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

UNITED STATES OF AMERICA,

Case No.: 1:22:cr-00265 RC-1

v.

**MEMORANDUM IN AID OF
SENTENCING**

TIMOTHY WAYNE WILLIAMS,

Defendant

COMES NOW, Timothy Wayne Williams, through counsel, Joseph Conte, pursuant to Federal Rule of Criminal Procedure 32 to address the sentencing factors of 18 U.S.C. §3553(a) in aid of the defendant's sentencing and to request that the court impose a sentence of probation with home confinement and community service.

IMPOSITION OF SENTENCE

This court must impose a sentence that is “. . . sufficient but not greater than necessary, to comply with the purposes [of sentencing] set forth in section 2 of 18 U.S.C. §3553(a).”

In determining the sentence to be imposed this court must consider the §3553(a) factors. Those are:

A. The Nature and Circumstances of the Offense.

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1 Mr. Williams plead guilty to Entering and Remaining in a Restricted
2 Building or Grounds in violation of 18 U.S.C §1752(a)(1) and Theft of Government
3 Property in violation of 18 U.S.C. §641. Both charges are Class A misdemeanors.
4 Mr. Williams had strongly held beliefs after the Presidential election that there had
5 been irregularities in the election that were not proper. He decided to come to D.C.
6 to *peacefully* protest the results of the election and the lack of attention to alleged
7 voting irregularities. He did so with no intent to do anything but add his voice to
8 the vocal protests over the injustice he perceived had happened in the election. He
9 was not armed, and he committed no violent actions in his peaceful protest.
10 Admittedly Mr. Williams entered the Capitol, however, Mr. Williams did not
11 destroy anything. Mr. Williams's only desire was to participate in a democratic
12 process that is protected under the 1st Amendment of our Constitution. While in the
13 Capitol he picked up an abandoned backpack containing a U.S. Capitol Police riot
14 helmet. Unfortunately, going into the Capitol was not part of that democratic
15 process and he now stands before the court having pleaded guilty to entering a
16 restricted building and theft of government property.

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21 **B. History and Characteristics of the Defendant.**

22 Mr. Williams is 30 years old and a resident of Colorado. Mr. Williams
23 has had contact with the criminal justice system. However, his last contact was
24 over 13 years ago when Mr. Williams was only 26 years old. Mr. Williams is
25 employed part-time. He has been told that a fulltime management position is
26 available to him after this case is resolved. Mr. Williams is in a relationship with
27 Heather Hughes and considers her two children as his own. Mr. Williams accepts
28 full responsibility for his actions on January 6.

1 **C. The Need for the Sentence imposed –**

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4 **1. To Reflect the Seriousness of the Offense, Promote**
5 **Respect for the Law and to Provide Just Punishment for**
6 **the Offense.**

7 The offenses Mr. Williams pleaded guilty to are misdemeanors. A
8 period of probation with home confinement and community service will still reflect
9 the seriousness of the offense, promote respect for the law and provide just
10 punishment. As the Supreme Court has noted probation involves a “substantial
11 restriction of freedom.” *United States v. Gall*, 128 S.Ct. 586, 595 (2007). “Inherent
12 in the very nature of probation is that probationers ‘do not enjoy the absolute liberty
13 to which every citizen is entitled’” (quoting *Griffin v. Wisconsin*, 583 US. 868, 874
14 (1987)).
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20 **2. To afford Adequate Deterrence to Criminal**
21 **Conduct, and**

22 **3. To Protect the Public from Further Crimes of the**
23 **Defendant.**

24
25 Mr. Williams’ arrest and conviction has brought a dramatic change to
26 his life, and he is highly unlikely to commit any further offenses. Probation with
27 home confinement and community service will afford the deterrence from criminal
28 conduct and protect the public from further crimes.

1 **4. To Provide the Defendant with Needed Educational**
2 **or Vocational Training, Medical Care, or Other**
3 **Correctional Treatment in the Most Effective**
4 **Manner.**

5 Mr. Williams does not require educational or vocational training. Nor
6 does he require medical care or other correctional treatment.
7

8
9 **D. The Kind of Sentences Available, and**

10 **E. The Kinds of Sentence and the Sentencing Range**
11 **Established**
12 **By the Guidelines.**

13
14 As this is a Class A misdemeanor the Federal Sentencing Guidelines
15 do apply. Mr. Williams' offense level is 9 and he is in Criminal History Category IV.
16 The sentencing range is 12-18 months. The offense is in Zone C of the guidelines.
17 The court must consider the guidelines however the court is free to impose any
18 sentence that is “. . . sufficient but not greater than necessary, to comply with the
19 purposes [of sentencing] set forth in section 2 of 18 U.S.C. §3553(a).”
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24 **F. The Need to Avoid Unwarranted Sentence Disparities**
25 **Among Defendants with Similar Records Who Have Been**
26 **Found Guilty of Similar Conduct.**

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28 A sentence of probation with home confinement and community service
would not constitute an unwarranted sentence disparity.

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CONCLUSION

“It has been uniform and constant in the federal judicial tradition for the sentencing judge to consider every convicted person as an individual and every case as a unique study in the human failings that sometimes mitigate, sometimes magnify, the crime and the punishment to ensue.” *Gall v. United States*, 128 S.Ct. 586, 598 (2007) citing *Koon v. United States*, 518 U.S. 81, 113 (1996). The defendant’s case is unique. He is a 40-year-old offender caught up in the madness that was January 6. As set out above a sentence of probation with home confinement and community service will satisfy the 18 U.S.C. §3553(a) factors.

Dated: June 14, 2023

Respectfully submitted,

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