

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

Case No. 21-cr-00543 CRC

LOAMMI YAZDANI

**DEFENDANT LOAMMI YAZDANI'S MEMORANDUM IN AID OF
SENTENCING**

Comes now the defendant, by and through his attorney, Richard S. Stern, to respectfully move this Honorable Court to sentence Mr. Loammi Yazdani to a period of probation with appropriate conditions.

As grounds therefore, we state as follows:

1. Mr. Yazdani timely pled in this case before this Court. No more favorable plea had been offered by the government.
2. He has fully accepted responsibility in this matter. He has admitted all the facts in the case. It must be noted that he did not act violently or maliciously while in the Capitol and he never confronted, threatened or taunted any police officer working there that day. ECF 62 ¶32.
3. While on pretrial release, he has done everything required of him and he has had no report of any violations. This pretrial release was even more monitored than it is in most places as it included a substantial home visit. ECF 62 ¶14,15,48.
4. He has been open and honest with the probation officer and fully cooperative in the process of completing the presentence report.

5. Mr. Yazdani is a religious man who preaches. Attached to this memorandum are three character letters on his behalf. See Exhibit 1.

6. The first letter is from Tammy Gillogly who speaks highly of all the defendants as good people who can be trusted. The Yazdani family also has a free yard sale to help those in need in the community.

7. The second letter is from Pastor Radcliffe who also speaks highly of all three defendants as people of honesty and integrity.

8. The third letter is from Pastor Jerry Hunt and Karen Hunt. They speak of all three defendants as good people and of good character.

9. While at the Capitol, Mr. Yazdani committed no violence, did not take any items and in no way did he damage anything there. He had no confrontations with the police or anyone else.

10. We see this case as deserving the low end of the 0-6 range. He did not go to Washington for any nefarious purpose and has no criminal record.

11. Mr. Yazdani works at the Post Office and he does help to take care of his mother who has serious medical problems as outlined in the presentence report. ECF 62 ¶42.

12. We submit that there is nothing in his background or his actions either before or after the events of January 6, 2021 that should cause the Court any concerns about how he will conduct himself while on probation should Court order that as the sentence in this case.

13. Mr. Yazdani pled to one count of 40 U.S.C. § 5104(e)(2)(G) (Parading, Demonstrating, or Picketing in a Capitol Building), which carries a maximum sentence of six months of imprisonment; a term of probation no more than five years; a fine of not more than \$5,000; a \$10 special assessment; and an obligation to pay any applicable interest on penalties on fines and restitution not timely made. He also agreed to pay restitution of \$500.00.

14. The final presentence report shows that the defendant did not exercise managerial authority over any other participant and was considered to be an average participant. Moreover, there is no allegation that Mr. Yazdani obstructed justice in this matter.

15. Mr. Yazdani has complied all with terms required of him in the plea agreement.

16. Mr. Yazdani wants the Court to know that he will continue to comply with any and all conditions of probation that the Court orders in this case as he has done so far.

17. We move that no financial penalty be given in this case (other than the agreed upon restitution of \$500.00 and the special assessment of \$10.00) as we submit the defendant does not have sufficient funds to pay. ECF 62 ¶65. We submit he has very limited income and has to help his mother. Mr. Yazdani is part time at the Post Office and is only guaranteed one day per week of work. ECF 62 ¶59. In any case, we note that that the presentence writer indicated that a fine is not recommended.

18. In sum, we submit that given all the above, a reasonable period of probation with appropriate conditions would be fair and reasonable and that no incarceration be ordered.

19. We feel the government's suggestion of thirty (30) days of incarceration is excessive and dramatically out of line with the recommendation of the neutral U.S. Probation Office who has recommended a straight period of probation and community service. Given Mr. Yazdani's clean record and his good character, he is more than willing to do the 100 hours of community services as suggested by the presentence writer as doing community service is a large part of his life.

WHEREFORE, we pray that the Court order the requested sentence with any and all conditions it deems appropriate.

Respectfully submitted,

/s/ Richard S. Stern

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have electronically served all counsel of record on November 3, 2022.

/s/ Richard S. Stern

RICHARD S. STERN