

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

UNITED STATES OF AMERICA,)

v.)

IRAJ JAVID,)

Defendant.)

Case No. 22-077 BAH

DEFENDANT’S MEMORANDUM IN AID OF SENTENCING

Iraj Javid is a hard-working, loving family man who was not engaged in political activism, did not post about politics on social media, and has no extreme views. He is a devout Christian whose life has been based around his family, his church, and his work. The countless letters of support submitted on his behalf attest to his unique kindness, commitment to helping others, and attachment to his large family. He comes before the Court because he engaged in completely aberrant conduct on January 6. An



Mr. Javid with his wife and children

old friend who was traveling to this area to attend the January 6 rally for President Trump had asked to spend the night at Mr. Javid’s home, which is located outside of Washington, D.C. Mr. Javid himself had no pre-existing plan to go to the rally, but the morning of January 6 he decided

to accept his friend's invitation to go with him. After hearing President Trump's speech urging those in attendance to "fight like hell," Mr. Javid joined the crowd that marched to the Capitol and ultimately entered the Capitol building. It was a mistake he will always regret.

While Mr. Javid's decision to enter the Capitol that day was entirely wrong, he was totally non-violent, he never harmed any property at the Capitol, and he never confronted or harassed any member of law enforcement. During any interaction with law enforcement that day he raised his hands to signify that he intended no harm. He did not push, insult, or harm any member of law enforcement, nor did he boast about his involvement or minimize his culpability or the seriousness of what happened on January 6 after the fact. His letter to the Court demonstrates that he has absorbed the significance of his involvement on that day and is genuinely remorseful.

Mr. Javid's decision to enter the Capitol that day has already dramatically altered the path of his life. He lost his job of 11 years, he has been shunned by many members of his community, and he now has a criminal record. Mr. Javid is among the least culpable defendants prosecuted for offenses committed on January 6. He accepted responsibility quickly in this matter and was entirely forthcoming and honest when he met with law enforcement after his entry of his guilty plea. In short, Mr. Javid has paid a heavy price for his conduct, pled guilty without filing motions or challenging the charges against him, and he has demonstrated genuine remorse for his involvement. The appropriate sentence for this Class B misdemeanor is probation to include home detention, community service, and \$500 in restitution.

PROCEDURAL HISTORY

Mr. Javid was arrested outside of his place of work on the morning of March 3, 2022. After spending the night and much of the next day at the D.C. Jail, he was released from custody. He has been in full compliance with his terms of release during the pendency of this case. On June 19,

2022 Mr. Javid entered a guilty plea to one count of Parading, Demonstrating, and Picketing in a Capitol Building in violation of 40 U.S.C. § 5104(e)(2)(D). Sentencing is scheduled for February 3, 2023 at 9:30 a.m. Because the offense of conviction is a Class B misdemeanor, the statutory maximum sentence is 6 months and the United States Sentencing Guidelines do not apply.

APPLICATION OF THE SENTENCING FACTORS

The primary directive in 18 U.S.C. § 3553(a) is that the Court must impose a sentence that is “sufficient, *but not greater than necessary*, to comply with” the purposes of sentencing. *See* 18 U.S.C. § 3553(a) (emphasis added). Honest application of the federal sentencing statute confirms that a sentence of probation to include home detention and community service is sufficient but no greater than necessary to meet the goals of sentencing. What follows is a detailed review of the relevant §3553(a) factors.

I. Mr. Javid’s History and Characteristics

Iraj Javid, now 33 years old, was born in Fairfax, Virginia. His family and friends all know him as “JJ.” His father, Hamid, had come to the United States from Iran to make a better life for himself. Hamid married Mr. Javid’s mother, Dana, who had been raised by her grandparents in Virginia. Mr. Javid was their first child, born when his mother was only 17 years old. Mr. Javid’s mother writes that “the day he was born was the best day of my life.” Letter of Dana Javid, attached at Exhibit 3. His parents subsequently had two more children and adopted four more children. The family fostered children throughout Mr. Javid’s childhood and he is very close to all of his siblings. According to Mr. Javid’s mother, Mr. Javid “is such a wonderful older brother to his 6 siblings. While 2 are biological and 4 are adopted, he always treated them as his siblings even when they were foster children in our home. He has so much love to share. He is a big brother

everyone could look up to.” *Id.* Mr. Javid graduated from Battlefield High School in Haymarket, VA and attended community college for three years following his high school graduation.

Mr. Javid’s father has been a longtime employee of the Washington Metropolitan Area Transit Authority (WMATA) and Mr. Javid followed in his footsteps. He worked for WMATA for eleven years, most recently as an integrated network technician. His friend Taylor Driesell recounts how hard he worked in the job:

I remember when he joined his first role at Metro. He was motivated, disciplined, and extremely hard working. He worked night shifts and early morning shifts all while keeping his relationship with his family, God, and girlfriend (at the time) top priorities. Over the 11 years he worked at Metro, I never once heard him speak badly or even vent in frustration about co-workers or tasks given to him.

Letter of Taylor Driesell, attached at Exhibit 5.



Mr. Javid has been in a loving relationship with his wife, Kelly, since they met in high school. They now have three young children, ranging in age from 3 to 7 years old, who are the center of their lives. According to Kelly:

When I revealed to him that I was pregnant with our first child, he dropped to his knees and wept; he loved our daughter with his whole heart from that very moment. Since then, we’ve had two more children - two sons who look up to and admire their dad more than anyone. While I’ve seen many friends and family members have husbands not be present and have little responsibility when it comes to their kids, my husband has exceeded all my expectations for what a loving husband and father should look like. He makes the kids breakfast in the morning, teaches them life lessons, plays with them, reads with them, prays with them, and helps guide and encourage them every day. Our children depend on him to be a strong father figure.

Letter of Kelly Javid, attached at Exhibit 2. Kelly is not alone in her views. Family and friends who have submitted letters to the Court roundly describe how impressed they have been with Mr. Javid's devotion to his children. His sister writes:

Jj gave me 1 beautiful niece and 2 amazing nephews. I thought my brother was a superhero before seeing him as a father, watching him become a dad solidified that for me. He is a gentle dad; he shows his children a kind of love and support that I have only ever read about in books and watched in movies. He reads them a story every night and does bedtime with them.

Letter of Dorothy Javid, attached at Exhibit 4. According to his friend Taylor Driesell:

Each time I see Mr. Javid interact with his children, it is clear they look up to him, respect him, and love him so much. He is an amazing father and family man. The Javid house is filled with love, laughter, and happiness.

Letter of Taylor Driesell, attached at Exhibit 5.

Family is the most important part of Mr. Javid's life. He and Kelly have been a source of invaluable support to their family members over and over again through the years. When they were still in their twenties they fostered Kelly's younger sister because her home environment was not



Mr. Javid with his parents, siblings, and children

stable. They then moved across the street from Mr. Javid's parents so that they could be actively involved in the lives of his four younger siblings while he was simultaneously raising his own children. Mr.

Javid's mother reports that he is closely involved in the lives of all of his siblings and tries to attend all of their activities. As one example, she writes:

He recently helped his younger brother dress for homecoming. He then took him to buy a corsage for his date, spoke to him about how you should talk to girls and drove him to and picked him up from the dance. After the dance he took him out for pizza to talk about how it went.

Letter of Dana Javid, attached at Exhibit 3. According to his younger sister Nikki:

Growing up he has always been there for me in any way I ever needed. There have been times where I was really struggling with things that I was going through and JJ taught me how to accept the situations and forgive in order to move forward in life. He has shown me patience, taught me unconditional love, and helped build my relationship closer to God. I have never met someone like him; willing to do anything for anyone.

Letter of Nikki Javid, attached at Exhibit 4. Mr. Javid's sister Dorothy writes:

If I had to choose one word to describe him it would have to be kind, but not the "kind" that you picture when someone holds the door open for you or pays for your coffee, the kind that he would do absolutely anything for you, he would drop whatever he is doing and run to your rescue, the kind that he knows when you are having a bad day without even talking to you and brings you flowers or a special treat. . . . My brother has prayed for and with strangers, he has given the shoes he was wearing to a homeless person, he has sat in hospital rooms with my best friend's father, he has shown up for people in ways that I have never seen a single human do before.

Letter of Dorothy Javid, attached at Exhibit 4.

Mr. Javid is an active member of the Park Valley Church in Haymarket and his faith is central to his identity. He serves on the prayer team, teenage youth ministry, and is a children's pastor. He typically spends several hours per week over multiple days at his church. He has led groups of church youth on summer camping trips and helps teenagers work through issues including depression and anxiety. The church has a significant community service focus and Mr. Javid is among the most active parishioners engaged in that work. Mr. Javid and other members do service projects, food distribution, and distribution of donated sleeping bags and boots.

Mr. Javid's unusual kindness and generosity are illustrated in the many letters submitted on his behalf which are attached as Exhibit 5. The stories are too many to summarize here, but a few examples show how many times and in how many ways Mr. Javid has had a positive impact on others:

- Ashley Castillo, a fellow member of Mr. Javid's church, writes that Mr. Javid works in group and one-on-one settings to help high schoolers address challenges including drug and alcohol use and even suicidal ideation. She also reports that Mr. Javid volunteered his time to help setting up a new free clinic in the community and that Mr. Javid handled not only difficult installation tasks, but also undesirable tasks including hauling trash.
- Erik Denk recalls a time when Mr. Javid dropped everything and drove 3 hours round trip to pick him up and provide him dinner after his car hit a deer. Several people note that Mr. and Mrs. Javid have allowed friends in need to live rent-free in their home for extended periods.
- Scott Pierce tells this story:

This year at my church's Vacation Bible School, my oldest son was having some behavioral problems, not listening to any of the adults. The leaders of the event weren't sure what to do, nor did they notify me that there were any issues. JJ stepped in, though, pulling my son into his class of kids, getting him to participate, and engaged him in the event. If JJ had not been there, I'm certain that they would have said that my son is too unruly to come back.

- Tim White, an Executive Pastor at Mr. Javid's church reports:

Out of everyone that I know, Mr Javid probably has the biggest servants heart. He genuinely has a heart to serve people. I have seen him go out of his way numerous times to help people who were in need or in trouble. I have seen him help people financially when he has probably needed the money himself for his own kids. I've watched him on numerous occasions take time away from his own family to spend time with people in need.

- Erika Smith, who met Mr. Javid when he was helping to coach her youth soccer team describes the impact he has had on her life:

He challenged me to where I got super frustrated at times, but he never gave up on me. Even when we grew up and went onto high school and college, JJ's words were always encouraging and uplifting. His words and actions made me want something bigger and better for myself, made me feel empowered in my own little way.

- Mr. Javid's father-in-law James Reetz writes:

I've known him to stop and help anyone in need. To the point he was even mugged for trying to help someone and was mugged again for doing the exact same thing, helping someone in need. Those particular incidents hasn't stopped him not even one day after that for trying to help anyone else in need.

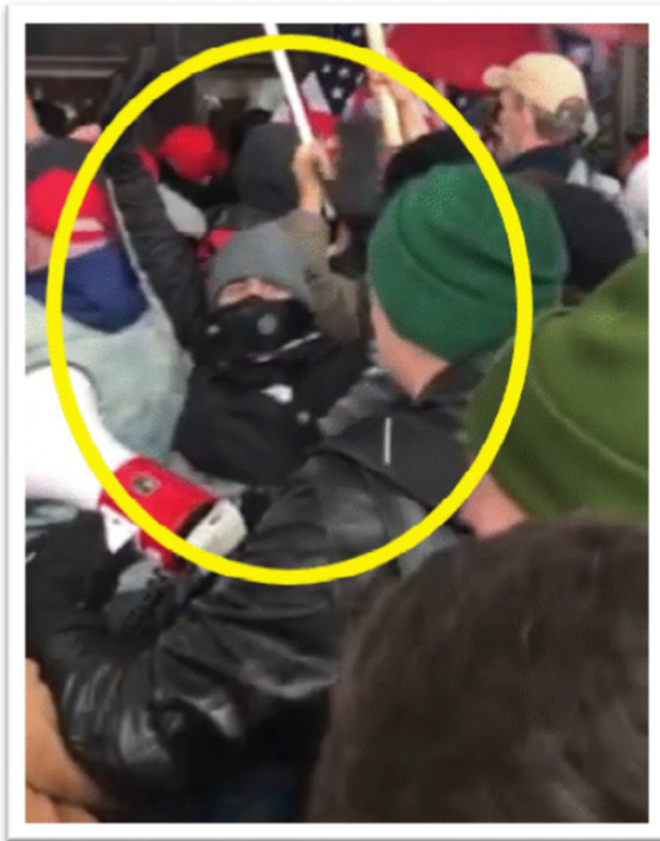
- Shannon Lanzerotta recalls that she was in a serious car accident soon after she started attending a prayer group Mr. Javid was involved in at their church. Her husband texted the group for prayers and support and despite the fact that Mr. Javid had not even met her before, Ms. Lanzerotta recalls that Mr. Javid was “the first person, besides my husband, who I saw at the hospital. He introduced himself and said he was there to offer in person prayers and any support we needed. I was still recovering from the shock of the accident, so meeting JJ and having lighthearted conversation was exactly what I needed. I was instantly drawn to his compassionate demeanor.”

The outpouring of support for Mr. Javid is a testament to the person he is and to the fact that he has changed so many lives for the better.

II. The Nature and Circumstances of the Offense

One of Mr. Javid's friends, who lived out of state, contacted him in the days prior to January 6 to inform him that he was coming to the D.C. area to attend the rally planned by President Trump. As he has done so many times with so many other people, Mr. Javid offered his friend a place to stay. Mr. Javid had not been involved in any of the post-election protests and had no plan to go to the January 6 rally. The night before the rally, the friend asked if Mr. Javid would like to join him. Mr. Javid returned home from work very late and he decided to go along on the morning of the event. Mr. Javid went with his friend and his friend's cousin to Washington D.C. and watched President Trump's speech. Mr. Javid heard President Trump say that the crowd was going to march to the Capitol, so he joined thousands of people as they walked to the Capitol. He had no specific plan. He followed the crowd as it passed bicycle racks that had been pushed aside, and he

ultimately arrived at the East Rotunda doors. Mr. Javid was quickly in the middle of a large crowd of people, many of whom were aggressive and seeking to gain access to the interior of the Capitol through the East Rotunda doors.



Mr. Javid stood out in this crowd because he kept his hands in the air and did not engage in any hostile interactions with police. Exhibit 6 is a video taken by a participant outside the East Rotunda door that captures Mr. Javid, who is identifiable because he is short and is wearing a gray and black jacket, a gray wool hat, and a black cloth mask. It was a chaotic scene. The crowd was agitated and Mr. Javid appears to be being pushed around by jostling protesters. At one point

in the video he can be seen trying to move away from the door, but he ultimately entered the building, pushed forward by the large crowd behind him. Although the video does show people shoving police officers, Mr. Javid himself never shoved or pushed past a police officer, nor did he witness assaults on police officers that may have occurred at the East Rotunda doors after he entered the Capitol. He joined a group of people who entered the door, but his hands were raised in the air the entire time. Government's Exhibit 1 is a video taken from the inside of the East Rotunda door – just on the other side of the door from the video in defense Exhibit 6.

Government's Exhibit 1 shows Mr. Javid enter the East Rotunda door with his hands raised at 2:26 p.m. Mr. Javid then moved through the Capitol without any clear goal in mind – videos show him essentially following groups of people. Mr. Javid did not damage property and did not have any hostile interactions with police officers. He ultimately



walked out of the Capitol on his own, again with hands raised.



Mr. Javid exiting the Capitol

III. The Need to Reflect the Seriousness of the Offense and Provide Just Punishment

Given all of the consequences Mr. Javid has already endured due to his conduct, adding a jail term in this case would be overly harsh.

People are all very quick to suggest that the only real punishment is a jail sentence, and it's just not true. People can suffer in many different ways and do suffer in many different ways a result of their conduct and that is something every judge, at least on this court, I believe, understands, and takes into account when they're fashioning the appropriate sentence.¹

The most devastating consequence Mr. Javid has already faced for his actions on January 6 is the loss of his career. Mr. Javid planned a long career at WMATA and relied upon his salary to support his wife and three children. But after his plea in this case Mr. Javid was terminated from his job, leaving his family in dire financial circumstances. He has had to rethink his entire career plan while raising three small children. He is selling Amway products, seeking a contractor's license, and hopes to take over a flooring and remodeling company. Money for his family has been very tight. Mr. Javid's wife Kelly reports that the family has depleted its savings and gone into debt. Mrs. Javid recently used money she herself had received as a birthday present to pay for presents for her daughter's birthday because there were no other funds available to pay for presents.

Mr. Javid's arrest and its aftermath are something that will be seared in his mind for the rest of his life. It should go without saying that Mr. Javid has no criminal history and never imagined being arrested and jailed. Mr. Javid was arrested by a team of FBI agents on the morning of March 3, 2022 when he got out of his car to go into his workplace. His family home was searched by a team of FBI agents. He was taken to the FBI building and then to the D.C. Jail, where he spent the rest of the day and night. On the next day, he was taken to court for a 4:00 p.m. initial appearance. Needless to say, for a man who had never before been arrested, spending two

¹ Quote from the Honorable Amit P. Mehta, *United States v. Andrew Cavanaugh*, 21-cr-362 (APM), Sentencing Transcript at p. 29.

days in jail and having the home he shares with his wife and children torn apart by police was a nightmarish experience. Those days in jail should not be forgotten by this Court as it considers whether there is a need to impose an additional term in custody for this father of three small children.

There have been other consequences. Mr. Javid's involvement on January 6 has been publicized locally and on the internet and he has been shunned by some in his community despite everything he has done to help others. He has been barred from most common social media platforms because of his involvement on January 6. He now has a criminal record that will stay with him for the rest of his career and that will likely impede his future employment prospects. The defense here proposes a sentence to include probation, community service, home detention, and restitution to go along with these other consequences Mr. Javid has already endured. Adding additional jail time would be greater than necessary to reflect the seriousness of the offense and provide just punishment.

IV. The Need to Avoid Unwarranted Disparities

The government cites two cases it views as appropriate comparators. The first is *United States v. David Johnston*, 22-cr-182 (BAH), in which this Court imposed a sentence of 21 days incarceration as a condition of 36 months' probation, 90 days of home detention, a \$2,500 fine, and \$500 in restitution. Mr. Javid's conduct was not as serious as Mr. Johnston and his sentence should not be the same. Mr. Johnston, a former attorney and Defense Department contractor, traveled to the Capitol from South Carolina, telling his friend and co-defendant that he hoped that President Trump "has something significant to overturn these cheat-states." ECF No. 40. Mr. Johnston moved to the front of a crowd that was confronting police officers at the West front of the Capitol, ignoring repeated broadcasted warnings that people were required to leave. After

following a group that had engaged in violent confrontations with police, Mr. Johnston filmed a video of himself bragging: “We’ve broken past the barrier, we’ve reached the doors of the Capitol!” *Id.* He entered the Capitol through the Senate Wing door as alarms blared, broken glass covered the floor, and rioters were climbing through windows. As Mr. Johnston moved through the Capitol, he walked past rolling bay doors that he saw fellow rioters prevent from closing. He continued to travel through the Capitol and took videos of police officers trying to subdue rioters, ultimately spending a total of 30 minutes inside. After January 6, Mr. Johnston communicated with his co-defendant about avoiding apprehension by law enforcement. After his arrest, Mr. Johnston still refused to acknowledge culpability, making a statement to the press saying that the case was a “politically charged” matter, and appearing on a podcast during which he described his arrest as a ploy trying to “gin up as much publicity around this January 6 stuff as they possibly can going into the midterms.” *Id.*

In contrast, as set forth above, Mr. Javid decided to come to the Capitol the morning of January 6, choosing to drive the short distance from his home because a friend encouraged him to come along. He did not gloat or brag about his presence at the Capitol. In every interaction with members of law enforcement he was respectful and non-violent. Videos of Mr. Javid show him with his hands raised in the air and he never pushed a police officer. He did not publicly suggest that his arrest was illegitimate. He did quite the opposite: he pled guilty quickly and met with law enforcement as they furthered their investigation of the events on January 6.

The government also cites the case of *United States v. Munn*, et al, 21-cr-474 (BAH). This Court sentenced Thomas Munn to 14 days of intermittent incarceration as a condition of a 36 month term of probation. Thomas Munn led a family of five, including his three children (one of whom was a juvenile) on a 1,600 mile journey to the Capitol, where he entered the building through

a broken window after being exposed to tear gas used by law enforcement to deter rioters. Mr. Munn and his family remained in the Capitol for over 50 minutes and after leaving he created social media posts celebrating his family's involvement and denying that damage to the Capitol was done. Mr. Javid did not encourage any other individuals to take part in the events of January 6 – particularly not any of his family members or members of his church. In addition, whereas Mr. Munn minimized his conduct (telling the FBI that he did not see many law enforcement officers, that “there was no rioting,” and that he had entered a “public building during business hours”) Mr. Javid was completely forthcoming with law enforcement, accepted full responsibility, and did not justify any of his conduct.

This Court has imposed sentences of probation with home detention, community service, and restitution in several cases involving defendants whose conduct was at least as serious as Mr. Javid's. For example:

United States v. Samuel Fox, No. 21-435 (BAH)

Prior to traveling to Washington, D.C., Mr. Fox posted on Facebook about his intentions to go to Washington, D.C., his hope that “Trump starts a civil war,” and hoping that he sees fireworks “attached to traitor politicians.” Mr. Fox watched rioters break a window and in confrontation with law enforcement, saying it was “tough to watch but you couldn't look away either,” and that he was taking pictures to “show his kids in the future.” He then entered the Capitol through a broken Senate Wing window. On January 7, he posted on Facebook that he “walked into a building that was ours” and that “we actually have reasons to be there.” He described rioters as “patriots who wanted to knock and talk to Congress,” and stated “I'd do it again, fight me.” In the months that followed, he continued to post on social media, claiming that rioters were “let in” to the Capitol, that the doors were open and the only violent parties were “agents provocateur.” He

wrote “Absolutely a lie that anything happened there other than a black officer murdering a white women.” ECF No. 33. During his debrief with the FBI, Mr. Fox refused to provide agents the access code to his cell phone and failed to exhibit any signs of remorse. This Court sentenced Mr. Fox to 2 months’ home detention as a condition of a term of 36 months’ probation.

United States v. Jack Griffith, No. 21-204 (BAH)

Mr. Griffith traveled to the Capitol from Tennessee and first spent time in a crowd where he could see members of the crowd repeatedly attacking law enforcement officers. He screamed with excitement as he entered a door on the Senate side that had been broken open by rioters. In the ensuing days, Mr. Griffith posted on social media about having helped storm the Capitol. After his arrest, Mr. Griffith spoke to local news media making light of his arrest and promoting a video game he created featuring Donald Trump shooting “Dem Zombies” and “Antifa.” ECF No. 92. He continued to post videos on social media during the pendency of the case about how the election was stolen and promoting his video game. Mr. Griffith was sentenced by this Court to 3 months home detention as a condition of 36 months of probation.

United States v. Leonard Gruppo, No. 21-391 (BAH)

Mr. Gruppo was a 28-year military veteran who had risen to the rank of Lieutenant Colonel. He traveled to the Capitol from New Mexico. After watching clashes between rioters and law enforcement, he climbed the retaining wall at the bottom of the northern staircase and ultimately entered the Capitol through the Senate Wing door. Surveillance video showed him deliberately ignoring instructions from law enforcement officers. After leaving the Capitol, he deleted all evidence of his presence at the Capitol from his cellular phone and he claimed to law enforcement that he only entered the Capitol building to escape the chaos outside the building. Mr. Gruppo was sentenced by this Court to 3 months’ home detention as a condition of a 36 month term of

probation.

United States v. James Lollis, No. 21-671 (BAH)

Mr. Lollis traveled to the Capitol from South Carolina, entered through the Senate wing door, taunted an officer who did not respond when he asked the officer if he was on the “same team,” placed a sticker on a wall that said “FUCK ANTIFA,” and appeared to advocate bringing weapons to the Capitol. This Court sentenced Mr. Lollis to 3 months’ home detention as a condition of a term of 36 months’ probation.

V. Need for Deterrence

Mr. Javid is genuinely remorseful for entering the Capitol on January 6 and there is no reason to believe he will ever reoffend. In his letter to the Court, he writes:

I made a decision the morning of to go to the Trump rally, I thought I was going to my first protest, standing for what I believed. Instead, I was a burden to my entire family, and had to depend on them for so much after losing my career. I cannot explain the shame and pain I’ve felt for my actions, I wish I could have chosen differently that day, but I cannot. Although I chose not to participate in any violence, and I can say I truly abhor violence, I can also acknowledge that I was part of a day in which members of law enforcement were harmed and property was damaged. I feel deep remorse for that those facts and I have spent a lot of time in prayer and meditation to come to terms with that. I am deeply sorry, regretful, and pained by my actions on January 6th.

Letter of Iraj Javid, attached at Exhibit 1. Mr. Javid’s friends and acquaintances have observed that remorse firsthand. His fellow church member Joshua Castillo writes:

Several months ago, while Mr. Javid and I were volunteering to renovate a local clinic, Mr. Javid told me about his legal trouble: earnestly detailing the great weight of regret, shame, and remorse he bears for his mistake. Indeed, Mr. Javid shows that great people can, in an instant, make horrible mistakes. Based on all of my interactions with Mr. Javid, I have no doubt that he can be trusted to live a law-abiding life.

Letter of Joshua Castillo, attached at Exhibit 5. Additional time in jail would serve no deterrent purpose in this case.

One of the most insightful letters submitted in support of Mr. Javid was written by Kevin

Murphy, an engineering consultant who was a Trump supporter and attended the first “Stop the Steal” rally in Washington, D.C. Mr. Murphy writes about how he came to realize that what was happening was not about the political process and that those in attendance were being misguided.

Regarding January 6 he writes:

I believe what Trump did to his supporters and the country that day is tantamount to treason and people like JJ, who are otherwise great people who contribute to our society got caught up in something they didn’t understand. Stop the Steal was the Trump University scam leveled up to 1000, and just like Trump University, the people got ripped off. Donald Trump literally told the crowd that “I’ll be there with you,” with Giuliani talking about having “trials by combat.”

What I think happened with JJ and others is they heard that they had the backing of the President of the United States to go over to The Capitol Building and protest. That doesn’t mean JJ isn’t responsible for what he chose to do, but I also think he deserves some sympathy for believing that Trump is out for anyone else other than Trump. We forget that our idols, even our Presidents, are just humans.

I repeat: Trump’s actions on January 6th were treasonous, and as happens so many times in our country, the powerful ones don’t get punished enough, but good people like JJ bear the burden. I believe that JJ will be able to put this whole debacle behind him, find gainful employment, and hopefully use this experience to teach others about how democracies and courts function and the dangers of demagoguery.

Letter of Kevin Murphy, attached at Exhibit 5. As for general deterrence, sentencing Mr. Javid to time in jail for entering the Capitol with the intent to delay the certification of the vote is not the salve that the country needs to ensure that January 6 was an isolated horror, particularly taking into account the cascade of consequences he has already faced for his conduct. Empirical evidence proves that the certainty of prosecution, rather than the severity of punishment is the greater deterrent.²

CONCLUSION

For the foregoing reasons and such others as may be presented at the sentencing hearing, the defense respectfully requests that the Court impose a sentence of probation with home

² See National Institute of Justice, *Five Things About Deterrence* (June 5, 2016), full article available at <https://nij.ojp.gov/topics/articles/five-things-about-deterrence>

detention and community service. Mr. Javid is an extraordinarily good man who made an extremely poor decision at a time when the President of the United States was using incendiary, provocative language encouraging his followers to fight for him. Mr. Javid recognizes that his conduct was wrong, has unequivocally accepted responsibility, and has already endured crippling consequences. Adding a jail term to this long list of consequences would result in a sentence that is greater than necessary to satisfy the goals of sentencing under 18 U.S.C. § 3553.

Respectfully submitted,

A. J. KRAMER
FEDERAL PUBLIC DEFENDER

/s/

Ned Smock
Assistant Federal Public Defender
625 Indiana Avenue, N.W., Suite 550
Washington, D.C. 20004
(202) 208-7500
Ned_Smock@fd.org