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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

LONNIE LEROY COFFMAN,

Defendant.

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Criminal Action No.
1:21-cr-00004-CKK-1
Friday, April 1, 2022
10:03 a.m.

TRANSCRIPT OF SENTENCING TRANSCRIPT
HELD BEFORE THE HONORABLE COLLEEN KOLLAR-KOTELLY
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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1 P R O C E E D I N G S

2 THE COURTROOM DEPUTY: Criminal Case 21-004 and
3 Criminal Case 21-614, the *United States vs. Lonnie Leroy*
4 *Coffman*.

5 Counsel, would you please identify yourself for
6 the record starting with the government.

7 MR. FRIEDMAN: Good morning, Your Honor; Michael
8 Friedman for the United States.

9 THE COURT: Good morning.

10 MR. RETURETA: Good morning, Your Honor; Manuel
11 Retureta on behalf of Mr. Coffman, who is present by video.

12 THE COURT: All right. Good morning.

13 Ms. Meeks?

14 MS. MEEKS: Good morning, Your Honor, I apologize;
15 Taryn Meeks on behalf of the United States.

16 THE COURT: And I see Sherry Baker, who is the
17 probation officer in the case. Good morning.

18 THE PROBATION OFFICER: Good morning, Your Honor.

19 THE COURT: And good morning, Mr. Coffman. I see
20 you as well. Can you hear me?

21 THE DEFENDANT: Good morning, Your Honor.

22 THE COURT: Good morning.

23 THE DEFENDANT: Yes, I can.

24 THE COURT: All right. So we're here for a
25 sentencing in two cases. One is -- that started here in the

1 District of Columbia and the other one was transferred from
2 Alabama.

3 Let me just start by asking Mr. Coffman if he's
4 willing to proceed by video?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: All right. So let me just set out
7 what we have.

8 There is a plea in both cases. I'll call it the
9 D.C. case and the Alabama case. The D.C. case is 21-cr -- I
10 think it's four zeros 14. He pled guilty to Count 1,
11 possession of a registered firearm, which relates to
12 explosive devices, 11 Molotov cocktails. The statutory
13 penalties are the maximum ten years in jail, maximum fine of
14 \$10,000.

15 Count 2, which is a D.C. offense, unlike Count 1,
16 which is a federal offense, carrying a pistol without a
17 license outside the home or business. And that is a maximum
18 of -- five years statutory maximum of jail and a maximum
19 fine of \$12,500.

20 The Alabama case is 21-cr-614 -- I think it has
21 some zeros in front of it -- which is Count 1, possession of
22 an unregistered firearm. Same charges as the one in the
23 D.C. case. Again, the statutory maximum is ten years in
24 jail and a maximum of \$10,000 fine.

25 What I have is the presentence report, the

1 government's memorandum in aid of sentencing, and it does
2 attach various exhibits as well as a statement of the
3 offense. And mostly the photographs are of the weapons that
4 were found in the truck.

5 I do have the defendant's memorandum in aid of
6 sentencing, a handwritten letter from Mr. Coffman. I also
7 received a letter in support from Denny and Yvonne Kay, and
8 I have made that letter available by sending it to you so
9 that everybody would have it.

10 So in terms of objections, the issue that has
11 arisen is that the government and the defense note the plea
12 agreement did not contemplate application of the U.S.
13 Sentencing Guidelines Section 3D1.2(d) section, which would
14 group related counts in two separate criminal cases if
15 there's no in between case or arrest.

16 The parties had agreed between 18 to 24 firearms
17 of various sorts for each violation, so they had done it
18 separately. 3D1.2 indicates that the total harm applies to
19 2K2.1, so the probation office's calculation for the Molotov
20 cocktails, destructive devices, also includes the
21 2K2.1(b) (1) (C). So there would be a total of 20 firearms,
22 which would be found in the defendant's truck as well as his
23 home.

24 The difference is that with the way it was
25 calculated in the plea there would only be 12 points

1 enhancement, if you calculated according to what probation
2 did, which, frankly, I think is accurate. Looking at the
3 sections, it would be six points.

4 So I would say I -- you know, the two calculations
5 are somewhat similar except for the one enhancement. So
6 based on the plea that was included in the plea agreement,
7 the base offense would be 18, eight to 24 firearms, which
8 would be -- for each violation, which would be four points
9 extra; two points for the destructive device. So it's -- 24
10 minus three points for acceptance of responsibility puts it
11 at a total offense level of 21.

12 He has no convictions, so it would be Criminal
13 History Category 1. The range is 37 to 46 months.

14 The calculation that the -- and this Count 1 would
15 apply both to Count 1 in the -- I'll call it the D.C. case
16 and the Alabama case, if you don't mind, instead of my
17 trying to read the case number each time. But the D.C. case
18 has that one calculation, and Count 1 in the Alabama case
19 would have the same calculation.

20 The probation office for Count 1 did Offense Level
21 18, which is the same, more than 25 as an aggregate, which
22 would put a six points enhancement, the two points for
23 destructive devices, which is the same, which comes to a
24 total of 26, minus the three for acceptance of
25 responsibility would put it in the total offense level of

1 23, not 21. Again, Criminal History Category 1. And in;
2 this it would be 46 to 57 months in Count 1 in both cases.

3 Now, Count 2 is a D.C. Code offense, and their
4 calculation would be between six to 24 months.

5 So the issue is the plea has one calculation; the
6 probation department has come with a different one.

7 I have to say, having gone through the advisory
8 sentencing guidelines sections, I think the probation office
9 is correct in terms of what the enhancement should be, six
10 points.

11 I did go through -- I got a transcript -- it's not
12 an official transcript; it's an unofficial one -- of the
13 plea hearing. I had taken notes, but I wanted to go back
14 and refresh my recollection. And in there -- because the
15 plea agreement itself says it's an estimate on the part of
16 both counsel; it may turn out to be different. And if it
17 is, you cannot withdraw your plea or have a rescission.

18 I asked -- I went through the transcript, and I
19 six times -- there are six places where I tell the defendant
20 that; asked if he understood going over the plea letter that
21 it's the best guess for both counsel. It may turn out to be
22 different; that probation is the one who actually does the
23 official calculation, although you do get to make
24 objections. The Court is not bound by the calculations in
25 the plea letter, nor probation, and that you cannot withdraw

1 the sentencing or receive recision of the plea if the
2 calculation of the sentence turns out to be different.

3 So in addition, in the plea letter the government
4 had, under U.S. Guidelines 3A1.4 Comment 4, raised a
5 possibility of an upward departure. The government has
6 decided not to request that.

7 The probation officer also raised the possibility
8 of an upward departure under 5K2.14. I've decided, in going
9 through it, that -- and the government isn't asking for it
10 so I certainly wouldn't do it. In terms of the probation,
11 though, I think it's possible that you could do that, but
12 I'm not. So I'm not doing any upward departure.

13 So, at this point, Count 1 in both cases under the
14 appropriate probation department calculations is 46 to 57
15 months, not 37 to 46 months. Count 2 is the six to 24
16 months. And all of these would be concurrent.

17 So the justification for the upward departure of
18 the probation office would be the Molotov cocktails and
19 being near residences and government buildings, so it would
20 be Part E facts, but I've decided not to go over with that.

21 So what I do accept is the probation's
22 calculations and grouping. So I'm not asking them to change
23 it in terms of -- because I think it's correct in terms of
24 how they've actually calculated it.

25 So in terms of the official one for both of the

1 two Counts 1, it's Base Offense 18, combined weapons for
2 both cases is six, for six destructive devices is 2; 26
3 minus three is 23. Criminal history is 1.

4 So I'll find for those parts the presentence
5 report is undisputed, findings of fact pursuant to Federal
6 Rule of Criminal Procedure 32(i)(3)(A); and for those
7 disputed parts, which I'm assuming would be Mr. Retureta's
8 in terms of it not being the same as what is in the plea
9 agreement, those disputed parts are resolved. It's findings
10 of fact pursuant to Federal Rule of Criminal Procedure
11 32(i)(3)(B).

12 I didn't see that, Mr. Retureta, you were actually
13 disagreeing with the calculation but were making an argument
14 that that was not what was in the plea letter that he agreed
15 to. But in terms of the presentence report, I would adopt
16 it as written.

17 Now, the government has indicated -- and I'll hear
18 from the government, defense counsel, and the defendant, if
19 he wishes to address me, although he did provide me with a
20 handwritten letter.

21 The government has indicated -- and I want to
22 clarify, in terms of -- you said midpoint. Are you using
23 what's in the plea agreement? Is that what you're arguing?
24 Or are you arguing that it should be what is the correct
25 calculation and midpoint? It wasn't clear to me what your

1 recommendation was, Mr. Friedman.

2 MR. FRIEDMAN: Well, Your Honor, as we explained
3 in our memorandum in aid of sentencing, under the unique
4 circumstances of this case a term of imprisonment at the
5 midpoint of the agreed-upon sentencing guidelines range
6 would accomplish the various sentencing goals, so that would
7 mean the midpoint of the range in the plea agreement.

8 THE COURT: So 37 to 46?

9 MR. FRIEDMAN: Correct.

10 THE COURT: What would you view as a midpoint?

11 MR. FRIEDMAN: I believe the middle of that is 41
12 or 41 and a half months of imprisonment, 41 to 41 and a half
13 months; so that's around a three-and-a-half-year term of
14 imprisonment.

15 THE COURT: Okay. All right. I just wanted to
16 clarify for the record that I had understood it correctly
17 that you were -- so are you asking for like a variance?
18 Because it's not a departure.

19 MR. FRIEDMAN: No. We're just submitting that a
20 sentence at the midpoint of the agreed-upon range would be
21 just and appropriate under all the circumstances.

22 THE COURT: Okay. But what I'm saying to you is
23 from the Court's perspective, technically the actual
24 calculation would not be the 37 to 46; and, therefore, if
25 you're asking for the plea -- and I understand that's what

1 you want since you proposed it in the plea with the lower
2 total offense level, which gives it a lower sentencing
3 guideline range, that you're working with that.

4 In order not to go with what's in the official and
5 correct calculation, it's not a departure. I'm assuming
6 you're asking for a variance.

7 You have to be asking for something. You're not
8 asking for what it officially is.

9 MR. FRIEDMAN: Your Honor is the only authority
10 that can decide in the end what is the sentencing guidelines
11 range, so --

12 THE COURT: Okay. But I've told you --

13 MR. FRIEDMAN: Yes, it would be a variance.

14 THE COURT: Okay. All right.

15 I have to be -- I want to make sure that we do the
16 record correctly in terms of -- because it's not. I think,
17 going through it, probation is correct with the calculation.
18 It's not something evidently contemplated by the two lawyers
19 when you did it.

20 So you're relying on the plea letter, just to make
21 sure, which is different than the official calculation based
22 on a variance that you would honor the agreement you made
23 with the defendant and would support a midpoint using the 37
24 to 46 range. Am I accurate?

25 MR. FRIEDMAN: Yes.

1 THE COURT: Okay. Then let me move to just, you
2 know, whatever else you two wish to say. I just wanted to
3 clarify on the record.

4 MR. FRIEDMAN: Yes, Your Honor.

5 THE COURT: The government first, defense counsel,
6 and then the defendant, if he wants to supplement anything
7 beyond his letter.

8 MR. FRIEDMAN: Your Honor, the defendant,
9 Mr. Coffman, committed serious federal criminal offenses by
10 unlawfully possessing the component parts to make Molotov
11 cocktail incendiary devices in Washington, D.C., and in
12 Alabama, and he violated the laws of the District of
13 Columbia by possessing additional firearms and ammunition
14 and by carrying firearms on his person on January 6th.

15 The combination of gasoline and Styrofoam and the
16 mason jars made for a particularly dangerous incendiary
17 device. The substantial collection of weapons in his pick-
18 up truck also included large capacity ammunition feeding
19 devices, a crossbow with bolts, machete, camouflage smoke
20 devices, and a stun gun.

21 This criminal conduct endangered the community.
22 The defendant transported these weapons across state lines
23 and left them unsecured in his pick-up truck. The pick-up
24 truck was parked in a part of Washington, D.C., close to
25 residences and government buildings, including the U.S.

1 Capitol Building.

2 The defendant possessed the weapons on a day and
3 at a time when he was engaged in political-related activity.
4 The defendant came to Washington with the aim of
5 investigating the integrity of the presidential election and
6 to attend a political rally on the morning of January 6th on
7 the National Mall. Possession of such dangerous weapons in
8 our nation's capital is uniquely offensive to our cherished
9 democratic political traditions.

10 The defendant also did the right thing by
11 accepting responsibility for his conduct by pleading guilty.
12 He is a 72-year-old citizen of the United States with no
13 prior arrests and no criminal convictions.

14 As a young man, the defendant enlisted in the
15 United States Army, and he served in the Vietnam War. He
16 received a GED while serving in the military, and he had a
17 29-year history of employment in Alabama before retirement.

18 The defendant appears to have had strong family
19 ties throughout much of his life with some estrangement from
20 family members in recent years around the time frame of his
21 deeply concerning militia-related activity. As we explained
22 in our memorandum in aid of sentencing, the defendant was
23 identified by law enforcement several years ago as a
24 participant at an armed gathering of militia groups in
25 Texas, and he possessed militia-related information when he

1 was arrested on January 6, 2021.

2 The sentence imposed today should send a message
3 to the defendant and to the public that unlawful possession
4 of weapons, including homemade incendiary devices like
5 Molotov cocktails, will not be tolerated. The sentence
6 should also impose an appropriate punishment and protect the
7 public from future misconduct.

8 As we explained in our memorandum in aid of
9 sentencing, in the unique sentencing in this case a term of
10 imprisonment at the midpoint of the agreed-upon guidelines
11 range will accomplish these sentencing goals. The terms of
12 imprisonment for the three offenses should be served
13 concurrently consistent with Section 5G1.3 of the
14 guidelines.

15 Additionally, the Court should impose a three-
16 year term of supervised release upon the defendant's release
17 from the term of imprisonment, which will provide additional
18 deterrence and protection to the public. The defendant
19 should be required to participate in mental health
20 evaluation and treatment, which will help serve core
21 sentencing goals and help ensure the defendant's successful
22 reentry to the community.

23 THE COURT: All right. Mr. Retureta.

24 The concurrent terms is not in dispute. That's, I
25 think, required.

1 MR. RETURETA: Thank you, Your Honor.

2 On behalf of Mr. Coffman, I began representing him
3 in the spring of last year. I encountered a gentleman with
4 a proud background. I encountered a gentleman with a strong
5 family structure around him. I have talked with members of
6 that family and their concern for him.

7 I have seen him go through many phases throughout
8 this time period, but what I have seen consistent throughout
9 my time with him has been, number one, an acceptance of
10 responsibility for the crimes that were charged and what he
11 pled guilty to. There is no doubt in that. I think his
12 letter speaks clearly and succinctly to what his thoughts
13 are on what he did and should not have done.

14 That has also spilled over into his sit-down and
15 conversation with government officials. I think it is
16 because of that time that he met with government officials
17 that we have this plea before us, that we have the
18 government recognizing that Mr. Coffman came to Washington,
19 D.C., of his own volition; that he wanted to find out for
20 himself; that he did not coordinate; that he did not
21 communicate with anyone else.

22 And it was clear, to understand the government's
23 concern once they began this case, that that might be the
24 case, but it was also just as clear when they realized that
25 this was Mr. Coffman acting on his own. I draw the Court's

1 attention to one aspect of that day on January 6th, which I
2 think kind of exemplifies Mr. Coffman and what he was not
3 and who he truly is.

4 The Court is aware that once the rally near the
5 Washington Monument was concluding, he left. He seemed
6 disillusionsed by what was happening and maybe the things
7 that he wanted to find out were not being discussed. He
8 bypassed the Capitol. He did not participate in any of the
9 conduct that was happening there. He went back to his
10 truck.

11 Upon going back to his truck -- at that point in
12 time there had already been a law enforcement perimeter
13 established around the Democratic National Committee because
14 of the suspected pipe bombs that were found there -- he met
15 with a woman who felt sorry for him and who also had her
16 vehicle within that law enforcement perimeter, and she kind
17 of felt sorry for him. It was cold. They didn't know what
18 to do, and they ended up going -- jumping on the Metro and
19 going to Pentagon City and sharing a pizza. She then --
20 they then came back.

21 They then approached the perimeter again, and
22 Mr. Coffman met with police officers and said, "That's my
23 truck." There was never a moment of trying to cover up.
24 There was never a moment of trying to evade responsibility.
25 And more importantly, with this woman at that moment in

1 time, there was never a moment where Mr. Coffman shared any
2 other ambition for that day, any other activity that he was
3 thinking of, which I think gave the government the ability
4 to say what I previously said. Mr. Coffman came here on his
5 own. Mr. Coffman wanted to see -- wanted answers to some of
6 the questions he had about the election.

7 And I think it's exemplary of Mr. Coffman in the
8 sense that he's been honest throughout. He's accepted
9 responsibility throughout. And I think that's important for
10 the Court in terms of punishment, in terms of deterrence for
11 him, which I think is accomplished given what he has done
12 through being in jail at the D.C. facility since January 6th
13 and being now, as the Court sees, at the Bureau of Prison
14 facility at USP Lewisburg with the transfer done by the
15 marshals because of the conditions at the D.C. Jail and CTF
16 facilities.

17 He's gone through a lot. And the Court knows what
18 he carries with him in terms of his health issues, mental
19 health issues. And my last conversation with him was on
20 Tuesday where he informed me that the medical facility there
21 at Lewisburg did confirm that he will need a shoulder
22 replacement. Your Honor may recall that he was trying to
23 get an MRI --

24 THE COURT: The MRI.

25 MR. RETURETA: -- at D.C. Jail, and Lewisburg was

1 able to conduct a series of x-rays which confirmed that.

2 I raise that point because Mr. Coffman will have
3 plenty ahead of him in terms of medical and mental health
4 treatment, and I think that that is the key for the Court to
5 consider. Perhaps that is not -- that goal is not best
6 reached by facilities within BOP.

7 I think he has endured a strong, strong period of
8 incarceration. I think that further incarceration would not
9 be the appropriate sentence for him. I think he has given
10 up rights that he has held for many -- for his entire life
11 in regards to firearms. Those are now gone. And there are
12 other aspects of what he has endured that I think suffice
13 for a just punishment as it relates to incarceration.

14 I can tell Your Honor, just by spending time with
15 him, he is a gentleman. He cares for his family. They have
16 been with him throughout. There was -- I know that we're
17 talking about -- that he officially divorced from his wife,
18 May, but the first time that I spoke with her she informed
19 me that they had just completed their 50th year of being
20 married, and so they are still very close. His son and
21 daughter are very close, and others around him are close.

22 Your Honor received that letter, as I received it,
23 in the last couple of days. There are also some messages
24 that I had received through messaging from other individuals
25 that have spent time with him in the jail facilities and

1 spoke very highly of him.

2 We ask the Court to consider that incarceration
3 for him at this point in time at the age of 72 and his
4 medical conditions is not the appropriate sentence. He
5 should be back in Alabama. He should be going to the VA.
6 He should be seeking medical treatment. He should be
7 receiving mental health treatment and being supervised.

8 I think that is the key component to this because
9 I think, maybe in a year, if the Court does decide to impose
10 some type of punishment, we may be coming back with a
11 compassionate issue just because of everything he has going
12 on. So we would ask the Court to consider that.

13 Should the Court decide that some type of
14 incarceration is necessary, we have included in our
15 memorandum a request for recommendation for a BOP medical
16 facility. We would ask that. We would ask the Court not to
17 impose any fine as that is not -- he's not capable to pay
18 such a fine.

19 And we turn back to, I think, one of the strongest
20 things, which is that letter that he provided you. He wrote
21 that letter -- shoot, it must be now about four or five
22 months ago. He presented it to me and humbly he said,
23 "Should I change anything? Should I do anything?"

24 I said, "Mr. Coffman, don't change a word. This
25 is what you've always told me from Day 1. This is what you

1 did. This is what you believe."

2 And I think that speaks volumes for who he is,
3 what he did, how he feels about it, and the consequences
4 that he has endured and will continue to endure into the
5 future.

6 So with that, we would submit, Your Honor.

7 THE COURT: All right. Mr. Coffman, I have your
8 letter. And I get a lot of letters from defendants, and I
9 must say this is one that I think you wrote. It's not -- I
10 don't see the fine hand of lawyers in it, which occasionally
11 you do. This is clearly your writing and your views, so I
12 appreciate that, and I will certainly take that into
13 account.

14 But if you would like to say something additional,
15 you can at this time. You don't have to; but if you wish
16 to, you can.

17 THE DEFENDANT: Your Honor, if I can --

18 THE COURT: You need to -- we're having trouble
19 hearing you.

20 THE DEFENDANT: Your Honor, if I can keep my
21 composure, I do have a little bit here on my mind. But I
22 tell you I have (inaudible) January 6th. I have wished many
23 times that I had stayed home.

24 I am one of nine children. I'm the sixth child
25 with five sisters above me, and all but one of those sisters

1 has passed on. I have one sister left. She's 76 and not in
2 good health, but if I were home, I would be spending most of
3 my time with her. And she didn't want me to go to this
4 rally, but I felt I needed to.

5 Your Honor, I've never been in court. I've
6 never been charged with anything, and this is the most
7 (inaudible) -- this has been a nightmare; my sentence in
8 D.C., my sentence in Lewisburg.

9 There was an inmate in D.C. that was beaten
10 severely by the guards while his hands were zip-tied behind
11 his back. He is now here in this facility, and (inaudible)
12 he has provided me (inaudible) and severe issues with one of
13 his eyes.

14 And I got COVID. Initially that's what they said
15 it was. I thought it was just a head cold, but they put me
16 in quarantine for two weeks and I -- quarantine is just like
17 being punished.

18 Your Honor, this is the first political rally I
19 have ever attended, and I wouldn't have gone to this one had
20 it not been for the fraudulent accusations about the voting
21 fraud.

22 I still love my wife, ex-wife I guess. She has
23 made -- has given me every reason to believe that she would
24 be willing to get back together if I get home.

25 That's all I have, Your Honor.

1 THE COURT: All right. What I'd like to do is to
2 take about five minutes. I'm going to just get off the
3 video, look at my notes, and then I'll come back.

4 Don't go away, all right? Because it's too much
5 trouble to get everybody back.

6 And so, Mr. Coffman, you just stay there as well.
7 I just want to look at my notes and think through what
8 everybody has provided to me.

9 (Recess taken)

10 THE COURT: All right. In addition to the
11 advisory sentencing guidelines, the Court considers the
12 pleadings, argument, record in this case, in addition to the
13 following information in determining a fair, appropriate,
14 and reasonable sentence in conformance with the factors set
15 out in 18 USC 3553(a) and subsequent sections.

16 Mr. Coffman is 72 years old. He has no criminal
17 record.

18 In terms of education, he received his GED while
19 he was in the military in 1969.

20 In terms of job history, he's retired now, but
21 worked from 1983 to 2012 at Nicholson, a manufacturer of
22 machine-made files. He was a machine operator, and he
23 worked there for 29 years and retired in 2012.

24 In 1968 he enlisted in the U.S. Army. He was
25 under age at the time. He spent two tours in Vietnam, and

1 he was honorably discharged in 1976.

2 In terms of finances, the FBI seized his pick-up
3 truck. Evidently his sister returned to the lender his
4 other van. His home is the only asset. I find he has no
5 financial ability to pay a fine.

6 Substance abuse. There are no issues.

7 Mental health, emotional health. He self-reports
8 severe depression, and the jail records do indicate that
9 there is depression, not just situational but perhaps beyond
10 that.

11 He will say he has been taking a medication, an
12 antidepressant. It's unclear if he's been consistently
13 taking it, at least according to family members. He clearly
14 needs a mental evaluation and treatment, if appropriate. As
15 far as I can tell for mental health, he has not been going
16 to the VA for this treatment.

17 Physical condition. He's not vaccinated.
18 Evidently he just told me he had COVID, which I was not
19 aware of. The D.C. Jail or VA records, the releases were
20 signed too late to actually get the actual records.

21 So the probation office did contact the D.C. Jail
22 to get a summary of their records in terms of his conditions
23 and his medication, and I do have that email. I asked to
24 have it forwarded to both the government and defense
25 counsel.

1 We don't actually have the records, but they
2 indicate stress, hip pain, left shoulder and upper arm,
3 which evidently needs to be looked at, COPD, various chronic
4 pains in the rest of his body, back pain, opioid dependence,
5 a various series of different things, and he's on a fair
6 amount of medication at the present time. So he does have
7 issues that need to be addressed in terms of the medical
8 condition.

9 On a personal basis, he was born into an intact
10 union. His parents were share croppers. Both are deceased
11 now. Though finances were tight when he was growing up,
12 there were no other issues in the home. The parents were
13 married for 70 years.

14 He had originally eight siblings. Five are now
15 deceased; three are living. He's closest to his sister,
16 Faye, F-A-Y-E, although she also has COPD, and her cancer is
17 in remission. She's now retired. She worked in the kitchen
18 of a nursing home.

19 The other remaining living sibling is a brother
20 who is on disability or retired originally from a
21 manufacturing job.

22 In 1971 Mr. Coffman got married. The divorce was
23 finalized in 2019. It's an amicable relationship between
24 the two of them. The ex-wife had a stroke and is partially
25 blind in both eyes.

1 There are two children of this union. One is a
2 manager at a concrete plant. The other is a lab technician,
3 and she lives with her mother.

4 In terms of the statement of offense, I'm going to
5 do a combination of the statement of offense that he
6 actually signed, and then there's some additional
7 information that the government did present to me that is
8 un rebutted.

9 On January 6, 2021, a joint session of the United
10 States Congress was scheduled to convene at the U.S. Capitol
11 in Washington, D.C., and that was to certify the vote count
12 of the Electoral College of the 2020 Presidential Election,
13 which had taken place on November 3, 2020.

14 At around 9:15 that morning, the defendant parked
15 his red GMC Sierra pick-up truck in the 300 block of First
16 Street in Southeast, D.C. The defendant had driven the
17 pick-up truck from his home state of Alabama to D.C. and
18 into the D.C. area several days earlier. He parked it in an
19 area that was proximate to personal residences and numerous
20 government buildings, including the Capitol.

21 The pick-up truck contained several loaded
22 firearms within arms reach of the driver's seat. What was
23 included in the pick-up truck was a nine-millimeter Hi-Point
24 handgun in the front right passenger seat, and then I
25 believe under the rear seat was a Windham Weaponry rifle and

1 a Hatfield Gun Company SAS shotgun. Also inside the pick-up
2 truck in its covered bed were hundreds of rounds of
3 ammunition, large capacity ammunition feeding devices, a
4 crossbow with bolts, machetes, camouflage smoke devices, a
5 stun gun, cloth rags, lighters, a cooler containing 11 mason
6 jars, and other items.

7 The 11 mason jars and the cooler each had a hole
8 punched in the lid and each hole was filled with a golf tee.
9 Each mason jar contained a mixture of gasoline and
10 Styrofoam. The mason jars and their contents, lighters, and
11 cloth rags made up their component parts of Molotov
12 cocktails, a term for bottle-based improvised incendiary
13 weapons. These items constituted a combination of parts
14 designed or intended to be used in converting any device
15 into a destructive device as it's defined under the statute.

16 The defendant exited his pick-up truck at around
17 9:20, walked in the direction of the U.S. Capitol toward a
18 rally planned for that morning near the National Mall.

19 As the defendant walked in D.C. that morning and
20 throughout the day he knowingly carried on his person two
21 additional loaded firearms, both classified as pistols that
22 were designed to be fired by use of a single hand and had a
23 barrel less than 12 inches in length; the nine millimeter
24 Smith & Wesson handgun and a .22 caliber North American Arms
25 revolver. The defendant had not registered any firearms or

1 destructive devices in the National Firearms Registry and
2 Transfer Record, nor did he have a license.

3 Twelve additional mason jars were later discovered
4 at the defendant's residence in Falkville, Alabama. These
5 mason jars each had a hole punched in the lid and contained
6 gasoline. Nine of these jars contained a material
7 consistent with polystyrene from which Styrofoam is made in
8 addition to the gasoline. The mason jars and their contents
9 made up the component parts of Molotov cocktails, a term for
10 bottle-based improvised incendiary weapons. These items
11 constituted a combination of parts designed or intended for
12 use in converting any device into a destructive device as
13 that term is defined under the statute.

14 The defendant made these items at some point prior
15 to his departure from Alabama bound for D.C., and he left
16 Alabama on or about January 1st of 2021. Again, he had not
17 registered any firearms or destructive devices.

18 A government explosive enforcement officer
19 determined that the combination of melted Styrofoam and
20 gasoline in a Molotov cocktail has, quote, the effective of
21 napalm insofar as it causes the flammable liquid to better
22 stick to objects that it hits, unquote.

23 In addition to the weapons and the ammunition, law
24 enforcement recovered handwritten notes from the defendant's
25 pick-up truck including a quote attributed to Abraham

1 Lincoln stating, quote, We the people are the rightful
2 masters of both the Congress and the courts, not to
3 overthrow the Constitution, but to overthrow the men who
4 pervert the Constitution. The handwritten notes also
5 included a listing of individuals, some identified as good
6 guys and bad guys, with a federal judge listed among the
7 latter bad guys.

8 Handwritten notes in the defendant's wallet on
9 January 6th included contact information for an individual
10 identified by law enforcement as a member of a Southeast
11 Texas militia group known as the American Patriots. The
12 handwritten notes also included an address for a purported
13 gathering place in Texas called Camp Lone Star where militia
14 groups had purportedly sought to patrol the border looking
15 for illegal aliens. Law enforcement had previously
16 identified the defendant as a participant at Camp Lone Star
17 where he was armed with a shotgun and a nine-millimeter
18 pistol.

19 Additional militia-related documents were located
20 by law enforcement at the defendant's residence in Alabama
21 as well as another handwritten list of public figures with a
22 heading that read, quote, Used white pages to locate people,
23 unquote.

24 The list identified various public figures with
25 descriptions next to their names, including ex-dem senator,

1 billionaire, leftist traitor, radical dem senator,
2 billionaire, oilman and fundraiser for Obama, and others.

3 Finally, the defendant had traveled to D.C. the
4 month prior to his arrest, and on December 11, 2020, he
5 attempted to drive to the residence of a United States
6 senator and also called the senator in an effort to help
7 with the election fraud he saw. A staff member at the
8 senator's office recorded the call. Although they
9 characterize it as not threatening, it was unclear as to
10 precisely what he was asking. I'll put it that way.

11 In terms of parity, which defense counsel has
12 indicated, he cited cases with mostly verbal threats.
13 Although the defendant in some of those cases did have
14 weapons, they did not involve what I would view as weapons
15 of destruction which were some of the incendiary devices, so
16 I don't see it's totally fitting. And to be frank, I don't
17 think in all my years as a judge I have had quite such a
18 collection of weapons that I've had to deal with. Certainly
19 guns, yes, all types, and ammunition and various things, but
20 the collection of them, particularly the Molotov cocktails,
21 does concern me.

22 So in terms of sentencing, if you look at the 3553
23 factors, these are very serious offenses. I mean, this is a
24 large number of guns unlicensed and unregistered, a large
25 amount of ammunition, machetes, large capacity ammo feeding

1 devices, a crossbow, and these Molotov cocktails with the
2 ingredients where you could make it into napalm. None of
3 these items are benign, and collectively they're certainly
4 very dangerous.

5 The key unanswered question for me, which is still
6 frankly unanswered and probably won't be able to be
7 answered, is what was the purpose of driving all the way
8 from Alabama to D.C. with these destructive items in his
9 possession? And also, the purpose of having them in
10 Alabama, particularly the Molotov cocktails, and certainly
11 driving to D.C. Although he didn't participate in any of
12 the insurrection activities at the Capitol, it certainly was
13 the day of the insurrection.

14 He spent two tours in Vietnam, so he certainly
15 knows what napalm can do. It's certainly more dangerous
16 than just plain old Molotov cocktails.

17 Of concern as well are the notes listing public
18 figures with negative comments, so congressional as well as
19 other individuals as good or bad guys. Lists are always
20 concerning. Even if additional threats aren't made, they're
21 certainly on a list that -- you know, that is, by itself, an
22 additional concern.

23 Also, he's an armed member of a militia group,
24 although the group seems to be more concerned about
25 immigration than other issues.

1 Now, balanced against that, we have that he's a
2 veteran. He spent two tours in Vietnam. He enlisted; he
3 wasn't drafted, since there was a draft at that point. He,
4 you know, enlisted early in terms of getting in, and it
5 certainly was a difficult and unpopular war in terms of his,
6 you know, going forward and, you know, fighting on behalf of
7 the United States.

8 He has no prior criminal history. He does have a
9 very solid work history. He entered a plea. He has not
10 equivocated. I see the letter shows remorse and
11 understanding that this was something he should not have
12 done.

13 He did no damage while in D.C. He didn't
14 participate in any of the insurrection activities which were
15 going on at the time, and I have to say his letter was
16 something that I considered very carefully. As I indicated,
17 I thought it was something he wrote, not somebody else
18 giving him ideas. It seemed to come from something that he
19 is -- he would say, which I've taken into account and
20 probably given more weight than sometimes I give these
21 letters.

22 He has rehabilitation needs. He needs a mental
23 health evaluation, treatment, medication, if appropriate.
24 He certainly has several physical medical issues. He needs
25 to have, you know, some medical tests, some procedures, and

1 it sounds like he may need some surgery on his shoulder.

2 So sort of in summary of where I am looking at the
3 factors, the serious offense -- and I can't get away from
4 it. I mean, he had like almost a small armory in his truck
5 ready to do battle, and I still don't have an explanation of
6 why you would have all of this; the quantity of weapons, the
7 notes, the -- you know, the Molotov cocktails that could be
8 very destructive.

9 In terms of deterring him, I think the letter --
10 he seems to have -- this arrest has certainly gotten his
11 attention. Deterrence to others, which I think would be of
12 concern and of interest, particularly, hopefully that those
13 who might consider doing this in terms of coming to D.C.
14 around residences and government buildings would give
15 careful consideration as to what would be facing them if
16 they were arrested.

17 Just punishment, that needs to be considered.

18 I struggled somewhat with the issue of an
19 appropriate sentence noting the plea on the one hand, which
20 has one lower guideline, and the guideline range, which I
21 think is the appropriate one, which has a different range
22 and obviously a higher one. There is 46 months at the top
23 end of the guideline under the plea, and it's at the bottom
24 of what I think is the appropriate guideline.

25 I also will take into account the government's

1 recommendation where they're recommending that the lower
2 guideline range in the plea agreement should be the one that
3 the Court should use, and out of that that it should be at
4 the midpoint actually in that.

5 I've decided that I think the appropriate sentence
6 is 46 months. It happens to be the -- I decided that
7 separately, but it happens to be the top of the plea and the
8 bottom of the actual calculation that we think is the
9 correct one. But I think in considering everything, that
10 that is the correct way to do this.

11 So pursuant to the Sentencing Reform Act of 1984
12 and in consideration of the provisions of 18 USC 3553, as
13 well as the advisory sentencing guidelines, it is the
14 judgment of the Court that you, Lonnie Coffman, are hereby
15 committed to the custody of the Bureau of Prisons for
16 concurrent terms of 46 months on Count 1 in Case 21-cr-00004
17 and Count 1 in 21-cr-00614 and a concurrent term of 15
18 months -- one year and three months -- on Count 2 in Case
19 21-cr-0004.

20 You're hereby sentenced to serve -- so it all
21 comes to -- since it's all concurrent, it's 46 months.

22 You're further sentenced to serve concurrent terms
23 of 36 months -- three years -- of supervised release as to
24 Counts 1 and 2 in Case 21-cr-00004 and Count 1 in Case
25 21-cr-00614. You are ordered to pay a special assessment of

1 \$100 on Counts 1 and 2 and \$100 on the D.C. offense in Case
2 No. 21-cr-00614.

3 I will recommend Butner. I think it is the
4 medical facility. They do have different levels of care
5 there as well as they do have mental health services.
6 It's -- I think probably there are other places that have
7 services, but I think that also its location would be on the
8 East Coast and closer to where his family would be.

9 While on supervision, you shall abide by the
10 following mandatory conditions as well as the standard
11 conditions of supervision which are imposed to establish the
12 basic expectations for your conduct while on supervision.
13 The mandatory conditions include you must not commit another
14 federal, state, or local crime. You must not unlawfully
15 possess a controlled substance. You must refrain from any
16 unlawful use of a controlled substance. You must submit to
17 one drug test within 15 days of placement on supervision and
18 at least two periodic drug tests thereafter as determined by
19 the Court. You must cooperate in the collection of DNA as
20 directed by the probation officer.

21 There is nothing else. You will get credit for
22 time served since January 6th of 2021.

23 You'll comply with the following special
24 conditions.

25 Mental health. You must participate in a mental

1 health treatment program and follow the rules and
2 regulations of that program. The probation officer, in
3 consultation with the treatment provider, will supervise
4 your participation. And there can be a decision as to
5 whether you need medication.

6 The reentry progress hearing. Within 60 days of
7 release from incarceration or placement on supervision
8 you'll appear before the Court for a reentry progress
9 hearing. The probation office, before that, will submit a
10 report summarizing your status, compliance with release
11 conditions, and, if you're going to be supervised by a
12 district outside of D.C., the U.S. probation office in that
13 district may submit a progress report to the Court within 60
14 days of the commencement of supervision. And then upon
15 receipt of the progress report, I'll decide whether your
16 appearance is required and whether to transfer jurisdiction.

17 So at this point, when you're released, you'll be
18 dealing with D.C. Whenever you go back, I assume, to
19 Alabama, they probably will supervise you there, although
20 they then will provide information to D.C. At some point it
21 may be appropriate to transfer jurisdiction and have it all
22 handled in Alabama.

23 The Court finds you don't have the ability to pay
24 a fine and waives imposition of a fine in this case.

25 The financial obligations are -- which are the

1 special assessments -- immediately payable to the Clerk of
2 the Court. Within 30 days of any change of address -- this
3 is obviously when you get out -- you shall notify the Clerk
4 of the Court of the change until such time as the financial
5 obligation is paid in full.

6 The financial obligation is immediately payable to
7 the D.C. Superior Court, and that's the one that you have
8 with the one charge, which is Count 2 in the D.C. case.
9 That is deposited into the Crime Victims Compensation Fund.
10 And, again, within 30 days of any change of address you need
11 to let them know of the change until you've paid that
12 obligation.

13 So the obligations are on the two felony charges
14 and then -- which go to the federal court here, and then one
15 that goes to the D.C. Superior Court.

16 The probation office shall release the presentence
17 investigation report to all appropriate agencies, which
18 includes the U.S. Probation Office in the approved district
19 of residence in order to execute the sentence of the Court.
20 Treatment agencies shall return the presentence report to
21 the probation office upon the defendant's completion or
22 termination from treatment.

23 Pursuant to the statute, you have a right to
24 appeal the sentence imposed by the Court if the period of
25 imprisonment is longer than the statutory maximum, which

1 it's not, or the sentence departs upward from the sentencing
2 guidelines. I did not do an upward departure, and I've
3 actually used a combination of -- it fits -- the sentence
4 fits the plea agreement and also fits what I think is the
5 official sentencing guideline range. If you feel that
6 there's something there to appeal, you have to file it
7 within 14 days after the Court enters judgment.

8 As defined in 28 USC 2255, you also have the right
9 to challenge the conviction or sentence if new and currently
10 unavailable information becomes available or on a claim that
11 you received ineffective assistance of counsel in entering a
12 plea of guilty to the offenses of conviction or in
13 connection with the sentencing.

14 Again, if you're unable to afford the cost of an
15 appeal, you can request permission from the Court to file it
16 without cost to you and also ask that counsel be appointed
17 to represent you.

18 Now, there's an opinion that came down in 2016,
19 the *Hunter* case, which does require us to ask if there are
20 any objections or any other matters that I need to deal with
21 that we have not already discussed.

22 So let me start with probation. Is there anything
23 else that needs to be addressed, Ms. Baker?

24 THE PROBATION OFFICER: Good morning, Your Honor.
25 Does the Court want us to amend the presentence report to

1 include the medical records or the medical information from
2 D.C. Jail?

3 THE COURT: I think it would be helpful to do so
4 so -- because the Bureau of Prisons will receive the
5 presentence report, and that will alert them that there are
6 records that they should get from the D.C. Jail.

7 My suggestion, Mr. Retureta, is that there is an
8 office that the Bureau of Prisons has -- and probation can
9 tell you where it is, who it is -- that makes the decision
10 of designations, and I will recommend what I've talked about
11 in terms of Butner. You should give any medical records
12 that you have from the jail to them so when they're making
13 the decision they actually have them.

14 But I would ask that you amend it to put that
15 information in there so when they look at the presentence
16 report they'll see he has a bunch of medical issues, and
17 if you give them the records, that will also -- including
18 the need for the surgery, it will also inform their
19 designation.

20 Mr. Friedman, anything else from you that I need
21 to address?

22 MR. FRIEDMAN: No, Your Honor.

23 THE COURT: Okay. Mr. Retureta, anything from
24 you?

25 MR. RETURETA: Your Honor, I believe we need to

1 dismiss the remaining counts of the D.C. case.

2 And addressing the medical records, we will. I'm
3 familiar with the BOP office that does the calculation and
4 designation. We will forward the material to that office.

5 THE COURT: Great.

6 Ms. Baker, do you have the actual records, or did
7 you just get the listing? I know you have to unmute.

8 THE PROBATION OFFICER: Your Honor, I did actually
9 receive the medical records via fax from D.C. Jail.

10 THE COURT: Okay. So, Mr. Retureta, you may just
11 want to get them from Ms. Baker. It's probably faster than
12 trying to get them from the jail.

13 MR. RETURETA: Certainly, Your Honor.

14 THE COURT: All right. Dorothy, anything else?

15 THE COURTROOM DEPUTY: No, Judge.

16 THE COURT: All right.

17 MR. RETURETA: Your Honor, did we do the
18 dismissal?

19 THE COURT: Mr. Friedman, you need to dismiss the
20 counts.

21 MR. FRIEDMAN: Yes. We move for dismissal of the
22 remaining counts of the indictment in Case 21-cr-4.

23 THE COURT: Okay. Because the other one only had
24 one count, the one in Alabama.

25 All right.

1 MR. RETURETA: And, Your Honor, if I may ask one
2 more favor of the Court? If it is feasible, would there be
3 an opportunity for me to remain on the Zoom link --

4 THE COURT: Yes.

5 MR. RETURETA: -- with Mr. Coffman to talk with
6 him?

7 THE COURT: No problem.

8 Mr. Coffman --

9 MR. RETURETA: Thank you.

10 THE COURT: -- I'm hopeful that -- I'm sure that I
11 will not see you again in court. I think you've learned
12 your lesson. I still don't have an answer to the question,
13 and I'm not asking you for one. But think carefully in
14 terms of -- you obviously have family, and you will be
15 still -- from my perspective, you will still be -- have a
16 life ahead of you that you need to forage and figure out
17 what you want to do.

18 Don't shake your head. You still will.

19 So let me -- we will all get off.

20 Mr. Coffman, stay on. Don't leave. Your lawyer
21 is going to stay on. He can talk to you.

22 We'll be gone so we won't hear what you have to
23 say, okay? The court reporter will be gone, and the rest of
24 the lawyers and myself will be gone.

25 Good luck. Take care, all right.

1 So the rest of us get off and leave them talking.

2 (Whereupon the hearing was

3 concluded at 11:11 a.m.)

4
5 **CERTIFICATE OF OFFICIAL COURT REPORTER**

6
7 I, LISA A. MOREIRA, RDR, CRR, do hereby
8 certify that the above and foregoing constitutes a true and
9 accurate transcript of my stenographic notes and is a full,
10 true and complete transcript of the proceedings to the best
11 of my ability.

12 **NOTE:** This hearing was held remotely by Zoom or some
13 other virtual platform and is subject to the technological
14 limitations of court reporting remotely.

15 Dated this 4th day of November, 2022.

16
17
18 /s/Lisa A. Moreira, RDR, CRR
19 Official Court Reporter
20 United States Courthouse
21 Room 6718
22 333 Constitution Avenue, NW
23 Washington, DC 20001
24
25