

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

UNITED STATES OF AMERICA,)	Docket No. 1:21-cr-00025
)	
)	
v.)	ELECTRONICALLY FILED
)	
JORDEN MINK,)	The Honorable Randolph D. Moss
)	
Defendant.)	

DEFENDANT’S MEMORANDUM IN AID OF SENTENCING

AND NOW, to-wit, comes Defendant, Jordan Mink (hereinafter “Mr. Mink”) by and through his attorney, Komron Jon Maknoon, Esquire, and respectfully files the Defendant’s Memorandum in Aid of Sentencing setting forth all factors this Honorable Court should consider in determining what type and length of sentence is sufficient, but not greater than necessary, to comply with the statutory directives set forth in 18 U.S.C. 3553(a).

APPLICATION OF THE STATUTORY SENTENCING FACTORS TO THE FACTS OF THIS CASE

In the present case, the following factors must be considered when determining what type and length of sentence is sufficient, but not greater than necessary, to satisfy the purposes of sentencing:

I. SENTENCING FACTORS UNDER 18 U.S.C. § 3553(A)

Sentencing is guided by 18 U.S.C. § 3553(a), which identifies the factors that must be considered when determining what type and length of sentence is sufficient, but not greater than necessary, to satisfy the purposes of sentencing. In the present case, 3553(a) factors weigh heavily towards a sentence of non-incarceration.

A. The Nature and Circumstances of the Offense

Mr. Mink visited Washington DC for the first time around January 3, 2023, during a family trip, when his fiancé's uncle who lives in Virginia, took him on an outing to sight see at the capital.¹ Mr. Mink's decision to return to Washington DC on January 6, 2021, was impulsive, driven by his desire to witness what he thought would be a was a historical event more than to attend a spirited rally specific to the issues or some deep political conviction. Additionally, it was unexpected by others as it was well known that Mr. Mink had no prior interest in politics and was not known to be politically engaged.² There was no plan and Mr. Mink simply travelled to Washington DC with the intention of figuring things out when he arrived.

Due to the last-minute nature of his decision, he arrived later than intended, which prevented him from getting close enough to hear any of the speeches at the ellipse. As the crowd started moving towards the Capitol Building, Mr. Mink followed, without a clear understanding of the situation. Upon reaching the vicinity of the Capitol Building, he heard people stating that the building was under attack, leading him to believe it was a similar type of attack to the events of 9/11. Unaware of the true nature of the situation, he attempted to gain a better vantage point by getting closer and climbing a statue, hoping to get a clearer view of what was happening. Unable to fully grasp the situation and acting impulsively, Mr. Mink's curiosity and daring spirit drove

¹ The first visit was reflected in the picture of Mr. Mink that was posted on January 3, 2021, at the Lincoln Memorial as referenced in the Governments Sentencing Memorandum. Mr. Mink returned home to Pennsylvania prior to his travelling to Washington DC on January 6, 2021.

² On November 3, 2021, Mr. Mink posted on Instagram quoting Abraham Lincoln, stating, "The ballot is stronger than the Bullet." He also mentioned having his magazines fully loaded as a precautionary measure. Although Mr. Mink expressed his participation in the election, any suggestion that his involvement in politics extended beyond superficial levels or that he traveled to Washington DC with the intent to commit a crime is completely false. Additionally, he did not take a weapon (bat or pole) to the Capital Building as those items were acquired on scene and during the chaos.

him to walk up to the Capitol Building and not in a deliberate attempt to engage in unlawful activities.

Upon reaching the Capitol Building, the environment was chaotic, tense, and confusing. The scene was marked by shouting voices, a densely packed crowd, deployment of tear gas, rubber bullets, and the detonation of flash-bang grenades. Mr. Mink, in the midst of this highly agitated period, was exposed to tear gas, which further intensified an already overwhelming and challenging environment. In no attempt to minimize his conduct, Mr. Mink takes full responsibility for his actions as the situation unfolded. He deeply regrets his choices and fully comprehends it was his actions and decisions that stand to be judged. Mr. Mink also fully acknowledges the seriousness of his actions and the profound impact they had on fellow citizens, law enforcement, the government, and the potential risk for further harm. And, he expresses sincere remorse and is fully prepared to face the consequences of his behavior.

During the allocation, Mr. Mink will take the opportunity to address his actions.

B. History and Characteristics of the Offender

Personal and Family Data

During Mr. Mink's upbringing, his parents, Dennis William Mink and Elizabeth Ann Mink, separated when Elizabeth was six months pregnant. Although their official divorce occurred in 1995, Mr. Mink was primarily raised by his mother. Growing up, he did not have a relationship with his father yet had to witness his older brother maintain and develop a closer relationship with their father. This discrepancy in treatment and affection caused Mr. Mink to struggle with a wide array of emotions and has had a lasting impact on Mr. Mink's emotional well-being and self-perception.

During Mr. Mink's early years, he experienced significant challenges and hardships. As a young child, he suffered from depression, anxiety, and hyperactive behavior. His mother struggled to provide for him and his brother, which led to frequent relocations throughout his childhood. Mr. Mink distinctly remembers sleeping on the floor of their mobile home due to a lack of furniture. Furthermore, the family had to live in the basement of his mother's workplace on two separate occasions, totaling two years, during his time in elementary school.

Throughout his education in the West Allegheny School District, Mr. Mink attended three different elementary schools due to the family's moving. There was also a one-year period when the family relocated to the Slippery Rock School District. It was during this time at Slippery Rock that Mr. Mink received a diagnosis of Attention Deficit Hyperactivity Disorder (ADHD). Although his mother does not recall the name of the child psychologist who made the diagnosis to acquire records, she vividly remembers that Mr. Mink was prescribed medications such as Ritalin, Adderall, and Strattera. Unfortunately, the use of Strattera caused Mr. Mink to experience significant weight loss and other unwanted side effects.

The difficult circumstances Mr. Mink faced during his formative years, such as frequent relocations, financial difficulties, emotional challenges, have deeply influenced his early life. These challenges have played a significant role in shaping his overall well-being and emotional state which thereafter influenced his need to self-medicate. Furthermore, Mr. Mink lacked the necessary guidance and support system to navigate life's challenges and make informed decisions. Growing up in a troubled environment and experiencing various hardships, he did not have a solid foundation or the necessary tools to effectively cope with difficult situations and make sound choices. This lack of a proper foundation contributed to his vulnerability and susceptibility to negative influences.

After their time in the Slippery Rock School District, Mr. Mink's family relocated to the South Side Beaver School District for one year. During his enrollment there, Mr. Mink participated in the Wrap-Around Program, which involved having an aide accompany him throughout the school day and provide assistance with homework at home. Subsequently, the family moved back to the West Allegheny School District. Despite these changes, Mr. Mink continued to experience depression during his childhood. The ongoing challenges and disruptions in his life, coupled with his underlying emotional struggles, likely contributed to his persistent feelings of uncertainty.

During his teenage years, Mr. Mink's relationship with his father continued to be nonexistent. As a result, his primary source of love and support came from his mother. The close bond between Mr. Mink and his mother nurtured a deep sense of protectiveness within him, greatly influencing his actions and decisions. This strong bond instilled in Mr. Mink a natural inclination to safeguard his loved ones, as well as extend his protection to others who may be facing bullying or in need of assistance. He developed a reputation for being a compassionate and protective individual, always ready to come to the aid of those around him. This innate sense of protectiveness has been a defining characteristic of Mr. Mink's personality and has guided his interactions and choices throughout his life. This characteristic demonstrates his compassionate nature and willingness to stand up for others. His experiences, coupled with his innate sense of empathy, contributed to the development of a personality that prioritized protecting and supporting those around him. They also provide insight into his character and the motivations behind his actions during his teenage years.

During Mr. Mink's time at the West Allegheny School District, he encountered a distressing incident that led to his expulsion from school in the ninth grade. Another student directed explicit

threats towards his mother, expressing intentions to harm her. Fearing for his mother's safety and driven by a strong sense of protectiveness, Mr. Mink responded by engaging in a physical altercation with the student. As a consequence of this altercation, he was expelled from the school.

This incident highlights the depth of Mr. Mink's love and respect for his mother and his willingness to defend her in the face of perceived threats. It also underscores the challenges he faced in managing his emotional responses and finding alternative ways to address conflicts. While his intentions were rooted in protecting his loved ones, the use of physical violence resulted in disciplinary action that impacted his educational journey.

Following his expulsion from the West Allegheny School District, Mr. Mink briefly attended Holy Family school before eventually returning to the West Allegheny School District. His brief time at Holy Family school provided a different environment and potentially new perspectives for Mr. Mink. At his mother's encouragement and participation, Mr. Mink was further introduced to religion. Mr. Mink discovered solace and comfort within positive and encouraging environments that offered a sense of structure and support. These environments provided him with a much-needed sense of stability and guidance. During his pretrial detention, Mr. Mink returned to this familiar framework, seeking solace and reassurance in the midst of challenging circumstances. The positive and encouraging environment provided him with a source of strength and helped him navigate through the difficulties he faced during this period.

In tenth grade, Mr. Mink participated in the ROTC program, where he demonstrated great potential according to his mother's recollection of the Sergeant Major's feedback. Additionally, Mr. Mink was a member of the West Allegheny Dive Team, and his diving coach informed his mother that he had the potential to secure a college athletic scholarship for diving if he dedicated himself to improving his skills during the summer. However, at that time Mr. Mink was influenced

by his early usage of alcohol and drugs and ROTC and diving were not pursued.³ Furthermore, Mr. Mink faced legal consequences at the age of fifteen when he was adjudicated delinquent for criminal mischief. These various factors contributed to a clouded path for Mr. Mink, ultimately leading to his disenrollment from high school during the eleventh grade.

As a teenager, Mr. Mink began dating Lexie Otey and they have since become parents to a nine-year-old son named R.M.⁴ Prior to detention in the instant case, Mr. Mink actively worked to support his child and contribute to the household. He held various jobs, such as working as a landscaper, tow truck driver, in the laundry department of a school district, and on steel conditioners. These employment endeavors were driven by his commitment to providing for the financial needs of his family. Mr. Mink understood the importance of his role as a partner to Ms. Otey and as well as being a loving father to his son. He took these responsibilities seriously and made sincere efforts to fulfill them to the best of his abilities. Ms. Otey continues to stand by Mr. Mink's side, demonstrating her unwavering commitment to their relationship. Ms. Otey, along with others, recognizes the genuine kindness in Mr. Mink's heart and his dedication as a loving father. They acknowledge his ongoing efforts to improve himself, even in the face of obstacles and challenges.

Mr. Mink carries a profound regret for the time he has been separated from his family, particularly his son, during these critical years. He fully acknowledges the immense burden that Ms. Otey has shouldered, working long hours, caring for their son, and managing the household.

³ Beginning around the age of 13, he was drinking alcohol and using marijuana. By the age of 15, he had also experimented with ecstasy. These substances had a detrimental effect on his thought processes and hindered his ability to pursue a promising future or extracurricular activities.

⁴ Their plans to marry in October 2022 were cancelled due to Mr. Mink's pretrial detention which started in January 2021.

This sense of regret weighs heavily on Mr. Mink, and he is committed to reflecting on it deeply before making any choices that may jeopardize the welfare of his family in the future.

Mental and Emotion Health

Mr. Mink's mental and emotional health is addressed in the Motion for Departure and/or Variance.

Substance Abuse

Mr. Mink began experimenting with drugs and alcohol at a young age, around 13 or 14 years old, and eventually developed an addiction as a young man. While he was able to achieve sobriety on December 15, 2019, it is noted that he did not counseling to address any other underlying struggles.

The lack of counseling likely has prevented Mr. Mink from fully addressing the root causes of his addiction and addressing any co-occurring mental health conditions. The process of adjusting to a life without substance abuse can be challenging, especially for individuals who have recently become sober. Without proper support and counseling, it can be even more difficult to navigate this transition and establish a healthier lifestyle. For Mr. Mink, who was working towards maintaining sobriety, that adjustment period is a crucial time for adapting to a new way of living and addressing any other underlying issues. It is important to acknowledge the significance of this process and how it may have affected Mr. Mink's behavior and decisions during January 6, 2021.

The Need for the Sentence Imposed

The primary directive in 3553(a) is for sentencing courts to impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph 2. 3553(a)(2) states that such purposes are:

- (a) To reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

- (b) To afford adequate deterrence to criminal conduct;
- (c) To protect the public from further crimes of the defendant; and
- (d) To provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

Under 18 U.S.C. 3661, *no limitation* shall be placed on the information concerning the background, character, and conduct of [the defendant] which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence (emphasis added).

To reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense

It is indisputable that the events on January 6, 2021, had a profound impact on the country and impression from the global community. Although it was not Mr. Mink's intention to be engaged in criminal acts prior to travelling to Washington DC, he did. Mr. Mink's intention was simply to witness a historic event. While his motives were not politically driven, he does possess a genuine love for his country and shares the desire for a free and fair election, much like any other citizen.

Mr. Mink's now understands that his initial decision to enter the restricted grounds of the Capitol Building was made without careful consideration, leading to a chain of impulsive reactions. He deeply regrets his actions and acknowledges the role he played in escalating tensions and endangering others. Mr. Mink takes full responsibility for his behavior and does not shy away from being held accountable. In hindsight, he views the events of that day in a completely different light and is surprised at how quickly his actions escalated.

Following his indictment, Mr. Mink has faced numerous challenges during his incarceration. These challenges include enduring COVID-19 lockdowns and solitary confinement, which can have a significant impact on an individual's mental well-being. Furthermore, Mr. Mink's

lack of vaccination has limited his participation in various activities within the jail environment and restricted visitation from his family for the majority of his detention.

Mr. Mink's current circumstances have humbled him and led him to reflect on the gravity of his situation. He acknowledges the immense power of the law and the impact it can have on his life, particularly as he faces additional incarceration. It is worth noting that Mr. Mink has no notable history of serving time in prison, making this experience a stark departure from his previous encounters with the legal system.

Since being detained, Mr. Mink has gained a deep appreciation for the power of the law and the need to conduct himself within its boundaries. He now understands the loss of freedom and the toll it has taken on his family, particularly his son. As a result of reflecting on his actions and the consequences they have brought, Mr. Mink has developed a deep respect for the law. The time he has spent contemplating the impact of his choices has made him keenly aware of the importance of abiding by and upholding the law in society.

To Afford Adequate Deterrence to Criminal Conduct

Mr. Mink's criminal history does not demonstrate an extensive record of serious offenses. While he has had some minor infractions with the law, it is important to note that the only act of violence on his record occurred when he was 19 years old and struggling with addiction. The majority of Mr. Mink's criminal history is related to cases associated with his battle against addiction. He has reflected on his past and better understands the causes of his behavior. He came to this realization through the immense challenges during his detention in a single cell locked down the majority of days due to COVID-19. However, he has found solace and a sense of comfort by renewing his faith and dedicating time to studying the Bible. These activities have allowed him to reflect on his life, address suppressed traumas, and seek personal healing.

In hindsight, Mr. Mink recognizes the hardships his family has endured and regrets the pain they have experienced. However, he views his circumstances as an opportunity for personal growth and transformation. By confronting his inner demons, he is emerging as a stronger and improved version of himself.

While detained, Mr. Mink has received unwavering support from his Ms. Otey, who remains steadfastly committed to standing by his side. She has shown a genuine effort to understand his past traumas, gaining a deeper understanding of his personal struggles, and offering her support as he embarks on a journey of personal growth. While Ms. Otey remains committed and supportive, she also plays a vital role in holding Mr. Mink accountable for his progress. She expects him to continue making positive changes and strives to ensure that he remains on the path of personal growth and improvement. She as well has faced many struggles as a result of Mr. Mink's detention and committed to positive change for the well-being of her family.

Mr. Mink is fortunate to have a strong support structure. He is a determined individual, is committed to taking the necessary steps every day to better himself and maintain his sobriety. He is resolute in avoiding any situation that may lead to legal consequences or disappoint his family in the future.

Conclusion

Although the case before this Court carries significant gravity, it is important to acknowledge that Mr. Mink does not pose a threat to society in terms of his actions or beliefs. He genuinely regrets his past actions, has developed a profound respect for the law, and with the proper tools and support, is effectively deterred from engaging in future criminal conduct. Therefore, Mr. Mink respectfully requests this Honorable Court to impose the minimum guideline sentence at a facility closest to his home near Pittsburgh, Pennsylvania.

In support of his argument, Mr. Mink submits character letters (collectively marked as Exhibit A). Furthermore, if any additional character witnesses are unable to attend the sentencing, their letters in support will be promptly supplemented to the Court to ensure their voices are heard. Mr. Mink also reserves the right to supplement and/or address any additional or relevant sentencing issues at the appropriate time.

Respectfully submitted,

s/ Komron Jon Maknoon

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