

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

UNITED STATES OF AMERICA :
 :
 :
 v. : **Case No. 1:21-cr-000162-1(BAH)**
 :
GLEN WES LEE CROY, :
 :
 :
Defendant. :

DEFENDANT’S SENTENCING MEMORANDUM

The defendant, Mr. Croy, through his attorney, Kira Anne West, pursuant to Federal Rule of Criminal Procedure 32 and 18 U.S.C. Section 3553(a), submits this memorandum to aid the Court at sentencing and hereby notifies the Court that he has received and reviewed the Presentence Report (“PSR”) prepared in this case. After carefully reviewing the PSR with Mr. Croy, he has no objections, just some corrections that have already been sent to the probation officer. Mr. Croy requests that this Honorable Court impose a sentence of probation with community service to account for:

1. His family circumstances as primary caretaker of two teenage sons, one that has diabetes; and
2. His lack of preparation or planning prior to January 6, 2021 to be part of the Capitol breach and his peaceful, non-destructive and non-violent behavior that day both outside and inside the Capitol building.

Mr. Croy comes before the Court having plead guilty on August 2021, to count 4 of the Information filed on February 26th, 2021, charging him with a violation of Title 40 U.S.C. §5104(e)(2)(G). A sentence of 12 months of probation, with community service, is a reasonable sentence that is “sufficient, but not greater than necessary” to address the sentencing factors and goals set forth in Title 18 U.S.C. § 3553(a). Under the facts of this case, such a sentence will protect the public, provide just punishment, and afford adequate deterrence.

1. BACKGROUND

A. Mr. Croy watches media coverage of The Black Lives Matter protests of 2020 and Trump denouncing the 2020 election

The summer of 2020 was a violent one for major cities across the United States, in large part, due to the protests of Black Lives Matter (hereinafter “BLM”). After several months of being couped up because of Covid-19, people took to the streets to protest the horrendous murder of George Floyd. Unfortunately, especially in D.C., these protests turned violent. These protests were widely televised on the nightly news and other media outlets as a necessary process for vocal opposition to systemic racism and the only way racial justice could be effectuated. Mr. Croy watched from his home in Colorado and on the internet as hundreds of businesses were destroyed over a period of weeks, several people were injured, and nearly two

billion dollars of damage was done by rioters

nationwide. https://www.washingtonpost.com/local/dc-braces-for-third-day-of-protests-and-clashes-over-death-of-george-floyd/2020/05/31/589471a4-a33b-11ea-b473-04905b1af82b_story.html ; <https://nypost.com/2020/09/16/riots-following-george-floyds-death-could-cost-up-to-2b/>.

After the presidential election, Donald Trump (hereinafter “Trump”) and his inner circle began spreading the word that the election was “stolen” from him by Democrats and others. https://www.washingtonpost.com/politics/trump-election-voter-trust/2020/12/20/00282aa6-407a-11eb-8db8-395dedaaa036_story.html.

False claims were made on media sources, as well as by the President himself, that the election system had been corrupted and that the integrity of the election should be questioned. This Court can only understand why Mr. Croy came from Colorado to D.C. when taking into account these two pivotal events in our nation’s history.

While consumption of media news is no excuse for behavior, it does demonstrate the powerful impact news stories, fake or real, have on the citizens of this country.

The media sets the tenor for how people feel about their rights and freedoms and can also plant notions of discontent or even outrage. After months of watching our major cities burn, many people became convinced that vocal displays of outrage in the form of protesting was the only way to make their voices heard. Additionally, because very few people were being prosecuted for their criminal behavior while

violently protesting, which was replayed over and over again on the nightly news, the media helped reinforce the notion that there would be little to no consequences for protestor actions. <https://www.mauinews.com/opinion/columns/2021/07/heres-why-most-arrested-rioters-will-not-be-prosecuted/>;
<https://www.usatoday.com/story/news/2020/06/15/criminals-used-george-floyd-protests-cover-looting-police-say/5324881002/>. Here, in D.C., although hundreds, if not thousands, committed property crimes such as painting federal statues and burning and breaking into private businesses in town, the number of prosecutions was negligible. <https://www.nytimes.com/2020/05/31/us/politics/washington-dc-george-floyd-protests.html>. Tucker Carlson and other conservative TV show hosts noted this on their nightly news casts.

<https://www.foxnews.com/opinion/tucker-carlson-the-riots-are-not-about-george-floyd-or-racial-justice-theyre-about-trump-and-seizing-power>.

Mr. Croy, like millions of other Americans, ate up the media coverage of these events in the Summer of 2020. He saw the media label destructive and violent riots as “mostly peaceful” protests and the protestors praised on national media outlets for their strongly held beliefs. And while the majority of BLM protests in the summer of 2020 were, in fact, peaceful, a report studying these protests found a large number of Americans believed they were not. The report suggested that the “disparity stems from political orientation and biased media

framing... such as disproportionate coverage of violent demonstrations.”

<https://time.com/5886348/report-peaceful-protests/>.



Image obtained from video clip at <https://thehill.com/homenews/media/513902-cnn-ridiculed-for-fiery-but-mostly-peaceful-caption-with-video-of-burning>.

Mr. Croy similarly had strongly held beliefs after the Presidential election that there had been irregularities in the election that were not proper. He was also emboldened by a new understanding of how vocal and peaceful protests were being conducted in our country to garner attention for important issues effecting the future of our nation. He decided to come to D.C. to *peacefully* protest the results of the election and the lack of attention to alleged voting irregularities

(emphasis added). He did so with no intent to do anything but add his voice to the vocal protests over the injustice he perceived had happened in the election. He did not suit up for combat. He did not obscure his face. He was not armed. He wore a Trump hoodie and a hat and carried a flag. Mr. Croy committed no violent actions in his peaceful protest. Mr. Croy did not destroy anything. Mr. Croy's only desire was to participate in a democratic process that is protected under the 1st amendment of our Constitution. Unfortunately, going into the Capitol was not part of that democratic process and he now stands before the Court after admitting to the Court at his plea hearing that he knew going into the Capitol that day was wrong.

2. THE TRIP TO THE CAPITOL AND JANUARY 6, 2021

A. Croy's trip to D.C. and his walk to the Capitol

Mr. Croy believed what he read on the internet and heard from the President himself - that the election had been stolen. (Croy is a registered Independent and voted for Barack Obama in 2008 because he believed Obama would help the working man). He believed that there was wrongdoing in the State of Georgia. He also believed that he should show his support for the soon to be former President by attending his rally and other rallies scheduled for January 6, 2021, at the Ellipse on the Mall. Importantly, Mr. Croy was fixated on the *process*, not the result of the election. The emphasis on the process, and not the result, is particularly

important because it shows that Mr. Croy values the Constitution and the foundation of our government.

Mr. Croy had always wanted to come to D.C., and this seemed to be the perfect opportunity. At the time, he was unemployed, like hundreds of thousands of other Americans suffering during the pandemic. He called a friend on the way to D.C. and invited him to come along. At no time did he ever think he was going to the Capitol, let alone inside the Capitol. Not until Trump's speech did he have any intention of going anywhere other than the Ellipse area, and not being from the area or having attended a protest there before, had no real sense of where things were in relation to each other. As the day unfolded, he never planned or envisioned entering the U.S. Capitol. That is, not until Trump invited everyone to march to the Capitol. Mr. Croy and his friends followed the large crowd there that day with no intention of doing anything but having his voice join those of thousands of other peaceful protestors. Now, after seeing what really happened that day by watching film on numerous platforms, Mr. Croy is ashamed of the fact that he was a part of it, albeit a small part of it compared to the many violent protestors who assaulted police officers and caused damage to the Capitol.

B. Croy's activities inside and outside the Capitol.

For some time, police were able to fend off the crowd, but as we now know, the crowd overwhelmed the few, unprepared police.¹ Officers were able to hold off the excited crowd for approximately an hour, but at 2:13 p.m., the Capitol was breached through a broken window adjacent to the Senate Wing Doors, located on the Northwest side of the building. This breach spurred the evacuation of members of Congress and the Vice President. More than 30 minutes later, the Senate Wing Doors were penetrated by the crowd, pushing Capitol Police officers back into the inside corridor as they tried to prevent further intrusion.

Mr. Croy was not in this first wave of hundreds of protesters. In fact, the video footage shows that he was at least hundreds of people back behind the original breach. *See* Joint Exhibit 1, CCV Senate Wing Door. He could not see what was transpiring inside the Capitol. He had no idea of the violence in other parts of the Capitol. In fact, Mr. Croy had been so far behind the first people in that he had no idea how the door was opened or who opened it. He was, in his words, “following like a lemming” and following others ahead of him. The confusion at this point lies between conflating *our epistemic access* of the full scope of events in their entirety with *Mr. Croy’s knowledge and intention* as the

¹ See Dmitiy Khavin, et al., Day of Rage: An In-Depth Look at How a Mob Stormed the Capitol, The New York Times (June 30, 2021), available at <https://www.nytimes.com/video/us/politics/100000007606996/capitol-riot-trumpsupporters.html>; see also Shelly Tan, et al., How one of America’s ugliest days unraveled inside and outside the Capitol, The Washington Post (Jan. 9, 2021), available at <https://www.washingtonpost.com/nation/interactive/2021/capitol-insurrection-visual-timeline/>.

day unfolded. That is, though many others were violent, pushing officers, etc., Mr. Croy was not violent, carefully observed the situation around him, and acted with decency (as we will see later).

As they entered the Senate wing door, people around Mr. Croy began to celebrate. The mood was not unlike other protests in Washington, D.C. and many around took selfies and appeared peaceful with cameras and flags. Mr. Croy did not observe any destruction or bad behavior towards the police at this time. He walked down a long hall. From there, he followed the crowds as they walked into the Crypt and then towards the Memorial Door. While following aimlessly through the halls in the Capitol, defendants Croy and Lindsey had a photo of themselves taken with a statue of Abraham Lincoln entitled, "Lincoln the Legislator." Croy and Lindsey exited the U.S. Capitol at approximately 2:40 p.m. through the Memorial Door after being inside the Capitol for approximately 20 minutes.

Once outside the Capitol, Croy and Lindsey remained near the Capitol Building for approximately 40 to 45 minutes. At approximately 3:20pm, Croy and Lindsey heard word of a shooting incident inside the Capitol. While still outside, Mr. Croy observed a man in a bloody shirt make his way down the stairs. This was shocking to Mr. Croy.

Curious to see if they could find out more and help anyone hurt, they headed to the entrance again at the top of the Rotunda doors. People were milling around the crowded area. As they stood there not knowing what to do, a sudden surge in the crowd pushed them quickly through the doors and they were forced into the main entry way. *See* video exhibit 7, CCV Rotunda Door Interior.

Just inside these doors, Mr. Croy was immediately pepper sprayed directly in his eyes. *See* photos in Government affidavit to criminal complaint, pgs. 6-7, ECF #1. A police officer offered to help him and as Mr. Croy got down the stairs, another officer offered him water and Mr. Croy was able to wash out his eyes. They then exited the Capitol again through the Memorial Door at approximately 3:30pm, after being inside the U.S. Capitol for an additional approximately 9 minutes. Mr. Croy and Lindsay heard there was a curfew, immediately went back to their hotel, spent the night and drove home the next day. As stated in the statement of offense, there is no evidence defendants Croy or Lindsey were violent or destructive on the grounds or inside the Capitol. *See* Statement of Facts, ECF #30.

C. Hindsight is 20/20.

Now, in retrospect, Mr. Croy wishes he'd never come to D.C. at all, which is terribly sad because D.C. is incredible in so many ways. He never imagined going inside the Capitol and certainly never thought that violence

would follow. Importantly, Mr. Croy did not have any intention of stopping the vote. Indeed, Mr. Croy's aimless following of the crowd through the Capitol that day is evidence of his lack of intent to do something in the Capitol that day, his lack of understanding where he was in the Capitol, and his herd mentality, rather than a desire to execute a plan to stop the vote that was taking place in the Senate. This Court asked that question specifically of Mr. Croy after a long series of questions during the plea colloquy, that is, if he was there to stop the vote. Mr. Croy answered yes but that is not accurate. Taking into account the tone of this Court's voice during the plea colloquy, which can only be described as intimidating,² Mr. Croy agreed to something that he did not do. When the Court pressed him on the facts one question at a time, he was able to correct his misstatement regarding going into the Capitol. Unfortunately, he was not given the opportunity to correct his misstatement on stopping the vote. But if his purpose in demonstrating was to stop the vote, he showed no efforts at all to execute that plan. He was in the Capitol, but followed instructions to leave the Capitol once inside, not once, but twice. He respected the police officers he encountered and he proceeded out of the building peacefully when shown the way. This shows that he had no intention of stopping the vote, but merely to have his voice

² Undersigned counsel means no disrespect to the Court, but the plea colloquy in this case was the toughest in the nearly 30 year criminal prosecution and defense career of undersigned counsel.

heard along with the others walking in the Capitol that day and when told to leave, he did.

Mr. Croy's only intention that day was to have his voice heard. There is not a scintilla of evidence produced by the government or otherwise that he had any intention to stop the vote, that he went to the Capitol with the express purpose of stopping the vote, that he even knew where the vote even took place within the Capitol that day, and that others were there to stop it. In fact, Mr. Croy had no idea where he was while he was in the Capitol and to this day could not find his way around if given the opportunity.

D. The Charges and the arrest of Mr. Croy

On February 16, 2021, a sealed criminal complaint was filed in U.S. District Court for the District of Columbia charging Mr. Croy and Mr. Lindsey with four misdemeanor offenses related to their conduct on January 6. See ECF No. 1.³ The following day, Mr. Croy received a call from the local police in Colorado Springs. They told him that an earlier report he made about his stolen vehicle a year before was confirmed and they asked him to come in and discuss it. When he arrived at 8 a.m., he was met by the FBI and arrested on this case. He was transferred to Denver, had his initial appearance in the U.S. District Court for the District of

³ Those four charges are: (i) Entering and Remaining in a Restricted Building, in violation of 18 U.S.C. § 1752(a)(1); (ii) Disorderly and Disruptive Conduct in a Restricted Building, in violation of 18 U.S.C. § 1752(a)(2); (iii) Violent Entry and Disorderly Conduct in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(D); and (iv) Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G).

Colorado at 2 p.m., , and was released around 4 p.m. on a \$5,000 unsecured bond. *See* ECF #7. Unfortunately, when released, they didn't give him his wallet, his phone, his coat, nor the shoe laces from his shoes. He was released into the frigid cold so he asked a lady at the federal courthouse if he could wait inside the building. It was snowing hard. She said yes as long as someone was coming to get him. Because Mr. Croy was so hungry, and the courthouse was closing, the lady at the courthouse gave him \$20 and told him he could wait at the 7/11 a few blocks away, which he did. At around 8 p.m., Mr. Croy's ride arrived- a friend drove through the snow storm from Colorado Springs to Denver to pick him up. Mr. Croy had an initial appearance in the U.S. District Court for the District of Columbia on March 4, 2021, and, again, was released on personal recognizance with conditions. *See* ECF No. 15. On March 5, 2021, Mr. Croy appeared before this Honorable Court for arraignment via video conference. He entered a plea of not guilty. He later entered a plea of guilty again via video conference before this Honorable Court on August 9, 2021. *See* ECF #29-30.

II. LEGAL STANDARD

Section 3553 of Title 18 of the United States Code enumerates certain factors a district court is to consider when sentencing a defendant who has been convicted of a federal offense. Primarily, the court shall consider the nature and circumstances of the offense and the history and characteristics of the defendant.

See 18 U.S.C. § 3553(a)(1). The court shall also consider the need for the sentence imposed to: reflect the seriousness of the offense, promote respect for the law, and provide just punishment; afford adequate deterrence to criminal conduct; protect the public from further crimes of the defendant; and provide defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner. *Id.* at § 3553(a)(2)(A-D). Section 3553(a) further sets forth the factors that the Court must consider in fulfilling this provision:

1. The nature and circumstances of the offense and the history and characteristics of the defendant;
2. The need for the sentence imposed;
3. The kinds of sentences available;
4. The kinds of sentence and the sentencing range...;
5. Any pertinent policy statements issued by the Sentencing Commission;
6. The need to avoid unwarranted sentencing 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)(1-7).

III. FACTORS CONSIDERED PURSUANT TO 18 U.S.C. §3553(a)

At sentencing, a district court must impose a sentence that is “sufficient, but not greater than necessary” in light of the factors identified in §3553(a). *United States v. Mendoza-Mendoza*, 597 F.3d 212, 216 (4th Cir. 2010), *citing Kimbrough v. United States*, 552 U.S. 85, 111 (2007)(quoting §3553(a)).

A. Nature & circumstances of the Offense & the History and

Characteristics of Mr. Croy

After Mr. Croy walked freely into the Capitol on the side with the scaffolding, he was in awe. He had never been to the Capitol before. After he found a bathroom and spoke to 3 police officers, he had to take a moment and let it soak in. Compared to many other class B misdemeanor cases that have been filed in this Court, Mr. Croy's conduct is at the bottom of the scale. First, the defense is not aware of any evidence that defendant's entry into the Capitol was preplanned or coordinated with anyone else, including any extremist or organized groups. His intention was to attend the rally and that did not include going into the Capitol. Although he does have a co-defendant, the facts show that Mr. Croy contacted him while en route to the Capitol. Second, the defense is not aware of any evidence that the Defendant incited others to commit acts of violence or destruction. Third, the defense is not aware of any evidence that the Defendant engaged in any violence or questionable conduct towards law enforcement. In fact, it's just the opposite. Mr. Croy told the FBI that every interaction he personally had with the police was a positive experience. When he was pepper sprayed, a police officer helped him with water and guided him out of the building because he could not see. Fourth, the defense is not aware of any evidence that Mr. Croy destroyed or stole any property from the Capitol. Fifth, based on the Government's investigation, it appears that the Defendant remained in a limited part of the Capitol building for a limited period of time – i.e., in one hallway for a little over

ten minutes, and in the Rotunda area for around 9 minutes. The defense is not aware of any evidence that Mr. Croy entered any rooms or offices in the Capitol, any personal space or the Senate or House Chamber.

To his credit, Mr. Croy voluntarily went to the police station under a subterfuge created by the FBI to arrest him on this case. He later fully acknowledged his misconduct by answering pointed questions by the FBI agents in a post-plea interview, expressed true and full contrition, and voluntarily turned over evidence including the hotel receipt where he and his co-defendant stayed en route to D.C. He also gave information to the FBI about another participant in the Capitol that day. He was relieved by the opportunity to take responsibility for his actions.

Mr. Croy did not come to Washington with the intention of subverting democracy. Mr. Croy came to Washington to peacefully protest what he believed at that time to be a fraudulent election. By the time Mr. Croy arrived at the U.S. Capitol around 2:00 p.m., many of the barriers that had been erected along the perimeter of the building were no longer present. Mr. Croy and his co-defendant met no resistance in their walk to and inside the Capitol. At the time, Mr. Croy didn't dream he'd be charged for going into the Capitol.⁴ After seeing the video

⁴ Notably, the Department of Justice has declined to bring criminal charges against the speakers or organizers of the rally; the only legal actions initiated against them being civil in nature. See *Thompson et. al., v. Trump et. al.*, 21-cv-00400, ECF No. 1 (Feb. 16, 2021); *Swalwell v. Trump et. al.*, 21-cv-00586, ECF No. 1 (Mar. 5, 2021); *Smith et. al. v. Trump et. al.*, 21-cv-02265, ECF No. 1 (Aug. 26, 2021). And to think that the lawyers that brought the frivolous

footage showing protestors beating police officers, spraying gas in their faces, screaming obscenities, and destroying property, it made Mr. Croy cringe. He did not witness any of this at all. He is left with deep regret, fear, shame, and remorse.

The government concedes that Mr. Croy committed no violent acts and destroyed no property. His actions within the Capitol have been tracked on the CCTV footage⁵ and this demonstrates that while unlawfully present in the Capitol with no excuse, he did not destroy property, steal property, commit violent acts, or encourage others to do so. He entered and exited through doors. And when he spoke to police officers, it was non-confrontational and respectful, even grateful. After Mr. Croy exited the Capitol the first time, while he was standing at the bottom of the steps, a man in a bloody t-shirt came out of the Capitol and told others lingering there that someone was shot and needed help. Importantly, like the first time Mr. Croy entered the Capitol, there were no police officers telling him not to go up the steps. So, Mr. Croy made his way back up the steps, hoping to not only see what was happening but to offer assistance if he could. The crowd became so tight and physically powerful, that he was later pushed back into the capitol through the Rotunda Door. *See* video exhibit 7 CCV Rotunda interior door, joint

election lawsuits have not been sanctioned is mind boggling. At the very least they should be reprimanded for filing the appeal in the Michigan case in the Federal Circuit instead of the Sixth Circuit.

⁵ Since Mr. Croy plead guilty, the Government, in an effort to support their request for jail time, has scoured additional CCTV and other video footage in an attempt to “catch” Mr. Croy engaging in violence. After approximately 8 more discovery dumps since his plea, there is none.

submission. It was at this point that he was pepper sprayed, presumably by a police officer. A police officer helped him clear his eyes by offering a bottle of water. Once he got his bearings, he found his way out the same way he went in. Despite his overwhelming and continuing cooperation with the government, the government now seeks to minimize Croy's acceptance of responsibility because he does walk "in lock step" with the government's theory regarding each and every fact and the reason for each and every action he took on January 6th. The government's position hardly sets an example for those in the future who would seek to "do the right thing" by offering to cooperate and plead guilty in a timely matter such as the instant one.

This has been a long road for Mr. Croy and his family. Fortunately, he has a supportive relationship with his immediate family who has stood by him since the beginning of this case and a supportive extended family. Mr. Croy pled guilty at an early stage in the proceedings thus saving valuable judicial resources. It is of utmost importance to Mr. Croy that this Court understand that he is incredibly remorseful for his actions on January 6, 2021. There is no doubt that, as he expressed when interviewed by law enforcement, he wishes he had never come to Washington, D.C. on that day. Mr. Croy has endured life-long damage to his reputation. None of this will be erased from the internet. It's there forever. He has fully accepted responsibility for his bad judgement in entering the Capitol building by pleading

guilty in what can be described as the “first wave” of defendants that pled guilty. He has been the subject of a number of media accounts lumping him with others that were there on January 6, 2021. His personal character and reputation will forever be tarnished. His children will suffer as well. Still, he has had no trouble with the law for more than 16 years-a testament to his commitment to raising two boys on his own which is no easy feat.

Mr. Croy does not seek to minimize the harm caused by his behavior by the explanations in this sentence memo. Nonetheless, in determining what punishment is warranted, this Court should not lose sight that he did no harm, intended no harm, and regrets that he was even there. Most telling about Mr. Croy is despite all he has been through, he is working full time now and supporting his children as he always has. As noted in the PSR, Mr. Croy has had some minor bumps in the road, but he has proven to be a hard worker, a loyal son and a wonderful father. This Court may ask, who took care of his boys when he was in D.C.? The parent of one of his son’s friends watched the boys for the three days he was gone. His law abiding past for the last 16 years and his post arrest behavior show that he is capable of being a productive citizen and the Court can rely on that as a basis to sentence him to a term of probation considering the 3553 factors.

Attached to this memo are letters from Mr. Croy and his sons. *See* Defendant’s Exhibit 1. Also attached are letters from people who have known Mr. Croy for

many years, including his ex-wife. Respectfully, these letters of support illustrate that a sentence of probation is appropriate in this case.

B. Need for the Sentence imposed

1. General deterrence – 18 U.S.C. § 3553(a)(2)(B) – to adequately deter others from criminal conduct

The purposes of sentencing include punishment, rehabilitation, general deterrence, specific deterrence, and incapacitation. In this case, there appears to be no need for incapacitation, specific deterrence or rehabilitation. The public will be adequately deterred by the sentences meted out against those who perpetrated the violence and mayhem at the Capitol and the negative publicity and collateral consequences attendant to even a misdemeanor conviction for those involved. Those who would not be deterred by these consequences are likely not deterrable. And, a sentence that leaves a family impoverished when other reasonable alternatives exist would not promote respect for the law. Indeed, unnecessarily harsh sentences imposed upon those who were less culpable will not encourage respect for the law or promote just punishment, but are likely to be counterproductive, and labeled as political posturing. A period of probation does constitute punishment and will deter others as one's liberty interests are curtailed by travel restrictions, reporting obligations, and limitations on one's personal freedoms. The National Institute of Justice, Department of Justice, issued a

summary of the current state of empirical research stating that “prison sentences are unlikely to deter future crime,” and “increasing the severity of punishment does little to deter crime.” U.S. Dep’t of Justice, Office of Justice Programs, Nat’l Inst. of Justice, *Five Things to Know About Deterrence* (July 2014) (relying on Daniel S. Nagin, *Deterrence in the Twenty-First Century*, 42 *Crime & Justice in America* 199 (2013)), available at <https://ncjrs.gov/pdffiles1/njj/247350.pdf>.

2. Specific deterrence – 18 U.S.C. § 3553(a)(2)(C) – to protect the public from further crimes of the defendant

Mr. Croy’s likelihood of recidivism is very low. He has expressed genuine remorse and contrition, has cooperated fully with law enforcement, turned over evidence voluntarily, given information to the FBI about another participant that they did not have before, and accepted the first plea offer tendered with no hesitation. His acceptance of responsibility was complete and without reservation. He has never tried to minimize his behavior. On the contrary, he’s told his sons that although they should always stand up to bullies, they should do it within the bounds of the law. Research has consistently shown that while the certainty of being caught and punished has a deterrent effect, “increases in severity of punishments do not yield significant (if any) marginal deterrent effects.” Michael Tonry, *Purposes and Functions of Sentencing*, 34 *Crime & Just.* 1, 28 (2006)” Three National Academy of Science panels... reached that conclusion, as has

every major survey of evidence.” *Id.*; See also Zvi D. Gabbay, *Exploring the Limits of the Restorative Justice Paradigm: Restorative Justice and Sentence Severity: An Analysis of Recent Research (1999)*, summary available at <http://members.lycos.co.uk/lawnet/SENTENCE.PDF>. The report, commissioned by the British Home Office, examined penalties in the United States as well as several European Countries. *Id.* at 1. It examined the effects of changes to both the certainty and severity of punishment. *Id.* While significant correlations were found between the certainty of punishment and crime rates, the “correlations between sentence severity and crime rates...were not sufficient to achieve statistical significance.” *Id.* at 2. The report concluded that the “studies reviewed do not provide a basis for inferring that increasing the severity of sentences is capable of enhancing deterrent effects.” *Id.* at 1. Given Mr. Croy’s age (38), and other issues consistent with what is mentioned above, the likelihood of Mr. Croy ever re-offending is as close to zero as one might come. A punishment of any jail time in this case is going to have the exact opposite effect than what is in the interest of justice. The alternatives to incarceration make financial sense, conserve bed space for individuals from which society would need greater protection and would serve the ends of justice. Most important, it leaves his two boys in the stable home they are currently residing in with their father. His oldest son is in an accelerated program for high school students and his youngest son has diabetes. Taking their

father away from them would be devastating, and would almost insure misbehavior by teenage boys. Mr. Croy urges the Court to adopt the Probation Office's recommendation in this case and impose a probationary sentence in light of his significant family obligations, his sincere and complete remorse, his early and consistent acceptance of responsibility, and the lack of a need to further deter him.⁶

C. The kinds of sentences available

The sentencing guidelines do not apply in this case. *See* PSR, paragraph 7. The Court should not consider any conduct that Mr. Croy did not plead guilty to. If this Court were to adopt the government's recommendation, as opposed to that of the Probation Office, it would result in sentencing disparity with other individuals who were similarly charged and behaved similarly. *See infra*.⁷

Largely because of his family obligations, Mr. Croy asks that the Court adopt the recommendation of the U.S. Probation Office and impose a 12 -24 month term of probation. In the alternative, he asks that the Court consider a non-custodial sentence with a restriction that he remain on his property except for work and excused absences to take his children to school, church, and medical appointments. In the event the Court finds a period of incarceration warranted, Mr.

⁶ For those in a Criminal History Category I, the recidivism rate is 15.2%. For those who have been employed, the rate is 12.7%; and for those who were ever married, the rate is 9.8%. For those with no history of illicit drug use, the recidivism rate is half those who have a drug history. *See* U.S. Sentencing Commission, *Measuring Recidivism: The Criminal History Computation of the Federal Sentencing Guidelines*, at 29 (May 2004).

⁷ This does not include every case, just a sampling.

Croy asks that he be allowed to serve it on weekends which is what this Court did in *United States v. Johnny Taylor*, 15-cr-76(BAH).

Imposition of a fine is discretionary, and, defendant respectfully submits, should not be ordered in this case. Defendant's financial condition is such that he cannot pay any significant fine. *See* PSR, paragraph 73; U.S.S.G. § 5E1.2(a) (fine not recommended if defendant unable to pay).

D. The need to avoid unwarranted sentence disparities

If this Court were to impose a sentence greater than a probationary term, community service, and restitution, it would create an unwarranted sentencing disparity compared to similar cases that have already gone to sentencing in this Court. The following cases are a sampling where a misdemeanor was charged and pled to and resulted in no incarceration:

***United States v. Anna Morgan-Lloyd*, 21-cr-00164 (RCL) (Jun. 28, 2021) (sentenced to probation);

***United States v. Danielle Doyle*, 21-cr-00324 (TNM)(Oct. 1, 2021) (sentenced to probation even though she entered through a broken window and yelled at police officers);

***United States v. Valerie Ehrke*, 21-cr-00097 (PLF) (Sept. 17, 2021) (sentenced to probation);

***United States v. Jessica Bustle and Joshua Bustle*, 21-cr-00238 (TFH), ECF Nos. 42 & 44 (sentenced to supervised release with home confinement even though Ms. Bustle 1) posted on social media that Mike Pence was a traitor, 2) denied media accounts of violence were accurate, minimized the conduct of all of the rioters, 3) called for a revolution even after the events of January 6, 4) encouraged the rioters to be proud of their actions, and 5) minimized the impact of that day on lawmakers and democracy. *See United States v. Jessica and Joshua Bustle*, 21-00238 (TFH). Judge Hogan imposed a probationary sentence with a short period of

home confinement for Ms. Bustle and an even shorter period of home confinement for Mr. Bustle. The government recommended probation in this case.

***United States v. Andrew Bennett*, Crim. No. 21-227 (JEB)(sentenced to three months home confinement and two years probation). According to the government, who recommended probation with a short term of home confinement, Mr. Bennett espoused conspiracy theories about the election, was an admirer, albeit not a member of the Proud Boys, and boasted about his conduct. According to the government, Mr. Bennett did not come to the rally in D.C. on a whim, but rather planned it for months. He posted numerous times about conspiracy theories and a fraudulent election. On January 4, 2021, he posted to his Facebook page, “You better be ready chaos is coming and I will be in DC on 1/6/2021 fighting for my freedom!”. On January 6, according to the government, Bennett began livestreaming video to his Facebook page from outside the Capitol as early as 1:00 p.m. He was in the middle of the growing crowd on the West Front of the Capitol, where some taunted police officers and sporadically threw objects at them. The government alleges that someone near Bennett exhorted others to “move forward” and that Bennett yelled at a police officer. Bennett also filmed assaults on the police officers and continued to livestream events inside the building.

None of this is to suggest that Mr. Bennett should have received a sentence of incarceration, only to suggest that the distinctions the government draws are hard to justify. There is nothing materially different about Mr. Croy or his conduct that would justify a sentence of incarceration and such disparate treatment. The courts have sentenced some January 6 misdemeanor cases to incarceration, but the nature and circumstances of those offenses, as well as the history and characteristics of the defendants in those cases, can be distinguished.

In *United States v. Derek Jancart and Erik Rau*, 21-cr-00467, the Honorable Judge Boasberg sentenced both defendants to 45 days of incarceration. However, in that case, unlike Mr. Croy’s, the prosecutors asked for four (4) months of incarceration for each defendant, citing that the men came to D.C. with gloves, a

gas mask, and two-way radios. *Id.* Additionally, Mr. Jancart posted a video on Facebook during January 6, where he is heard laughing at police while Mr. Rau screamed, “We have you surrounded!” Additionally, Mr. Rau, unlike Mr. Croy, was on probation at the time of his offense on January 6 for domestic violence. Additionally, Judge Chutkan recently sentenced another January 6 defendant to 45 days of incarceration in *United States v. Matthew Mazzocco*, 21-cr-00054 (TSC)(October 4, 2021). However, Mr. Mazzocco blamed the violence that day on Antifa, deleted his social media accounts in an effort to obscure his actions, and refused to give law enforcement access to the body-worn camera he wore that day, claiming that he did not know where it was. <https://www.washingtonpost.com/dc-md-va/2021/10/04/capitol-riot-jail-deter-mazzocco/> In *United States. v. Reeder*, 21 CR 166(TFH), Judge Hogan sentenced Mr. Reeder to 90 days incarceration because he bragged on social media about having engaged in battles with the police inside the Capitol, showed no remorse or contrition, claimed he had no idea he could not be in the Capitol despite being tear-gassed, recorded attacks on police officers inside the Capitol, entered a second time *by forcing himself past police officers who were trying to clear the Capitol*, posted videos bragging about his actions and deleted social media accounts, and most importantly, put his hands on a police officer. Even after pleading guilty, according to the government, he portrayed himself as an innocent victim of circumstances.

Mr. Croy was far more cooperative with law enforcement, did not attempt to hide any evidence, in fact produced evidence and has not publicly blamed another group for the violence that day. All told, the facts of the offense conduct and characteristics of the defendants who garnered incarceration were starkly different than Mr. Croy's conduct and characteristics. As suggested by U.S. Probation in its sentencing recommendation, Mr. Croy's actions fall on the low-end of the spectrum that day and his "culpability appears to be minimal in contrast with rioters who destroyed or stole government property and assaulted or threatened the law enforcement officers on that date." *See* p. 1, Probation Recommendation.

IV. CONCLUSION

Considering all the applicable factors the Court will consider, Mr. Croy respectfully moves this court to impose a sentence of 12 months probation with community service hours. This sentence is "sufficient but not greater than necessary" as required by 18 U.S.C. §3553(a). It would be a sentence in the best tradition of federal judicial discretion, that would consider Mr. Croy as an individual and account for his unique failings and positive attributes that, in the words of Justice Kennedy "sometimes mitigate, sometimes magnify, the crime and the punishment to ensue." *Rita v. United States*, 551 U.S. at 364, (Stevens, J. concurring), *citing Koon v. United States*, 116 S.Ct. 2053 (1996).

I hereby certify on the 22nd day of October, 2021 a copy of same was delivered to the parties of record, by email pursuant to the Covid standing order and the rules of the Clerk of Court.

/S/

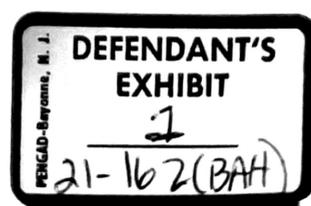
Kira Anne West

EXHIBIT 1

Dear honorable chief judge Howell,

I would like to start with an apology to the United States Of America first and foremost. I went to Washington DC with no intent of violence only to be heard and attend a rally for the stop the steal. I am not a very political person I am like most people I think I watch the news a couple debates if I catch them on t.v usually. That all changed in the summer of 2020 being laid off from my job because of covid I watched way more than I ever had my entire life combined. It started with watching for covid news and then more news after what happened to George Floyd and the chaos that erupted following. Like many I was horrified at the case but even more so when I saw the riots erupt not just in Minnesota but across the nation. A lot of us were in a bad spot jobs nonexistent, fear of covid, and savings dwindling as 15 days turned to over a month and no relief in sight. So I sympathized with the people I saw upset and taking to the streets to protest police brutality. But I could not wrap my head around the looting and violence that spread like wildfire across the nation. As the summer progressed I saw people take over 8 square blocks in Washington and Portland, being from Oregon and my mother out there recently suffering from a stroke, I had to drive out and help arrange for get to live with my foster sister just after covid started. I ended up watching Portland riots on live streams for over 100 days always fearing that it would spread further south where my mother and family were. Being on the internet so much because regular tv news would not show accurately the chaos going on I fell into rabbit holes and tried to decipher how much of the info was accurate and mostly watched livestreams with no editing.

When the election came around I watched every debate and tried to get all the information I could. There was very little in Joe Bidens plans for the future, I remember him saying wait until I'm elected. Trump had done well with the economy and recent peace deals so it seemed obvious the choice. I had no problem with who won the election Joe Biden is the United States president, but that being said I saw a lot of weird peculiar things in this election. I saw people kicking out observers or observers not being allowed in from the republican party. I saw boxes get put up in windows to block press or people from observing outside the room. I saw that the legislature in some states had not even passed the legalization of mail in ballots. Messy voter rolls I had remembered from previous years were always a concern but nothing compared to all the things I saw on the internet and t.v.



. It all seemed very wrong. The one thing that should be fully transparent to the American people is the sacred right to vote.

When trump announced the January 6th rally I was still unemployed we were getting stimulus checks and I had saved some of it up at this point being frugal with them as the 15 day had now spread to 9 months I decided to drive out and show my support and also to see Washington DC for the first time in my life I went to a rally and the capitol of my country. The day was cold but exhilarating to see so many people all in 1 place I was in awe of the architecture and the overwhelming sense of patriotism from so many fellow Americans. After trumps speech he said we would all walk to the capitol I casually walked to the capitol building down a street with thousands of people when I got there the crowd was immense. We weaved our way up to the front by scaffolding covered in cloth and I noticed people attempting to climb up a rail alongside we watched the police repel them I filmed some of it. About 20 minutes after standing there a group of police officers came up beside us and I heard people shouting when I turned around I saw some police punching a man, I fully back the police I rooted for them all summer in Portland I was incensed that they did not seem to be detaining but assaulting the man. I started to film but the crowd were surrounding them and there was a shoving match right by me this lasted about 2 minutes then they went off further in the crowd. When I looked back at the rail the police at the top of the rail were gone and everyone was now ascending the stairs. Foolishly I decided to follow amongst them. When we reached the top I saw police blocking doors to the left with a few people over in front of them. But the majority of people were walking up a ramp and into the capitol through the doors on the right. I regretfully once again followed the crowd like a lemming my adrenaline was up and I knew I wasnt supposed to be here but I was in the thick of it by this point. I followed the crowd after entering to the right down a hall to an open area with a lot of piers and police in front of the crowd there was chanting and conversations between the police and the crowd it did not seem hostile. Again we were there for what seemed like a couple minutes with more people filing into the area when the crowd surged forward again down a hall with the police retreating ahead of them. Once we were at the end of the hall everyone started going up stairs and and in different directions this is where I saw the restroom. I went in not having used one since 6 am that morning I washed my hands and when I came out there were some police officers I asked them if they were ok they asked me if I was ok then said it

was time to go. I told them I had just wanted my voice heard they pointed me in the right direction to exit I walked back up the hall I came down with police and other people around me casually this time so I took some pictures of busts and Abraham Lincoln before exiting. Once outside now in a completely different area from where we had entered we milled around and talked to other people. About 30 minutes later a man with blood on him came out and said a woman had been shot. I was shocked I had not seen anyone really being violent other than shoving and yelling and I had seen no weapons other than the ones worn by police. We made our way up the steps to see what had happened there were people demanding answers from the police at the door I tried to record but the crowd once again surged forward and we ended up getting pushed inside. We got crushed up against the police somehow and held at a standstill being crushed by the people behind me and police in front I don't know how I ended up towards the front as I wasn't first through the door but the officer said to go back and obviously couldn't being crushed they released us all at once and maced me at the same time and told us to get on the ground. I said I couldn't see they told me to go through a door to my left where a police officer ordered me to go down a spiral staircase I explained I was having trouble seeing he offered to help me down the stairs. I told him thank you but I could make it. Once outside again I was approached by another group of officers who asked if we were alright about 15 minutes later and he gave me a bottle of water which I used to douse my eyes and drank the other half I threw the empty bottle in a trashcan by the door I exited from. I never saw how violent that day was until I saw the HBO documentary last night 4 hours in the capitol.

I apologize for the length of this I wanted to let you know how and what happened and my state of mind the entire time. I was not there to be violent or destructive I had no idea or forethought of even going into the capitol that day despite what I mistakenly said in court. I regret being a part of the activity that day and have no excuse for following along. Most of the morning was a feeling of fellowship and camaraderie with everyone there and an afternoon was like a rollercoaster of bewilderment and chaos. I have 2 boys that I raise by myself, they mean everything to me. I never intended for them to be involved or affected by this. My youngest is a type 1 diabetic and my oldest is in an early college program called odysee in wasson high school. I am proud of both of them. I would have to have them sent with my nephew in idaho if i

have to do any jail time for risk of losing my apartment. I expect to be held accountable for my actions. I will face the consequences. But I plead with you not for myself but for them. I am willing to do ankle monitor or anything that will ensure I keep my job and kids secure and not disrupt their lives for my foolish behavior.

I am guilty of being an idiot and walking into that building and again apologize to America and everyone effected for my role in participating. I humbly ask for your reasonable punishment to my offence.

Thank you for your time in reading this letter.

Sincerely, Glenn Wes Lee Croy

Your honor,

I am Glenn Wes Lee Croy's son Kingston Croy, my father has always provided for me and my brother I look up to and admire him. He is my hero he has done everything in his power to make sure me and my brother are taken care of. He saved me when I wasn't in a good place and was being mistreated. My father has always tried his hardest to be a good person so he can lead by example. He is loving respectful and much more. We are his first priority over everything he would do anything to make sure we are safe and taken care of. He has taught me good morals and to be respectful without him I wouldn't know where I would be today. He has impacted my life in so many ways.

My father has always taught me to be a decent person. He also taught me the value of hard work and that I should treat others with kindness and respect. I truly believe his work ethic is one to look up to. He has earned his position of foreman for the company he is employed by because of his amazing work ethic. He is level-headed and calm in stressful situations these are all great qualities about him he has instilled in me. I would be lost without him he is everything I aspire to be. He is a major part of my life.

thank you for your time

Sincerely,

Kingston Croy.

09/29/2021

----- Forwarded message -----

From: **Hacked Gamer** [REDACTED]

Date: Wed, Sep 29, 2021, 12:40 PM

Subject:

To: [REDACTED]

To whom it may concern i love my dad and he's a great dad he did everything he could to make sure I was taken care of.

EXHIBIT 2

To whom it may concern,

My name is Ivan C Kezer, I am a 31-year-old disabled Marine Veteran. I am writing today regarding Glenn Wes Lee Croy. I have known this man since 2001, when I was a child. I have looked up to this man as an uncle since I was young. In the time that I have known him he has never been violent, never been disrespectful to any authority figure, never been abusive in any capacity and has always done everything within his power to provide for his family.

As a parent, I have witnessed him provide for his two sons, by himself! He has always put their needs above his own and cared for them better than most people I have seen. He is very adamant about instilling good ethics and a solid moral compass into his children, as well as inspiring them to succeed and thrive in life. He is a very hard worker and has more than earned his position as foreman in the company that he is employed by. He has served as a mentor to many individuals who struggled in their own lives and continues to do so even now.

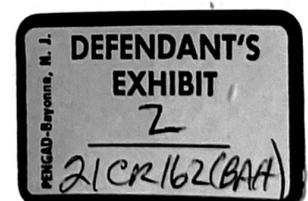
Glenn Croy helped me tremendously as a youth, he intervened when I was being mistreated, he taught me multiple ways to better myself and those around me and he instilled a large amount of work ethic that I have today. He has always been a positive role model for not only me, but my children, his children, and various members of my family. He has always been exceptionally reliable, and extremely peaceful. He has always pushed for nonviolent approaches to solve issues of various severities. He has always had a level head in high stress environments and hostile situations, sometimes at his detriment. I have personally seen him deescalate multiple situations that could have gone very bad, very quickly.

During my rougher years as a child and adult he has given sound, level headed advice. He has always advised a nonviolent, peaceful approach to resolve my issues and his. I cannot adequately put into words the amount of kindness that I have seen in him throughout my life. I have seen and been around some truly dreadful people; people who just want to watch the world burn, some who have tried to make it so. Mr. Croy is not that kind of person; he would give the shirt off his back to a person in need. He would give the last of his food to someone if it meant they wouldn't be hungry.

During the Capital incident in January there is video proof that he was nonviolent. He was not destructive in any capacity and can be seen in multiple videos telling people not to break anything. He was swept up in the crowd that was let into the building. Glenn Croy was not there for blood like what is being portrayed, he was there in the hope that his concerns would be recognized, which is the right of every American.

The actions he took during the incident do not align with the conduct outlined in 18 U.S. Code § 2101. The video evidence shows that he was telling people not to perform illegal actions, but to have their voices heard peacefully. He did not conduct any violent actions, he did not incite violence, if anything he was a victim of circumstances. Swept away in a crowd that just wanted their voices to be heard.

There are bad people in the world, terrible people; people who want to jump straight to violence, who want to watch the world burn. Glenn Wes Lee Croy is not one of them. He is a single parent doing the best that he can for his family and community. He is a doting father who works his hands to the bone to provide for his children. He is an upstanding citizen that is doing the best he can to be a positive influence in his community and workplace. I have seen him constantly striving to be better for himself and for his family. He needs to be with his family, he needs to be there for his sons who rely on him alone. He is the only stable person they have; he is their rock as they are his.



It is my sincere belief that he does not rate the punishment being given, and I hope that some leniency can be given to him. He is an amazing father and member of his community. He has always presented himself as a positive role model for those around him and has always taken care of everyone he can. I believe, with every fiber of my being, that a mistake is being made in punishing this father for being peaceful during a time when emotions were running rampant. It is my sincere hope that the courts will do the right thing and prove to the world that America is not the corrupted place that everyone thinks we are and that we can remain a beacon of hope for the lost and downtrodden.

Respectfully,

Ivan C Kezer

USMC/RET

20210928

From: Jon Daigle [mailto:jon@daigle.com]
Date: Thu, Sep 30, 2021, 7:19 PM
Subject: [REDACTED]
To: [REDACTED]

I've known Wes for around 20 years. We met through mutual friends and mostly saw each other at shows for the band I played in back then. Wes always stood out as a thoughtful person who genuinely cared about us, our families, and everyone else at the shows.

The last time I saw him we talked at length about the importance of honesty, truth, and accountability. We talked about the next generation and how often he tells his kids about taking responsibility for your actions. I remember specifically saying, "See, you're exactly the kind of person who should have kids."

I also think about Jerry, Wes' best friend who passed away last year, and how they didn't see eye to eye on various topics. One of my favorite things about Wes is how he didn't let that keep them from being friends. So much of the world today is so angrily divided over differences of opinions. There's too much "us vs them; you're either with us or against us" happening. Wes doesn't embody that. He knows the best solutions, and indeed the way human beings evolve, is through appreciating the gray area of our differences. I could talk to Wes for hours about this kind of stuff.

Wes is also excited about the future of space exploration, and shares that with his kids. We've talked about Elon Musk, SpaceX, and how we look forward to seeing humans get to Mars in our lifetime.

I know Wes is a big Dungeons and Dragons guy too - I'm a late bloomer on that front but I know he's got decades worth of experience he'd love to school me on if I asked.

Forwarded message
From: **Bane Donnelly** <[REDACTED]>
Date: Wed, Sep 29, 2021, 6:49 AM
Subject: Regarding Mr Glenn Wes Croy
To: [REDACTED]

Your Honor,

My name is Benjimin Donnelly and I am known Mr. Croy for more than 10 years now and wanted to testify on behalf of his character and personality. I met Mr. Croy on accident, I was in need and he was just a stranger who came to my aid and since then he has shown me that he the type of person he is. He is a person who uses good judgement and cares for his fellow man. I have seen how he raises his kids and how he treats the people around him, and I am very honored to call him a friend. In all the years that I have known him, I have never seen him react poorly or out of anger in a huge number of circumstances and would even let him care for my own, new born daughter. He is a very reasonable person and I believe this incident has been blown out of proportion. Please feel free to contact me personally, with any more questions regarding Mr Glenn wes Croy.

Sincerely,
Benjimin Chrsitopher Donnelly

From: Samantha Beckner [REDACTED]
Date: Wed, Sep 29, 2020, 02:58 PM
Subject: Glenn
To: [REDACTED]

To Whom It May Concern,

Glenn Croy is the Father of my two children Kingston and Daemon he has been taking care of them for the last two years, the boys are everything to him. Glenn is a responsible and good father to them. Our one son is a type 1 diabetic and has to have consistant care our other son is currently enrolled in a excellerated high school/collage program. Glenn does currently take responsibility for the boys as i do not work in the area that we live i am consistantly gone overnight and out of town at any given period of time.

Thank You,
Samantha B.

From: Virginia Prosenick
Date: Wed, Sep 29, 2021, 2:59 PM
Subject: Character reference letter
To: <[REDACTED]>

To whom This concerns:

I have known Wes Croy for over 15 years, I've watched him grow from a young man who was a bit hot-headed, passionate in his beliefs, and a bit irresponsible, to someone devoted to his kids, his job and giving them the best life possible. He was always real serious about his job as a Mason and always worked real hard at it. When he began to develop relationships with other people he became more serious with life. He stopped partying and was more responsible in his relationships and work. I noticed his biggest growth when he became a father, he no longer wanted to be the young man who wanted to go to parties. He became someone who thought about others instead of himself. When his boys were born he devoted himself to their care and being the best father that he can. He has fought hard to keep his boys as a single father, providing for them and giving them the best that he can. He's become somebody I am proud to know. If you need anything else from me please let me know.

Sincerely,
Virginia Prosenick

Forwarded message -----

From: Lindsey Walter [mailto:lwalter@baha.com]
Date: Thu, Sep 30, 2021, 6:59 AM
Subject: Reference letter
To: [redacted]

To whom it may concern,

I have known Wes for approximately 20 years. Over the course of time Wes and his two boys have become like family to me and my son.

Wes has always worked hard to provide for his family, he also goes out of his way to help those in need. He is one of the most calmest, big hearted persons I know. With NOT a mean or violent bone in his body. He is respectful to anyone he comes in contact with.

When it comes to his boys, Wes has always been such an amazing father. I have never known a man to step up to provide for his family like he has. He has always worked hard and has always made sure they have a roof over their head a good education and has provided them with anything that they need. Especially his youngest who has diabetes. He makes sure he gets his youngest to the doctors when needed. His boys have always been his number one priority. He has raised them to be kind, respectful young men.

With everything Wes has done for others I believe he deserves great things for himself.

Thank you,
Lindsey Walter

Theisen Masonry, Inc.

09/27/2021

Dear Sir or Madam,

I am very happy to write a character reference for Glen Wes Croy. I have known Wes for 10 years now. He has been and is an employee/bricklayer of my company. He has worked his way into a foreman position. Wes has proven to be a very valuable employee! He is a very respectful person and a true team player. I have witnessed his growth with the company and have no doubt he will continue to learn and advance. He has great leadership qualities with amazing professionalism.

On a personal side, I know Wes is a great father of 2 boys. He is a responsible dad and I've watched him teach his oldest son parts of the masonry trade. He is proud of them. He shows them how to be responsible, respectful and ambitious. Teaching them life skills is top priority for Wes, and it genuinely shows in his boys.

Wes is truly an asset. I look forward to many more years of growth in the masonry industry and Wes will be an excellent part of that growth.

Respectfully,



Rick Theisen

Theisen Masonry, Inc.

Hello Glenn.

9-30-2021

To whom it may concern. I am writing this s reference letter on behalf of Glen Wes Lee Croy. Glen has been a BAC Local 7 Union member 2014. Glen has great work ethic; he shows up to work and does a great job. He also is a great mentor to the apprentices and laborers on his jobs. Glenn also is a great father. He has carried on teaching his great work ethic to his children. I was very impressed to see his son Kingston work hard on a job this past summer.

Regards,

A handwritten signature in black ink that reads "Jerry Gondek". The signature is written in a cursive, flowing style.

Jerry Gondek

Field Representative BAC Local 7

----- Forwarded message -----

Case 1:21-cr-00162-BAH Document 48-4 Filed 10/22/21 Page 10 of 10

From: Troy Coverdale

Date: Thu, Sep 30, 2021, 1:25 PM

Subject:

To: [REDACTED]

To whom it may concern;

I've known wes croy for about 20 years plus. Wes and his family i knew back in Montana where I attended school. He has always been a good guy , before hanging out and helping my cousin with his paper he would get his chores done to help out then help me and my cousin with his paper route. In the time I've known him he has been very helpful ,down to earth and a really good friend. Understanding of others feeling and a great father of his two boys.