

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

Case No. 21-cr-474

JOSHUA MUNN

DEFENDANT JOSHUA MUNN'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. Joshua Munn to a period of probation with appropriate conditions.

As grounds therefore, we state as follows:

1. Mr. Joshua Munn was the first defendant in this case to accept the plea agreement and the first defendant to enter his plea before this Court. No more favorable plea had been offered by the government.

2. He has expressed remorse and 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 the Capitol and he never confronted, threatened or taunted any police officer working there that day. His only contact with any police officer was to ask for directions on how to leave the building

3. While on pretrial release, he has done everything required of him and he has had no report of any violations. ECF 88 ¶9.

4. He has been open and honest with the probation officer and fully cooperative in the process of completing the presentence report. Also required of him

was to be debriefed by the FBI, with which he fully complied and answered all questions posed to him.

5. Mr. Munn had little interest in going to Washington in the first place. He was in the process of leaving the family home in Texas and to move to Wisconsin, with his sister. Since being in Wisconsin, he quickly found a job there and has been consistently employed ever since at the same company.

6. Since moving to Wisconsin, Mr. Munn has had little contact with the rest of the family except for his sister in Wisconsin.

7. He feels great remorse for being at the Capitol and he feels great remorse for comments he made on Facebook and texts in which he tried to present himself as something he was not. He likens it to trying to be tough rapper, which he is not.

8. Mr. Munn did eventually agree to come to Washington with his family. They left Texas on January 4, 2020 and drove straight to Washington and left Washington the day after January 6 because Mr. Munn was starting a new job that following Monday.

9. Mr. Munn has never expected to walk on the Capitol on January 6th. He had expected that after hearing the speeches near the White House that they would just go back to their hotel in Fairfax. Mr. Munn had no desire to go the Capitol in any case and he especially did not want to go because he has trouble being on feet for long periods of time because of his medical condition.

10. Since the age of 12, he has been diagnosed with transverse myelitis when he was hospitalized for approximately six months. “He stated that he was paralyzed from his

chest to his feet and was unable to move his lower extremities. He was confined to a wheelchair for approximately four months but with physical therapy, he was able to slowly gain control over his extremities and was able to walk with a cane and a walker. He noted that he is able to walk unassisted but was left with a permanent limp. Joshua commented that his medical diagnosis was very traumatizing for him and caused “mental damage” which has endured throughout his later years.” ECF 88 ¶¶49, 56. 57

11. Attached this to this memorandum as Exhibit 1 is a letter from Mr. Munn apologizing for his actions in this case and he tries to explain why he did what he did and said what he said. He is remorseful for his actions and for maligning the police.

12. We submit that there is nothing in his background or his actions 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. Once the plea was agreed upon, this Court accepted his plea on April 28, 2022. Mr. Munn accepted all terms of the plea before this Court without contesting or minimizing any fact presented.

14. Mr. Munn 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.

15. 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. Munn obstructed justice in this matter. ECF 88 ¶33.

16. Mr. Munn has fully complied all with terms required of him in the plea agreement.

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) as the presentence writer has determined the defendant does not have sufficient funds to pay. ECF 88 ¶80.

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.

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

Respectfully submitted,

/s/ Richard S. Stern

RICHARD S. STERN
D.C. Bar No. 205377
932 Hungerford Drive #37A
Rockville, MD 20850
301-340-8000
Email: rssjrg@rcn.com
Attorney for Mr. Joshua Munn

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have electronically served all counsel of record on August 5, 2022.

/s/ Richard S. Stern

RICHARD S. STERN