

UNITED STATES DISTRICT COURT

03/11/2024

FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :

:

v. : Case No. 21-CR-285 (JEB)

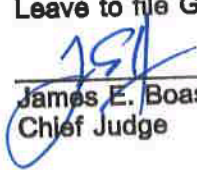
:

DAMON MICHAEL BECKLEY :

:

Defendant

Leave to file GRANTED


James E. Boasberg
Chief Judge

3/18/24

Date

RULE 10 RECORD ON APPEAL: STATEMENT OF THE EVIDENCE OR PROCEEDINGS

Comes now the defendant, Damon M. Beckley *pro se*, in the above styled case disputing the validity of the full inclusiveness of all statements made by Chief Judge James E. Boasberg (some comments are missing from the transcript as recorded in the Office of the Clerk.) Whereas the defendant alleges that Judge Boasberg's statement that follows:

1. *"In the end Mr. Beckley, you're not even going to prison for what you did in the Capitol Building on January 6th, (2021) you're going for what you said on social media before that"* is missing.

Also, other false statements as follows are included in the transcript of record where it is stated that the judge said that;

2. "we need to hurry to call the next case" (we were the last case that day)
3. "that the defendant will submit to DNA testing." This also was not said.
4. It should also be corrected that William Shipley's comment to the effect that I, Damon M. Beckley, have an alcohol problem is incorrect. I appreciate the fact that Mr. Shipley's goal was sentence reduction by entering the statement, but as is witnessed by the absence of such a claim by myself to be included in my PSR report, the fact that he and I had a brief conversation about bourbon in the cafeteria before the hearing, does not constitute that I have such a problem: I do not. I very rarely drink anything. I just live in the bourbon capitol of the world.

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Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

5. Lastly, to correct the judge's assertion that "He had seen no remorse out of me the entire time" I would remind the court that at the outset of this case being brought against me, (before judge Boasberg presided) when my charges were only misdemeanor trespassing and disorderly (before the DOJ used *exactly no new evidence* in turning the 2 misdemeanors into felonies by presenting false evidence of my being in DC on the night of January 5th, 2021 to the Grand Jury) I submitted a *pro se* motion of nolo contendere to the charges within the first two weeks of my arrest, including a hand written apology letter to (then) *Vice President Mike Pence* for my disparaging comment concerning him, that I made outside the Capitol Building on j6. I'll add that when you've done nothing any different than walk into a building after driving from the Trump rally (I did not participate in the march as the judge has proposed,) and get shoved around by people impersonating Trump supporters, your mood may be one of confusion and frustration; both to which I responded to by trying to get the crowd to calm down and by helping officers who had become trapped to escape the building (at their request,) and trying to get Congress to redress the people's grievances as per the Constitution. Any person including the judge himself would have a hard time moving forward exemplifying an attitude of sorrow over the situation. Am I sorry for entering the building and acting out of order? Yes, I stated as much entering my *nolo contendere* plea. Am I frustrated that I have been absolutely excoriated and charged wrongfully with these two felonies because I exercised my right to speak freely as the judge in his comments, (now missing from the transcript of the sentencing hearing) had asserted? Absolutely. Does it make me seem unrepentant to the situation? I'm sure it does. But I feel any American, believing they have a right according to the First Amendment to the Constitution, who may in the future be charged and sentenced to a year and a half in the penal system as the judge had said for what they may say on social or other media, would be equally as frustrated with an outcome such as this. The punishment does not fit the crime.

In fact, Manning's suggestion in his response to my second motion for a new trial that I made "physical contact with an officer" and the judge's assertion that by Manning's claim, (that was allowed with no example of proof) negated all exculpatory nature of my actions that day, resulting in a denial, constitutes by my admission, a new low in this proceeding.

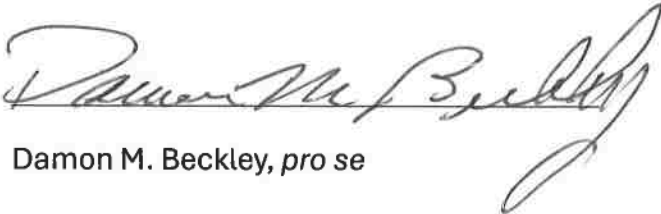
I have been as honest and forthcoming about this situation as I humanly know how to be, while having a duty to truth to state that Mr. Manning and others on this prosecutorial team (have in an opposite fashion) been as *dishonest* and *unbecoming* to their own oaths as they ever could possibly have been, which makes

the whole ordeal, (that I had faith in early on,) seem a hopeless prospect of the law, since it has so willfully not been followed.

6. Manning's claims that it was "Beckley and the mob" and that "Beckley stormed the Capitol" would easily have been refuted by Mr. Shipley had he played the *same videos* (edited in live time by Manning,) to attempt to paint me in the worst light possible. Unfortunately, it seems a deal was struck between my attorney and someone on the prosecutorial team, since it was stated to my wife and I after the sentencing hearing by him that he "...could have went in there and pushed my weight around and fought to get you off, but I have to work with these people and may need some favors from them in the future." Indeed. High profile cases like Steve Baker, who introduced Mr. Shipley to me, may just be one such person a favor chip might get traded for in a situation such as this. No names were mentioned but the message was clear as to why no objections were raised or videos played.

Please have the record corrected to reflect these edits and additions be reinserted and taken out respectively. Thank you.

Entered this day, 03/12/2024 in Washington DC



Damon M. Beckley, *pro se*

Addendum:

Psalm 64, (Complete Jewish Bible)

For the leader. A psalm of David:

(1) Hear my voice, God, as I plead:

preserve my life from fear of the enemy.

(2) Hide me from the secret intrigues of the wicked

and the open insurrection of evildoers.

(3) They sharpen their tongues like a sword;

they aim their arrows, poisoned words,
(4) in order to shoot from cover at the innocent,
shooting suddenly and fearing nothing.

(5) They support each other's evil plans;
they talk of hiding snares
and ask, "Who would see them?"

(6) They search for ways to commit crimes,
bringing their diligent search to completion
when each of them has thought it through
in the depth of his heart.

(7) Suddenly God shoots them down with an arrow,
leaving them with wounds;

(8) their own tongues make them stumble.
All who see them shake their heads.

(9) Everyone is awestruck —
they acknowledge that it is God at work,
they understand what he has done.

(10) The righteous will rejoice in Adonai;
they will take refuge in him;
all the upright in heart will exult.

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Also, for the record, I want it entered that