

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

UNITED STATES OF AMERICA)	CRIMINAL NO.
)	
v.)	1:21-cr-00397-TFH
)	
CHRISTIAN KULAS)	VIOLATION
)	
Defendant.)	40 U.S.C. § 5104(e)(2)(G)
)	(Parading, Demonstrating, or
)	Picketing in a Capitol Building)

DEFENDANT CHRISTIAN KULAS' SENTENCING MEMORANDUM

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Dated: April 19, 2022

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Christian deeply regrets participating in the January 6, 2021 events in the U.S. Capitol. He has pled guilty and accepted responsibility for his conduct, and he experiences profound remorse and shame for his actions every day. His participation in those events has caused him and his loving family to receive an avalanche of vicious hate mail and threats, and has generated a stream of intrusive media coverage, with drones flying over his family's home and reporters and camera crews repeatedly knocking on their door. His activities on January 6 have also damaged his family's business, and resulted not only in customers leaving the company, but also employees who report they cannot deal with the hateful calls and emails they receive while working there.

Despite enduring these extreme hardships, Christian has devoted much of his life to serving others. He currently lifeguards and teaches swimming to young children. He has volunteered in several service positions, including at a local emergency room, a hospice, and an orphanage in India. In a tragic irony, at the time of the January 6 events, Christian would not have even been in the United States but for the Covid pandemic, which forced him to return from the Indian ashram where he had been living and working as a mendicant. Christian eagerly looks forward to resuming his spiritual journey and serving others, as living and working in near-poverty in a remote corner of the world were the only activities that have ever brought him peace and fulfillment.

Accordingly, as the Probation Department has recommended, we are respectfully requesting a sentence of six months' probation for Christian, as well as community service and \$500 in restitution, which he has already paid. Ex. A. This sentence is sufficient, but not greater than necessary, to punish Christian for his mistake on January 6, and deter other similarly-situated [REDACTED] from committing similar crimes in the future. 18 U.S.C. § 3553(a).

II. Christian Kulas' Personal History And Character

A. Christian's Childhood: [REDACTED]

Christian was born into a loving family in the northern suburbs of Chicago on March 27, 1997. [REDACTED] *E.g.*, Ex. C, CKULAS0000038. [REDACTED]

[REDACTED] Ex. B at CKULAS0000004.² [REDACTED]
[REDACTED]
[REDACTED] *Id.* at CKULAS0000005.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

B. Christian's High School Years: [REDACTED]

From ages 14 through 15 (2011-13), Christian attended Culver Military Academy in Culver, Indiana. CULVER ACADEMIES, <https://www.culver.org/culver-life/leadership/culver-military-academy> (last visited April 14, 2022); Ex. B at CKULAS0000005. [REDACTED]

[REDACTED]

[REDACTED]

Upon leaving Culver Military Academy during his sophomore year, Christian transferred to his local public high school, Lake Forest High School in Lake Forest, Illinois. *Id.* at

[REDACTED]

[REDACTED]

[REDACTED]

C.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] John of God was later convicted of the serial sexual abuse of dozens of

individuals. *See, e.g.,* Meagan Flynn, *Celebrity Brazilian healer 'John of God,' once featured by*

Oprah, surrenders on sexual abuse charges, WASHINGTON POST (Dec. 17, 2018

[https://www.washingtonpost.com/nation/2018/12/17/celebrity-brazilian-healer-john-god-once-](https://www.washingtonpost.com/nation/2018/12/17/celebrity-brazilian-healer-john-god-once-featured-by-oprah-surrenders-sexual-abuse-charges/)

[featured-by-oprah-surrenders-sexual-abuse-charges/](https://www.washingtonpost.com/nation/2018/12/17/celebrity-brazilian-healer-john-god-once-featured-by-oprah-surrenders-sexual-abuse-charges/)); Joao Teixeira de Faria, Wikipedia (Dec.

21,

2021

[https://en.wikipedia.org/wiki/Jo%C3%A3o Teixeira de Faria#:~:text=Jo%C3%A3o%20Teixeira a%20de%20Faria%20\(born,surgeon%22%20and%20convicted%20sex%20offender.&text=On% 2020%20January%202020%2C%20Faria,third%20conviction%20of%20the%20accused.\)](https://en.wikipedia.org/wiki/Jo%C3%A3o_Teixeira_de_Faria#:~:text=Jo%C3%A3o%20Teixeira%20de%20Faria%20(born,surgeon%22%20and%20convicted%20sex%20offender.&text=On%202020%20January%202020%2C%20Faria,third%20conviction%20of%20the%20accused.))

[REDACTED]

[REDACTED] as well as
Volunteer and Paid Work

[REDACTED]

[REDACTED] he was able to begin volunteering at the Emergency Department of Evanston Hospital, which is part of the NorthShore University Health System in Chicago. Ex. J at PROBATION-0000247, Ex. H at CKULAS0001235. The

Clinical Nurse Manager who oversaw Christian’s work in the Emergency Department authored a glowing letter of recommendation for him in 2018, praising the “minimal amount of time [he took] to orient to the ED workflow,” and noting that he “quickly became a resource to the ED staff and patients as he rounded on everyone and sought out opportunities to provide comfort or other patient assistance.” Ex. J at PROBATION-0000247. She observed that “Christian willingly takes on tasks without being asked,” stated that “[w]e regret losing Christian” as a volunteer, and concluded, “[h]e truly cares about ensuring that patients, families, and visitors have the best possible experience possible.” *Id.*; Ex. I at CKULAS0001236.

Continuing his passion for helping others, in 2018 he worked as a Wilderness First Responder and became licensed as a Certified Nursing Assistant. Ex. H at CKULAS0001235; HEALTH CARE WORKER REGISTRY, ILLINOIS DEPARTMENT OF PUBLIC HEALTH (last visited April 15, 2022 <https://hcwrpub.dph.illinois.gov/SearchResults.aspx?ps=0|christian||kulas>). He also became certified as a yoga instructor. Ex. K at CKULAS0001237. [REDACTED]

[REDACTED] he served others by volunteering at a hospice in San Antonio, Texas, Abode Contemplative Care for the Dying. Ex. B at CKULAS0000008; Ex. H at CKULAS0001235.

H. Christian Begins His Life’s Calling: Working as a Mendicant in India

[REDACTED]
[REDACTED].
Determined to contribute to society, Christian spent 2019 teaching yoga in the northern suburbs of Chicago at Core Power Yoga and Lifetime Fitness. PSR ¶ 56. In the fall of 2019, looking to deepen his spiritual practice, he moved to the Anand Prakash Ashram in Rishikesh, India. *Id.* His life there

the Proposed Tax Hike Amendment,” a local Republican get-out-the-vote effort, and also volunteered for a couple of Republican state and federal congressional campaigns. *Id.*

Christian’s interest in Republican politics led him to want to travel to Washington, D.C. and attend President Trump’s speech on the Ellipse on January 6, 2021. As he explained in his plea agreement, Christian flew to Washington, D.C. with his brother and only friend, Mark Kulas, Jr. The two [REDACTED] brothers attended President Trump’s rally, along with thousands of other Trump supporters. ECF No. 26.

Regrettably, Christian and his brother Mark succumbed to the mob atmosphere on the Ellipse, where people were screaming, chanting, and moving *en masse* towards the Capitol. Instead of leaving the rally and returning to their hotel following President Trump’s speech, Christian and his brother Mark made the poor decision to walk with the crowd of thousands to the Capitol and parade inside for approximately 24 minutes. ECF No. 26. They did not harm anyone, or break anything, and quickly left.³ The two flew back to Chicago the next day.

J. Christian’s Family and Their Family Business Receive Threats and Hate Mail Following the Events of January 6, 2021

Once Christian had been identified as participating in the events of January 6, 2021, Christian’s loving parents, as well as their cleaning business, began receiving vile threats, hate mail, and vicious attacks over social media. *See* Exhibit M. At one point the family contacted their

³ The Government states that after exiting the Capitol, Christian and Mark returned for approximately *45 seconds*. However, they did so *because they were lost* — they needed to ask directions in order to return to their hotel. The Government does not dispute that their purported “re-entry” lasted less than a minute, and only long enough for them to speak with someone briefly and then leave.

local police department for assistance, as people began sending hate mail to their home address, which was extensively publicized in the media following Christian’s arrest.⁴

For example, one Instagram user stated about Christian’s mother, “With a mom named ‘Yoanna Kulas’ [] Wonder if his Czech grandparents were Nazi collaborators? Is he keeping up with the family tradition?” Ex. M at CKULAS0001241. In fact, Mrs. Kulas’ family were members of the Polish resistance in World War II, and Mrs. Kulas’ aunt was imprisoned in two concentration camps—Ravensbruck and Buchenwald. Ex. O at CKULAS0001269 – 72. She was experimented on by the Nazis following her capture, and their torture resulted in Mrs. Kulas’ aunt losing all of her reproductive organs. Ex. O at CKULAS0001269. Her story is described in a history of the Polish resistance called *Zi Lat Walki*, or *From Years of Struggle*, by Adam Kaluza and Jan Kantyka. Ex. O at CKULAS0001269, 74.

Another Instagram user posted about Christian’s mother, “American people should show up to his mommy’s house with a gallow and raid mommmas house[.]” Ex. M at CKULAS0001242. Another posted that Christian’s mother is a “white supremacist bitch!!!” Ex. M at CKULAS0001393.

The Kulas family’s cleaning business also received numerous hateful emails and letters. For example, one individual, using the email account Fuckyou@gmail.com, emailed the Kulas family business, “Fuck you and your fascist traitor son. Thanks for exposing yourselves lol[.]” Ex. M at CKULAS0001400. Another individual, using the email account

⁴ Christian’s family also had to endure media drones flying over their home, and numerous reporters with entourage of cameras repeatedly knocking on their front door. *E.g.*, Charlie DeMar, *Christian Kulas Of North Suburban Kenilworth Charged In Jan. 6 Capitol Insurrection*, CBS CHICAGO (June 8, 2021 <https://www.cbsnews.com/chicago/news/christian-kulas-kenilworth-january-6-capitol-insurrection/>). Christian’s family and this case have even received extensive media coverage in Poland, where his grandmother and other relatives still live. *See* Ex. N at CKULAS0001266.

rudygullianisbuttplug@gmail.com, emailed the Kulas family business, “How does it feel to have your inbred shit-stained son ousted as a domestic terrorist? You should be ashamed of yourselves and I hope your business goes into bankruptcy.” Ex. M at CKULAS0001398.

Another individual emailed the Kulas family business:

Yes I am looking for a spoiled little cunt traitor insurrectionist to come and storm my house. I figured the spoiled little twat is good at storming buildings!! OH and by the way before he gets to prison the little bitch might want to cut his hair. Less for the inmates to grab onto when they are raping him in the ass!! Well done though Mark [Christian’s father] you must be so proud!!

Ex. M. at June 9, 2021 email. Another individual sent the Kulas family business an email entitled, “Make Sure They Take Plenty of Lube,” and attaching a news article discussing the Kulas brothers’ guilty pleas. Ex. M at CKULAS0001392. The email said, “Hope they’re both sentenced to time in the slammer – and get their assholes stretched to the limit while they’re there.” *Id.*

As noted above, numerous social media posts mocked Christian’s appearance and long hair, which he had grown out in India as a symbol of his spirituality. Ex. M. Worse, many suggested he ought to be raped in prison. *Id.* When one social media user posted about Christian, “Fuck this asshole,” another responded, “With his beautiful flowing hair, I’m sure that is exactly what will happen in prison!” Ex. M at CKULAS0001264. These types of posts have been particularly devastating for Christian and his family [REDACTED].

The hatred and vitriol Christian’s family has had to endure is wholly undeserved. Mark Kulas Sr. and Yoanna Kulas are both Polish immigrants who each fled Poland’s repressive Communist government in the 1980s and 1990s. Ex. Q. Mark Kulas Sr. fled after being tortured in college because he was part of a pro-democracy student group that had organized a protest against the Communist government. *Id.* He and his family escaped from Poland by receiving permission to attend Father Maximilian Kolbe’s beatification in Rome. *Id.* From there, the family

made their way through several European countries, and ultimately to the United States. *Id.* They had to leave their belongings behind in Poland, and were not able to return for over a decade lest they be arrested. *Id.*

Upon arriving in America, Christian's grandfather started a cleaning company on Chicago's north shore, which Christian's father now runs today with Christian's uncle. *Id.*; KULAS MAIDS (last visited April 15, 2022 <https://kulasmaids.com/>). The Kulas family has grown the business from nothing through seven-day work weeks and back-breaking labor. The company provides jobs to many local women, most of whom are Hispanic and Ukrainian immigrants.

Mr. and Mrs. Kulas love this country and everything it has done for them. Ex. Q. They are the furthest thing from white supremacists. They love their sons, and have supported them through all of their [REDACTED] [REDACTED]

[REDACTED] Christian's parents do not deserve the barrage of disgusting and hateful threats, postings, letters, and email messages they have received in connection with this case, and they have been viciously and vicariously punished for the mistakes of their [REDACTED] sons.

III. The Charged Conduct

As noted above and in Christian's plea agreement, Christian fully accepts responsibility for entering the Capitol on January 6, 2021; for cheering on other rioters while in the Capitol; and for walking inside the rotunda and other areas of the Capitol for 24 minutes. He never should have done those things, and deeply regrets his actions. He also regrets the pain his actions have caused his parents, and regrets that his behavior has contributed to the divisiveness currently plaguing this country.

Without meaning to minimize in any way Christian's actions or their wrongfulness, we hope the Court can understand how easy it was for such a [REDACTED] young man to be swept into a crowd of thousands that day. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

January 6, 2021 represented one of the few times in his life Christian felt he "belonged" to a larger group, and he became carried away in the energy and excitement of the moment, all while surrounded by a cheering and forceful mob. *See, e.g., Ex. U, Jenna Chang, The Role of Anonymity in Deindividuated Behavior: A Comparison of Deindividuation Theory and the Social Identity Model of Deindividuation Effects (SIDE)*, 6 THE PULSE UNDERGRADUATE J. OF BAYLOR U. (Fall 2008) (collecting research describing that people are more likely to "act aggressively or deviate from acceptable social behaviors when they are in group settings than when they are alone").

Importantly, Christian did not engage in any violence within the Capitol, and he did not hurt anyone or break anything. He is not and never has been part of any white supremacist or extremist groups. Violence and mayhem are not among Christian's values, and are inconsistent with the peace and loving spirituality he worked so hard to cultivate following months of study and prayer in India. Sadly, if Covid had not plagued the planet, Christian would likely not have even been in the United States on January 6, 2021.

Christian has never before engaged in behavior similar to that which resulted in his guilty plea, and there is nothing in his history to suggest he ever will again. [REDACTED]

[REDACTED]

[REDACTED] **A Sentence Of Six Months' Probation And Community Service Is Warranted**

As set forth in 18 U.S.C. § 3553(a), the Court has wide discretion when sentencing a defendant to ensure that the punishment “fit[s] the offender and not merely the crime.” *Pepper v. United States*, 562 U.S. 476, 488 (2011) (internal citations and quotations omitted). This Court should exercise that discretion here.

Factors the Court must consider when sentencing Christian include the nature and circumstances of the offense, and Christian’s history and characteristics. 18 U.S.C. § 3553(a). The Court must also consider the need for the sentence imposed to reflect the seriousness of the offense, to promote respect for the law, provide just punishment, and afford adequate deterrence to criminal conduct. *Id.* The Court must also protect the public from further crimes of the defendant, and provide him with needed training, medical care, or other treatment in the most effective manner. *Id.* The Court must also consider the kinds of sentences available; the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and the need to provide restitution to any victims of the offense.

Applying 18 U.S.C. § 3553(a)’s sentencing factors to Christian and the particular facts of his case, a term of imprisonment or lengthy sentence of probation would be inappropriate. Instead, as the Probation Department recommends, a sentence of six months’ probation is a just and fair sentence for Christian.

A. The Probation Department Recommends a Sentence of Six Months’ Probation

As the PSR points out, Christian has pled guilty to Count Three of the Information, which charges him with Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. §§ 5104(e)(2)(G) and 5109(b). PSR ¶ 4. This is a petty offense. *Id.* ¶¶ 4, 67; 18 U.S.C. § 19. Thus, the United States Sentencing Guidelines do not apply. PSR ¶¶ 4, 65.

Probation has identified several factors that “warrant a downward departure,” including Christian’s “continuous and positive employment history,” “lack of criminal history,” “the fact that this offense is considered a ‘petty’ offense,” and Christian’s “minimal participation in the offense.” PSR ¶ 81. Citing several factors, including [REDACTED] Probation has recommended a term of 6 months’ probation as “sufficient to address the goals of sentencing.” PSR Sentencing Recommendation at 2.⁵

Christian appreciates and agrees with Probation’s recommendation for leniency. Christian also agrees that [REDACTED] are factors that the Court must also consider under 18 U.S.C. § 3553(a), and further adds that those factors strongly militate in favor of leniency. *See, e.g., United States v. Cunningham*, 429 F.3d 673, 678 (7th Cir. 2005) (vacating sentence and remanding for resentencing where court did not address defendant’s mitigating psychiatric problems and substance abuse raised under 18 U.S.C. § 3553(a)); *United States v. Miranda*, 505 F.3d 785, 796 (7th Cir. 2007) (same, and noting that “the courts do not often encounter a person who has a documented history of” rare mental health conditions “that predate any criminal conduct”).

⁵ By contrast, the Government intends to recommend a sentence of two weeks’ imprisonment, 36 months’ probation, community service, and \$500 restitution. This proposed sentence is far in excess of what Christian needs or deserves, particularly given his [REDACTED]. It is also an unlawful sentence: neither 18 U.S.C. § 3561(a)(3) nor 18 U.S.C. § 3551(b) authorize a sentence of *both* imprisonment *and* probation for the same petty offense. *See* 18 U.S.C. § 3561(a)(3) (“(a) ... [a] defendant who has been found guilty of an offense may be sentenced to a term of probation unless ... (3) the defendant is sentenced at the same time to a term of imprisonment for the same or a different offense that is not a petty offense.”). *See also* 18 U.S.C. § 3551(b) (“(b) ... [a]n individual found guilty of an offense shall be sentenced, in accordance with the provisions of 3553, to ---(1) a term of probation ...; (2) a fine...; or (3) a term of imprisonment ...”). The latter statute further provides that a “sentence to pay a fine may be imposed in addition to any other sentence,” *id.*, in contrast to the other two types of sentences – imprisonment and probation – which are mutually exclusive.

[REDACTED]

[REDACTED] They are also important factors the Court should consider in deciding (1) the kind of sentence necessary to protect the public or deter Christian from future crimes, and (2) whether Christian’s proposed sentence will result in unwarranted sentencing disparities.

B. Christian’s “History and Characteristics”

Christian’s “history and characteristics” support a six-month term of probation plus community service. 18 U.S.C. § 3553(a)(1). As detailed above, [REDACTED]

[REDACTED] However, it is also notable for Christian’s lack of criminal history, and lack of any academic or other work disciplinary history. Christian’s history is also notable for his selfless dedication to others, as evidenced by his volunteer work in an emergency room; at a hospice for the dying; in India, where he helped the elderly and orphans; and his volunteer political work. Even his paid work demonstrates care for his community, as evidenced by his current work lifeguarding for and teaching swimming to children.

Christian is not a young man who lays around idly playing video games or lazily attending to his own needs and wants. He enjoys helping others, despite [REDACTED]

[REDACTED] This is evident from the many beautiful letters of support people freely submitted to the Court on his behalf. For example, one individual describes Christian as “one who cares about others, and wishes to contribute to the wellbeing of mankind by living a peaceful and constructive life.” That individual continues, “he is devoted to peace; he sees his life’s work as an opportunity to make the world a better place; and with genuine humility Christian wishes to help others who are less able to care or speak for themselves.” Ex. P at CKULAS0001276.

Likewise, another individual writes that she was “impressed with [Christian’s] humility and eagerness to serve.” Ex. P at CKULAS0001275. She describes him as “gentle, kind, respectful and considerate. He was inquisitive and willing to share what he had learned during his time in India.” *Id.*

Those who have known Christian for most of his life say the same thing. A longtime family friend writes that after knowing Christian for eighteen years, he and his brother are “two of the kindest boys I have ever met. Christian has been studying Buddhism and literally wouldn’t hurt a fly.” Ex. P at CKULAS0001277. Another family friend who has known the Kulas brothers for twenty years describes them as “courteous” and “helpful” to the elderly. Ex. P at CKULAS0001278. As that family friend wrote, “Christian has found the love of the outdoors and sees the need to help those less fortunate than him – Evanston Hospital Emergency Department volunteer, Abode Contemplative Care for the Dying Comforter, Sansar Gyaan Pathshala School for the underprivileged youth in Uttarakh (India)[.]” *Id.*

We urge the Court not to let Christian's 24 minutes in the Capitol obscure the history of suffering and service that have characterized his life overall.

C. The Nature and Circumstances of the Offense

The "nature and circumstances of the offense," also a factor under 18 U.S.C. § 3553(a)(1), support a sentence of six months' probation plus community service.

While Christian's entrance into the Capitol was unquestionably a terrible lapse in judgment, there is no doubt that he and [REDACTED] brother were influenced by the screaming mob of thousands around them. We point this out not as an excuse for Christian's behavior on January 6, 2021, but to explain why an otherwise gentle soul who had never harmed anyone [REDACTED] [REDACTED] would enter the Capitol and cheer on other rioters. *See* Chang, *supra* 17.

Importantly, Christian's conduct was fleeting—24 minutes that have brought countless problems on himself and his family. He did not travel to D.C. to enter the Capitol, but rather, to attend the rally on the Ellipse—the decision to enter the Capitol was made as a split-second afterthought at the rally. He did not gain anything by entering the Capitol, and significantly, did not harm anyone or anything while parading inside. Were the U.S. Sentencing Guidelines applicable to this case, his "aberrant behavior" would qualify for a downward departure under U.S.S.G. § 5K2.20 (authorizing a departure where defendant "committed a single criminal occurrence or single criminal transaction that (1) was committed without significant planning; (2) was of limited duration; and (3) represents a marked deviation by the defendant from an otherwise law-abiding life."). Notably, this downward departure provision urges courts to consider, among other things, a defendant's "(A) mental and emotional conditions; (B) employment record; (C) record of prior good works; (D) motivation for committing the offense; and (E) efforts to mitigate the effects of the offense." U.S.S.G. §5k2.20, n. 3. All of these factors favor leniency for Christian.

D. Protection of the Public

While 18 U.S.C. § 3553(a)(2)(C) requires the Court to fashion a sentence that will protect the public, Christian poses no danger to the public. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] He has no criminal history, and he has suffered extreme and widespread public shame and upheaval in his life as a result of his participation in the events of January 6, 2021. He and his family have also suffered from an avalanche of vicious and false personal attacks, as well as repeated and intrusive media coverage, none of which are the norm for families of the average criminal defendant.

Christian's primary goal since 2020 has been to return to the remote mountains of northern India and resume his isolated life of prayer, meditation, chanting, silence, and service to others.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] A sentence of six months' probation plus community service will punish him appropriately for his crime, while simultaneously allowing him to resume his life of service to others as a mendicant in India at the earliest possible opportunity.

E. Seriousness of the Offense and Deterrence

A sentence of six months' probation plus community service will adequately reflect the seriousness of the offense and the need for deterrence, as required by 18 U.S.C. § 3553(a)(2)(A)-(B). First, Christian's criminal conviction, the international media blitz surrounding it, and the horrific and false attacks inflicted upon his loving family have surely already served as a deterrent

to him and to others. Second, Christian's conviction for parading in the Capitol is punishment in its own right. He now faces the lifelong stigma of being associated with that dark date in our nation's history. See *United States v. Nesbeth*, 188 F. Supp. 3d 179, 180 (E.D.N.Y. 2016) (urging sentencing courts to consider the collateral consequences of criminal convictions).

F. The Need to Avoid Unwarranted Sentencing Disparities

Sentencing Christian to six months' probation plus community service will not result in any unwarranted sentencing disparities proscribed by 18 U.S.C. § 3553(a)(6). Christian's unique [REDACTED] take his case out of the heartland of January 6, 2021 prosecutions, and require a sentence that fits both the crime and his individual circumstances. Moreover, Christian does not require extended Court supervision, given his lack of criminal history, lack of opportunity to commit any kind of similar crime ever again, lack of bond violations, continued employment, and ongoing [REDACTED]. Christian has no desire to travel to Washington, D.C. for the next presidential election, and does not need to be under supervision until then.

While many January 6, 2021 defendants have been sentenced to prison, or to lengthy periods of home confinement or probation, many of those defendants are more culpable than Christian, and engaged in violence or property damage. Certainly, to our knowledge, none are as [REDACTED]

[REDACTED] In short, Christian's circumstances are unique. Requiring him to receive a sentence identical to those of other January 6, 2021 defendants would not be just.

G. The Court Should Consider Alternatives to Prison and a Lengthy Probation Term

For more than a decade, the U.S. Sentencing Commission, commentators, the Department of Justice, and the courts have recognized that alternatives to incarceration warrant greater consideration than they receive. As early as 2009, the Sentencing Commission issued a report on

alternative sentencing which recognized that “[e]ffective alternative sanctions are important options for federal, state, and local criminal justice systems. For the appropriate offenders, alternatives to incarceration can provide a substitute for costly incarceration.”⁶

Attorney General Eric Holder echoed these concerns in 2014: “We know that over-incarceration crushes opportunity. We know it prevents people, and entire communities, from getting on the right track. And we’ve seen that—as more and more government leaders have gradually come to recognize—at a fundamental level, it challenges our commitment to the cause of justice.” DEP’T OF JUSTICE, ONE YEAR AFTER LAUNCHING KEY SENTENCING REFORMS, ATTORNEY GENERAL HOLDER ANNOUNCES FIRST DROP IN FEDERAL PRISON POPULATION IN MORE THAN THREE DECADES (Sept. 23, 2014), available at <https://www.justice.gov/opa/pr/one-year-after-launching-key-setencing-reforms-attorney-general-holder-annouces-first-drop-0>. Likewise, in October 2014, then-Deputy Attorney General Sally Yates commented, “[w]hile it’s true that there are dangerous defendants from whom society needs to be protected, there are others . . . for whom alternatives to incarceration make a lot more sense.” *United States v. Dokmeci*, No. 13-CR-00455 (JG), 2016 WL 915185, at *10 (E.D.N.Y. Mar. 9, 2016).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

⁶ U.S. SENTENCING COMMISSION, ALTERNATIVE SENTENCING IN THE FEDERAL CRIMINAL JUSTICE SYSTEM (January 2009), available at https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-projects-and-surveys/alternatives/20090206_Alternatives.pdf.

[REDACTED]

[REDACTED]

The 2017 DOJ OIG report that detailed how the BOP often warehouses mentally ill inmates in solitary confinement provides additional reasons [REDACTED]

[REDACTED] Ex. R at 4. That report explained that “the BOP cannot accurately determine the number of its inmates who have mental illness ... *because institution staff do not always document inmates’ mental disorders*. This could prevent BOP from ensuring that it is caring for all of these inmates appropriately.” *Id.* at 34 (emphasis added). The report also revealed that the BOP is *affirmatively underreporting* the number of mentally ill inmates because it does not have the resources to care for them. *Id.* at 37-42. The report also describes “the BOP’s challenges in recruiting and retaining Psychiatrists.” *Id.* at 45. [REDACTED]

[REDACTED]

A lengthy sentence of probation is also not a good fit [REDACTED] Christian has longed to return to India and resume life as a mendicant for over two years. Serving widows and orphans in that remote corner of the world represented one of the few times in his troubled life that he felt fulfilled and useful to others. A lengthy sentence of probation will only

delay, if not deny, his return to India and service to others there. *Gall v. United States*, 552 U.S. 38, 48–49 (2007) (recognizing that probationary sentences “substantially restrict [defendants’] liberty” and ability to leave the jurisdiction).

V. Conclusion

Christian feels genuine remorse for his actions on January 6, 2021. He understands this Court will need to sentence him. He is respectfully requesting a sentence of six months’ probation plus community service, consistent with what the Probation Department has recommended, so that he may continue his life’s work of serving others, while also accepting responsibility for his mistake in judgment, one which all evidence suggests will never be repeated.

Six months’ probation plus community service will appropriately address the unique circumstances present here, including [REDACTED]; his otherwise law-abiding life; his service to many of the world’s most vulnerable individuals; and the vicious and wholly unwarranted attacks inflicted upon him and his loving family.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY the foregoing **DEFENDANT CHRISTIAN KULAS'**
SENTENCING MEMORANDUM was served upon counsel of record automatically via
CM/ECF this 19th day of April 2022.

s/ Rachel M. Cannon

Rachel M. Cannon

Stephoe & Johnson LLP