

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

UNITED STATES OF AMERICA,)	
)	
v.)	
)	CRIM NO. 22-CR-243
JODI WILSON,)	Judge: Kollar-Kotelly
)	
Defendant)	Sentencing Date: 4/27/23

DEFENDANT JODI WILSON’S MEMORANDUM
IN AID OF SENTENCING

COMES NOW Jodi Wilson, by and through counsel, and submits the following memorandum in aid of sentencing.

Background

On July 15, 2022, Jodi Wilson was charged via information with four counts: (1) Entering and Remaining in a Restricted Building, in violation of U.S.C. § 1752(a)(1); (2) Disorderly and Disruptive Conduct in a Restricted Building, in violation of 18 U.S.C. § 1752(a)(2); (3) Violent Entry and Disorderly Conduct and Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(D); and (4) Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G).

She was arrested August 19, 2021, and she has been on her personal recognizance during the entire time that this matter has been pending. She continues

to be fully compliant with her release conditions. In addition, from the beginning of the case, she has been cooperative with law enforcement officials.

On December 14, 2022, Ms. Jodi Wilson entered a plea of guilty to one count of Parading, Demonstrating, or Picketing in the United States Capital in violation of 40 USC § 5104(e)(2)(G), Count Four of the Information, for her actions occurring on January 6, 2021. From an early point, Ms. Wilson indicated that she was willing to accept responsibility for her actions. She is regretful for her actions and is willing to follow whatever sentence conditions placed upon her by this honorable court. Sentencing in this matter is scheduled for April 27, 2023. Accordingly, because of her lack of record and compliance since August of 2021, Ms. Wilson respectfully requests a probationary sentence.

Ms. Jodi Wilson is currently 44 years old. She was 41 years old at the time of the offense. She has no prior criminal charges or convictions, either as an adult or as a juvenile. She graduated high school in her current hometown of Swanton, Ohio, from Swanton High School. She is currently employed and is hoping to maintain her employment to continue to provide support for her children.

There are three related cases in this matter. First, her co-defendant and Ms. Wilson's son, Cole Temple, still has his matter pending before the court awaiting sentencing. Similarly to Ms. Wilson, on October 5, 2022, Mr. Temple pled guilty to

one count of parading, demonstrating, or picketing in the United States Capital in violation of 40 USC § 5104(e)(2)(G). Second, Madison Pettit, who traveled with Ms. Wilson also pled guilty to one count of parading, demonstrating, or picketing in the United States Capital in violation of 40 USC § 5104(e)(2)(G), was sentenced to 18 months of probation, with special conditions to include 60 hours of community service, location monitoring – home detention for 45 days, \$500 restitution to be paid at a rate of \$100.00 per month, financial disclosure, and financial restriction. . Third, Gabriel Burrese, the husband of Madison Pettit, received the identical sentence as his wife.

Argument

A. Statutory Penalty

The penalty for a violation of one count of 40 USC § 5104(e)(2)(G), Parading, Demonstrating, or Picketing in a Capitol Building, is six months imprisonment and/or a \$5,000 fine. Since it is a Class B misdemeanor, the U.S. Sentencing Guidelines do not apply to that class of misdemeanor. *See* USSG §1B1.9. Therefore, the United States Sentencing Guidelines do not apply in this matter, and therefore this honorable court may sentence her to any sentence the court deems proper, which may include a fully suspended sentence.

B. Actions on January 6, 2021

The date of January 6, 2021, will forever be remembered in American history as a day in which the foundations of our democracy were shaken. There were many individuals who caused physical damage, assaulted police officers, and in many other ways disgraced the hallowed halls of the U.S. Capitol. However, Jodi Wilson, as well as the people who went with her, were not any of those individuals.¹

In early January of 2021, Jodi Wilson, along with her son Cody and two friends, Madison Pettit and Gabriel Buress, traveled from Ohio to Washington D.C. to attend the “Stop the Steal” rally organized by then-President Donald Trump. On the date of the rally, January 6, 2021, the Wilsons traveled downtown. Because they arrived too late for the rally, Ms. Wilson and Cole Temple followed the crowd towards the U.S. Capitol, reaching the east front, where there were bike racks set up as a barricade. After some of the other protesters clashed with police officers and eventually removed the bike racks, Jodi Wilson and Cole Temple went towards the Capitol and, at approximately 3:01 p.m., entered the U.S. Capitol through the Rotunda doors.

¹ The arguments made herein about Jodi Wilson’s lack of criminality while within the U.S. Capitol is in no way implying that Jodi Wilson has not committed any crime or suggesting that she is innocent of any crime. Ms. Wilson fully acknowledges and admits to the crime to which she pled guilty. The arguments made are for the purposes of distinguishing the acts (or lack of acts) of Jodi Wilson in relation to other individuals who were in the U.S. Capitol that day.



Figure 1: Jodi Wilson entering the U.S. Capitol with a police officer at the door.

Ms. Wilson and Mr. Temple entered the Rotunda foyer through the door. At the door, Ms. Wilson passed directly in front of a police officer, who did not give her any indication, either verbally or physically, that she could not enter. *Figure 1.*

However, there were other indications, such as an alarm and broken windows, which should have indicated to her that she should not have entered. Once they were inside, her son Cole used a cell phone to take pictures and videos. This included a video that was posted on Snapchat with the caption “shits [sic] going down and go ahead and

say some shit.” She and her son walked around the Capitol, mostly within the Rotunda area, where they did not cause any damage. Officers ordered Ms. Wilson and Mr. Temple to leave, and they exited at approximately 3:17 p.m.

While indeed they entered the Capitol wrongly, while inside, neither Jodi Wilson or Cole Temple is alleged to have done anything that rose to a level of any assaultive or destructive behavior. While they did witness others acting inappropriately, such as seeing others physically engaging with law enforcement, neither Jodi Wilson nor her son participate similarly in that way at any time. They were in the location for approximately sixteen (16) minutes. entering at approximately 3:01 p.m. and leaving at approximately 3:17 p.m. At no time does the government even allege that either of them, acted violently, caused any damage, or acted inappropriately towards any law enforcement officer while in the U.S. Capitol.

On August 12, 2021, Wilson was interviewed by Federal Bureau of Investigation (“FBI”) agents, where she admitted to her actions. Admittedly, she initially minimized her actions and FBI agents had to show her pictures of her actions. However, she finally did admit to entering the U.S. Capitol to the FBI agents. She eventually accepted responsibility by pleading guilty, and at no time did she indicate a desire to go to trial.

As this court knows, in determining a sentence, the court needs to consider the factors under 18 U.S.C. § 3553(a), this court should consider the following: (1) the nature and circumstances of the offense; (2) the defendant's history and characteristics; (3) the need to impose a sentence that reflects the seriousness of the offense, promotes respect for the law, provides just punishment, affords adequate deterrence, protects the public, and provides the defendant with needed educational or vocational training and medical care; and (4) the need for the sentence to avoid unwarranted disparities among defendants with similar records convicted of similar conduct. *See* 18 U.S.C. § 3553(a). In that regard, the defense provides some additional factors for the court to consider.

As described above, Ms. Jodi's actions on that day did not involve any violence, destruction, disrespect to legal authorities, or even any inflammatory speech or actions. Furthermore, Ms. Jodi Wilson has no criminal record, even as a juvenile. She is also currently employed as a server in a Mexican restaurant, Loma Linda, in Swanton, Ohio. She also works as a bartender at The Haven Lodge in Swanton Ohio. It is her desire to maintain her job, and any period of incarceration would obviously cause an interruption which may cause the loss of her employment. Given her limited actions (and inactions) of Jodi Wilson on January 6th, 2021, a probationary sentence would be sufficient.

In support of her in anticipation of her sentencing, Ms. Wilson has received an incredible outpour of support from many friends and family.² The fourteen (14) letters provided all speak to the good character of Ms. Wilson. They are included as exhibits to this memo and are incorporated herein. They include:

Exhibit A: A letter from Alyssa Temple, Jodi Wilson's daughter. She discusses her positive childhood with her mother, as well as challenges her mother had after Ms. Wilson's divorce and assistance during Alyssa's pregnancy, at one point describing her mom as a "superhero."

Exhibit B: A letter from Amanda Reed, a coworker, describing her as "[h]ardworking, dependable, and generous." She describes Jodi Wilson as someone she could talk to about her problems in her life.

Exhibit C: A letter from Amanda Mann, Jodi Wilson's cousin. Ms. Mann indicates that Jodi Wilson is a caring individual, explaining that she is giving of her time and is also a hard worker who is very self-sufficient.

Exhibit D: A letter from Ashley Sheskey, Jodi Wilson's first cousin. Ms. Sheskey indicates that Jodi Wilson is a "kind, loving person" who takes her grandmother to church every Sunday who is always there when assistance is needed.

² In accordance with local rules, the personal information of the letters has been redacted from the copies being filed. However, a separate copy unredacted copy will be sent to the government and to the court separately.

Exhibit E: A letter from Catherine Miller, a friend from Cedar Creek Church, who describes Ms. Wilson as “a loving and caring person, who gives more than she will allow others to help her.” She explains that she brought up her children well and met her own children’s needs even during her divorce.

Exhibit F: A letter from Chelsey Fitch, a coworker and friend. Ms. Fitch discusses that Jodi Wilson has “a heart of gold” and is kind with a “charismatic personality.”

Exhibit G: A letter from Denise Sheskey, Jodi Wilson’s aunt. She describes Jodi Wilson as a “caretaker” who provides care for many family members, including during challenging times.

Exhibit H: A letter from Emmett Temple, Jodi Wilson’s son. Emmett discusses how he looks out for him and never lets him down.” Emmett explains how she always helps him out, including with homework, and loves all her children, including him, equally.

Exhibit I: A letter from Gabrielle Bowers, a friend who describes Ms. Wilson as “a second mother.” She describes a particularly difficult Christmas where Jodi Wilson provided her with presents because her parents were unable to afford it at the time. Gabrielle also describes Jodi Wilson as a religious person, and also explains

how had it not been for Ms. Wilson's financial help, she would not have the house that she lives in.

Exhibit J: A letter from Gary Miller, Jodi Wilson's stepfather, describing her when she was young as a "loving, outgoing, artistic child." He explains that she has "a heart of gold" and is a hard worker who has shared that trait with all of her children.

Exhibit K: A letter from a friend, Mike Mann, who states Jodi Wilson is a good-hearted person who would never hurt a soul.

Exhibit L: A letter from Roger Molina, a friend and coworker. He indicates that she has always been kind. He also says that she is very worried about her situation and is very remorseful.

Exhibit M: A letter from Ryan Price, Ms. Wilson's brother-in-law. He shows that she is a very hard worker who often works multiple jobs and is dependable. He also indicates that her family is of immense importance to Ms. Wilson, as she does countless selfless acts for friends and families, including during times of emergencies.

Exhibit N: A letter from her friend, Theresa Smith. A frequent customer at the restaurant where Ms. Wilson works. Ms. Smith describes her as a kind and generous person with an intense sense of duty to her children. She also explains that she has

“been through lots of ups and downs in her life,” but she works hard to overcome obstacles while keeping her family’s best interest in mind.

Given the circumstances of Jodi Wilson - her lack of criminal record, her compliance with her pretrial conditions, her nonviolent behavior within the Capitol, her age, and her employment – Ms. Wilson would respectfully request a fully probationary sentence with hours of community service if the court feels it is appropriate.³ Ms. Wilson has accepted full responsibility in this case. This has been a valuable lesson and is one to never be repeated. She has a low chance of recidivism, and this matter has been a very disrupting, stressful situation in her life. She is very remorseful for her actions, and as she has done to date, she will obey any orders or conditions placed upon her by this court. It is Ms. Wilson’s hope that those conditions be limited to probation, community service, and any fine that the court imposes upon her. Should the court believe that some level of detention is necessary, Ms. Wilson would respectfully ask that she be allowed to serve it in the form of home detention.

³ A major concern of Ms. Wilson is a current custody battle she is having with the local courts in Ohio. At one hearing, Ms. Wilson recalls that the judge suggested that if she would be on probation in this matter, she would not be able to see her child. However, at a subsequent hearing, the court indicated to the contrary, and the judge indicated it did not say what Ms. Wilson believed he stated at the prior hearing (she attempted to get a transcript, but it was unavailable). Accordingly, there is some uncertainty of the effect that Ms. Wilson being put on probation will have on her custody case. Ms. Wilson is therefore requesting probation. However, if it turns out that probation will have a negative impact on her custody situation, Ms. Wilson may ask this court to reconsider its sentence and will file an appropriate motion in that regard.

WHEREFORE, for the reasons stated above, Defendant Jodi Wilson respectfully requests for a fully probationary sentence with all jail time suspended and community service if the court deems it appropriate.

Respectfully submitted,

JODI WILSON

By Counsel

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