

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

UNITED STATES OF AMERICA

v.

NICHOLAS DECARLO,
also known as “Dick Lambaste,”
also known as “Dick NeCarlo,”

and

NICHOLAS R. OCHS,

Defendants.

Case No. 21-cr-73-1 (BAH)

**GOVERNMENT’S REPLY TO DEFENDANT NICHOLAS DECARLO’S SENTENCING
MEMORANDUM**

Nicholas DeCarlo tells this Court that he is not a “political person,” and that he acts as a “parody character of myself” who uses a “sat[i]rical approach.” ECF No. 99-1 at 2. The implication being: when DeCarlo stormed the Capitol and repeatedly boasted about having stopped the steal, when he yelled “Where’s Nancy?”, he didn’t really mean it.

Spending just a few minutes watching DeCarlo’s broadcasts, it becomes clear that he actually did. Exhibit 1 to this reply is a video clip from a Murder the Media broadcast discussing the events of January 6, 2021, featuring DeCarlo and two other individuals.¹ In this segment, DeCarlo boasts, “Maybe my snarky commentary did do something.” Ex. 1 at 0:08. He explains that people had told them they were going to protest peacefully. “I said that’s not going to fucking do anything.” *Id.* at 0:18. “And what happened?” *Id.* at 0:30. His cohost responds, “something

¹ Exhibit 2 is the full video.

finally actually happened.” *Id.* at 0:46. People stormed the Capitol – or, in DeCarlo’s words, a “flex of the power of the people.” *Id.* at 1:15. DeCarlo then complains about Vice President Pence and “half of the Republicans” who were “not there for us” and who were “immediately condemning us.” *Id.* at 2:10. DeCarlo and his cohorts then complain about people who voice complaints on social media – in other words, people who stay within the realm of protected expression – and “expect something to get done” – in contrast to the people who stormed the Capitol. *Id.* at 2:35.

Denouncing conservatives who had sought to distance themselves from the rioters, DeCarlo says, “you’re goddamn right we don’t represent you, you do-nothing faggots.” *Id.* at 4:40. After more venting about people who post on social media (i.e., instead of storming the Capitol), DeCarlo said, “there is a fucking coup against the president...the Vice President doesn’t want to stop it. The e-celebs don’t want to stop it. But the people do.” *Id.* at 5:50, 6:45.

This video undermines DeCarlo’s suggestion that he was apolitical and stormed the Capitol just for laughs. He thought the rioters’ cause was justified; he credits them with taking action. And if DeCarlo was a detached observer just looking for humor, it is unclear why he would have been “swept up in the heat of things,” as he also claims in his letter. ECF No. 99-1 at 2.

The evidence here shows mixed motives: DeCarlo did want to stop the transfer of power to the democratically elected leader. And he wanted to get attention doing it. Neither is mitigating.

Respectfully submitted,

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