

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :  
 :  
 v. : Case No. 1:21-cr-00197 (DLF)  
 :  
 JACKSON KOSTOLSKY, :  
 :  
 Defendant. :

**ADDENDUM TO GOVERNMENT’S SENTENCING MEMORANDUM**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits additional comparable cases to this case as an addendum to the Government’s sentencing memorandum filed December 14, 2021 (ECF 41).

Judge Kelley imposed 45 days incarceration on December 10, 2021 in *United States v. Tam Pham*, 21-cr-109. The defendant was an active-duty Houston, Texas police officer who entered the Capitol building for about 20 minutes and went into an office space. Similar to Kostolsky, he deleted photos from his phone and lied to the FBI about whether he was in the building.

In *United States v. Brandon and Stephanie Miller*, 21-cr-266, Judge Chutkan imposed a sentence on December 15, 2021 of 14 days incarceration for Ms. Miller and 20 days for Mr. Miller. Brandon Miller and his wife Stephanie Miller both came in through a broken out Senate Wing window about 45 minutes after breach. Mr. Miller videotaped inside on Facebook live. Both showed pride after January 6<sup>th</sup> of having gone to the Capitol. Kostolsky climbed the wall to the Upper Terrace a similarly egregious way to eventually enter the actual building.

Lastly, Judge Jackson imposed a 30 day term of incarceration on December 15, 2021 in *United States v. Sorvisto*, 21-cr-320. Sorvisto was among the first to enter the Capitol along

with codefendant Dresch. He stayed inside much longer than Kostolsky (about 25 minutes) but he too destroyed evidence and expressed no remorse.

Respectfully submitted,

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