

UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	)	
Plaintiff	)	
	)	Criminal Case 21-CR-28
v.	)	
	)	Judge Amit P. Mehta
WILLIAM ISAACS	)	
Defendant	)	

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**WILLIAM ISAACS' PROFFER OF EVIDENCE TESTIMONY RELATED  
TO HIS AUTISTIC SPECTRUM DISORDER**

Defendant William Isaacs, through the undersigned counsel, hereby proffers and summarizes the evidence, that he proposes to submit and argue to the jury that Defendant has a disability known as Autistic Spectrum Disorder ("ASD") and it is a factor that should be considered in determining whether Defendant developed the requisite intent to commit conspiracy and other specific intent crimes charged in the Indictment.

This proffer is made pursuant to and in accordance with *United States v. Childress*, 58 F.3d 693, 729-30 (D.C. Cir. 1995) (finding error where there was categorical bar of evidence related to ASD and holding that evidence related to a mental health disability is admissible to negate intent of specific intent crimes such as conspiracy). Under *Childress*, the Court should allow the evidence to be presented, but should ensure it is tailored to the circumstances of this case.

Defendant relies upon and incorporates by reference all of the evidence and argument already in the record in this issue, including but not limited to its Document

856 (Defendant's response to Gov't's *Daubert* motion) and the testimony of Dr. Laura Sperry, presented on February 3, 2023.

1. Defendant's Expert Testimony: ASD

Defendant seeks to present the expert testimony of Dr. Laura Sperry, which would essentially mirror her direct testimony on February 3<sup>rd</sup>. Essentially, Dr. Sperry's direct testimony would cover the following topics and opinions:

- A. William Issacs was born with ASD;
- B. He was formally diagnosed in 2010;
- C. Dr. Sperry has reviewed the tests and medical records related to Defendant's prior diagnosis and she will describe;
- D. Dr. Sperry has conducted her own diagnoses and tests, which she will identify and describe;
- E. ASD is not curable;
- F. ASD is a recognized federal disability, which she will further describe;
- G. Dr. Sperry will identify and describe the three levels of ASD and explain where William falls on the spectrum;
- H. ASD symptoms vary among individuals and vary within any individuals with the disability;
- I. The severity of symptoms within individuals increases in situations that are stressful, chaotic, or noisy;
- J. People with ASD commonly wear earphones or headphones to focus and she will explain why;

K. Some people with ASD have intellectual disability or low IQ but many with ASD have average or above average intelligence (ASD is not synonymous with low IQ);

L. Among the most common symptoms include the following which she will explain: (i) slow processing of information; (ii) weak central coherence, *i.e.*, inability to read social cues and miscues, socially inept, etc.; (iii) shutting down and tuning out in stressful situations; (iv) avoidance of conflict and tendency to “follow the leader” and reflexively repeat the conduct and words of others when stressed; (v) “masking,” or trying to hide the disability, including through role playing; and (vi) in traumatic situations, such as the loss of a parent, people with ASD are particularly prone to manipulation by others, especially others who replace a central authoritative figure in their lives.

Dr. Sperry will not, at least on direct, opine about the events of January 6<sup>th</sup> or otherwise opine as to whether Defendant intended to commit the crimes with which he is charged.

It is noted that the Government’s expert agreed that Defendant has ASD and also agreed that people with that disability can manifest the symptoms above described.

## 2. Fact Testimony

Defendant will call a least one witness, his mother, to testify as to facts she observed related to the diagnosis, history and development of Defendant’s ASD, including explaining whether Defendant has exhibited any of the traits or symptoms

described by Dr. Sperry, including his use of headphones and how he reacts in chaotic situations.

Defendant may also testify as to his disability and its effects.

3. Closing Remarks

In his closing remarks, Defendant's counsel proposes to argue as follows:

Defendant has ASD. He was born with it. It has been a factor his entire life. It is just one of the things that makes him different. And is just one of the factors you should consider in determining whether William Isaacs had the legally required mental state to commit the crimes with which he is charged. We submit that his ASD negated any such intent. But that is for you to decide.

Friday, February 24, 2023

Respectfully submitted,

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*Counsel for Defendant William Isaacs*

**CERTIFICATE OF SERVICE**

I hereby certify that **WILLIAM ISAACS' PROFFER OF EVIDENCE  
TESTIMONY RELATED TO HIS AUTISM SPECTRUM DISORDER** was filed with  
the Clerk of the Court via ECF on Friday, February 24, 2023.

Respectfully submitted,

/s/  
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Charles Greene, Esquire