


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:21cr286
)	
JASON DOUGLAS OWENS,)	
)	
Defendant.)	
_____)	

DEFENDANT’S SENTENCING MEMORANDUM

TO THE HONORABLE BERYL A. HOWELL, U.S. DISTRICT JUDGE:

COMES NOW Defendant, JASON DOUGLAS OWENS (hereinafter "Jason" or "Jason Owens"), by and through his attorney of record, and files this Sentencing Memorandum, and would show the Court as follows:

I. Legal Background

As the Court well knows, the United States Sentencing Guidelines (hereinafter "the Guidelines") long provided a lockstep approach to sentencing in the federal system. In **United States v. Booker**, 543 U.S. 220 (2005), the Court made it clear that the Guidelines were not mandatory, but were advisory. It also made it clear that the court was to consider the objectives of sentencing as set forth in 18 U.S.C. §3553(a) (2008).

Properly calculated Guidelines are certainly a factor to consider. *See, United States v. Alonzo*, 435 F.3rd 551 (5th Cir. 2006).

II. Statutory Provisions

The guidelines which the Court is directed to follow are contained in 18 U.S.C. §3553(a):

- (a) Factors To Be Considered in Imposing a Sentence.—The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection. The court, in determining the particular sentence to be imposed, shall consider—
- (1) the nature and circumstances of the offense and the history and characteristics of the defendant;
 - (2) the need for the sentence imposed—
 - (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
 - (B) to afford adequate deterrence to criminal conduct;
 - (C) to protect the public from further crimes of the defendant; and
 - (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;
 - (3) the kinds of sentences available;
 - (4) the kinds of sentence and the sentencing range established for—
 - (A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines—

- (i) issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, subject to any amendments made to such guidelines by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and
 - (ii) that, except as provided in section 3742(g), are in effect on the date the defendant is sentenced; or
 - (B) in the case of a violation of probation or supervised release, the applicable guidelines or policy statements issued by the Sentencing Commission pursuant to section 994(a)(3) of title 28, United States Code, taking into account any amendments made to such guidelines or policy statements by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28);
- (5) any pertinent policy statement—
- (A) issued by the Sentencing Commission pursuant to section 994(a)(2) of title 28, United States Code, subject to any amendments made to such policy statement by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and
 - (B) that, except as provided in section 3742(g), is in effect on the date the defendant is sentenced.
- (6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and
- (7) the need to provide restitution to any victims of the offense.

18 U.S.C. §3553(a) directs the Court to impose a sentence sufficient, but not greater than necessary, to comply with the purposes of sentencing as set out in 18 U.S.C. §3553(a)(2).

III. Factual Background

Jason Owens has always believed in the United States Government. He was not an advocate of "stopping the steal," but was at the Capitol simply to support a person he had voted for as president, and to have a father/son trip to Washington, D.C. When he was in 8th grade, his family took him to Washington, D.C., and they saw the monuments, the museums, and the historical artifacts. He loved the District of Columbia and decided they would try to do that with each of their children. Jason's son, Grady, had been on a trip to D.C. as a younger child with the family. They saw this as another opportunity to make the pilgrimage to the Capitol. They hoped to be able to eat at some of the nice restaurants in the D.C. area, and Jason wanted to show his son the Capitol. There was no thought of violence, but only the opportunity for historical enrichment of the family. As the Court can tell, these plans went awry. Unfortunately, the Honorable Mayor of the District of Columbia closed all restaurants and many stores leading up to January 6. When they arrived in D.C., they were only able to buy peanut butter and

jelly, and that was what they lived on. It was not the type of diet that a Type 1 diabetic should be eating, but it was what they had.

Jason Owens is a Christian. One of the reasons for their trip was to pray for the Government at the seat of each branch of the Government. They prayed near the White House, at the Capitol, and, after all was said and done, he and his son prayed at the front of the Supreme Court building.

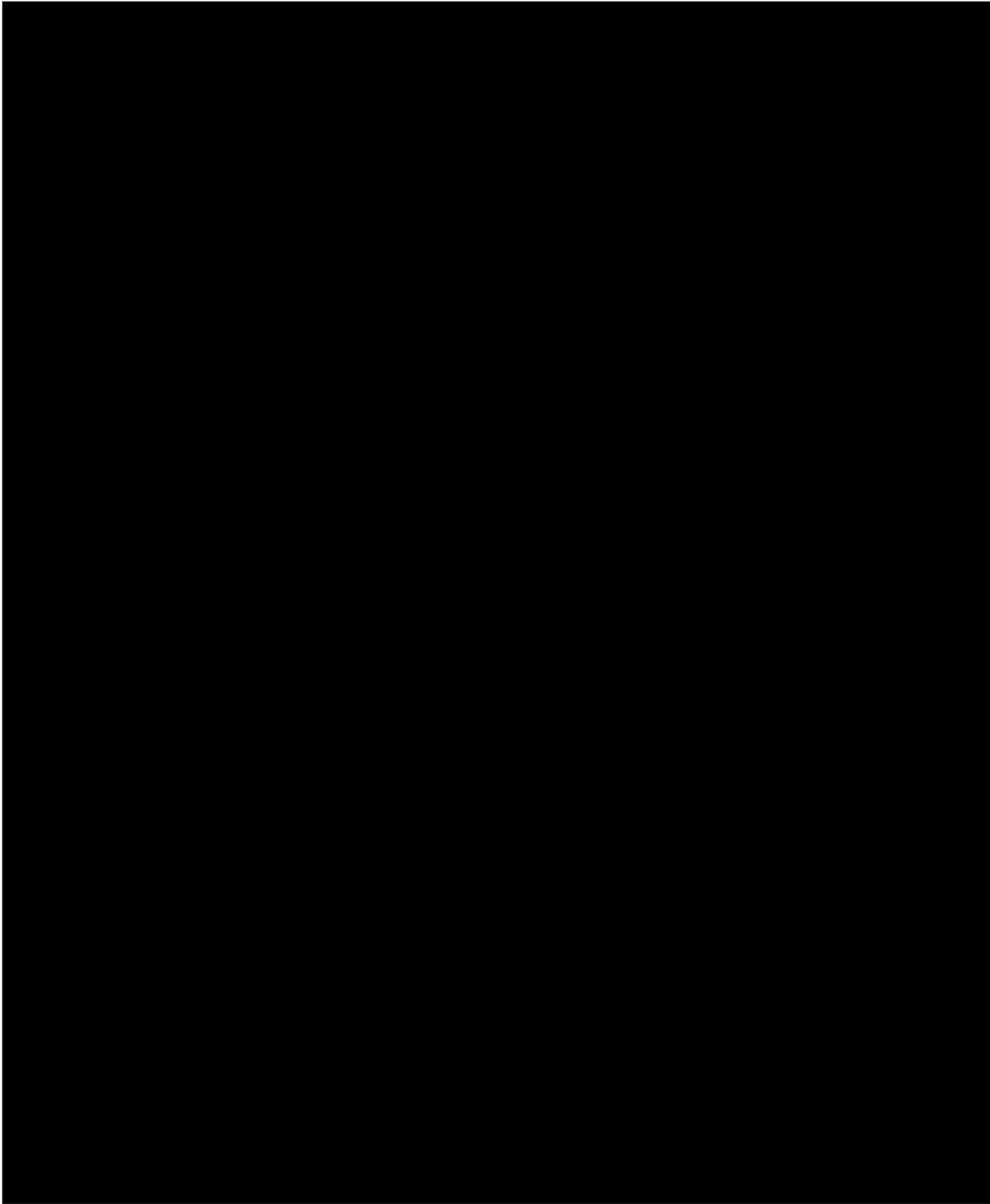
They traveled to the Capitol with Jason's parents. They went to the ellipse where President Trump was planning to speak. The crowd had arrived very early and the family was not even able to see the President as he spoke. They watched on a screen and heard him say that he was going to the Capitol and everyone should go there as well. They went to the Capitol and looked for a spot where President Trump would have a stage from which to speak. They had no idea that violence was coming.

When they got to the Capitol, there were no barricades which they crossed. While barricades may have been there earlier, they did not see them. They stopped at a point below the inauguration scaffolding where they anticipated that President Trump might speak. In the middle of their waiting, "all hell broke loose."

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

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V. Application of 3553(a) Factors

18 U.S.C. §3553(a)(1) directs the Court to consider the nature and circumstances of the offense and the history and characteristics of the Defendant.

Jason Owens is substantially different than the majority of the January 6, 2021, defendants in that he has no criminal history, nor does he have social media history or other history leading up to the events of January 6. In addition, he has no history indicating that he was bragging or even discussing what

happened on January 6 with anyone else. He clearly had not planned these events, nor was he proud of what happened, to the extent that he was aware of what happened.

18 U.S.C. §3553(a)(2)(A) indicates that the Court should consider the need for the sentence imposed to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense. As a result of his actions on January 6, Jason Owens lost his job, [REDACTED], his oldest son is facing time in a federal prison, and another adopted daughter was afraid to be in their home. Section 3553(a)(2)(C) indicates that the Court should consider the need to protect the public from further crimes of the Defendant. Jason Owens has lived his entire life without committing any sort of crime, and will continue to do so into the future.

Section 3553(a)(6) provides the need to avoid unwarranted sentence disparities among the defendants with similar records who have been found guilty of similar conduct. In reviewing the vast number of cases, the ones most similar to Jason Owens are the cases for Mark Leffingwell (1:21cr5) and David Alan Blair (1:21cr186). Mr. Blair apparently had seen what was happening at the Capitol on a computer or on television, and left his home about 3:00-3:30 p.m. to go to Washington, D.C. He took with him a lacrosse stick and a knife, and refused to obey instructions

from officers. His lacrosse stick, his skeleton gator covering his face, and the Confederate flag, all indicated an intention from the beginning to go to the Capitol and do harm. Contrasted with Jason Owens, there was no weapon and no preplanning of any attack. He did not taunt or harass officers, other than the brief skirmish for which he has pled guilty. Blair received a sentence of five months in prison. See, Government's Sentencing Memorandum [Doc 55], pages 6-11; and the Judgment [Doc 66], *USA v. Blair*, No. 1:21cr186, attached hereto as Exhibit 5.

Mark Leffingwell pled guilty to assaulting an officer and received a sentence of six months for his actions on January 6, 2021. According to the press release from the United States Attorney's Office for the District of Columbia, Leffingwell made his way inside the Senate Wing entrance to the United States Capitol and stood at the front of the crowd, who had been rebuffed by Capitol Police and Metropolitan Police Department officers. Two Capitol Police officers attempted to keep the crowd at bay by pushing them back. Leffingwell punched both officers, hitting one twice.⁴ Leffingwell suffered from a

⁴United States Attorney's Office, District of Columbia. Press Release. (2021, October 26). Retrieved on 2023, June 6 from <https://www.justice.gov/usao-dc/pr/seattle-man-pleads-guilty-assault-law-enforcement-during-jan-6-capital-breach>

medical condition, as did Jason Owens. See, the United States Attorney's Office, District of Columbia, Press Release; and the Judgment [Doc 51], *USA v. Leffingwell*, No. 1:21cr5, attached hereto as Exhibit 6.

It would appear that each of these defendants were more violent than Jason Owens, yet received sentences well below the Guidelines proposed for Owens.

VI. Support Letters

As the Court can see from the attached letters (Exhibit 7), Jason Owens is, and has always been, a very gentle, caring man. His caring nature includes his family, those with whom he worked, his community, and his church. Each of these people describe a non-violent man who puts his family and his faith above himself. Interestingly, not one person mentioned politics. While Jason voted for President Trump, it is interesting to note that this was the first political event he had ever attended in his life. His wife attended a number of rallies for President Bill Clinton and had described how much fun she had. This was supposed to be a father-son and grandparents trip to the nation's capital. The person described in these letters is not the person who appeared in the videos at the United States Capitol. In the first video, taken at the front of the Capitol, you see an irritable, suddenly agitated man. At the Columbus gate, you see a completely different Jason Owens. You see a man who appears to be terribly

intoxicated and unable to maintain his balance. As we indicated during the plea hearing, the Government had abandoned this part of their case because Ms. Rozzoni and the subsequent prosecutors acknowledged that it did not appear he was himself at that time. He did not appear to be coherent and was having difficulty doing ordinary tasks like walking and maintaining his balance. He was completely disoriented, but did not appear to be violent. His son, Grady, came to his rescue, pulled him away from the door, and shepherded Jason away. After they left the east side of the Capitol, they ultimately did go to the Supreme Court Building and prayed.

VII. Conclusion

Based on the information presented herein, Defendant Jason Owens requests a variance below the Guideline level. We ask that the Court consider a sentence of home detention for whatever period the Court deems appropriate. This would allow Jason Owens to take care of himself physically, and take care of his family.

WHEREFORE, PREMISES CONSIDERED, Defendant prays the Court issue a Judgment providing for a sentence of home detention rather than incarceration within a Bureau of Prisons facility.

Respectfully submitted,

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By: /s/Jim Darnell
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Attorney for Jason Owens

Certificate of Service

I hereby certify that on this 7th of June, 2023, a true and correct copy of the foregoing instrument has been filed with the Clerk of this Court using the CM/ECF system and has been electronically served upon Rebekah Lederer of the United States Attorney's Office and Pat Woodward, Counsel for Grady Owens.

/s/Jim Darnell
Jim Darnell

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