial setting puts Mr. Thompson at a high risk for unwittingly being cited and written up by BOP staff for disciplinary citations when the behavior simply stems from autism. This will only make his situation worse, even though he is not purposefully engaging in any insolent behavior.

Mr. Donson notes that the two FCI's closest to Mr. Thompson are not necessarily within a 500-mile radius of where he currently resides. The two closest FCI's in distance to Mr. Thompson that meet his classification level are FCI Terminal Island (San Pedro, CA – 1,157 miles from Seattle) and FCI Lompoc (Lompoc, CA – 1,078 miles).

Mr. Donson concludes:

Any correctional treatment objectives and/or program requirements would best be accomplished with stringent conditions of supervision during a period of home detention (p.9).

The undersigned recognizes this remedy is likely not available for Mr. Thompson. But hopefully the Court will encourage the BOP to ensure Mr. Thompson is placed in the setting that is best suited to meet his unique needs so that irreversible damage is not done. Perhaps the Court could request that the BOP waive its

requirement in this unique case and place Mr. Thompson in a minimum security setting instead of a Low security setting. In addition to Mr. Thompson's ASD, it is important to remind the Court that he has never behaved violently in his life prior to this incident. If a placement classification exception cannot be made, the undersigned asks the Court to keep in mind these factors when it fashions a sentence for Mr. Thompson that will mitigate the effect a custodial setting will have on his unique characteristics.

OTHER SENTENCING CONSIDERATIONS

In addition to the mitigating factors already presented, there are several other issues which Mr. Thompson requests the court to consider.

I. Mr. Thompson cooperated with the authorities

As soon as it was made known to Mr. Thompson that his connection to these events made him wanted, he immediately turned himself in. He cooperated with the government's investigation and participated in three proffer sessions with various members of the U.S. Attorney's office and the FBI. He also voluntarily turned over access to all his social media accounts. His timely plea saved the government time, resources and energy.

II. Mr. Thompson was compliant while on bond

While on bond and before he was taken into custody, Mr. Thompson had been fully compliant with his bond conditions.

III. Because of the internet, the consequences of this offense will endure

Autistic individuals are 85% likely to either be unemployed or underemployed⁴⁰. To his credit, Mr. Thompson was employed even though he found the conditions of employment very difficult due to his autism and the social nature of the job he had. (Sperry Report, p.16-17). However, he was terminated because of the charge against him. The reality is that because his name appears on virtually every major news site on the internet, this offense will follow him for the rest of his life.

IV. Mr. Thompson has a history of being bullied

Dr. Sperry states:

When asked, Devlyn admitted to being bullied by his older cousins. He spent a great deal of time growing up on a property owned by his grandmother that was shared by his uncle and cousins so he was routinely exposed to teasing about an incident where he fell and was injured in the shower when trying to pick up a bar of soap. This led to teasing, which Devlyn described as “mean spirited” about sexual assault for a number of years. He felt his cousins recognized that he wasn’t as “tough” as them. He did try chewing tobacco, splitting logs, climbing trees and dressing like his cousins to fit in. (P.17).

⁴⁰ <https://www.forbes.com/sites/jenniferpalumbo/2021/04/27/why-autism-speaks-is-encouraging-companies-to-hire-those-on-the-autistic-spectrum/?sh=12b66e2852a2>.

Thus, someone like Mr. Thompson would be particularly vulnerable in a prison with more seasoned inmates, especially as he has not been previously incarcerated.

V. A lengthy prison sentence would be detrimental to Mr. Thompson

As mentioned earlier, Dr. Sperry states that “paradoxically, prison culture may increase the likelihood of recidivism.” P. 24. Indeed, a recent *Wall Street Journal* article states:⁴¹

Merrick Garland has told other Justice Department officials he is concerned that jailing rioters who weren’t hard-core extremists for extensive periods could further radicalize them, according to people familiar with the matter, a concern he has expressed more broadly about defendants entering the criminal justice system. But he has left recommending sentences to the prosecutors directly involved, who have been making decisions based on nine factors, court documents indicate.

VI. Mr. Thompson expresses genuine remorse for his actions and apologizes to the officer in question

Attached as Exhibit C are two letters from Mr. Thompson. The first was written after several months of incarceration and reflects the fact that he has had time to consider his actions and commit to avoiding similar circumstances. The

⁴¹ <https://www.wsj.com/amp/articles/judges-prosecutors-diverge-on-sentencing-jan-6-capitol-rioters-11634203801>

second letter is addressed to the officer Mr. Thompson struck. He apologizes for his actions and expresses respect for the position which the officer holds.

VII. Family and friends believe in Mr. Thompson's inherent goodness and pledge to support him in the future

Attached as Exhibit D are numerous letters from family and friends. Many speak to the fact that Mr. Thompson has displayed characteristics of autism spectrum disorder, and many speak to the fact that over the years, he has been capable of great acts of kindness and generosity.

Conclusion

Based on the foregoing, Mr. Thompson requests a sentence which reflects the objectives of Section 3553. Mr. Thompson has been in custody since he pleaded guilty on August 6, 2021. A sentence of a year and a day is sufficient, but not greater than necessary, to fulfill the purposes of sentencing in Mr. Thompson's case, and taking account of the "defendant specific" circumstances. *United States v. Gardellini*, 545 F.3d 1089, 1095 (D.C. Cir. 2008) (*Kavanaugh, J.*). The Court has "far more substantive discretion" to sentence "differently from the Sentencing Guidelines" than previously. *Id.* It should exercise that discretion in this case to fashion an appropriate sentence for Mr. Thompson.

Respectfully submitted,

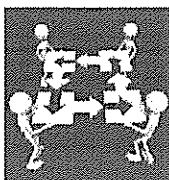
/s/Elizabeth Kelley
ELIZABETH KELLEY
(pro hac vice)
ELIZABETH KELLEY, ATTORNEY AT LAW
2425 E. 29th Ave., Ste. 10-B, #225
Spokane, WA 99223
(509)991-7058
ZealousAdvocacy@aol.com

CERTIFICATE OF SERVICE

Elizabeth Kelley, Attorney at Law, hereby certifies that the foregoing was served in accordance with Fed.R.Crim.P.49, Fed.R.Civ.P.5, LR5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the District Court's system as to ECF filers.

/s/Elizabeth Kelley
ELIZABETH KELLEY
ELIZABETH KELLEY, ATTORNEY AT LAW
2525 E. 29 th Ave., Ste. 10-B, #225
Spokane, WA 99223
(509)991-7058
ZealousAdvocacy@aol.com

Exhibit A



Autism Services And Programs, LLC

Evaluation Report

Client Name: Devlyn Thompson
Inmate Interview Date: September 23, 2021
Date of Birth: June 1, 1993
Chronological Age: 28 years, 3 months.
Examiner: Laurie Sperry, Ph.D., BCBA-D, MSc Forensic
Psychology/Criminal Investigation, Board Certified Behavior Analyst-Doctoral

Table of Contents

Autism Spectrum Disorder Definition	3
Records Review	4
Educational History	4
Assessments	5
Autism Diagnostic Interview Revised	5
Vineland Adaptive Behavior Scales	9
ADOS-2 Module 4	15
Person Centered Plan	21
Autism Specific Related Deficits	23
Forensic Interview	27
Considerations for the Court	32
Conclusion	34
Signature Page	35

Autism Spectrum Disorder

Autism Spectrum Disorder Diagnostic Criteria (American Psychiatric Association, DSM 5 2013).

A. Persistent deficits in social communication and social interaction across multiple contexts, as manifested by the following, currently or by history

1. Deficits in social-emotional reciprocity, ranging, for example, from abnormal social approach and failure of normal back-and-forth conversation; to reduced sharing of interests, emotions, or affect; to failure to initiate or respond to social interactions.
2. Deficits in nonverbal communicative behaviors used for social interaction, ranging, for example, from poorly integrated verbal and nonverbal communication; to abnormalities in eye contact and body language or deficits in understanding and use of gestures; to a total lack of facial expressions and nonverbal communication.
3. Deficits in developing, maintaining, and understanding relationships, ranging, for example, from difficulties adjusting behavior to suit various social contexts; to difficulties in sharing imaginative play or in making friends; to absence of interest in peers.

B. Restricted, repetitive patterns of behavior, interests, or activities, as manifested by at least two of the following, currently or by history (examples are illustrative, not exhaustive; see text):

1. Stereotyped or repetitive motor movements, use of objects, or speech (e.g., simple motor stereotypies, lining up toys or flipping objects, echolalia, idiosyncratic phrases).
2. Insistence on sameness, inflexible adherence to routines, or ritualized patterns or verbal nonverbal behavior (e.g., extreme distress at small changes, difficulties with transitions, rigid thinking patterns, greeting rituals, need to take the same route or eat food every day).
3. Highly restricted, fixated interests that are abnormal in intensity or focus (e.g., strong attachment to or preoccupation with unusual objects, excessively circumscribed or perseverative interest).
4. Hyper- or hypo reactivity to sensory input or unusual interests in sensory aspects of the environment (e.g., apparent indifference to pain/temperature, adverse response to specific sounds or textures, excessive smelling or touching of objects, visual fascination with lights or movement).

C. Symptoms must be present in the early developmental period (but may not become fully manifest until social demands exceed limited capacities or may be masked by learned strategies in later life).

D. Symptoms cause clinically significant impairment in social, occupational, or other important areas of current functioning.

E. These disturbances are not better explained by intellectual disability (intellectual developmental disorder) or global developmental delay. Intellectual disability and autism spectrum disorder frequently co-occur; to make comorbid diagnoses of autism spectrum disorder and intellectual disability, social communication should be below that expected for general developmental level

Records Reviewed:

**Thompson- Criminal Information
Thompson- Factual Profile
Thompson- Plea Agreement**

Charges: 18 U.S.C. §§ 111(a)(1) and (b) (Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon) January 6, 2021 at the United States Capitol Building.

Devlyn is currently being held at the Federal Detention Center in Seattle, Washington.

Educational History

1. **Daycare**-Devlyn attended a number of in-home daycares from the time he was a year old through approximately nine years of age. Early on his mother began receiving reports that the day care “couldn’t handle him.” Even as a toddler, Devlyn would scream relentlessly and the day care could not do anything to soothe him. As he got older the daycare would report to his mother that he was easily angered and they couldn’t deal with him so he transferred frequently to other in-home providers.
2. **Montessori School**- Devlyn attended a Montessori school from ages three-four. His mother recalls him playing by himself and not wanting to interact with the other children.
3. **Elementary School**-Devlyn attended Elkridge elementary school from Kindergarten through fifth grade. His mother recalled that he always seemed to be in trouble for “throwing fits” and was frequently sent to the office.
4. **Middle School**- Devlyn attended Glacier Middle from sixth grade through eighth grade. It was in middle school that he developed his deep interest in politics. It was determined that Devlyn needed advanced work to help keep him engaged. He had to be put into a Safe Schools program that provided him with access to a counselor one to two times a week.
5. **High School**- Devlyn attended White River High School from ninth grade through twelfth grade. He would often “tell his teachers off”. He began to feel afraid to do things that made him feel socially uncomfortable. His mother suspects he was sabotaging his grades as they were not reflective of his ability.

Assessments Used:

- Autism Diagnostic Interview Revised (ADI-R)
- Vineland Adaptive Behavior Scales- 3 (VABS-3)
- The Autism Diagnostic Observation Scale-2, Module 4- Adolescent/Adult Fluent Speech (ADOS 2)
- Person Centered Plan

Autism Diagnostic Interview Revised: (ADI-R)

Date of Evaluation: September 14, 2021

Respondents: Michelle La Vergne, biological mother.

The Autism Diagnostic Interview-Revised (ADI-R) (Le Couteur, et al., 2003) is the most widely used and well-established interview for the assessment of autism spectrum disorder (ASD). Diagnostic algorithms, which yield a classification of “autism” or “non-autism,” exhibit good to excellent predictive validity, especially when used in combination with the Autism Diagnostic Observation Schedule (ADOS) (see Risi et al., 2006). This standardized, Semi-structured interview is administered by a trained clinician in approximately 2-3 hours. The ADI-R includes 93 items focusing on Early Development, Language/ Communication, Reciprocal Social Interactions and Restricted and Repetitive Behaviors and Interests.

The ADI-R was conducted to gather information about Devlyn’s social and developmental history. This evaluator specializes in the impact of ASD across the lifespan with an emphasis on adult and forensic issues, and the evaluator was brought in specifically to collect developmental information as it relates to Devlyn’s diagnosis of ASD.

Developmental History and Diagnostic Presentation

The Autism Diagnostic Interview-Revised was conducted with Devlyn’s mother, Michelle LaVergne, over the phone. Prior to the phone interview, Devlyn’s mother was encouraged to review his baby books and school records to refresh her memories about Devlyn’s early development. Michelle LaVergne was a reliable and consistent informant. The following is a summary of that interview:

History

Prior to being taken into custody, Devlyn lived independently in his own apartment and was employed. He is the oldest of three half brothers. He has a half brother Karlyn who is twenty four, a half brother William who is eighteen, a half brother Braeson who is fifteen and a foster brother

Matt, who is thirty-one. Devlyn's family history is significant for a history of autism. His brother Karlyn did not speak until he was six, however he was never formally diagnosed with autism. His brother Braeson received a diagnosis of Aspergers Syndrome at age four. Devlyn's biological father is "a lot like Devlyn- highly intelligent with no common sense" according to his mother.

Developmental Milestones

According to parent report, Devlyn had a somewhat uneven pattern of development. Devlyn's mother recalled that he never crawled. He always had to "walk on his tippy toes" he wouldn't allow his knees to touch the floor ever. His language development was precocious, he began saying his first words around eight months and began speaking in full sentences by eighteen months. His mother found it extremely difficult to soothe him as an infant "All he ever did was scream. I couldn't soothe him or know how to help him." She called the hospital and asked the doctors if they could help. Devlyn achieved bladder control within normal limits, however he continued to have nocturnal enuresis until he was sixteen years old. He also had problems with bowel control and continued to occasionally soil himself until he was approximately sixteen years old. Devlyn was diagnosed with Asperger's Syndrome when he was five after a psychologist at school recommended that his mother get him tested.

Devlyn is not on any prescribed medications at this time and is adamantly opposed to them. He does use CBD and smokes marijuana to calm himself down but is not able to access either during his period of incarceration. Mental health consultation with a psychiatrist should be part of Devlyn's plan to examine his mental health needs.

Specific concerns about his social communication and atypical behaviors are described below.

Communication

Like many people on the higher end of the autism spectrum, Devlyn was not delayed in his acquisition of speech. However, he does display abnormalities in the *quality* of his communication. When he was a child he did not point to express interest, rather he would use his entire hand to wave. As a young child he had a paucity of social imitative play (ie. imitating activities he saw his parents doing). His mother could only recall one instance of pretend play. Instead, he would "literally sit in front of the TV and watch World Wrestling Entertainment (WWE) and baseball." His mother reported that it is extremely difficult to have a conversation with Devlyn. He is "not big on small talk" and when he does converse with others it has to be a topic of his interest. A reciprocal exchange in a conversation is very difficult for him. His communication style appears to be pedantic meaning he will lecture the listener and if the person doesn't agree with his position he will become extremely frustrated and keep repeating himself.

Social Interaction

When Devlyn was a young child, his mother found it extremely difficult to catch his eye. She recalls having to physically turn his head and say, "Look at me". He did not smile as often or as easily as most children his age. Devlyn's mother found it difficult to know how he was feeling by the look on his face as he sometimes had a blank or neutral expression. When Devlyn was younger, he preferred adults to children and wanted to carry on conversations with adults on an adult level. When he did play with other children he couldn't manage being in a large group,

preferring instead to have one playmate at a time. Devlyn's responses to peers depended on whether they were playing something that interested him, in particular he enjoyed playing sports (football and basketball). His mother recalls that as a young child he often preferred to play by himself. When he did play, he primarily wanted to play with older children, not those his own age. His mother noted that he has had a small group of friends since early childhood. Many of them have moved on to careers, marriage and family. They seem to "get" Devlyn and make concessions to do what he wants. It was rare that Devlyn sought to spontaneously share his enjoyment with others, unless it was related to his interest in politics and "standing up for what he believed in." His mother noted that if you didn't have a very detailed understanding of the sport he was talking about or if you didn't share his same political beliefs, a very heated conversation would ensue.

In summary, the quality of Devlyn's social interactions were impacted by his autism and his likely social opportunities became more narrowly focused with others who confirmed his political viewpoints.

Restricted Interests and Atypical Behaviors

Devlyn's history and current status is remarkable for a number of restricted interests and maladaptive behaviors. From a young age, Devlyn engaged in ritualistic behaviors that included hand washing, and showering up to five times a day. His mother reported that these rituals could not be interrupted or "there would be a fight." As a child, Devlyn did not like his things moved and was reactive to minor changes in the house like the movement of furniture. As an adult, this rigidity took the form of him having a very literal interpretation of his job duties to the point that he would refuse directives from his boss if they fell outside of his written job description. In terms of maladaptive behaviors, it was difficult for his mother to pinpoint reliable antecedents to problem behaviors. It "felt out of the blue". His aggressive behaviors were much more frequent when he was younger and at times his mother had to "hold him down" for up to thirty minutes while he was having an outburst. He would "use whatever he could find" in terms of implements during these episodes to aggress towards caregivers or family members. In terms of aggression towards non caregivers or non family members, his aggression was typically limited to throwing things or verbal threats. He might say he was going to "beat someone up" or "kill people." This was usually in response to being bullied. Devlyn has a history of self-injurious behavior that included head banging and head directed punches with a closed fist.

AGE WHEN ABNORMALITY FIRST EVIDENT

Based on the information provided by his mother, it appears that Devlyn's developmental differences first manifested themselves on or before 36 months of age. It became clear early on (eight months) because of Devlyn's "constant screaming" and inability to be soothed that something different was going on with his development. His mother noted that he preferred the company of adults, had a lack of imaginative play and had limited interest in playing with other children if the play activity didn't reflect his interests.

ADI-R Score Summary

Subsection	Score	Cutoff
Qualitative Abnormalities in Reciprocal Social Interactions	15	10 (exceeds)
Qualitative Abnormalities in Communications	8	8 (meets)
Restricted, Repetitive and Stereotyped Patterns of Behavior	6	3 (exceeds)
Abnormality of Development Evident at or Before 36 Months	4	1 (exceeds)

Algorithm: Information obtained for the ADI-R, an interview administered to Michelle La Vergne indicates that Devlyn's early developmental history *exceeds* the minimum score (cutoff) required for instrument classification of Autism on this measure. A diagnosis of Autism is indicated.

Vineland-3

Adaptive Behavior Scales—Third Edition

Vineland Adaptive Behavior Scales, Third Edition (Vineland™-3)
Comprehensive Interview Form Report
Sara S. Sparrow, Domenic V. Cicchetti, and Celine A. Saulnier

Examinee Information:

Name: Devlyn Thompson

Gender: Male

Birth Date: 6.1.93

Test Information:

Assessment completion: 9.12.21

Examinee's Age: 28 years, 3 months, 11 days

Interview Respondents: Michelle

Relationship: Mother

Interviewer's Name: Dr. Laurie Sperry

OVERALL SUMMARY

The Vineland-3 is a standardized measure of adaptive behavior- the things that people do to function in their everyday lives. Whereas ability measures focus on what the examinee can do in a testing situation, the Vineland-3 focuses on what he or she actually does in daily life. Because it is a norm-based instrument, the examinee's adaptive functioning is compared to that of others his or her age.

Devlyn was evaluated using the Vineland-3 Comprehensive Interview Form. The form was completed with Michelle LaVergne, Devlyn's mother.

SCORE SUMMARY SUBDOMAINS

Communication Sum of V Scale Scores: 26

	Raw Score	Age Equivalent	% Estimated
Receptive	71	4:4	0
Expressive	94	5:10	0
Written	62	9:8	0

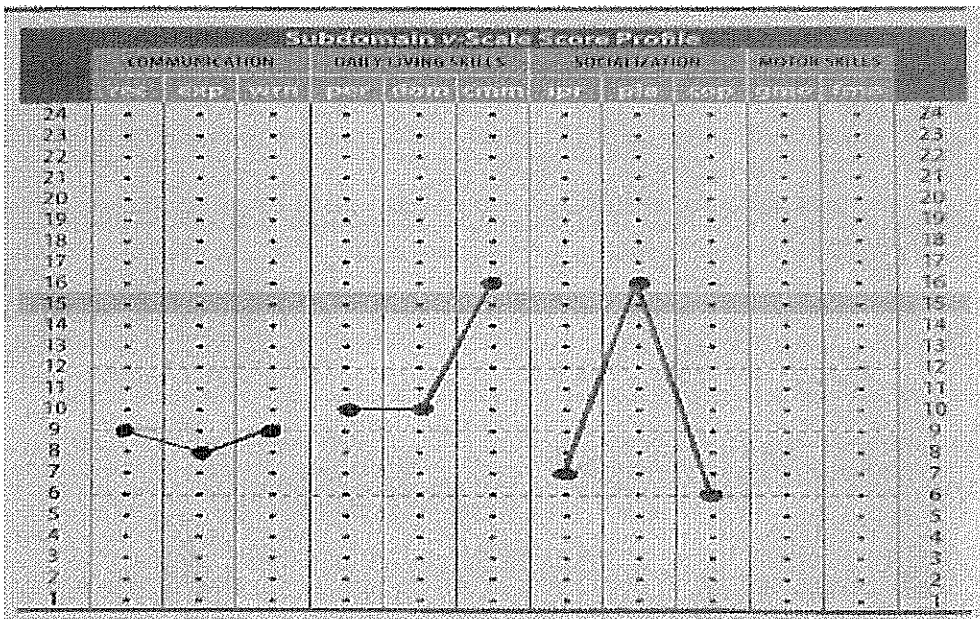
Daily Living Skills Sum of V Scale Scores: 36

	Raw Score	Age Equivalent	% Estimated
Personal	104	14:0	0
Domestic	52	13:9	0
Community	115	22:0+	0

Socialization Sum of V Scale Scores: 29

	Raw Score	Age Equivalent	% Estimated
Interpersonal (IPR)	60	3:3	0
Play and Leisure	72	20:0+	0
Coping Skills	38	4:0	0

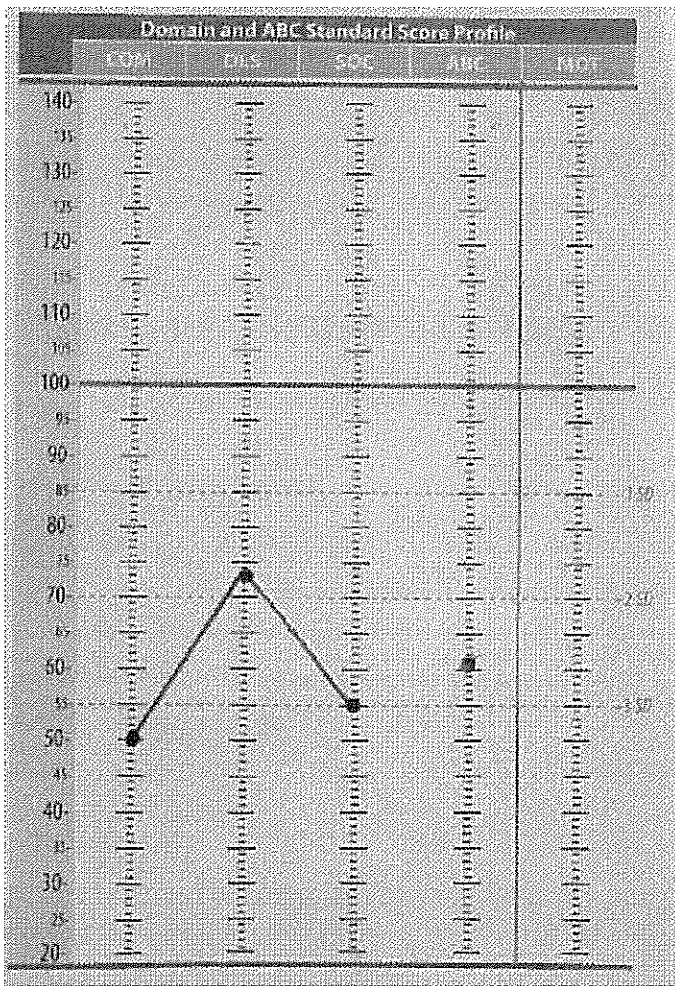
Subdomain v-Scale Score Profile



SCORE SUMMARY STANDARD AND ABC

	Sum of v scale score	Standard Score	Percentile Rank
Communication	26	50	<1
Daily Living	36	73	4
Socialization	29	55	<1
ABC Score		61	<1

Domain and ABC Standard Score Profile



Devlyn’s overall level of adaptive functioning is described by his score on the Adaptive Behavior Composite (ABC). His ABC score is 61, which is more than two standard deviations below the normative mean of 100 (the normative standard deviation is 15). This places him below the 1st percentile among people of similar age.

The ABC score is based on scores for three specific adaptive behavior domains: Communication, Daily Living Skills and Socialization. The domain scores are also expressed as standard scores with a mean of 100 and standard deviation of 15. Standard scores are used in norm-referenced tests to compare one person's performance on a test to the performance of other people the same age.

The Communication domain measures how well Devlyn listens and understands, expresses himself through speech, and reads and writes. His Communication standard score is 50, which is more than three standard deviations from the mean of 100.

The Daily Living Skills domain assesses Devlyn's performance of the practical, everyday tasks of living that are appropriate for his age. His standard score for Daily Living Skills is 73, which is more than one standard deviation below the mean of 100.

Devlyn's score for the Socialization domain reflects his functioning in social situations. His Socialization standard score is 55, which is three standard deviations below the mean.

Devlyn's scores reflect a significant delay in all domains. While his domain scores are low in aggregate, he does have strengths in the Community subdomain of the Daily Living Skills domain and the Play and Leisure subdomain of the Socialization domain. His Community subdomain v-scale score of 16 reflects an age-equivalent (AE) score of 22+ (the top AE score for this subdomain). and his Play and Leisure v-scale score of 16 reflects an AE score of 20+ (also the top AE score for this subdomain).

VINELAND SCORE INTERPRETATION

Estimated Responses:

The number of estimated responses is low enough to have no effect on the interpretation in any of the subdomains.

Communication Domain

The communication domain measures how well Devlyn exchanges information with others. His Communication standard score is 50, which places him at the 1st percentile among peers of similar age. It should be noted that Devlyn's AE score on the subdomain of written expression was somewhat higher than his AE scores on the subdomains of expressive communication (his output) and receptive communication (what he understands). This suggests that Devlyn may be able to communicate more effectively by reading and writing than by speaking and listening. This may help to explain some of Devlyn's maladaptive behaviors, which will be described below. The people in Devlyn's life may think he understands everything that is being said to him, but he may not be able to understand the speaker's verbal communication or use his verbal communication effectively to communicate his wants, needs and expectations.

Daily Living Skills Domain

The Daily Living Skills domain assesses Devlyn's performance of the practical, everyday tasks of living that are appropriate for his age. His standard score for Daily Living Skills is 73, which again is one standard deviation below the mean of 100.

Devlyn's Daily Living Skills domain standard score is derived from his scores on three subdomains: Personal, Domestic, and Community. His Personal subdomain score expresses his level of self-sufficiency in areas such as eating, dressing, washing, hygiene, and health care. Here his AE score is 14:0 (14 years, 0 months). Devlyn's Domestic subdomain score reflects the extent to which he performs household tasks such as cleaning up after himself, doing chores, and food preparation, and within this subdomain Devlyn has an AE score of 13:9. The Community subdomain measures Devlyn's function in the world outside the home, including safety, using money, travel, and rights and responsibilities. Again, his AE score of 22:0+ shows strengths in this area.

Socialization Domain

Devlyn's score for the Socialization domain reflects his function in social situations. His Socialization standard score is 55.

Devlyn's Socialization domain standard score is based on his scores on three subdomains: Interpersonal Relationships, Play and Leisure, and Coping Skills. Interpersonal Relationships assesses how Devlyn responds and relates to others, including friendships, caring, social appropriateness and conversation. Devlyn's Play and Leisure score reflects how he engages in leisure activities with others. His Coping Skills score conveys how well he demonstrates behavioral and emotional control in different situations involving others. For the Interpersonal Relationships subdomain, Devlyn received a v-scale score of 7, which gives him an AE score of just 3:3. His Coping Skills subdomain v-scale score is 6, reflecting an AE score of 4:0. Devlyn's Play and Leisure subdomain v-scale score is 16, which reflects an AE score of 20+. Again, this is the top possible AE score for this subdomain, and it suggests definite strengths in this area.

Discussion of Score Profiles

Devlyn shows a score profile that is fairly typical for those on the autism spectrum. His Communication domain standard score, while quite low, is bolstered by his Written subdomain score. One big difference between verbal modes of communication (Receptive and Expressive subdomains) and written modes of communication (reading and writing within the Written subdomain) has to do with subtleties within messaging: Verbal modes of communicating are often subject to varying interpretations due to tone, inflection, and volume. Written modes of communication are often more straightforward.

Similarly, the contrast between adaptive skills within the Daily Living Skills domain--many of which can be learned by rote--and adaptive skills within the Communication and Socialization domains, which often require the interpretation of a range of hints, cues, facial expressions,

norms, and understanding of the intentions of others, is significant. For individuals impacted by ASD, this interpretation does not occur naturally and can be quite difficult to simply memorize.

It is therefore not uncommon to see a score pattern similar to Devlyn's: very low scores in the Communication and Socialization domains, and a somewhat higher score within the Daily Living Skills domain.

MALADAPTIVE BEHAVIOR RESULTS

Devlyn has a number of maladaptive behaviors, both within the area categorized as *internalizing behaviors* and the area categorized as *externalizing behaviors*. Internalizing behaviors scored as "often" (rather than "sometimes" or "never") include sleep problems, refusal to go to school or work because of worrying, sadness, or nervousness, extreme anxiousness or nervousness, and feelings of helplessness or hopelessness.

Internalizing behaviors scored as "sometimes" include eating problems, sometimes avoiding interacting with other people, extreme fears of one or more common objects or situations, worrying for no clear reason, and irritability/moodiness.

Externalizing behaviors that Devlyn often displays include temper tantrums as a child that occasioned police visits to the home, bullying others physically or with words, stubbornness or argumentativeness, verbal abuse, and displaying much more restlessness than others his age.

Externalizing behaviors scored as "sometimes" include disobedience of those in authority, and when he was younger, stealing, physical aggression, and destruction of property.

The Vineland-3 has a third set of maladaptive behaviors labeled *critical items*, and this set of behaviors includes the following: Devlyn often becomes fixated on objects or parts of objects (e.g., spinning wheels, fan blades, flipping light switches over and over), self-harm (would band his head and bite himself when he was younger), bedwetting up to the age of 16, compulsive showering multiple times a day, fixation on topics to a point that it annoys others, and as a teenager he talked about killing himself.

Critical items rated as "sometimes" include strange or repetitive speech, loss of awareness of what is happening around him ("zoning out"), repeated rocking back and forth, beliefs that do not comport with reality or are not true, and a tendency to be tricked by others into doing things that could harm himself or others. As a child, Devlyn was prone to wandering away from home or school, and threatening to hurt others.

The Autism Diagnostic Observation Scale-2 Module 4 (ADOS-2)

Respondent: Devlyn Thompson

Evaluator: Dr. Laurie Sperry

Date of Administration: September 23, 2021

The ADOS-2 is considered a gold standard tool in the diagnosis of Autism Spectrum Disorders. Each module consists of a set of standardized scenarios that the examiner walks the subject through. Components include structured conversations and social scenarios. The examiner uses a hierarchy of structures called presses to cue responses. Module Four is designed for adolescents/adults who are verbally fluent. The test was administered at the Federal Detention Center in Seattle, WA.

The following sections of the ADOS-2, Module 4 were administered to Devlyn:

- Construction Task
- Telling a Story from a Book
- Description of a Picture
- Conversation and Reporting
- Current Work or School
- Social Difficulties and Annoyance
- Emotions
- Demonstration Task
- Break
- Daily Living
- Friends, Relationships and Marriage
- Loneliness
- Creating a story

Construction Task: *This task serves as a warm-up activity and an opportunity to observe the participant's interactive behavior during a structured activity. The participant is meant to ask for help within the context of the task.*

Devlyn asked a clarifying question "Is the idea to cover this thing?" (meaning puzzle jig). He did not spontaneously request more pieces but when prompted "Let me know if you need more pieces" he said "Yeah I do" His eye contact was not integrated with his response.

Communication Sample from Construction Task:

Devlyn's language to request could be described as abrupt and telegraphic. He used the minimum number of words to state his need for additional pieces. "Yeah I do."

Telling a Story from a Book: *This task assesses the participant's ability to recount a sequential story from a book of pictures and to provide a context for comments about social relationships and affect.*

Devlyn described actions in the book- "walked, knocked". He did not provide any comments about the social relationships of the characters. His story did have continuity. He described only one emotion "he seems confused" when describing the story. He spent a great deal of time focused on very small details in the pictures rather than on the whole of the story. This may reflect a Weak Central Coherence, discussed in detail in the latter part of this report, wherein a person with ASD focuses on details rather than the overall theme of what is going on.

Description of a Picture: *Examines the participant's spontaneous language and communication as well as providing a sense of what captures the interest of the participant.*

There were several presses provided by the examiner to probe Devlyn's ability to *spontaneously* offer personal information, ask for information and engage in reciprocal conversation. In later parts of the ADOS administration, Devlyn would *respond* more comprehensively to direct questions, however, in social conversation about where in the U.S. Devlyn and the examiner had visited, he had limited follow up to presses and conversation starters provided by examiner, though he was able to respond to questions about his own travels. His eye contact during these exchanges ranged from fleeting to prolonged staring at the examiner.

Conversation and Reporting: *Examines the extent to which the participant is able to build on the examiner's statements, elaborate on his own statements to provide leads and take a full role in a reciprocal conversation. Observed features of the participant's communication include his use of gaze, facial expressions, intonation and use of gestures.*

Devlyn's social interaction with the examiner was primarily limited to extremely detailed responses about things that interested him. He spoke at length about real estate, licensure, algorithms and asset valuation. His speech could be described as pedantic and he did not attempt to build on many of the examiner's statements. Understandably, the mandated mask requirement made it difficult to view his facial expressions in their entirety, however, his eyes did not crinkle in a smile, his eyebrows or forehead did not register surprise, anger or dismay. Overall, his affect and tone of voice appeared flat. He was not observed to use gestures to augment his speech. Devlyn was most engaged when talking about areas of his own deep interests.

Current Work/School: *Examines work history and realistic understanding of the possibilities of future employment.*

At the time of the incident, Devlyn was working for a real estate company and had been promoted four times during the two and a half years he was with the company. His job initially involved property management but then he was promoted to a leasing manager. He managed an eleven

person team and reported that he did not enjoy this aspect of the job as he worked best alone and didn't like having to manage people and deal with their complaints. He was again promoted to senior operations which involved writing formulas, data analytics, and meeting with developers. He was on track to be promoted to portfolio management at the time of the incident. He was terminated from the company within a week of the incident.

Social Difficulties and Annoyance: *Examines the participant's perceptions of social difficulties and insight into the nature of these problems.*

When asked, Devlyn admitted to having problems getting along with people at home, especially with his mother and at school where he reported being in fights. He then stated "I'm sometimes oblivious that they aren't getting along with me." This suggests that Devlyn may not have a good understanding of how his behavior impacts others, thus perspective taking would need to be a central focus of Devlyn's treatment and rehabilitation. When asked why he reported "butting heads" with his mother, he stated that her parenting style was a "Do what I say" but he would try to "Logic it out in my head" so if the rule didn't make sense to him, he had difficulty following it. Devlyn reported particular annoyance with people who engage in "passive aggressive behavior" "I don't get it. I don't get overly emotional people." "When people take their own perception of what I say over my intention. They say, 'This is how it sounded to me.' Well that's not how I meant it." Again, this suggests impairments in perspective taking and how he is being perceived by others. Devlyn showed limited insight about what *he did* that annoyed others. He speculated "I'm sure it's some of my oppositional stuff", stubbornness, talking about himself too much and argumentativeness. He also noted that it is especially difficult for him to listen to different political views other than his own. He was somewhat dismissive of people who had a different political orientation than his saying he struggled with "dealing with people who are strictly speaking from emotion, especially as it relates to politics." This may explain why Devlyn entered into an internet echo chamber of political ideology that mirrored his own, creating the confirmation bias that allowed him to discard views contrary to his own while accepting only those that confirmed his positions on politics in general and right wing politics in particular. When asked, Devlyn admitted to being bullied by his older cousins. He spent a great deal of time growing up on a property owned by his grandmother that was shared by his uncle and cousins so he was routinely exposed to teasing about an incident where he fell and was injured in the shower when trying to pick up a bar of soap. This led to teasing, which Devlyn described as "mean spirited" about sexual assault for a number of years. He felt his cousins recognized that he wasn't as "tough" as them. He did try chewing tobacco, splitting logs, climbing trees and dressing like his cousins to fit in.

Emotions: *Examines the participant's use of facial expressions and creative uses of language in the context of describing his emotions.*

This section requires the respondent to define an emotion, describe the physiological state their body is in when experiencing that emotion and identify things that cause them to feel that way. Devlyn was able to identify events that elicit different emotions (sadness, happiness, anxiousness). Interestingly, Devlyn was taught a great deal of "social scripting" during his job at Commons. He learned active listening, affirmations ("I see what you're saying"). This helped him learn to interact more effectively with clients but may also mask the extent of his social and behavioral challenges related to his autism. He identified that people not seeing his point of view provoked his anger and if the conversation continued but the listener didn't understand his point of view he became very frustrated. Devlyn repeatedly stated in various ways that if someone didn't agree with

him regardless of the topic it was a result of them not understanding rather than the listener having different ideas, beliefs and values. This reflects an impairment in perspective taking and Theory of Mind (ToM). He acknowledged that when he was angry he felt out of control and his focus narrows. He is not able to think past the moment. *This is likely what happened during the events of January 6, 2020 when his cognitive rigidity, intersected with his difficulty self regulating and his executive functioning challenges of thinking through the what ifs of his actions.*

Demonstration task: *Examines the participant's ability to represent familiar actions in gestures and the ability to report a routine event and the pragmatics of teaching a sequence of actions.*

Devlyn was able to use gestures and words in the appropriate sequence during the demonstration task.

Break: *Examines the participant's ability to occupy himself during free time. Evaluates how the participant responds to the examiner's withdrawal from and return to the interaction.*

Devlyn was told that the examiner had to complete some paperwork and he could occupy his time with the break time activities for a while. He was provided with a number of leisure activities to fill the "break" time including drawing paper, a magazine and a puzzle. He looked briefly at a National Geographic. He did not initiate conversation during this time, nor did he respond to conversation presses by the examiner when they returned to the interaction.

Daily Living- *Examines the participants level of financial responsibility, living arrangements and the extent to which the participant is realistic about plans for independence and the complexities of various living arrangements.*

Money: Prior to incarceration Devlyn managed his own money and bank account. Currently his mother is handling his finances. He reported that he had never really saved money to buy something.

Current Living arrangements: Federal Detention Center (SEATAC)

History of Living Independently: Devlyn was living independently in a house in Georgia with his younger brother, William, at the time of his arrest. He enjoyed living on his own and felt he and his brother were compatible, in part, because William Junior didn't have any friends so he liked that it was just the two of them. His leisure time was spent going out to eat, enjoying the outdoor areas of Georgia, and going on day trips. He later revealed that he spent substantial amounts of time on the internet researching political ideology.

Friendships: *Examines how the participant understands the concept of friendship and the nature of friendship.*

Devlyn has had a small circle of friends, Trent and Bryce, since his early teens and at one point lived with Trent. Their activities together revolved around sports, dirt bikes and just "hanging out." When asked what friendship meant to him, Devlyn stated "trust, where you call or need something but you don't have to ask. When you don't have anything to offer and they are still there for you. My friends stood by me." He admitted that occasionally he got into arguments with his friends, once even getting into a fist fight over a basketball game that seemed to "matter a lot

in the moment.” He was somewhat able to differentiate a friend from an acquaintance by saying “a friend was someone that you’ve been through things with” however when asked if he had any friends when he moved to Georgia he stated there was a guy in a bar he frequented who might have been his friend because he had seen him in the bar on several occasions. Devlyn was casually dating someone at the time of his arrest. When asked how you know someone is a girlfriend he stated “People call it exclusive, you only know if you ask.” Devlyn had a serious girlfriend in the past but the relationship did not last because it was difficult for him to know why she was upset. He was very solution oriented and wanted to fix things rather than listening.

Despite an excellent vocabulary and an obvious high degree of intelligence, socially, Devlyn has almost a codified understanding of friendships and intimate relationships. None of it seems to rely on nuance. Moreover there were a number of times when Devlyn described situations that highlight his executive functioning deficits of not being able to think through consequences in the moment including a fist fight with dear friends over a basketball game.

Loneliness: *Examines the participant's understanding of loneliness and how it pertains to other people.*

When asked, Devlyn admitted to feeling lonely, could recognize that other people felt lonely and had compensatory strategies for making himself feel better that included seeking companionship, learning to be alone, going through the feeling of loneliness.

Creating a Story:

Examines participant's creative use of objects in telling a story.

Devlyn used the objects in both concrete ways (the car was a car) and inventive ways. He created a story about a man having dinner with his imaginary friend, but his conversational skills were lacking so he got in his car, drove away and went rock climbing.

Score Summary: ADOS-2 Module 4 Algorithm for DSM-5/ICD-10 ASD Diagnosis

Code 0: When the behavior shows no evidence of abnormality as specified. This does not necessarily imply that the behavior is normal but rather that there is no abnormality as specified.

Code 1: When the behavior is mildly abnormal or slightly unusual but not necessarily grossly abnormal or not as clear as the type specified.

Code 2: When the behavior is definitely abnormal in the way specified. The severity for coding abnormality at this level varies according to the item.

Code 3: When the behavior is markedly abnormal in a way that interferes with the assessment or when the behavior is so limited that judgments about quality are impossible. (Scores of 3 are converted to 2 on Scoring Algorithm)

SOCIAL AFFECT**Score**

Conversation	1
Empathic or Emotional Gestures	1
Unusual Eye Contact	2
Facial Expressions Directed to Others	1
Communication of own Affect	0
Insight into typical social situations and relationships	1
Quality of Social Overtures	1
Quality of Social Response	0
Amount of Reciprocal Social Communication	1
Overall Quality of Rapport	0
Social Affect Total	8

RESTRICTED AND REPETITIVE BEHAVIORS

Speech abnormalities associated with autism	1
Stereotyped/Idiosyncratic Use of Words or Phrases	0
Unusual Sensory Interest in Play Material/Person	0
Hand and Finger and Other Complex Mannerisms	0
Excessive Interest in or References to Highly Specific Topics	1
Restricted and Repetitive Behavior Total	2

Social Affect and Restricted and Repetitive Behavior Total**10**

ASD Cut-Off = 8

Diagnosis

Devlyn's score of 10 exceeds the ASD cut off score of 8. According to the ADOS-2 Classification Devlyn meets criteria for a diagnosis of Autism Spectrum Disorder F84.0 Level 1 Needing Support.

PERSON CENTERED PLAN- Completed September 23, 2021

According to the DSM 5 ritualistic and repetitive behaviors may be expressed as the pursuit of circumscribed interests. These interests may differ from those of the neurotypical world in their focus (i.e. creating a wikiHow page to ensure accurate pipe bomb making instructions) or intensity (i.e. denied access leads to stealing, aggressive behavior, elopement, trespassing) and as such have the potential to become problematic and reach the level of unlawful behavior. In Devlyn's case, this was exacerbated by the intersection of a circumscribed interest (politics), difficulties in perspective taking (how others- his family, friends and employers would view his actions) and executive functioning challenges related to thinking through the "what ifs" or legal consequences of the behavior. Rather than engaging in an avoidant model of denying access, special interests can and should be shaped and developed into careers which capitalize on the person's extensive well of knowledge (Grandin & Duffy, 2008).

In terms of treatment, the Good Lives Model, while generally used with other types of offending, is based on the assumption that all human beings have an inherent desire to have fulfilling lives. This can be through the acquisition of primary goods or lifestyle goals, including friendships and meaningful work. An emphasis on self-determination allows the person to identify and prioritize these goals or goods and work out how to obtain them. On September 23, 2021 Devlyn participated in a Person-Centered Plan. The purpose of a person-centered plan is to develop a plan for the future that reflects their values, goals, opportunities and obstacles to achieving those goals. The following reflects Devlyn's responses to these topic areas: Dreams, Hopes, Fears, Choices, Opportunities, Obstacles, What Works, What doesn't work, What he Does that results in Losing the Respect of Others, and What he does to Gain the Respect of Others.

Dreams: Get back into real estate, start my own consulting firm Get involved in politics. Work for a campaign. Volunteer with a Republican party committee, do service work- teach real estate investment, work with the incarcerated. Teach them how to build wealth and leverage credit.

Hopes (for the next year): Get back on my feet. Get a place to live. My car payments are coming out of my savings. Do contract side work, sustain my bills by living off my earnings.

Fears (if things don't get better or get worse): A lot. This thing is going to hang over my head for a long time. Being judged. Creating hatred towards the right wing. Don't want this to be taken out on my family. Especially William Junior. I took down my social media account to protect my family. I'm afraid of blow back to the company I was working for.

Choices- (What Choices did you get to make before custody and now?)

Before Custody: What to eat everyday, clothes, what time to wake up, go to be, who you associate with, ability to travel, be alone, call people, what I looked at on the internet.

Now: I get to call people, send emails (those are censored) , buy stuff from the commissary, wear shoes or crocs.

What I do that Loses the Respect of Others: It's hard to think about that. How people would judge me. I may say things, sound insensitive, disrespectful. Not much I can think of . I realized I could be doing better on being kind to people.

What I do that Gains Respect (from others): Working, I gained a reputation for always being available, my work ethic, working with the executive team, my relationship with my younger siblings, I'm nice to guards, I've been in no trouble here.

What Works: Routines for sure, change is not my best thing. I need to settle into a routine and have clear expectations of what's coming. I work best alone. I don't work well in a management role. I didn't like it. I'm logic and reason based.

What Doesn't Work: I have a tough time with people complaining. I don't think about the person's problem, I try to give them solutions. It's a gender gap thing. When you are managing- you don't know what to expect. It made my job difficult. My stress management skills are not the greatest.

Opportunities (what opportunities exist to you?): I'm trying to read some of the books the chaplain brings. Regain my faith in God. I grew up in the Catholic faith but could see myself as a Baptist or Methodist. I like to read historical books that connect to politics. Biographies, like Abe Lincoln, John Adams, books about what is liberty and how does that connect to the God part of things. Redirections in your life are reasons.

Obstacles (what obstacles are standing in the way of your dreams): I need to be able to bear through the bad parts and not give up. I need to make it through the startup process for my new business and not give up. Stick with it, keep pushing and working hard.

Autism Spectrum Disorder- Related Deficits

In 1995, Dr. Oliver Sacks published his ground-breaking book *An Anthropologist on Mars: Seven Paradoxical Tales*, which included two chapters that chronicled the life experiences of people with Autism Spectrum Disorder (ASD). In fact, the title of the book comes from a phrase Dr. Temple Grandin, a world-renowned expert in agricultural engineering with ASD, used when talking about what it feels like for a person with ASD to try to navigate the day-to-day social interactions that those without ASD usually engage in without much thought, or even recognition. To get a sense of that feeling, imagine what it would be like to wake up every day in a foreign world surrounded by people adhering to foreign customs and speaking a language you cannot understand, and not receiving explicit instruction regarding those customs or the language, thus not being able to learn them. Further, imagine that the people adhering to those customs and speaking that foreign language treated you as though you *should* understand, even without explicit instruction or help. That is what everyday life is like for an individual with ASD.

Autism Spectrum Disorder (ASD) is a term for a range of complex disorders of brain development. These disorders are characterized, in varying degrees, by difficulties in social interaction, verbal and non-verbal communication and repetitive behaviors. People with ASD have unique strengths and differences and it is now accepted that there is not one autism, but many expressions of autism caused by different combinations of genetic and environmental factors (Autism Speaks, 2018). The word spectrum means that ASD is expressed differently across a wide variation in terms of the challenges and strengths of each person with this disability. The Center for Disease Control and Prevention (CDC) estimates that 1 in 59 children in the United States have autism (1 in 37 boys, 1 in 151 girls). To qualify for diagnosis of ASD, an individual must experience symptoms from early in life. The diagnosis of Autism (F 84.0) is appropriate for Devlyn. His symptoms of autism from early in life include:

Delayed social development throughout life:

Early developmental history is a key component in the diagnosis of a neurodevelopmental disorder. Devlyn's developmental history is highly consistent with the diagnosis of ASD. While he had a core group of friends, his mother reported that they remained friends with Devlyn because they "got him" and "accepted him." He has a history of difficulties getting along with others both at home, at school and found it difficult to be in a management position at work, preferring instead to work independently. He was talented enough at work that his employer essentially created a lateral position for him that allowed him to stay with the company but move out of a position that involved him having to manage a team.

Difficulty taking another person's perspective:

This impacts Devlyn's ability to consider how his behavior affects others. In retrospect, Devlyn was able to state to this examiner that he contributed to the trauma of the police officer he hit with the baton, but in the moment, he felt it was more important to protect a woman who had fallen down, without considering how his actions and words contributed to the overall chaos of the events at the Capitol Building.

Verbal and Nonverbal communication:

According to parent report and evaluator observation, Devlyn's facial expressions are neutral regardless of how he is feeling on the inside. In the courtroom, care should be taken not to misinterpret his true emotional state by his facial expression, and he may not be able to accurately read the emotional state of the judge or attorneys.

Weak Central Coherence

During the story task of the ADOS, Devlyn was able to point out details and actions of what was happening, but was not able to pull the overall theme of the book together. This reflects weak central coherence, in other words, the difficulty people on the spectrum have deriving meaning from a mass of details. People on the spectrum tend to excel at focusing on extreme detail, and so are able to pick out a tiny element from a mass of complex data or objects. The notion of "weak central coherence" could explain both deficits *and* strengths. When a task requires a person to extract global meaning from many details, to get the "big picture", people with ASD would be at a major disadvantage. When picking out extreme details from surrounding masses of information is required, people with ASD would be in a position to shine. They would be good at parts, but not at wholes. This is important when we consider the extreme nature (details) of some of the information Devlyn was consuming online for up to 40 hours a week prior to his offense. It was extreme and at times over the top hyperbole related to themes of patriotism and an alt-right agenda. All of this was couched in the black and white dichotomy of what it means to be a patriotic citizen without nuance or room for tolerating differences of opinion. It also might explain why, when the events of January 6, 2021 began to escalate, he focused on the details, the fallen woman, his perceived need to see what was happening, the pepper spray in the officer's hand without focusing on the larger context of how chaotic and dangerous the situation had become for everyone.

Lack of social insight:

There was little reciprocal conversation during sections of the test which specifically provided opportunities for small talk, unless it was about Devlyn's deep interests (politics, algorithms, football). Impairments in social communication and reciprocity are common in autism. As documented by the results of the standardized test (Vineland), Devlyn scored three standard deviations *below the mean* on the social domain. He does not comprehend basic social conventions and rules and does not learn social behaviors in a typical manner. That is, he does not intuit how he is expected to behave. Social perception is also impaired, and he cannot accurately comprehend others' intentions, which makes him vulnerable to manipulation. His suggestibility and naïveté made him more vulnerable than the average young adult viewer of radical online ideology.

Cognitive Rigidity

Cognitive rigidity refers to the inability to mentally adapt to new demands or information, and is contradicted with the cognitive flexibility to consider different perspectives and opinions. Devlyn is repeatedly described as being cognitively rigid. His mother shared reflections that from a young age he would "fight like it was a pro football or basketball game" even if he was playing a pick up game with friends. It was essential that people played, not just by the rules but by his rules.

Devlyn himself reported getting into a fist fight as an older teen with his close friends when the basketball game they were playing didn't turn out as he planned. During the events of January 6, 2021 Devlyn could not reconcile his preconceived idea that there was supposed to be speeches at the Capitol. Even as events devolved into chaos and violence, he reported that he continued to believe that there would be a speech and that President Trump would be coming to the Capitol.

When considering counseling for Devlyn, direct teaching of the skills of compromise, tolerance and policing his own behavior rather than the behavior of others will be extremely helpful.

Theory of Mind deficits, or “mind blindness”:

Haskins and Silva (2006) posit that circumscribed interests combined with deficits in Theory of Mind (ToM) and Weak Central Coherence may result in the development of intense and fixated interests uninhibited by future consequences and social norms that result in criminal behavior. For example, in Devlyn's case, he spent a substantial amount of time online pursuing his deep interest in politics and confirming his beliefs by following links and suggested texts that further cemented his confirmation bias. Moreover, when asked about what obstacles would keep him from his dream of having his own firm someday, he focused on the challenges of a start up rather than on the more realistic challenges of securing work after incarceration, and being entrusted with people's money after a conviction of this level of notoriety.

Executive Functioning Challenges:

Researchers at the Center for the Developing Child at Harvard University identify Executive function and self-regulation skills as the mental processes that enable us to plan, focus attention, remember instructions, and juggle multiple tasks successfully. Just as an air traffic control system at a busy airport safely manages the arrivals and departures of many aircraft on multiple runways, the brain needs this skill set to filter distractions, prioritize tasks, set and achieve goals, and control impulses. **Children aren't born with these skills—they are born with the potential to develop them.** People with ASD have impaired executive functioning and may not be able to predict the outcome of their actions due to deficits in this area (Kristiansson & Sorman, 2008). There were several times during the evaluation that Devlyn mentioned his inability to think through consequences “in the moment.”

Devlyn's challenges in executive functioning may have been further compounded by his lack of sleep, the absence of his brother William as a means of checks and balances, and his dysregulation once the violence and chaos of the event began to unfold. During the Forensic interview on September 23, 2021, the evaluator had Devlyn complete a cost/benefit analysis of his behavior to determine if he was able to articulate the cost of his behavior and recognize how his actions resulted in his incarceration, thus negatively impacting his ability to achieve other life goals.

Interviewer: I want to do a thinking exercise. It's called a cost/ benefit analysis. We are going to list all of the things your actions cost and then the benefits that resulted from it. I use this with the adults I work with to help them think through their decisions. Hopefully ahead of time, before they make the decision but sometimes afterwards so they can evaluate their decision. Can you fill in this chart?

Devlyn: I can tell you there's not going to be anything on the benefit side.

Cost/Benefit Analysis of Attending January 6th rally

COST	BENEFIT
Lost my job	I can't think of a single benefit
Lost stock options	
Lost/Damaged Reputation	
Lost House in Georgia	
Tons of money on attorney fees	
Face on NYT/MSNBC, Etc.	
Face on bus stop ads	
Put on FBI list	
Contributed to overall scene and psychological damage to officers	

This reflection, nine months after the event, suggests that although Devlyn has the ability to recognize the consequences of his actions afterwards, he lacked the impulse control and executive functioning to consider these costs beforehand.

Forensic Interview

Client: Devlyn Thompson

Interviewer: Laurie Sperry, PhD., BCBA-D, MSc Forensic Psychology/Criminal Investigation

Date of Interview: 9.23.21

Location of Interview: Federal Detention Center, SEA TAC, Washington

Interviewing People with Disabilities:

In 2011, the U.S. Department of Justice published a report, *VICTIMS WITH DISABILITIES: THE FORENSIC INTERVIEW Techniques for Interviewing Victims with Communication and/or Cognitive Disabilities*, which provided valuable guidance for interviewing people with disabilities. The report details several steps for successful interviewing as well as protecting the rights of people with disabilities. Chief among these is building rapport, checking for understanding, ensuring the person has access to their comfort items and/or comfort people and the manner in which questions are asked. This evaluator followed these suggestions, building rapport during the meeting by talking about Devlyn's deep interest (football, real estate, algorithms), and having him repeat back in his own words his understanding of the nature of our meetings and asking one question at a time, avoiding double negatives, layered questions, and avoiding figures of speech. Devlyn was allowed time to process and provided the use of a pen and paper during portions of our evaluation. The following answers in italics are verbatims from our interview.

Limits of Confidentiality

I explained that the purpose of our meeting was to discuss parts of his case and to help the lawyers, court and judges learn about autism and the role it might have played in his case. I explained his participation was voluntary, he had the right to withdraw his consent to participate at any time and he had the right to pass on any questions he chose not to answer. I further explained that any information Devlyn provided would be shared with his attorney and would be included in a report that would go into his records.

He was asked “ **Do you want to continue?**”

“Yes”

In your own words explain the limits of confidentiality

“Whatever I say, you'll take the answers and they will be used in a report. I can withdraw my consent or pass on any questions. “

Explain why I'm here:

Hello I've been hired by your attorneys to help gather information about your case and to help the courts understand more about autism spectrum disorders. Do you understand?

Yes

Tell me in your own words why I'm here

Devlyn: To talk to me about what happened, to get my account of what happened and how those factors played into what happened. "

Do you understand the charges against you?

Yes - Now I have a question. The charge is quite confusing because of its multiple prongs. I don't understand the sentencing guidelines at all.

Why are you at the FDC?

Because I broke the law.

WRONG/ILLEGAL

Is there a difference in the meaning of the words "wrong" and "illegal"?

There can be. I think that's a specific question about each law. There should be a specific conversation about something that is immoral and illegal. Assaulting an officer is both wrong and illegal.

What is that difference in your point of view?

That's hard to summarize. You'd have to look at the specifics. Was there a victim? Was there harm done? Is a societal deterrent imposed? The litmus is does the law violate your God given rights like COVID restrictions, freedom of assembly- that's in the constitution, the First Amendment, not being allowed to assemble to protest, speech laws, Liberty is the freedom to do the things you ought to do. Have Kingdom over your own life.

Give me an example of something that is wrong.

Hurting someone, stealing from someone else.

Give me an example of something that is illegal?

Speeding, not wearing your seatbelt.

Can you give me an example of something that is “wrong” but not “illegal”?

Political Action Committees

Can you give me an example of something that is “illegal” but not wrong?

Not wearing your own seatbelt.

How does a person learn that something is “wrong”?

Environment, religion, family, school, general society.

Is that how you learned about what is wrong?

More through my family and general society.

How does a person learn that something is “illegal”?

Some are obvious. Some you learn by doing them and getting caught. You have to read what the law is.

Is that how you learned about what is illegal?

Yes and no, I heard about some cases in the media. A Lot of our laws correspond with morals.

Have you always been politically active?

No, not always. In late 2014-2015 it wasn't my main interest. That grew over time. I was interested in history over civics and how that played into law.

What websites were you exploring?

I watched CNN, MSNBC, NBC, ABC, New York Times, Seattle news, A good one is the Guardian, I'd look at BBC Right wing sources were too partisan. I listened to podcasts. The 2016 election was a defining moment in my political ideology. It was not about the candidates, I recognized that a lot of what we are fed in the mainstream media is one sided and I started looking for independent journalists. I flipped into voting Republican. I was a disaffected Liberal because of the bank bailouts, Iraq, the war in Afghanistan and the anti-war platform that Trump ran on.

Where did you first find out about the January 6th rally?

Donald Trump tweeted “Stop the Steal”, Ali Alexander, CJ Pearson and Periscope by Twitter. I went to the Georgia Capitol the week after the election. Georgians for Trump.

When you left the rally to march to the capitol, what did you think was going to happen?

I got to the hotel and walked to the ellipse. When I was leaving, my intention was to listen to another speech at the capitol. I had gotten text messages. I got a text that there was a planned speech. There were supposed to be two speeches at the capitol. One from an Arizona legislator

and one from Women for Trump. I thought Alex Jones would be there and Trump. I saw secret service cars that I now know were carrying Pence. On the way I was walking with someone talking about architecture in DC. I got there and there was no stage. I got there - on the West side and I'm standing there and there were altercations happening. I still thought there was going to be a speech. There's always a couple of assholes at a rally. I was told to stay behind the line. I never tried to go past the line.

When you got possession of the baton, why did you hit the policeman?

The baton was on the ground. I grabbed it and was aiming for the pepper spray can that was in his hand. I was not trying to hit him. I had gotten spray in my one eye earlier and didn't want that to happen again.

Why did you go in the tunnel? Most people would go the other way when they realized people were coming out of the tunnel bloodied.

In that moment, I thought I was going to watch a speech, there was no speech. That fueled my anger. It became a lot harder to make good decisions. I couldn't do a cost benefit analysis in the moment. Later on the terrace, I went into the tunnel. I saw people bloody, beat up, it was curiosity. Someone mentioned that a girl got shot. They used the term executed. I wanted to go into the tunnel to see what else was happening.

Did someone yell at you and tell you to go into the tunnel? Did they encourage you?

I got people pushed into me. I was disoriented. I was following the officers orders. They never told me to leave. If there had been an announcement before I became disoriented, I would have left. I needed to tell them this is wrong. There was a very small group of people who had been planning on making the situation worse. I didn't understand why people were being treated that way. I didn't know about what was going on, on the other side of the capitol.

You mentioned you were trying to protect a female protestor. Who was this woman who got knocked down in front of you?

I don't know

Did you know her?

No

Had you seen her before?

No

Did she report the incident to the police?

She may or may not have. There's a video of me. I'm saying something like "You need to pull this guy out, why is he still here? I want to fight him one on one." I was upset about the treatment of protestors.

Did the group congratulate you on social media or thank you through tweets, emails, posts after the incident?

No.

Prior to the incident, how many hours per week would you say you spent researching political websites?

15-20 hours per week. Does that include podcasts that I listened to too? Including podcasts, probably 30-40 hours per week. I was thirsty for news that wasn't being censored. I listened to Tim Pool, Disaffected Liberal, Dave Reuben- I met Dave Reuben when he was on tour. I was reading pundits, Gateway, the Federalist, Zero hedge, and Gray Zone. I was reading them for balance. They were willing to cover things that were more taboo.

What were your online interests besides politics?

Sports, concerts, this was all gone because of COVID. My life became more narrowly focused.

Were you ever involved in a militia?

No

Before January 6, 2021, had you ever gone to any in person gatherings?

I went to a rally in Georgia in November 2020, it was calm, people were praying. I went to a DC rally in November 2020, people gave speeches, it was calm. I went to another rally in Valdosta in Mid december 2020.

Did you think the President's actions were correct? Telling people to go to the Capitol?

I have disdain for him for leaving us hanging. If he knew there was no security, no activity, why would he send upset people? There was nothing to hold their attention. His actions were inconceivable. He created a lot of problems and he didn't even go. The most underreported part of this is that there was supposed to be a speech at the Capitol.

Would you do it again?

No. Not knowing what I know now. No way. You saw the cost/benefit. If William had been there I wouldn't have had to drive all night and been so sleep deprived. That impacted my decision making. We would have stopped each other. We are each other's checks and balances. We would have talked each other out of it.

Considerations for the Court

Vulnerability to Online Recruitment

In his seminal work, Abraham Maslow (1954) identified the sense of belonging as foundational to mental health and well-being. In contrast, Leo Kanner, identified social impairments as a defining characteristic of autism (1943). People like Devlyn who have autism may have low levels of social interest which is exacerbated by social anxiety, differences in the quality of social skills and a history of unsuccessful social interactions. This may explain, in part, the reason many people with autism, including Devlyn, find their community online. A study by Mazurek (2013) found that people with ASD spend more time online than pursuing any other leisure activity. While they were able to form friendships through online communities it was real world friendships that resulted in self-reported feelings of loneliness and isolation. The internet may become a safe, albeit unreliable, place to engage in social interactions, learn about relationships and form world views. It is becoming increasingly apparent that this online searching is bi-directional, meaning that as people are looking at the internet, the internet is looking back. Some organizations are using the internet as a recruitment tool to find foot soldiers to promote their agendas. Discord and Chan boards (i.e. 4chan, Endchan, 8chan, now going by the name 8kun) are ostensibly set up so people can post memes or chat about video games. They are also unregulated, anonymous online forums that have become a recruitment site for alt right groups including, incels, white supremacists and Neo Nazis. The typical chan site visitor is male, between the ages of 18-34, with an interest in Anime, video games and technology (Gonzales, 2019). While this demographic might describe many young people in the twenty-first century, it most certainly reflects the interests of many people who are autistic. Crime statistics published by the Federal Bureau of Investigation in 2017 showed a 17% rise in the increase of hate crimes in the United States. Many of the last mass shooters in the U.S. and abroad (Walmart- El Paso, Texas, Synagogue shooting, San Diego, CA and Mosque shooting, New Zealand, Plymouth shooter in England) were all linked to alt-right groups found on 8Chan and the shooters posted their intentions or boasted of their deeds on this website (Schroeder, 2019). Countless hours visually consuming such hyperbolic vitriol may have a profound impact on neurodivergent viewers. Many of these groups espouse faulty logic streams and promote inaccurate statistics casting themselves in the role of victim, and their agenda as a “heroic struggle.” (Katz, 2006). People with autism often have difficulties with syllogistic reasoning, or drawing conclusions based on the rules of logic and may be more susceptible than they realize to this inflammatory rhetoric. Devlyn saw himself as a “patriot” and even called for more fresh bodies during the attack on the Capitol. With few groups outside of the virtual world to which they claim membership these online groups may provide a sense of belonging and identity to an often alienated segment of the population. These websites use sophisticated algorithms in their recruitment, as viewers watch content and participate in chats, just as Devlyn did, they are exposed to advertisements promoting the agenda of these groups, lured by the promise of friendship, jobs, meaning, connection. The longer they watch, the longer the exposure to the message. Per the algorithm, the advertisements increase in degrees of ideological extremism the

longer the viewer watches (Schroeder, 2019). From a behavior analytic perspective this is an example of shaping. Shaping is used to add new behaviors to a person's repertoire. Successive approximations of the target behavior, or goal, are reinforced (Cooper, Heron, & Heward, 2007). Being recruited after repeated exposures to the views/actions would be the desired outcome or target goal of the groups hosting the platform. As the person is on these websites, for longer periods of time they may be granted access to additional content. It's ironic that Devlyn, with his interest in algorithms, was unable to recognize the algorithms used to pull him further towards a particular political ideology. The comments section on these websites are often a platform for conspiracy theorists, those spouting discriminatory venom and those looking for their next dupe. Former white supremacist Christian Picciolini has described how groups are specifically targeting "autism chat rooms" (Picciolini, 2017) Picciolini's own descent into a Neo Nazi group occurred when he was recruited by a member who preyed upon his longing for purpose and community in his life while capitalizing on the anger, frustration and marginalization that he had experienced. The majority of people with ASD (92%) have experienced bullying at some time in their lives (Little, 2002), are victims of non-fatal crimes at three times the rate as their neurotypical counterparts (Harrell, 2014 and have the highest rate of repeated victimization when compared with other disability categories (Blake et al., 2012). This victimization at the hands of others, adds additional layers of vulnerability to a lure that promises belonging and a sense of purpose.

The Incarceration of People on the Autism Spectrum

In general, prison is a very ineffective consequence for offending behaviors committed by people with ASD (Apel & Diller, 2017). Punishment is a consequence that occurs after a problem behavior occurs, with the intent of reducing the likelihood that the problem behavior will occur again in the future. People with ASD who are incarcerated are exposed to what has been referred to as a "criminal apprenticeship" which may make them more criminally savvy (Durose, Cooper, & Snyder, 2014). Moreover, people with ASD are vulnerable to developing cognitive distortions that, in the absence of appropriate peer models, could serve to justify their offending behavior. Paradoxically, prison culture may increase the likelihood of recidivism because of the social acceptance of offending behavior within prisons (Megens & Weerman, 2012). During his interview Devlyn mentioned one "friend" he had made while living in Georgia. A friend he had seen in a bar a few times and thus, determined that this passing level of familiarity made him a friend. Due to his social naivete and suggestibility, Devlyn may leave a prison setting even *more* indoctrinated towards maladaptive world views.

An alternate scenario is equally problematic for Devlyn. People without autism who enter prison typically quickly affiliate themselves with people who share similar characteristics and beliefs. In other words, they seek and join a group that offers belonging and protection. Given his profound social challenges, Devlyn does not know to do this, nor would he have the skill set to join a group. Thus, like most people with ASD, Devlyn would become an "unaffiliated

prisoner.” As such he would be extremely vulnerable to becoming the target of verbal, physical and sexual assault by all groups.

Conclusion:

Devlyn Thompson is a person with autism, who has marked deficits in socialization, executive functioning, and self-regulation relative to his overall level of intelligence. Following his eventual release from incarceration, he would be a candidate for the Cognitive Behavioral Approach (CBA) to risk management with an autism focus. CBA reflects the principles of self-management and self-determination. The individual must have a desire to change their behavior and engage in goal setting. They must be able to identify, and to the extent possible avoid, triggers for problem behavior (i.e. many of the websites and podcasts that Devlyn listed as his deep interests). When difficult or impossible to avoid (i.e. the internet) the individual must develop new adaptive responses to old triggers. Working with their team, the individual is responsible for recognizing treatment drift and monitoring their own progress. Devlyn will need to be taught to identify reliable triggers (someone disagreeing with him, violation of expectations- what he thought was supposed to happen), and how to respond to those triggers. He will need to be taught self-regulation strategies and how to identify when his body is getting escalated towards an aggressive outburst. He will need to specifically work on his cognitive flexibility, perspective taking and executive functioning challenges, which combined, contributed to his illegal activity.

Signature Page

Laurie Sperry

10.3.21

Laurie Sperry, Ph.D., BCBA-D (1-13-12858)

10.3.21

MSc Forensic Psychology/Criminal Investigation

Exhibit B

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF COLUMBIA
3

4 UNITED STATES OF AMERICA,
5 Plaintiff,

6 v.

7
8 DEVLYN THOMPSON,
9 Defendant.
10

Docket No. 0090 1:21CR00461-001

HONORABLE ROYCE C. LAMBERTH

DECLARATION OF JACK T. DONSON

11 **STATEMENT OF EXPERTISE**

12 1. I am the Co-Founder and Vice President of Prisonology LLC.
13 Prisonology provides Continuing Legal Education (CLE), consulting, and expert
14 testimony on matters concerning the Federal Bureau of Prisons (BOP). I have
15 testified in district courts across the country and the United Kingdom based on my
16 experience and knowledge about federal prison issues.

17 2. I have worked in the field of corrections for more than thirty-three
18 years, with twenty-three years in BOP security classification, correctional
19 programs, treatment and re-entry. Since retirement, I actively follow policy
20 initiatives and attend conferences, including the annual U.S. Sentencing
21 Commission Conference. I serve on the ABA and National Association of Criminal
22 Defense Lawyers' (NACDL) Corrections Committees advising on prison issues
23 relative to the BOP. In my capacity (pro bono) as Director of Programs and Case
24 Management Services for FedCURE; I have had regular contact with BOP central
25 office administrators regarding inmate and policy issues.

26 3. During my career, I managed a caseload of approximately 150 inmates
27 as a Correctional Treatment Specialist. In that capacity, I was responsible for the
28

1 development and monitoring of inmate correctional treatment plans, inmate
2 counseling, security classification, program placement and re-entry. I held
3 assignments as a Case Management Coordinator (CMC) and Correctional Programs
4 Officer (Unit Manager) and had many collateral administrative responsibilities
5 including training staff, writing local policy, conducting facility audits and
6 monitoring institutional programs including the screening of new designations. I
7 have experience working with Minimum (camp), Low, Medium, Administrative
8 (pre-trial and high security), and Witness Security populations. I have expertise
9 with the U.S. Parole process, DC Code offenders and BOP sentence computations.
10 Prior to employment with the federal government, I was employed in the
11 Commonwealth of Pennsylvania as a Probation and Parole Officer.

12 4. I hold a bachelor's degree in Sociology/Anthropology and a Master of
13 Science Degree in Criminal Justice. Aside from consulting, I have been a Lecturer
14 at Marywood University where I taught several Criminal Justice courses including
15 a course entitled The American Prison. A true and correct copy of my curriculum
16 vitae is attached. I have personal knowledge of the facts stated herein and can testify
17 competently thereto if called as a witness in this matter.

18 CASE EVALUATION

19 5. Prisonology was retained by the law office of Elizabeth Kelley on
20 behalf of her client, Devlyn Thompson (Mr. Thompson), to evaluate court records
21 from a correctional treatment perspective and provide information for sentencing.
22 I will lay out a realistic context regarding the challenges a person diagnosed with
23 autism spectrum disorder (ASD) endures in a controlled prison environment and
24 provide the court with information for a practical judicial recommendation to best
25 address his unique circumstances should a term of incarceration be imposed. I have
26 reviewed the pre-sentence report, plea agreement, and mental evaluation submitted
27 by Dr. Laurie Sperry, Ph.D.
28

CLASSIFICATION (BRAVO)

6. The BOP classifies facilities into several categories including Minimum (Camp), Low and Medium Federal Correctional Institutions (FCI) (Federal Correctional Institutions) and High Security (USP or US Penitentiaries). There are also administrative facilities such as Metropolitan Correctional Centers (MCC), Metropolitan Detention Centers (MDC/FDC) and Federal Medical Centers (FMC) which house all security levels.

7. After sentencing, defendants are assigned a security classification with a system referred to as the BRAVO (Bureau Risk Assessment Verification and Observation) system to determine the appropriate degree of control and supervision required for facility designation. Some of the factors used in the classification system include age, history of violence and/or escape, criminal history score and severity of the instant offense. Each factor has a corresponding point value when totaled determine a security level. The three most important considerations in the selection of the designated facility are the security classification, physical/mental health and correctional program needs. Below is the chart from the BOP classification manual (CPD/CPB, Number P5100.08, Inmate Security Designation and Custody Classification):

Security Level	Male	Female
MINIMUM	0-11 Points	0-15 Points
LOW	12-15 Points	16-30 Points
MEDIUM	16-23 Points	N/A
HIGH	24 + Points	31 + Points

8. Points alone do not determine the security level as the classification manual also includes what are referred to as "Public Safety Factors" (PSF's) which can override the security scoring to determine a higher security classification.

1 9. Based on my professional opinion, Mr. Thompson will be
2 classified as Low security with twelve (12) security classification points. He will
3 likely be assigned two public safety factors including a “*Greatest Severity*
4 *Offense*” and a “*Threat to Government Officials.*” While the Greatest Severity
5 Offense PSF is mandatory due to the nature of the instant offense, the Threat to
6 Government Officials classification is at the discretion of the BOP with input
7 from the Secret Service (see exhibit one, BPA0-337- Inmate Load and Security
8 Designation worksheet). Even one PSF will preclude federal prison camp
9 placement unless it is waived by the BOP, which is very unlikely given the
10 agency’s conservative application of discretion and the high-profile nature of the
11 offense. This means that Mr. Thompson will serve any custodial term in a secure
12 federal prison with inmates who have more of a criminal history and orientation
13 including sex offenders, high level drug offenders and people serving sentences
14 longer than ten years.

15
16 10. The BOP attempts to designate a person within five hundred miles
17 of their legal residence (in Mr. Thompsons’ case, Seattle, WA) to facilitate
18 family visitation due to the positive impact it has on institutional adjustment. It
19 also reduces the burden of travel especially for elderly family members. While I
20 am unable to determine the exact facility designation for Mr. Thompson, the two
21 most likely FCI’s meeting his classification needs are FCI Terminal Island (San
22 Pedro, CA – 1,157 miles from Seattle) and FCI Lompoc (Lompoc, CA – 1,078
23 miles). The BOP has the discretion to place Mr. Thompson in FCI Sheridan,
24 however, it is a medium security facility which would be detrimental to his
25 safety.

26 11. An area of concern from the documentation reviewed from a
27 correctional treatment perspective which complicates the designation is ASD.
28 Doctor Laurie Sperry’s evaluation includes some profound observations when

1 considered in the context of a correctional treatment environment. Aside from
2 the BOP having very limited programs specifically targeted to people on the
3 autism spectrum, the very nature of a secure prison setting involves many of the
4 elements in Dr. Sperry's report which will place Mr. Thompson at a greater risk
5 to exploitation and likelihood of protective custody. The daily quality of life
6 challenges he will face in a secure prison environment has the potential to
7 provide for an excruciating existence.

8
9 12. Programming: The BOP publishes a National Programs Guide and
10 a more recent July, 2021, First Step Act Approved Programs Guide. A review of
11 both publications indicates there is only one reference to Autism. That reference
12 involves The Skills Program and is included in the more recent FSA publication.
13 The most relevant and telling statement from the guide exemplifies what Mr.
14 Thompson will face during a custodial term. When describing the Skills
15 Program, the BOP states inmates with autism spectrum disorder, "*are more*
16 *likely to be victimized and/or manipulated by more sophisticated inmates. As a*
17 *result, they may be placed in the special housing unit for their protection or may*
18 *have frequent misconduct reports because of their limited decision-making*
19 *skills.*" It should be noted the only Low security Skills Program is in Danbury,
20 CT, a significant distance from Mr. Thompson's residence in Seattle, WA.

21 13. Gullibility and vulnerability: FCI units ordinarily have one
22 correctional officer for approximately 150 inmates. It is very difficult to police
23 predatory behaviors given staffing limitations. It is not known how Mr.
24 Thompson would react to the institution sub-cultural norms including subtle
25 predatory behaviors like "friendly extortion". From the very first day of arriving
26 at a BOP facility, inmates are informally vetted and asked to "show their papers".
27 In a secure environment, this vetting behavior is to identify sex offenders referred
28 to as "Chomos" and cooperators referred to as "Rats". It is these types of sub-

1 cultural practices that are difficult to navigate even for a person without autism.
2 The BOP has recognized this disruptive practice and recently included a high
3 severity prohibitive act in the BOP disciplinary code "*Requesting, demanding,*
4 *pressuring, or otherwise intentionally creating a situation, which causes an*
5 *inmate to produce or display his/her own court documents for any unauthorized*
6 *purpose to another inmate*". As indicated on page thirty-three of Dr. Sperry's
7 report, I find credibility that a term of incarceration would pose what she refers to
8 as "the potential for a criminal apprenticeship leading to the likelihood of
9 recidivism because of the exposure to and acceptance of offending behavior
10 within the maladaptive world of the prison environment."

11
12 14. Protective Custody: The potential for protective custody raises
13 another difficult issue because inmates who request protective custody are asked
14 to inform on the inmate perpetrator(s) which raises the possibility he will be
15 labeled as a "rat," or informant. If he chooses not to inform on others, he will be
16 ordered out of the special housing unit or receive an incident report for refusing
17 population. Placement in the Special Housing Unit (SHU) requires 23 hours
18 lockdown with one hour of recreation at most, within a small caged in area. This
19 places mental stress on inmates and restricts programs as well as visiting
20 limitations. If staff determine there is a verifiable threat, he will remain in
21 protective custody for many weeks, usually months pending transfer. This vicious
22 cycle replays itself throughout the inmate's term, most typically with sex offender
23 cases and cooperators. The BOP has also recognized this problem and has
24 developed "Re-integration Units" around the country to handle inmates who
25 perpetually are housed in administrative segregation due to repeated protective
26 custody.

27 15. Communication: In my role as a Correctional Treatment Specialist, I
28 often interfaced with inmates and understood how their personal characteristics

1 influenced their ability to succeed in a prison environment. One of the most
2 challenging areas for any inmate is communication which can be problematic for
3 those who have Autism. Autistic individuals ordinarily do not possess the
4 communication skills necessary to navigate the prison environment. For instance,
5 failure to maintain eye contact, a common characteristic of Autism, can be
6 misinterpreted as evasiveness, deception or disrespect. This is not only an issue
7 for staff-to-inmate interactions but is extremely problematic for inmate-to-inmate
8 interactions. Dr. Sperry's evaluation pointed to inherent behaviors such as
9 prolonged staring, fixation on objects, showering five times daily, rocking, head
10 banging and executive functioning deficits all of which can be problematic
11 behaviors in the secure prison environment. Communication between inmates
12 and staff is critical, particularly in emergency situations. Autistic individuals
13 commonly have processing delays and may need extra time to respond to
14 questions or instructions. They take things very literally and may not fully
15 understand instructions unless they are concise. The failure to immediately get on
16 the ground upon an order from staff or respond to a staff command in an
17 institutional emergency situation can result in being physically taken down and/or
18 make the individual subject to the disciplinary system for failure to comply. In
19 emergency situations, prison staff members may be unaware of an individual
20 inmate's chronic mental disabilities, nor is it a priority in an institution
21 emergency.

22
23 16. Daily Living: Autistic individuals may experience sensitivity to loud
24 noises, bright lights, strong smells and do not like being touched. Federal prison
25 living environments are bright, noisy given the need for security and odorous,
26 because of the ability for inmates to cook with microwaves within the units. Male
27 and female correctional officers routinely pat search inmates throughout the
28 facility daily given security protocols. There is a loud public address (PA) system

1 which makes announcements throughout the day such as paging inmates,
2 announcing activities and announcing controlled movements. Relative to peer
3 relationships, the BOP prison sub-culture includes the concept referred to by staff
4 and inmates as a “car” which means that inmates of similar interests and
5 circumstances travel the facility as a group seeking safety in numbers. This is
6 especially applicable to sex offenders who are the most persecuted in a prison
7 environment. Dr. Sperry’s report refers to the absence of interest in peers and
8 affiliation with others which can inhibit the car concept for a greater potential of
9 victimization as Mr. Thompson might choose to be alone rather than travel with a
10 group. The high-profile nature of the instant offense may also exacerbate
11 challenges from some elements in the inmate population who were opposed to the
12 instant offense.

13 14 CONCLUSION

15 17. Mr. Thompson faces unique and difficult challenges during
16 incarceration because the BOP classification policy requires placement in a
17 secure, federal correctional institution due to the severity of the instant offense
18 and associated public safety factor. A review of the BOP national programs
19 catalogue and website only refers to one program (SKILLS) as accommodating
20 people with ASD. However, that program is in Connecticut over three-thousand
21 miles from the family and it is not specifically designed for people with autism.
22 The characteristics of his diagnosis makes him highly susceptible to victimization
23 in the secure prison environment because of the inherent elements of the prison
24 sub-culture which may lead to manipulation, ostracization, protective custody
25 and even assault. It is likely Mr. Thompson will serve any term of incarceration
26 isolated far from his family in a higher security environment than is needed based
27 on his lack of a criminal history and orientation. His punishment will not only be
28 more intense and stressful than the court may realize, but there is also the

1 potential for his indoctrination into the criminal sub-culture which Dr. Sperry
2 refers to as a “criminal apprenticeship”. **If the court is inclined to support**
3 **counsel’s recommendation on sentencing, it should be aware Mr. Thompson**
4 **would be already past the statutory residential re-entry center eligibility of**
5 **twelve months and it would be practical for the court to provide a non-**
6 **binding judicial recommendation for the BOP to consider a direct**
7 **designation to a halfway house in the Seattle area. If a longer term of**
8 **incarceration is imposed, it would be practical for the court to strongly**
9 **recommend the BOP consider waiving the public safety factor to facilitate**
10 **placement in a minimum, prison camp environment where he would least**
11 **likely be victimized.** It is also my professional opinion that the most logical
12 sentence from a correctional treatment perspective for treatment and/or targeted
13 program objectives would best be accomplished in the community with stringent
14 conditions of supervised release during a period of home detention.

15
16 I state under penalty of perjury that the foregoing is true and correct.

17 Dated: December 12, 2021

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19 _____
20 Jack T. Donson
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Exhibit C

Dear officer W.B.

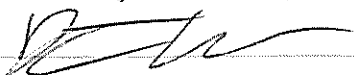
First, my preference in apologizing to you would be to do so in-person so you can see the sincerity in my conviction. However, since that is not possible I hope you will accept this letter in lieu of such meeting.

My behavior that day was inexcusable. As much as I wish that I could help you understand what brought me to act in that manner, I am still attempting to figure out that answer myself. The stress and trauma caused by the riot must have taken a toll on you and your fellow officers that I cannot even imagine. Although I cannot apologize on behalf of all who committed wrongdoing that day, I can apologize for my actions. I'm deeply sorry for the danger that you were put in on behalf of my recklessness.

My uncle is a homeland security officer, and in the reflections that came quickly after that mistake, all I could think about were the times he told us about in Portland and how my actions were just the same. You deserve better. You deserve to be treated with respect and I didn't show you any with my actions that day. Gandhi once said "In judging myself I try to be as harsh as truth." The truth is that I didn't live up to societies standards or my own standard of how to treat another human being, let alone an official, on January 6th.

The truth is in those moments I let fear overcome me. I want you to know that this was a major wake-up call in my relationship with fear. Change for the better, at least what I can control, will come out of this in the end. There is also an owed gratitude to you and your fellow officers for the restraint shown in that tunnel. The situation could have ended even worse and that inhibition prevented that. Thank you for your service. And God Bless you.

Devlyn Thompson



Dear Honorable Judge Lamberth,

There are no reasonable excuses for the way in which I behaved at the Capitol on January 6th. The conduct demonstrated by myself would be unacceptable no matter the time and place but in the circumstances of that day and time they are understandably even less so. I hold hope that the actions I have taken since then reflect my intent to take responsibility for my mistakes.

In a civil society, there is no place for violent behavior. I want to use this moment to make it clear that I do not support nor exhort taking action in the manner that many people decided to do that day. There have been many sleepless, regret-filled nights since. If only I knew the way this would have unfolded so I could have stayed away. Ignorance of the impending chaos is not an excuse either. Since I cannot change my decision to proceed to the Capitol, I can only hope that you see me as more than the worst thing I've ever done.

On my walk over to the Capitol from the White House speech, I spoke with a stranger about architecture. More specifically about the difference between the classical style of the Capitol Building and what is described as brutalist in reference to the J. Edgar Hoover Building. My main discussion point was how the classical structure ~~is~~ inspired many, including myself, and reminded me of just how fragile through history self-government had been. One look at the building brings up the lessons surrounding the rise and fall of Rome and

the many city-states of Greece. In those ~~times~~ memories, I share in the understanding of people's worst fears about January 6th and the symbolic nature that only makes the violent scenes more disturbing. Our country, along with our Lord and my family, are three of my most cherished loves. ~~and~~ The ~~the~~ horrific images of that day ^{must} ~~should~~ never repeat themselves again.

The officers at the Capitol, and on the grounds, that day deserve praise and gratitude for their service. If put in their shoes, I am not sure if I would have exemplified the courage and resolve shown by so many. To me, they are like an extension of my family, and despite my reckless reaction, I would never deliberately hurt them. My dearest apologies ~~and~~ to their families as well. In the future, if possible, I would like to show my remorse and appreciation in-person.

It is a necessity to me to remain candid with the court and true to who I am. My conservative creed still remains the same. However, the system of governance, a constitutional republic, and the processes in place for deciding who sits in the oval office behind the Resolute Desk transcends any one candidate or party. That peaceful transfer of power and the method set out for achieving it are worthy of protection. My message to fellow conservatives, or any American dissenting with the current administration, is that we must continue our work within the confines of the system and condemn the actions on January 6th as atrocious.

This experience has been eye-opening in numerous aspects. A realization of just how precious and fragile the freedoms^{are} that I ~~enjoyed~~ have enjoyed throughout my life. ~~How~~ How quickly the trajectory ~~of my~~ that I was on can shift with a reckless mistake and poor decisions. If I could go back in time then there is no doubt in my mind I would ~~have~~ change the choices I made. ~~This insight is~~

However, that is clearly not an option. The next best path to take is one of intense self-criticism and analysis of how I ended up in these circumstances. That examination led me to Dr. Sperry. ~~Gratitude~~ ~~My~~ ~~gratitude~~ ~~to~~ ~~meet~~ ~~with~~ ~~her~~ My meeting with her has given me invaluable insight into my own areas of struggle and opportunities for personal growth. The vantage she provides is a unique one that allows me to grasp a clearer understanding of what is needed to ensure this never happens again.

The journey for me to get back integrated into society as a productive and positively-impactful member of my community started the day I was incarcerated. Since then I've focused on ~~reconnecting~~ continuing to rebuild my relationship with God, by diving back into Scripture through Bible study courses and 5,000 pages worth of Christian ~~books~~ ^{books}. The result has been nothing short of mind-altering. To quote Vaclav Havel, the only thing needed sometimes is a change in the "orientation of the spirit." In other words, learning to live through faith rather than

fear. While this has some impact on what happened that day, it's true value is in the reformation that will continue after my release.

Most of ~~my~~ the time spent in here has been allotted to reading. Beyond the christian books, the topics were majority focused on history and the reasoning behind the structure of our government. We, as conservatives or those who are aligned with the current republican party need to hold more faith that our intricately designed systems of checks and balances will provide the protection necessary to protect from what Tocqueville described as the "Tyranny of the Majority." Our constitutional republic has many key elements but one most relevant now is the built-in hindrance to keep said majority from trampling over the minority viewpoint. This seems to have been forgotten.

My love for this country has only grown since Jan 6th. The plan is for me to continue the process of self-reflection and personal growth that I've long given sincere effort to pursuing. Dr. Sperry outlined and explained to me the professional help I could receive in order to ~~assist~~ assist in meeting these goals. At the end of the day, this rests on my willingness to recognize my deficiencies and weaknesses. That type of honesty is difficult but important. Although I believe that I was on the right track in most aspects of my life, there is certainly room for improvement and I plan to utilize the tools recommended to get there.

The passion that I hold for ~~our~~ our country is one that I plan to direct in a positive manner. In addition to the recommended plans from Dr. Sperry, I plan to devote time to a congressional campaign that I believe in. This is a battle, but one that will be won by persuasion because it is a struggle between ideas. The next part for me is to stay involved in my local community by volunteering through my church.

Lastly, I want to publicly thank my family including my mother. Rather especially my mother. They have always been honest with me and that resulted in my fair share of deserved scolding. However, ~~they~~ My mother has also taught me yet another lesson in unconditional love. For that, I owe her an unpayable debt of gratitude.

In summary, all I can ask the court for is grace and mercy. God has given me his forgiveness and one day maybe America will too. I leave you with a quote, albeit maybe paraphrased a little from Abraham Lincoln, "I find that mercy bears better fruit than that of strict Justice." Thank you for your time in reading what I had to say, God Bless You and God Bless America.

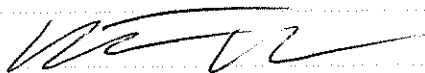


Exhibit D

Dear Judge Lamberth,

My name is Michelle La Vergne and I am Devlyn Thompson's mom. First, I would like to say Thank You for allowing me to speak to you about my son. When Devlyn was almost 5 years old he was diagnosed with having what is called Asperger's Syndrome, a form of Autism Spectrum Disorder. What this means is Devlyn has neurological issues that he was born with. These neurological issues include the lack of understanding verbal and nonverbal cues, sensory issues, low understanding of emotional intelligence, difficulty in changing situations, fixation, and lack of common sense in certain situations. This DOES NOT mean that Devlyn doesn't understand right from wrong, or what emotions are, or that he doesn't understand communications. He just understands them in a different way.

I first learned about Asperger's Syndrome when Devlyn was 4 and I worked at a place for people with Developmental Disabilities. A psychiatrist that worked there came up to me and handed me a book and told me to read it. I asked 'why' and he said to me, "I see you coming to work crying and talking about your son and his behaviors and once you read this book, your son will make more sense to you." I went home, and for days I read and read, and finally things started making more sense to me about my son. That is when I took him to the doctors and we started testing for Aspergers.

I would also like to share a story with you to maybe help you understand what it is like to be a person with autism. When I worked at this place, we had to have continued education classes and in one of these classes we were told we are going to play a game. The scenario is there are 5 tables and at each table there were a deck of cards and rules on each side, we were told that we cannot speak during this game no matter what or your out of the game. We paired up and started playing, after each hand was played we would move to another table. We all kept looking at each other with angry faces, a few of us slammed our hands on the table showing frustration. In my mind I couldn't figure out what the heck was going on and why these other teams were not playing the same as we were. Finally, it was over and our instructor gave us the go ahead

to speak... and boy did we. We were calling each other bad names and saying each other were cheaters. Our instructor asked us how we felt during that game and all of us said we were angry and couldn't understand why the other teams were playing differently. The instructor said that we were all given different rules to play the game and went on to explain that this is how people feel when they can't communicate in the same way other people do.

Playing this game opened my eyes to how my son could be feeling. Even though he was very high functioning, his mind didn't work like mine and he sees things differently than myself and anyone else that is considered 'normal'.

When Devlyn was young child, he had a hard time with his peers because they were not on the same intellectual level as him or enjoyed the same topics as him. Devlyn fixated on sports, statistics, and government as far back as I can remember. He even took AP Government classes in high school. He then also started to play sports which helped him with some social interaction. We lived in a small town where everyone knew everyone, we had our village, and I kept Devlyn in the same school district from K-12 so he would have consistency with the people around him and learn to trust his surroundings so he could grow up with having the same friends and feel comfortable in some social situations. Devlyn helped me EVERY year in setting up for Buckley's Tree Lighting Ceremony, he helped me with MANY events in our little town that we had lived in.

Mind you, I barely ever brought up his autism to him but I always addressed it to others so they would understand him. I raised my son to grow up having confidence in his thoughts, confidence in who he is, and confidence in his choices. Devlyn has never put himself in a situation that would either harm him or harm someone else. He doesn't have that type of mentality.

On January 6th, this was the first time Devlyn had EVER gone to a Trump Rally on his own. His brother, William Thompson Jr., who moved to Georgia with him at ALL the others. On this day William's flight didn't

leave SeaTac until the 7th of January. So, Devlyn drove to Washington DC overnight from Georgia to be part of the rally on January 6, 2021. Had I even known that this rally would go to the extreme that it would, I would have told Devlyn not to go.

No one that Devlyn surrounds himself with supports violence. Everyone we know was ALWAYS there for Devlyn, especially his Great Grandma Betty, who is no longer with us. When he would have severe anxiety and I didn't know how to handle it, he would go see her and he would be calm. Devlyn has a very difficult time understanding facial cues, and if Devlyn is told something by someone he trusts, he is going to follow what that person says. This could be very dangerous for him in a prison setting. Since Devlyn left home at 18 after he graduated high school, he has only lived alone for 2 months in Seattle. He has either lived with friends or his family. He moved out of Seattle and moved to my house in Graham, Wa in June of 2020 because of CHOP. He lived on the same street just one block down. He got punched in the head and called the police and they would not come. So, he stayed with me until he moved to Georgia at the end of June 2020.

As a kid, he would get bullied by people he thought he could trust because he couldn't recognize their behavior as being mean in the moment.

Our family is deeply sorry, as I know Devlyn is, for that officer if he felt endangered by Devlyn in any way shape or form. In Devlyn's mind, he truly felt like he was protecting himself from getting pepper sprayed again. We know that the officer had no idea that my son is autistic and that Devlyn meant no harm or any ill intent towards that officer when he knocked the canister out of his hand with the baton. Devlyn also only tried to get the other officer that was pushing the lady down to stop by telling the officer to quite pushing her down and when that didn't work, he said "do you want to fight?" not meaning it literally.

None of the people we know or Devlyn are condoning the violence on January 6th. We all find it very gross and very disturbing. Devlyn didn't actually know what the extent was until he was asked to go back and look at videos with his first lawyer Tom Durkin and the FBI. Then Devlyn

understood the severity of what the rest of America was seeing. He didn't understand in the moment, why shields were being passed back, but he thought when they were coming forward that they were going back to the police.

If you understand Autism, you can understand the simplicity and the complexity of minds like Devlyn's. Devlyn is truly a great son, a great step-son, a great brother, a great grandchild, a great nephew, and a great friend. He would do ANYTHING to help someone.

Your Honor, I wish that you could see the same Great Young Man that everyone in Devlyn's life sees. Devlyn has a great support group and Devlyn will never put himself in this kind of situation again. Now that we all know what to look for and have a better understanding of what the laws are, I promise you Devlyn will NEVER be in trouble again.

I fear what prison would do to my son and I will worry every second until he comes home. All of us who wrote letters on his behalf hope that you will show mercy. We are not using his autism as an excuse, but we tell you about it so that you can better understand why he put himself in the position he did.

Thank you for taking the time to hear me out.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michelle La Vergne', with a long horizontal flourish extending to the right.

Michelle La Vergne

To Honorable Judge Lamberth

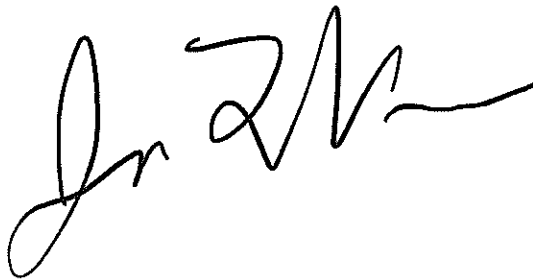
My name is James Lavergne I am Devlyn's stepfather. I am 48 years old and a 22 year commercial journeyman plumber. I met Michelle Devlyn's mom and his brother Carlin at the end of 2004. Devlyn was 11 years old. When I met Devlyn I could tell he was very intelligent for his age. Devlyn and I hit it off very well. I have a lot of experience with sports, football especially. I played all pro Warner and high school. One year semi pro and five years of coaching at Orting high school. I was amazed at how much Devlyn knew about the dynamics of football. At that age he knew more about offense and defense and strategies than I did even with my knowledge and background. Devlyn's passion for sports was very intense. He and I were able to bond with sports in common. He carries that passion even to this day.

Devlyn's love for his mother and great grandmother (Betty Firman) is the only thing that was more apparent than his passion for sports. Devlyn loved going to Betty's house just to be with her as a young boy into his teen years. They would play cards put puzzles together and just hang out together. Once he started getting older the teen life occupied a lot of his time. Not only did he fixate on sports not just watching them but playing them as well. He and his friends spent a lot of time playing basketball in the park and pickup games of football.

Devlyn has always been a caring person. When Devlyn was 13 Michelle and I had his little brother Braeson he was so excited. His help with his younger brothers was aw inspiring which I attributed to his intellect. When Devlyn was in high school he wanted to help his best friend Matt Spurgeon who needed a better living situation. We took Matt in and he is now part of our family. All because Devlyn cared about him.

After graduating high school Devlyn went out into the work force to try and find his way. He found a spot in real-estate development and is very good at it. Devlyn is a good person with a good soul. He got caught up in a bad situation. I ask the court to please show leniency on him. As Devlyn's stepdad who watched him grow into a wonderful young man I will continue to support and stand behind him.

Sincerely James La Vergne

A handwritten signature in black ink, appearing to read 'J. La Vergne', with a long horizontal flourish extending to the right.

William Thompson

[REDACTED]
[REDACTED]

Hello, Devlyn is my son, and I would like to say a few things. I still have hard time understanding how this all happened but here we are. I have talked with my son, and it took a little time for him to tell me the whole story. I truly feel that he understands how wrong his actions were that day, I know that there are consciences for what he did but before this he had a great job was getting promotions and doing good now that is all gone. As a father I'm hoping that the punishment satisfies the court but also gives my son a path to start rebuilding his future.

Please feel free to contact me at any time, and of course thank you for your time and consideration.

William Thompson



Carlin Stoll

[REDACTED] CarlinStoll@gmail.com

[REDACTED] Way, Apt. 2

[REDACTED] Los Angeles, CA 90027

To: Honorable Judge Lambreth

Devlyn Thompson is my older brother, and we have lived our whole lives together. We grew up in the same household, and then after a couple of years apart as adults, we decided to move back in with each other. So we ended up living together for almost three years before our lives and jobs took us on different routes.

Given the time Devlyn and I have spent together, I have never seen or heard any ill intent from him. On the contrary, he comes with a warm heart and the best intentions in mind. I identify within the LGBTQ+ community and came out to my friends and family at a very young age. Every step of the way, Devlyn was by my side with support and love. We grew up in a small town where everyone knew everything about you; if anyone ever said anything to me or about me, he always stood up for me in the most supportive and caring way. The way he looks out for me continues to this day, always wanting to motivate and influence me to pursue my dreams and work hard while doing so. Devlyn has always encouraged me to be a better person than who we were yesterday. We come from a background of low income and troubled childhoods that have passed on through multiple generations, which motivates him to work harder each day to achieve his goals. Today as I write this letter, I received a note from Devlyn that he wrote while in the detention center. I want to share a piece of that with you. He writes: "I made a choice early on that you can either sit and sulk or use this time to ensure betterment as a person" "I've read just shy of 9,000 pages and over 40 books so far. Set a goal of 10,000 pages and 50 books after my first week here, but it looks like I will need to increase that goal now." Even after a traumatic year and experiencing an overload of unfamiliarity in the detention center, he maintains positivity and eagerness to keep learning.

With all the barriers life has placed on him and his inability to understand social cues/ interactions, he doesn't let that defeat him. Instead, he looks to grow and persevere. He has done this by reflecting and seeking guidance from others, always willing to admit his faults while seeking ways to grow from them rather than repeat them.

With the information I have shared, I ask that you consider who he is. Consider his willingness to grow and learn. This young man you are deciding a future for can reflect, learn, and grow from experiences. Not many of us are naturally capable of that. I ask that you be lenient with his sentencing and allow him to grow from this experience properly. I know he will use this experience to better himself, and the support he will receive from all of his family will only help him even more. I am personally ready to stand by my older brother for anything he needs to better himself.

Thank you for your time.

Sincerely,
Carlin Stoll

Carlin Stoll

William E. Thompson Jr.

[REDACTED]

[REDACTED] (206) 304-7899

[REDACTED]

To Whom It May Concern:

Hello, my name is William. The younger brother of Devlyn D. Thompson. Although I didn't live with my brother early in my life, we have always been close. 19 almost 20 years of cherished memories and moments.

I'm writing this letter in hopes to reveal the true good nature and character my brother has. I understand that my brother has pled guilty, and I understand that there are consequences to his actions. However, Devlyn has been a purely positive aspect in my life and so many others. He's been everything a big brother should be. Not just buying your little brother food or taking him to a baseball game. He let me move in with him in Georgia so I could go to school and start my career. A career that he was able to push and motivate me into. It's hard to describe in words the just how big an impact my brother has had on my life, to quantify the value and love he brings into the world. But now I'm stuck without my brother, my best friend, my teacher... and any other roles he has filled.

I or anyone else that you ask will be able to confirm this. But now I beg that you show him mercy. This one mistake shouldn't hinder or reflect the rest of his life. Thank you for your time, and I hope this short letter can convey my feelings.

Sincerely, William E. Thompson Jr.

X 

William E. Thompson Jr.

November 27, 2021

Dear Honorable Judge Lambert's,

My name is Deborah Orr, I am Devlyn Thompson's grandmother and have known him since birth. Devlyn has always been there for his brothers even when they would make a mess. He would always hurry and clean it up so they wouldn't get in trouble. Devlyn always was there to help my mom, his great grandma, who now is passed. They were very close to each other. Devlyn's autism was a challenge and times because he would scream and scream and there was no way of calming him down until he was done, however, his heart always over shadowed that. When he would go into his screaming episodes I would talk to him about sports and that would calm him down. I've seen Devlyn help his mom when she was in charge of the Buckley Tree Lighting Ceremony in their home town of Buckley. My grandson truly has a heart of gold and I hope you can see that. I am here to support my grandson in any way possible. This situation is new for us and I am asking your Honor to please show Devlyn as much leniency as you would to a young child. Thank you for taking the time to read this and God Bless.

Sincerely,

A handwritten signature in black ink that reads "Deborah L. Orr". The signature is written in a cursive style with a large, stylized initial "D" and "O".

Deborah L. Orr

Honorable Judge Lamberth,

My wife and I, Therese M and Gary M Brown, are writing this letter as a character reference for our grandson Devlyn Thompson.

Devlyn grew up in the small Washington town of Buckley. A place where you practically knew everyone and if you did something you shouldn't as a child, you would certainly know about it quickly. Even as one grew into adult hood that pretty much stayed the same and to a large degree it is still the case in Buckley. We thought about it and cannot think of a time he got into trouble enough to be "reported" by that town network, much less by the police. Devlyn was a good kid who did well in school and did all the normal things kids do and as an young adult started working and because of his good work ethic and attitude, did well and advanced pretty quickly in his work endeavors in Seattle and later in Atlanta.

He was always a respectful and helpful young man who we liked to have visit us along with his family and since it was only a ten mile drive to our home it was often. If his dad (our son) was helping me with a farm project Devlyn would be there as well, working along side the rest of us.

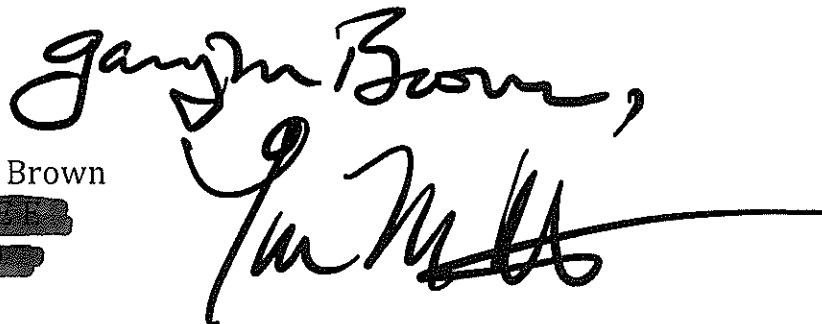
We are proud of the man Devlyn has grown into. Smart, friendly and with a big heart and a good moral compass. We look forward to his coming home.

My wife and I hope this letter will bear well on your court actions concerning Devlyn.

Respectfully,

Therese and Gary Brown

7920 150TH AVE E
Ofing, WA 98360

The image shows two handwritten signatures in black ink. The top signature is 'Gary M. Brown' and the bottom signature is 'Therese M. Brown'. Both signatures are written in a cursive, flowing style.

To Honorable Judge Lamberth

I am writing this (actually typing) ,my writing hand shakes, it's hard to read my writing.

My name is Jack Bono Sr.(Devlyn's Uncle). I served in the military during Vietnam, honorably discharged. I am a current member of VFW post 1919,I worked for Boeing for 37 years, after college. Married My High School sweet heart , been married For 38 years.

I have been a boy scout leader, baseball , football coach. Peewee football Athletic Director. Father of 4 boys, and tried to be a role model for many of young kids in my community for the last 40 years.

I watched and was in devlyn's life as he grew up, tried to be a role model for him , as his father was not in his life very much growing up, his mother was always in his life, he was her pride and joy and doted on him, his great grandmother was in his life a lot and she spoiled the kid. Her and I would have discussions about her spoiling the kid, what ever he needed my mother (his great grandmother) would make sure he had, if his mother could not afford it.) He was not wanting for anything (accept his father being in his life)

Devlyn never had ill feelings about his dad not being around much, he loved his dad very much I did not like his father (I know what a good father was all about, and his dad was not one) .you bring a child into this world it is your responsibility to raise him, he did not

To me Devlyn was different than other kids,he had a tough time playing with other kids when he was younger ,at 12 years old this kid knew more about sports facts than most adults. It was freakish. One time I took Devlyn to a Huskies game, setting on bleachers in the end zone, 2 college kids were arguing or discussing some football facts, Devlyn was setting one row down from them ,turned and corrected the 2 college students about there facts, there ensued a discussion for 5 or 6 minutes, pretty soon a bunch of people were watching this 12 year old kid hold his own in discussion with these 2 college kids, ,he was not mean about it he was just stating facts, they got up and left after they were showed up by a 12 year old maybe to get some food? It was hilarious. I said for a while this kid is not normal. I believe sometime later he was diagnosed with aspergers syndrome or autism ...something along that lines. I just knew he was different, to the degree I told my Boys to keep an eye out for Devlyn,(as all my boys went to school with Devlyn) he would get in discussions with other kids, often over sports facts and this kid knew his stuff , he would show up the other kids and they would resort to wanting to beat him up, he was different, I told my boys to keep an eye

out for Devlyn and make sure kids knew he is different and they were not to touch him. I told my boys not to fight his battles or back him, just get him out of the situation and tell him to shut up. He could be having a discussion with 4 or 5 kids and they want to kick his ass , because he proved them wrong and it did not register with him that there's 4 or 5 of them and only one of me!

My boys made the comment that he needs his ass kicked , then maybe he would quit running his mouth, so much, I explained to my boys that he was different he has a sickness or something ,that he is wired differently than you and me. He was not a mean kid, never saw him picking on other kids.

Devlyn always got good marks in school, he did not skip school, he gravitated towards playing Basketball.

As he got older he was always there for his great grandmother, if she needed anything he was there for her

I have not been around devlyn much these days , now that he is older and moving around the states where ever his job takes him.

The times I have seen him and talked with him, more so lately, he appears to be doing good, taking care of himself not calling home to ask mom or dad for help.

I have served under great men,I have worked with some great men, there are some I have tried to model my self after, I know what a great man is.... I am a pretty good judge of character..... I think devlyn is a good kid on the road to becoming a good man He has the making of being great man by the end of his life and understands he has younger brothers that look up to him and he has a responsibility to be a good role model for them. I supported Devlyn growing as I do all my Family members and will continue to do so whatever the outcome of his current situation ensues. He's a good kid and if ever needs my support now or in the future, I will be there for him.

I took the time write this in hopes that you would find a way forward that would benefit all and at the same time send a clear signal that there are consequences to every action. Putting Devlyn behind bars is a waist of tax payers monies, he is not a violent person, he has a good heart, to have Devlyn serve community service would be much more beneficial to the public as he has many skill sets to offer any organization, young or old, he's a very smart kid.

Thank you

Jack Bono sr

A handwritten signature in black ink, reading "Paul C. Bono". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Dear Honorable Judge Lamberth,

My name is Mathew Lavergne Spurgeon and I have known Devlyn Thompson for 15 years and is like a brother to me. When I was 15 my grandparents passed away and sine they raised me, I couldn't find a balance in my life after they passed. I had stayed at a few friends houses and that didn't work out. At this time point in time I had barely known him.

He found out that I was getting kicked out of the place I was living and offered me to come live with him at his house. Obviously he needed to talk to Michelle (I call her mom) and Jamie his parents.

They did say yes to living with them and that's how we became like brothers.

Another story, I tripped and fell one night when I snuck out of the house and had to be transported to Harberview Hospital. Devlyn stayed with me the three days I was there. I still spend pretty much every holidays with him and this year he was missed terribly.

I would also want to say that living with him I seen his autism in action a lot. From playing basket ball and someone not following the rules as if it was a NBL games. He would get so mad and frustrated he would start calling people names and even got his jaw broken from a older man on the basketball court. There were a a lot of times I had to protect Devlyn. Devlyn is not like most people and he doesn't understand how to communicate the right way nor does he understand sarcasm.

I hope you will take the time to find it in your heart to give Devlyn the lowest amount of time possible or even house arrest with his mom. Devlyn would never survive prison and we will miss him and worry about him constantly. I will be there amongst the family and friends to support him in any possible way. Thank You

Sincerely,

Mathew Spurgeon

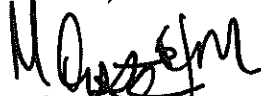
A handwritten signature in black ink, appearing to read "Math Spurgeon", written in a cursive style. The signature is positioned to the right of the typed name "Mathew Spurgeon".

I am Melissa Stoll, his brothers, Carlin Stoll, stepmom. I have known Devlyn since he was 8 years old. I watched him grow up, along side with my son, Oryan into young men.

I am writing this letter because we are family. He has always been there for us and we will continue to stand behind Devlyn. I respect that Devlyn has plead guilty. I am writing this letter so you can understand Devlyn. Devlyn had to deal with his own struggles growing up as a child. Devlyn played basketball and was always part of a team and knows what it takes to better himself. When offered his last career in a industry he hadn't worked before he flourished and was in management within less than a year.

I thank you for taking the time reading my letter. If you should need to verify the facts of my letter please reach out to me to my phone number or email listed below.

Thanks,

A handwritten signature in black ink, appearing to read 'Melissa Stoll', written in a cursive style.

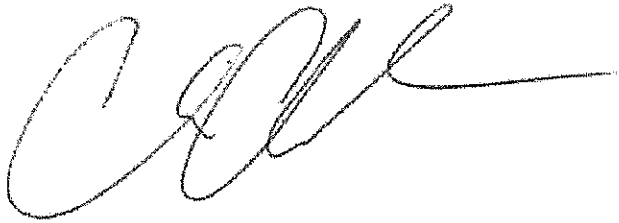
Melissa Stoll



Dear: Honorable Judge Lamberth

My name is Christopher Charbonneau U.S Navy Combat War Veteran, uncle to Devlyn. I have known Devlyn Since he was born and I was in the room for his birth, I had the great opportunity to watch him grow and become the man he had become. As a character he has a huge heart and believes in trying to do the right thing and wants to help the people around him, he is the type of person who would give the shirt off his back if he thought it would help. Anyone who knows Devlyn, knows he is a loving caring person and I ask that the court be as merciful and show leniency to him. Im here for him and ready to support him in any way I can. If there is any questions my number is [REDACTED]

Sincerely: Christopher Charbonneau

A handwritten signature in black ink, appearing to read 'C. Charbonneau', with a long horizontal flourish extending to the right.

December 2, 2021

From: Mindy Anne Bradby
[REDACTED]

Dear Honorable Judge Lamberth,

Hello, my name is Mindy Anne Bradby. I have known Devlyn Thompson since he was in his mother's tummy, and I was there in the room when he was born. His mother, Michelle La Vergne and I have been friends for 35 years and I look at Devlyn as being my nephew, just as Michelle looks at my kids as her niece and nephews.

Being in Devlyn's life I have seen his struggles and his successes.

As a young boy he struggled to communicate his needs to his mother and anyone else around him even though he had a high vocabulary that most kids his age did not have. Michelle knew something wasn't right with her son when others just see him as being 'spoiled.' Michelle always said, "he is not spoiled, he is loved."

Michelle went to so many parenting classes hoping to get answers, however, could not find anyone to explain why her son is so different than most kids his age. I don't remember exactly how it came about her finding out about his autism but, I do recall him being around the age of him starting school. Autism back then still had the stigma that if you're autistic you are wheelchair bound and uncommunicative. When she told me about Devlyn being diagnosed with Aspergers Syndrome, a form of autism, I was very intrigued to know what that meant. I began to educate myself to support her and Devlyn in any way I could.

Devlyn struggled a lot with his peers as a child being picked on and constantly getting in trouble in school. I remember Michelle telling me that she asked the school to please give him more homework in grades above his to see if that will help some of his behavior issues and it helped. Devlyn's mind works so much differently than yours, mine and so many other people in this world that we may call 'normal'. Even as Devlyn got older, Michelle did everything she could to address his autism with other people because his words could get himself into trouble and when Devlyn is in fear of something he would scream, bite and hit himself or try to go after his mom because he couldn't figure out how to express his fears. Michelle knew how her son's mind worked when the rest of the people or his peers didn't understand him. Michelle took the opportunity of living in a small town and helped create a village for Devlyn and his brothers, knowing she couldn't raise him without it. She took every opportunity to teach Devlyn about the world around him so he could live a somewhat normal life. Had ANYONE of us in Devlyn's life thought that January 6th would turn out the way it did, WE ALL would have found a way to express to Devlyn in a way he would understand that it was not safe to go. Devlyn is a very very caring person who would give the shirt off his back to ANYONE he felt needed it without even thinking that a person is just manipulating him to get something for their own selfish reasons. Devlyn's mind is so naïve because of how simple he believes this world is to him. He believes

that EVERYONE is his friend even if we can see that their intentions are not good. Devlyn has a small group of real friends that would do anything to help him, he has a family that would do anything for him and extended family such as myself, and many others that will help support him in any way we can.

Devlyn is loved very much, and I would just like to say to your Honor, if you do not understand Autism, please take this time to let the rest of us help you to understand. Please give Devlyn all the leniency that your Honor is available to do and help Devlyn to seek more therapy to understand what type of cues to look for.

I do want to mention that Devlyn also has struggled with finding the right employment for himself up until about 2 years ago. He finally found something he was great at and now he no longer has that job due to him being at the Capital.

Devlyn trying to find his place in this world, it is very difficult for those who are autistic. Needing constant encouragement to keep going forward. I have an autistic daughter so I see the difficulties in her life and can relate to Michelle and Devlyn very well.

Thank you, your Honor, for taking the time to read this letter.

Sincerely,

Mindy Bradby

A handwritten signature in cursive script that reads "MBradby".

Anthony T. Gilge

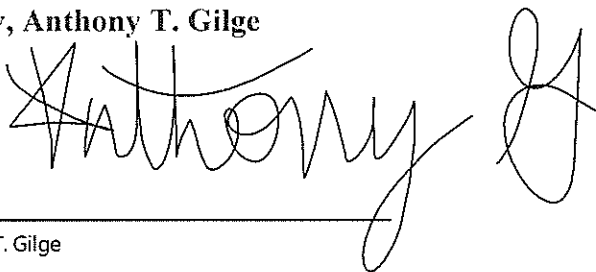
[REDACTED]
[REDACTED]
[REDACTED]

Hello, my name is Anthony Gilge. I'm a 19-year-old student at Green River Community-College. I met Devlin through his younger brother around 10 years ago. I've got to spend time with Devlin quite a few times and understand who he is as a person.

I'm writing this letter to give a better example of who Devlin is. I respect the fact that Devlin pleaded guilty and would like to give an example of his character. Devlin has always given me the impression of being a good role model and takes care of the people he loves. I have seen him talk with his younger brother on multiple occasions and was always really guiding and cares about his family's future and success.

I would like the court to please show mercy. Thank you for your time and consideration. Please feel free to contact me at any time.

Sincerely, Anthony T. Gilge



X

Anthony T. Gilge

Stephanie Wittig

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12/2/2021

To: The Honorable Judge Lamberth

Re: Character Reference for Court Regarding Devlyn Thompson

Your honor:

My name is Stephanie Wittig and I am a clinical mental health therapist with a master's degree in mental health counseling.

I am writing this character reference letter about Devlyn Thompson who has been like a nephew to me for his entire life as his mother and I have been close for over 30 years.

I am aware Devlyn was charged with a couple of crimes from the white house riots. He has been very remorseful and feels guilty about the entire situation. Devlyn also has a diagnosis of autism and in many respects this diagnosis impaired his ability to manage social cues appropriately and has also impaired his impulse control.

During which time I have observed Devlyn to be kind, hardworking, caring, giving and generous. Devlyn has always prioritized his family and friends. Devlyn is a hard worker who takes pride in his work regardless of what that may be. I have never witnessed any violence towards anyone.

I would request that the court be as lenient and merciful as possible in this case. I am absolutely prepared to support Devlyn in anyway possible in this matter.

I hope you consider my reference letter when determining the outcome of this case. Devlyn's kindness and compassion make him a valuable member of society.

Sincerely,

Stephanie Wittig Ms, LLPC, DP-C

Stephanie Wittig MS, LLPC, DP-C

Dear Honorable Judge Lamberth,

Devlyn and I met back when we were seventeen years old when we both traveled to Eastern Washington University for a campus tour and ever since that trip I would consider us not only best friends but he's a brother to me. I lived in Chehalis and he lived in Buckley but we consistently made effort to visit each other until we eventually both moved into my mom's house a couple years out of high school until we got our own apartment in Tigard Oregon before he eventually moved back to Washington a year later. My mother was heartbroken over this situation as she loves him like her own son.

I have known Devlyn for for over 11 years and he is a good person that has always been there for his family and friends. Out of my closet friend group (he lives the farthest) he was the only one to show up late night/early morning to the hospital to be there for the birth of my daughter. I trust him with my life and if something had happened to myself and the mother he was willing to take care of our daughter. He is the type of person that gets joy from helping and giving back to others and he has help me grow as a person.

We all make mistakes and he is aware of his actions and I ask that you please be merciful and as lenient as possible. I miss being able to see him or be able to talk to him whenever we could and even our conversations now he has kept me optimistic even in these circumstances. Regardless of what happens in court I will be there and support him in any way I possibly can. I will be there on December 20th for him and if you need me to attest to his good character I would do it in a heartbeat.

Sincerely,

Levi Rivers

(509) 715-7640

levi.rivers3@gmail.com

Dear Honorable Judge Lamberth,

Devlyn and I have known each other since high school. He has been one of my closest friends since our senior year in 2011. He's been there for me through thick and thin including giving me a place to live for a few weeks during 2012. Devlyn isn't just a friend to me, he is a brother.

Over the time that I've known Devlyn, there are many things about his character that are certain. First, while sometimes he doesn't show it the way most of us might, he has a huge heart and genuinely cares about the welfare of others, especially those he cares about. I like to think of him as a protector in a sense. There was a kid that went to school with us that Dev always made sure to include and stand up for regardless of his social/cognitive differences. This kid's name was Alex, and unfortunately Alex fell victim to bullying on multiple occasions, even after we graduated high school. Devlyn, never let this happen when he was around and stood up for Alex when ever he had the opportunity. Devlyn also spent a lot of time helping his grandmother toward the later years of her life. This ranged from sitting down and solving puzzles with her to doing household chores and running errands for her.

Second, Devlyn accepted and loved people for who they were, not what they could provide. I believe this says a lot about one's character. He sees past people's flaws and recognizes their greatness. His relationship with Alex as previously stated also shows this trait. Bias's, stereotypes, rumors, xenophobia, racism, and homophobia are all things Devlyn stands against. His network of friends includes people of all races, all sexual orientations, all income levels, and all political and religious views. Devlyn genuinely accepts anyone for who they are.

Lastly, Devlyn is very passionate about the things and people he cares most about. Whether its sports, work, or his personal life, he never gives anything less than 100 percent. Some of my best memories with Devlyn come from playing pick up basketball wherever we could even if we were the underdogs. Devlyn was also very passionate about his dog Nimbus. He would take that dog every where with him even when he moved across the country for work. Devlyn, is also a great older brother and role model for his younger brothers Carlyn, Junior, and Braeson.

While Devlyn has never let his autism define who he is, given his condition, I worry as his best friend about both his mental and physical health/wellbeing in captivity. As one of Devlyn's closest friends, I ask that the court shows leniency and mercy when deciding on a sentence for Devlyn's actions. What ever the court does decide, I, Trenton Rohm will be there to support him in any way possible.

Sincerely,

Trenton G. Rohm

To the Honorable Judge Lamberth,

My name is Tyson Hess, and I'm writing on behalf of my friend, Devlyn Thompson. I have known Devlyn for approximately 14 years. We were inseparable best friends during all four years of high school, and as early adults, we were roommates. He is one of the few people from my younger days that I have kept in touch with, even as we've grown older and moved to different states while pursuing our individual goals. My hope is that I can, in a few paragraphs, provide you with a more multi-dimensional picture of the person I have known Devlyn to be.

I could simply list a string of adjectives that I would, without reservation, attach to Devlyn—caring, compassionate, funny, generous, goal-oriented, constant in friendship, and responsible in his work ethic. I hope those traits will be evident in the brief stories I share with you.

The summer before my freshman year of high school, my older brother was killed in a car crash caused by a 17-year-old drunk driver. We lived in a small town with one high school, and when I began my freshman year, the person who killed my brother, who had been released to his parents, began his senior year at the same school, and I saw him every day at the locker across from mine. I didn't want to go to class, I lost motivation to do any of my school work, and I was very depressed. It was my friend Devlyn who dragged me to class every day, who did homework with me to make sure I got it done, who made sure I didn't fail, and who listened to me when I needed a friend the most. In some ways, he saved me during one of my darkest times.

I'm not the only recipient of Devlyn's innate kindness. I remember going to the skate park by the lake and seeing a younger kid being bullied and harassed. Devlyn didn't know the kid, but he defended him until the bully backed down, and then he made sure the kid was OK. When we were hanging out at my house when we were teenagers, he would do chores for my mom that no one asked him to do, just to be helpful. When we got older, Devlyn, on multiple occasions, would let people stay at his house when they had nowhere else to go, or give them his own money or buy food for them when they needed it. When I had to move from Seattle to Denver, Devlyn took a week off work just to accompany me on the trip so I wouldn't have to go alone, and he actually drove most of the way and let me sleep. A few years ago, we met in Hawaii for a vacation, and since I was not as financially sound as Devlyn was at the time, I was on a tight budget, so he paid for us to do a lot of things around the island I couldn't have afforded—just so we could do them together. Even though we were on vacation, he also chose to be responsible for the success of his company back home, conducting video conferences and phone calls to make sure the work continued smoothly even in his absence. In my experience, Devlyn has always been a good person with a good heart who wants to do the right thing.

The event that led to Devlyn's current interaction with the court is out of step with the person I have always known him to be. I don't deny that he had a serious lapse in judgment, but one of the things I know about Devlyn through our friendship is that he is the kind of person who learns from his mistakes. That is why I am writing to ask the court for mercy and leniency for him. I sincerely believe, if he were given the opportunity, that he would redeem himself and follow through with any commitments he makes to the court. And as his friend, I will be there to support him in the redemptive process the way he has always supported me.

Thank you for your consideration.

Tyson Hess

12/1/2021

To Honorable Judge Lamberth

My name is Alex Emmert, I have known Devlyn Thompson since the 7th grade. We went to the same elementary school but actually became friends I think in the 7th grade in middle school. I didn't really talk to people a lot I kept to myself all the time. I remember walking in front of Devlyns house on the way to school everyday. One day Devlyn started walking to school with me and we talked about sports. We both love sports. We would hang out at Wickersham and play football. We would go to Wallys and play basketball a lot. Devlyn always stood up for me and didn't judge me for different. People would make fun of me and he would try to stand up for me. In high school we would go to the basketball and football games. I even use to help coach basketball at our old high school. I've known Devlyn for a long time and Devlyns character is kind funny and smart. I call Devlyns mom mom still. I will be here to support Devlyn in anyway I can. I am asking your honor to please help my friend as he has always shown kindness to people that are different. I can't imagine what he is going through right now but it can't be good for someone like Devlyn.

Thank You Judge Lamberth

Alex Emmert

11/30/2021

Honorable Judge Lamberth,

Hello, my name is Dustin South and I have been a friend of Devlyn Thompson for 15 plus years. We grew up in the same neighborhood and went to the same school even though we are years apart in age. Growing up Devlyn and I shared a similar interest in sports, which is what connected us. I remember when we were younger, I would go across the street to his mom's house to either play video games, have wiffleball homerun derbies in his yard (and beat him) or play basketball (and more times than not get beat lol). Devlyn has never done me wrong and was a great part of my childhood memories.

As for outside of his love for sports, I also recall him always doing extracurriculars in school, I believe if I remember right, he even was involved in the Associated Student Body at one point (as I said, we were 3 grades apart, so my memory on this isn't as clear). He also took part in a few community events with his mother, Michelle La Vergne.

Devlyn always was someone that took pride in or tried to excel in everything that he did, may it include sports, taking care of his mother and younger brothers, his job or even community service. Him and I were a part of a group that organized a 3 on 3 basketball tourney in the city of Buckley, Washington at Wally's Drive In, to help earn money to fix the lighting there so that people could play there while it got darker. We went to all the local businesses to gain sponsors to hand out gift cards and other prizes to the winners of the tournament. I know for sure we didn't raise enough, but it was worth a try, and we had good intentions and the city still fixed that light anyway, so we felt accomplished!

I really don't know how to write one of these letters and I already feel as if this is too long and may not have everything you're looking for, but if you're looking for any form of clarity on who Devlyn Thompson is as a person, I can sum it up right here. Devlyn Thompson is human. He's a young man that will have his friend's and family's back and someone that I have never lacked trust in. We may not be as close as we were when I would beat him in wiffleball homerun derbies outside of his mother's house, but he is still someone that I take time out of my life to hang out with while he's in my area and not caught up in his family, work or figuring out his life. We as human are NOT AT ALL perfect, no matter how hard we may want or try to be! Although, whatever the actions or recent events that went on at the Capital, I believe that to be the furthest thing from Devlyn as a person. We all end up in situations at one point in our lives that we look back on and learn from. I'm sure this whole process has been a real scary experience for him that he'll never forget, and he'll probably wish he never got involved in but will take as a real learning moment. Sometimes we must go through those to grow as a human.

So, I sincerely wish for you to please take in this character letter before passing any verdict and to please at your own will, allow this young man to have a second chance, with him taking this as a huge learning opportunity, that won't bare any weight on his chances to excel and continue on as the good human that I know he is , due to being involved one bad situation that escalated more than he could probably ever imagine.

Thank You,

Dustin South