

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Criminal No. 21-CR-000287-TNM
	:	
	:	
HUNTER SEEFRIED,	:	
	:	
Defendant.	:	

**DEFENDANT HUNTER SEEFRIED’S REPLY TO
THE GOVERNMENT’S SENTENCING MEMORANDUM**

Defendant, Hunter Seefried, files the instant response to the government’s sentencing memorandum, requesting that the Court sentence the defendant the 64 months incarceration. As part of its sentencing memorandum, the government asked this Court to look at nine factors in considering how to sentence Hunter:

While assessing Seefried’s individual conduct, this Court should look to a number of critical factors. including: (1) whether, when, how the defendant entered the Capitol building; (2) whether the defendant encouraged violence; (3) whether the defendant encouraged any acts of property destruction; (4) the defendant’s reaction to acts of violence or destruction; (5) whether during or after the riot, the defendant destroyed evidence; (6) the length of the defendant’s time inside of the building, and exactly where the defendant traveled; (7) the defendant’s statements in person or on social media; (8) whether the defendant cooperated with, or ignored, law enforcement; and (9) whether the defendant otherwise exhibited evidence of remorse or contrition. While these factors are not exhaustive nor dispositive, they help to place each individual defendant on a spectrum as to their fair and just punishment.

Government's Sentencing Memorandum at p. 33.

The government's suggested criteria, however, belies their request for imposition of 64 months incarceration because, as applied to Hunter, all but one of the criteria weighs in Hunter's favor. Additionally, the government has previously requested, and the courts have imposed, lesser sentences for individuals convicted of 18 U.S.C. § 1512(c)(2), as well as others charged with lesser offenses whose behavior was equal to, or more egregious, than Hunter's conduct.

(1) Whether, when, how the defendant entered the Capitol building: It is clear the Hunter was one of the first individuals to enter the Capitol through a window that was broken out by others in the crowd ahead of him.

(2) Whether the defendant encouraged violence: Hunter did not assault, or threaten to assault, any law enforcement and, in fact, never yelled at any law enforcement officers as many others did. Neither did he encourage others to engage in violence.

(3) whether the defendant encouraged any acts of property destruction: Hunter did not encourage or engage in any acts of property destruction, as well as neither did he steal or remove property from the Capitol as many others did.

(4) The defendant's reaction to acts of violence or destruction: As mentioned above, Hunter did not engage in any acts of violence or destruction, and while inside the Ohio Clock Tower, the only thing Hunter did was to refuse Officer Goodman's directive to leave. In fact, Officer Goodman and Lieutenant Lloyd indicated their concern with Hunter was solely based on the fact that he was present in an area where he should not have been and he did not leave as directed. Both identified several individuals with whom they had much greater concern due to those individuals' behavior and actions.

(5) Whether during or after the riot, the defendant destroyed evidence: Hunter did not destroy evidence during or after the riot. Instead, he

voluntarily turned himself in to the government and gave them full access to search his cell phone which he relinquished to them during his interview.

(6) The length of the defendant's time inside of the building, and exactly where the defendant traveled: Unlike many, Hunter's travels in the Capitol were limited to following the crowd up to the Ohio Clock Tower and he left within approximately 25 minutes of entering the building. Specifically, he did not fully enter any private offices or congressional chambers like many other rioters.

(7) The defendant's statements in person or on social media: Hunter sent a single photo of being present at the Capitol to his cousin. However, unlike many involved in the riot, Hunter had no presence on social media before or after the riot. He surely made no postings encouraging others to go to the Capitol, engage in riotous or violent behavior, or encourage anyone to bring weapons to the Capitol. Nor did Hunter make any statements glorifying his behavior in the Capitol after January 6th like so many individuals, some of whom posted that they would do it all again if they felt there was a need.

(8) Whether the defendant cooperated with, or ignored, law enforcement: While Hunter may have initially ignored law enforcement's directives to vacate the Capitol, he did not stay long and left after about 25 minutes in the building.

(9) Whether the defendant otherwise exhibited evidence of remorse or contrition: From his initial conversation with law enforcement, Hunter made it clear that he regretted his actions on the January 6th. His remorse and shame have only increased since that day.

Thus, the government's own criteria present a defendant, as compared to other rioters, outside being one of the first to enter the building, pales in comparison to the vocal, aggressive, destructive and assaultive conduct of others. In fact, in several filings the government has requested a lesser sentence for individuals who have engaged in more egregious behavior than Hunter.

In *United States v. Chansley*, 21-cr-003(RCL), the government recommended a sentence of 51 months. Mr. Chansley is commonly referred to as “the Shaman” and was front and center at various locations during the rioting on January 6, 2021. He was among the first group, like Hunter, who entered the Capitol around 2:15 p.m. and did not leave within 25 minutes as Hunter did. Instead at 2:52 p.m., the Shaman entered the gallery of the Senate, screamed obscenities and “times up motherfuckers” as other rioters flooded the chambers. He scaled the Senate dais, taking the seat that Vice President Pence has occupied less than an hour before. He continually refused to obey officers’ directives to leave that area and, instead, shouted “Mike Pence is a fucking traitor.” Then he wrote on paper on the dais “It is only a matter of time. Justice is coming.” When other officers arrived to clear him and other rioters from the chambers, he used his bull horn to scream “FREEDOM.” But his behavior did not stop there. The Shaman gave an interview with NBC News in the days after the riot, stating “[t]he fact that we had a bunch of our traitors in office[s] put on their gas masks and retreat into their underground bunker, I consider this a win.” He later contacted the FBI and admitted that he was the Shaman on the Senate floor and stated that he “was glad he sat in the vice-president’s chair because Mike Pence was a ‘child trafficking traitor’. . . .” See Government’s Sentencing Memorandum, 21-CR-003 (RCL), DK #81, pp. 1-2, 5-12. Clearly Hunter’s behavior pales in contrast to the Shaman’s. The Shaman was sentenced to 41 months.

In *United States v. Scott Fairlamb*, 21-cr-120(RCL), the government requested the imposition of forty-four months imprisonment. His action on January 6, 2021, also exceeded the nature and scope of Hunter's. Mr. Fairlamb is a Mixed Martial Arts ("MMA") fighter and entered the Capitol about one minute after the window was breached, carrying a stolen police baton. He posted selfies defiantly posing holding a police sign designating "Area Closed;" scaled the Norwest scaffolding, where he was heard aggressively screaming "We ain't fucking leaving either!"; posting videos and selfies proudly holding an unexploded "Pepper Ball" in his teeth and holding a police baton; took videos that he posted on Instagram; and he shoved Officer "Z.B.", who he subsequently punched in the face and pushed "so hard that he f[ell] into a line of watching rioters." Prior to traveling to the Capitol on January 6, 2021, Fairlamb reposted a Facebook post from Steve Bannon stating, "All hell is going to break loos tomorrow." He also, in response to a posting by an individual with similar sentiments about the formation of a "new Republic" beginning on March 4th, he replied, "War Vs patriots" and "They don't want that" Finally, he added that "It's go time. . ." and "Q said this word for word. . . ." See Government's Sentencing Memorandum, 21-cr-00120 (RCL), DK #50 at pp. 1, 6-24. Fairlamb was sentenced to 41 months incarceration.

In *United States v. Paul Hodgkins*, 21-cr-188(RDM), the government recommended a sentence of 18 months in custody. Hodgkins prepared for the trip

to the Capitol by carrying a backpack containing such items as protective goggles, rope, and latex gloves. He was present in the Senate chambers at the same time as the Shaman. He walked among the senators' desks, removed his goggles, and took several selfie-style photos which he posted on social media. He stood next to the elevated desk with the Shaman and "several other rioters [who] were shouting, praying and commanding the attention of others in the Senate chambers. He raised the flag he carried in salute to statements made by the Shaman. *See* Government's Sentencing Memorandum, 21-cr-188 at pp. 1-5. Hodgkins was sentenced to eight months incarceration.

In *United States v. Richard Michetti*, 21-cr-232(CRC), the government requested that Michetti be sentenced to 18 months incarceration, but the court imposed nine months. Michetti entered and stayed in the Capitol for about 45 minutes, "taunting and yelling obscenities at law enforcement referring to them as 'fucking animals.'" At 2 p.m., he texted other boasting that ". . . it's going down here we stormed the building. . . ." He entered the Rotunda and later "was part of a mob trying to force its way past the Metropolitan Police Department Officers in the hallway by the Old Senate Chamber." He was at the front of that mob yelling at the police "we feed your family"; "you are just taking orders" and "who do you work for – you get paid by us!" He also yelled at law enforcement officers, "You know you caused a civil war. You know that right?" Further, he actually supported

assaults on police by others in the mob, and he pinched/pulled on the sleeve of an officer. *See* Government's Sentencing Memorandum at pp. 1-20.

In *United States v. Robert Petrosch*, 21-cr-00347(TNM), the government requested that Petrosch be sentenced to 120 days on his plea to 18 U.S.C. § 641. Beyond stealing two microphones from Speaker Pelosi's lectern, he deliberately positioned himself at the front of a stand off between rioters and police officers inside the Crypt and had to be warned by another rioter not to brush up against police officers. He celebrated when he and the rioters broke through the police line inside the Crypt; and he demanded that the police who were severely outmanned by the rioters "Give us Nancy." Petrosch also minimized his role in the breach inside the Crypt during his interview with the FBI; told the FBI in a second interview that he believed that Congress was "lucky that's all that happened." Most importantly, he does not regret storming the Capitol on January 6, 2021. *See* Government's Sentencing Memorandum, DK #40, pp. 1-2. Petrosch was not charged with obstruction. Petrosch was sentenced to ten days incarceration followed by twelve months of supervised release.

Finally, in *United States v. Lisa Homer a/k/a Lisa Boisselle*, 22-cr-00238 (TNM), the government requested the imposition of a sentence of 30 days incarceration and 36 months probation pursuant to a plea to violating 40 U.S.C. §4104(e)(2)(G). Homer's conduct included: posting a video on Instagram in

October of 2020 of an individual holding a stack of dynamite, captioning the photo “Let’sblowshitup”; participated in the November 2020 Million Maga March involving the Proud Boys; posted an emblem associated with the Proud Boys on Instagram; was seen standing with one of the Proud Boys’ leaders, William Chrestman, as he was inciting the rioters yelling “Whose house is it?” and she answered “Our house.” Homer came to Washington, D.C. prepared for violence, wearing a camouflage, military-style helmet, goggles, and a ballistic vest with a rifle plate. She also entered the Capitol through the breached Senate Wing door. After the riot, Homer continued to maintain that the election was stolen and posted such sentiments on social media. The government asserted that Homer lacked remorse and did not think that her actions were wrong. *See* Government’s Sentencing Memorandum at pp. 1-21 and 25. Nevertheless, Homer received a probationary sentence of 36 months.

In sum, Hunter’s conduct, beyond being among the first group to enter the Capitol, based on the factors the government requests this Court consider in support of their request that Hunter be sentenced to 64 months incarceration, instead support a variance substantially below the guidelines in this case. Hunter’s actual conduct in total is less serious than many other rioters, including those referenced above and the defendant’s sentencing memorandum, although some rioters were offered plea

agreements to lesser offenses, or were not even charged with obstruction of an official proceeding.

For all these reasons, as well as those set forth in defendant's sentencing memorandum and/or any other reasons this Court may find based upon the sentencing factors under USSG § 3553(a), this Court should impose a non-custodial sentence.

Dated: October 21, 2022

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Edson A. Bostic", written over a horizontal line.

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