

**IN THE UNITED STATES DISTRICT COURT
FOR WASHINGTON D.C.**

UNITED STATES OF AMERICA)
)
)
v.)
)
CORINNE MONTONI)
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)
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Defendant.)
_____)

**Case No. 1:23-cr-00195-RCL
The Hon. Royce C. Lamberth
Sentencing: September 28, 2023**

DEFENDANT’S POSITION ON SENTENCING

Defendant Corinne Montoni has received and reviewed the Presentence Investigation Report prepared by Probation Officer Abby Wichlinski. Ms. Montoni has no factual disputes with the information contained therein, nor does she have any dispute with the PSR’s calculation of the advisory Guidelines range of 0 to 6 months. Ms. Montoni would respectfully suggest that a sentence of probation or home confinement is sufficient but not greater than necessary to account for each of the Section 3553(a) factors.

FACTUAL BACKGROUND

The Defendant agrees that the PSR and the Statement of Facts signed by the defendant (previously submitted to and filed in the court record) adequately set forth the offense conduct in this case. Ms. Montoni has pled guilty to a one count criminal information charging her with obstructing, impeding, or interfering with a law enforcement officer who was lawfully engaged in the lawful performance of his/her official duties incident to and during the commission of a civil disorder. (Civil Disorder, in violation of Title 18, United States Code, Section 231(a)(3)).

In essence, Ms. Montoni, came to Washington at the time of the January 6, 2021 incident (hereinafter "J6") and attended the rally on the ellipse behind the White House to hear the speech of then-President Trump, in which Trump urged the crowd to march to the Capitol and "Fight Like Hell." Following that speech, she was part of a crowd of several thousand Trump supporters who went to the Capitol. Ms. Montoni, like many others, entered the Capitol through a door broken by other members of the crowd on the west side of the Capitol shortly before she entered the building, near the Senate Wing. Many other persons entered through several other doors and windows at various places. During that time she was in the midst of a crowd, surrounded by other rioters. The crowd was pushing against officers attempting to stop them from proceeding. She yelled encouragements such as "Push back! Push back!" in support of the crowd as officers in the area deployed pepper spray. Ms. Montoni stayed in the building for about 10 minutes, never proceeding further into the building than the Crypt area (close to where she had entered), before exiting the building through the same doorway she had entered. She entered the building again for about 5 minutes shortly later, before exiting the building and leaving the area for good. During that day and the next, and in the days leading up to it, Ms. Montoni also wrote numerous posts and messages on social media voicing her belief that the election had been stolen, and calling for protests and actions related to the election.

It is undisputed that while at the Capitol, Ms. Montoni brought no weapons or other dangerous or weapon-like objects, broke nothing, stole nothing, damaged nothing, and hurt no one, nor did she personally touch any officer or other member of the Capitol staff.

While Ms. Montoni is ashamed and embarrassed of her activities in connection with the J6 events and their aftermath and is painfully aware of the magnitude of what she has done, it is

undisputed that, while at the Capitol, Ms. Montoni entered through an open door (albeit a recently broken one, to the sounds of alarms and a large crowd, the smell of tear gas and plainly visible nearby broken windows), never attempted to enter any private offices or the House or Senate Chambers, did not personally break anything in the building or grounds, did not steal anything, and did not assault any officers or other Capitol personnel. It is also undisputed that Ms. Montoni (through counsel) sought from an early stage to take responsibility for her actions, and sought for months to negotiate a plea with the Government, and has done everything in her power to make up for her actions connected with these events, including traveling to Washington at her own expense and debriefing completely and honestly with prosecutors and FBI agents, and offering whatever further assistance the government requested of her.

ARGUMENT

Application of Sentencing Factors Pursuant to 18 U.S.C. Section 3553(a) Support a Sentence of Probation.

A. Legal Standard

Congress has mandated that federal courts impose the least amount of punishment necessary to accomplish the purposes of sentencing as set forth in 18 U.S.C. Section 3553(a). In *Kimbrough v. United States*, 552 U.S. 85, 128 S.Ct. 558 (2007), and *Gall v. United States*, 552 U.S. 38 (2007), the Supreme Court held that the Sentencing Guidelines are simply an advisory tool to be considered alongside other statutory considerations set forth in 18 U.S.C. Section 3553(a). In two summary reversals, the Court further made clear that the Guidelines cannot be used as a substitute for a sentencing court's independent determination of a just sentence based

upon consideration of the statutory sentencing factors. *Nelson v. United States* 129 S. Ct. 890 (2009), 2009 WL 160585 (Jan. 26, 2009); *Spears v. United States*, 129 S. Ct. 840 (2009), 2009 WL 129044 (Jan. 21, 2009). “Our cases do not allow a sentencing court to presume that a sentence within the applicable Guidelines range is reasonable,” the Court held in *Nelson*. 2009 WL 160585, at *1. “The Guidelines are not only *not mandatory* on sentencing courts; they are also not to be *presumed* reasonable.” *Id.* at *2 (emphasis in original). In other words, sentencing courts commit legal error by using a Sentencing Guidelines range as a default to simply be imposed unless a basis exists to impose a sentence outside that range.

B. Section 3553(a) Factors

After calculating the Guidelines, a sentencing court must then consider that Guidelines range, as well as the sentencing factors set forth in Section 3553(a), and determine a sentence that is appropriate and reasonable for the individual defendant. *Nelson*, 555 U.S. at 351; see also *United States v. Hughes*, 401 F.3d 540, 543 (4th Cir. 2005). Among the factors the Court must consider are the nature and circumstances of the offense; the history and characteristics of the defendant; the need for the sentence imposed to reflect the seriousness of the offense, promote respect for the law, provide just punishment, afford adequate deterrence to criminal conduct, protect the public from further crimes of the defendant, and provide the defendant with needed educational or vocational training, medical care, or other treatment in the most effective manner. Ms. Montoni would urge the Court to consider that a sentence of a period of probation with community service would be adequate to address all these factors.

i. Nature and circumstances of the offense.

Clearly, it cannot be argued that this was not a serious offense. As is plainly obvious, the actions of the thousands of people who converged on Washington on January 6, 2021, over-ran barriers set up around the Capitol building, resisted police efforts to contain them and entered the Capitol building without authorization in an attempt to stop the legitimate certification of the new president was not only a crime, but also a danger to our society and the fabric of our democracy. However, there is no credible evidence that Ms. Montoni planned in advance to do anything other than exercise her constitutional rights of free speech and legal protest. It is clear that the idea of actually entering the Capitol building was formed in the minutes just prior to doing it. She brought no weapons, no protective gear, and no implements capable of damaging or defacing any property. In fact the most dangerous thing she brought was the camera-phone she used to document her own actions, which enabled the FBI to locate and arrest her, and aided in her prosecution.

Ms. Montoni is an adult and is of course responsible for her own actions. However, it is undisputed that her actions were not taken for personal gain or to harm others, but out of a misplaced but sincerely held wrongful belief at the time (since discarded) that she was actually doing something noble and patriotic for the good of her country. She now realizes she is before the court because she made decisions she should not have made, regardless of who encouraged her to do so. She is ready to pay the penalty for those decisions.

With some glaring exceptions on January 6, 2021, Ms. Montoni has spent her entire life trying to do the right thing. As the Court is aware from the materials presented in aid of sentencing, that has not been an easy road for her - particularly in light of the complete lack of

guidance and example set out for her when she was growing up. Indeed, it is amazing that she came out of the upbringing she did without becoming a profoundly damaged adult. In marked contrast to the environment in which she was raised, she has always tried to live a law-abiding life. However, what goes hand-in-hand with spending one's life trying to do the right thing is the knowledge and understanding that there is a price to be paid for doing the wrong thing. Ms. Montoni now stands before the Court ready to pay that price, whatever it is. However, counsel would urge the Court to not let the actions of one day in an otherwise admirably law-abiding life impact this young woman in a way that would prevent her from moving on.

ii. History and Characteristics of the Defendant

The Court is aware of the factors relating to Ms. Montoni's birth and early life from the PSI report and the other sentencing materials provided. To say Ms. Montoni was born into a dysfunctional single parent family would actually be to sugar-coat the situation, as she was born into no actual family at all. Her mother never even told her father of her existence until she was older, and she was placed into foster care shortly after birth when her mother was away and unavailable to care for her. (PSR, par 58-64).

There is no question that Ms. Montoni made terrible choices in connection with the J6 activities, but it should be taken into consideration that 1) these choices and her activities on J6 were not made for personal gain, but because of a misguided false belief that her actions were altruistic and for the good of the country, 2) these choices were made in large part due to the influence of public and media figures she admired and trusted completely, resulting in she and so many hundreds of others getting carried away in the spirit of the moment that day, 3) she has

done all she can do to make up for her actions by cooperating completely with the government and assisting its investigation in any way she can, and 4) she has for the last eight months dedicated virtually full-time efforts to help the homeless, hungry and less fortunate members of her community through her unpaid public service for charitable activities.

iii. Need for the Sentence Imposed to Reflect the Seriousness of the Offense, to Promote Respect for the Law, to Provide Just Punishment, to Afford Adequate Deterrence to Criminal Conduct, and to Protect the Public from Further Crimes of the Defendant

Undersigned counsel would suggest a probationary sentence with community service would be appropriate in this situation. It is not an overstatement to say that Ms. Montoni has already been performing unpaid community service virtually continuously for more than half a year. She has lost much in terms of the disrepute she is now held in by much of her local community, who know of her J6 activities through local news reporting. More importantly, she has lost her sense of self-respect due to what she has done. Despite the terrible situations she endured as a child, neglected and surrounded by adults committing illegal and dangerous activities all around her, at least she could hold her head up to the world and know that she was not a criminal. Now that too has been lost to her.

Based on all of the above, it is entirely unlikely she will ever re-offend in any way in her life. As a direct result of her poor decisions, she has lost most of what was important to her in her life. In this very unique situation, a probationary sentence is sufficient to reflect the seriousness of the offense, to promote respect for the law, to provide just punishment, to afford adequate

deterrence to criminal conduct, and to protect the public from further crimes.

Clearly Ms. Montoni will not recidivate. First and foremost, even without having served one day in jail, for the reasons related above, the price she has already paid for her actions has been too dear. Further, she has completely disavowed the politics and assertions she had come to believe from political and media figures she trusted, and now feels she has been used and misled.

Most importantly, the proof that Ms. Montoni will not recidivate is obvious in the fact that she has truly shown by example that she taken responsibility for her own actions. She has done all she possibly could to make up for her actions and show the Court she is truly sorry for what she has done, and wants to help others and make her corner of the world a better place.

CONCLUSION

Ms. Montoni agrees with the PSR's assessment that the properly calculated advisory Guidelines range is 0 to 6 months. Ms. Montoni respectfully requests a sentence of probation and community service, for the reasons set out above. In the alternative, if the Court feels additional punishment is required, she would respectfully suggest a period of probation coupled with a sentence of home confinement for a portion of the probationary period, with the provision that she be allowed to continue her community service activities while on home confinement.

Respectfully submitted,
CORINNE MONTONI
By Counsel,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of September, 2023, I will electronically file the foregoing with the Clerk of court using the CM/ECF system. which will then send a notification of such filing to the following:

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ATTACHMENTS:

Zachary Varnum letter to Court
James Webb letter to Court