

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

WILLIAM REID,

Defendant.

Crim. Action No. 21CR316(DLF)

SUPPLEMENT TO SENTENCING MEMORANDUM

William Reid respectfully submits this supplemental to his Memorandum in aid of Sentencing, ECF. No. 36. (Def. Memo).

In their respective memoranda, the parties pointed to other sentences imposed on defendants convicted of 18 U.S.C. §1512(c)(1) and other related counts. The government pointed to one case: *United States v. Reffitt*—another case over which this Court presided—which had factors that do not exist in Mr. Reid’s case. These factors include but are not limited to: 1) that Mr. Reffitt carried weapons to the capitol; 2) was a leader of an extremist organization; 3) put the government to its burden and was convicted by a jury following a weeks-long trial. *See* Def. Memo at 20.

The defense pointed to other obstruction cases more similar to Mr. Reid’s case. *See* Def. Memo at 19. Since filing Mr. Reid’s memo, counsel has learned of yet another case in which a defendant convicted of obstruction was sentenced to far less than what the government requested for conduct similar to that of Mr. Reid’s on January 6.

In *United States v. Wood*, 1:21CR223 (APM) the defendant pleaded guilty to all charges in the Indictment of which the lead charge was 18 U.S.C. § 1512(c)(1). Like Mr. Reid, the government requested a 2-level enhancement for obstruction of justice because Mr. Wood deleted messages and media from his phone. The PSR also applied the 8 and 3-level enhancements under U.S.S.G. §2J1.2(b)(1)(B) and §(b)(2), respectively. Gov. Sentencing Memo, ECF. No. 55 at 47. The government requested a sentence of 57 months based on its guidelines calculation of 51 to 63 months.

Judge Mehta declined to apply the eight-level enhancement under Section 2J1.2(b)(2) despite evidence that Wood boasted about fighting police and “storming” the Capitol in messages to others such as: “We sent congress running into their escape tunnels,” and “We just stormed the Capitol, we are busting into house chambers,” “We busted the windows out.” Wood also messaged a friend, “I am fighting capitol police.” According to the government, Wood was also part of a group that “terrorized” staffers present in House Speaker’s suite of offices.”¹ Judge Mehta did apply the 2-level enhancement for obstruction. Ultimately, Judge Mehta imposed a sentence of one year of home detention.

Counsel has already acknowledged that no two cases have identical facts. *See* Def. Memo at 19. And Mr. Reid has not requested a sentence of no-imprisonment. That said, Mr. Wood’s conduct is similar to how the government characterizes Mr. Reid’s conduct and the sentence imposed on Mr. Wood supports Mr. Reid’s request. Indeed, the government sentencing memos in both Mr. Wood and Mr. Reid’s case

¹ ECF. No. 55 at 51.

contain similar hyperbole and at times portray the men as dangerous seditionists rather than what they truly were: vulnerable individuals in deep financial distress—and for Mr. Reid, emotional distress—who had been fed lies by none other than the President of the United States (and other powerful people) that democracy was at stake, that their vote had been stolen, and that it was up to them to stand up for the “true President.”² Some similarities between Mr. Wood and Mr. Reid’s admitted conduct include but are not limited to the following:

- Prior to January 6, Mr. Wood, like Mr. Reid, made blustering comments about January 6. Specifically, Mr. Wood messaged comments such as January 6 “is going to be wild” and that he was “down for whatever they want to do!” He also boasted that he was prepared to “raid Congress” and “be brave heart in that bitch.”³
- Mr. Wood climbed the media tower and “encouraged others forward.” According to the government, he incited others to violence.⁴

² According to Representative Liz Cheney, Vice Chair of the House Select Committee investigating January 6, “President Trump invested millions of dollars of campaign funds purposely spreading false information, running ads he knew were false, and convincing millions of Americans that the election was corrupt and that he was the true President.” See <https://www.npr.org/2022/06/10/1104156949/jan-6-committeehearing-transcript>.

³ Id. at 1-3.

⁴ ECF. No. 55 at 3.

- Like Mr. Reid, Mr. Wood entered through a broken window.⁵ Unlike Mr. Reid, however, he pursued police officers up stairs to the Ohio Clock corridor.
- Mr. Wood went from the Ohio Clock corridor to the House Chamber and told others that he and “just broke through Capitol police” (among other blustery comments).
- According to the government, Mr. Wood pushed against police officers. Wood was in the Capitol for a total of 80 minutes.⁶
- Mr. Wood deleted his Facebook account after January 6 and urged an individual whom he has messaged to delete their conversation.
- Like Mr. Reid, Mr. Wood climbed scaffolding and waived his arms and yelled, encouraging protestors forward.⁷
- Mr. Wood entered the Speaker’s suite and took video of his antics there, including taking a drink of water from a glass sitting on a table. According to the government, he was part of a group that “terrorized” the staffers in the Speaker’s suite.⁸ Video captures Wood yelling, “Madam Speaker, we want to have a word with you!” and “Here’s Johnny!.”

⁵ Id. at 4

⁶ Id. at 4

⁷ Id. at 22

⁸ Id. at 28

- Mr. Wood made his way to the Rotunda, where police officers began forcing people to leave. He refused to leave and instead assisted other protestors pushing against police.⁹
- After January 6, Mr. Wood uploaded his pictures to social media with messages such as “We sent those politicians running.”¹⁰
- Like Mr. Reid, Mr. Wood traveled to January 6 with a family member who did not enter the Capitol.
- Like Mr. Reid, Mr. Wood wore regular “street” clothing—no combat or military gear. Like Mr. Reid, Mr. Wood did not bring weapons, though he boasted of using “guns” in his messages.
- Like Mr. Reid, Wood was not affiliated with an extremist organization.

For this conduct, the government requested a sentence of 57 months for Mr. Wood. After declining to impose the 8-level enhancement, Judge Mehta imposed no prison time.

Counsel acknowledges that there are differences between Mr. Wood’s case and Mr. Reid’s case. Indeed, there are differences among all criminal cases in which defendants come before the Court with their own unique characteristics and background, failings and attributes. But these relatively minor differences do not warrant a *six and half year* difference in the sentences imposed. Instead, the similarities between these two cases are striking and show—as do the other cases cited by the defense—that an 18-month sentence for Mr. Reid is fair, will avoid

⁹ Id. at 38.

¹⁰ Id. at 55.

unwarranted disparity with other similarly situated defendants, and is more than sufficient to meet the goals of sentencing.

For these reasons and all those set forth in the Defense Memorandum, Mr. Reid respectfully submits that the government's request for 78 months is excessive and will undermine rather than meet the goals of sentencing. Instead, a sentence of no more than 18 months is sufficient but no greater than necessary in this case.

Respectfully submitted,

A. J. Kramer
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