

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

UNITED STATES OF AMERICA

V.

CORY RAY BRANNAN

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CAUSE NO. 21-CR-637-TSC

DEFENDANT’S SENTENCING MEMORANDUM

INTRODUCTION AND FACTUAL BACKGROUND

The Defendant, Cory Ray Brannan, has entered a guilty plea to the misdemeanor of Parading, Demonstrating or Picketing in a Capitol Building. 40 U.S.C. § 5104(e)(2)(G). He is scheduled to be sentenced in this matter on September 23, 2022, and submits this Sentencing Memorandum in support of his being sentenced to probation.

The fact sequence leading to this federal case began on January 5, 2021. On that date, Mr. Brannan was with two of his friends, in Midland, Texas. Although, Mr. Brannan’s birthday would not be for another couple of weeks, one of the friends suggested all three of travel to Washington, D.C., to see President Trump speak, as part of a pre-birthday celebration. So, the three friends traveled to Washington, D.C.. On January 6, 2021, Mr. Brannan, along with his two friends, went to hear President Trump. After President Trump’s speech, a lot of people were going to the U.S. Capitol. Out of curiosity, Mr. Brannan walked to the Capitol. When he arrived at the Capitol, numerous people were entering the building. Again, out of curiosity, Mr. Brannan entered the building. “He entered the U.S. Capitol by climbing through a window next to the Senate wing doors...[he then] walked around near the Senate Wing Doors before exiting the U.S. Capitol six minutes later.” While Mr. Brannan was in the building, for these six minutes, he did not touch anything or anybody. Mr. Brannan then left the premises and returned to Texas.

GROUND FOR PROBATION

The penalty for a 40 U.S.C. § 5104(e)(2)(G) conviction is 0 to 6 months incarceration, up to a \$5000.00 fine or up to 5 years probation.

The U.S. Sentencing Guidelines do not apply in this case, because this is a Class B misdemeanor. However, if they were considered, Mr. Brannan’s behavior in this matter would qualify him for a downward departure, because his actions constituted Aberrant Behavior. In other words, his case is an “exceptional case” under U.S.S.G. § 5k2.20. He would qualify because he meets U.S.S.G. § 5k2.20(b)and(c).

Section(b) setsforth:

REQUIREMENTS – The Court may depart downward under this policy statement only if the defendant committed a single criminal occurrence or single criminal transaction that (1) was committed without significant planning; (2) was of limited duration; and (3) represents a marked deviation by the defendant from an otherwise law-abiding life.

In this case, Mr. Brannan committed a single criminal occurrence. It was committed without significant planning by him. It was of limited duration (approximately 6 minutes). And, it represented a marked deviation by him from an otherwise law-abiding life.

Clearly it represented a marked deviation by him from an otherwise law-abiding life. Mr. Brannan does not have any criminal convictions. The only “Criminal Record” Mr. Brannan has is a Traffic Infraction in October 2016 for “Illegal Dumping Less Than 5 Pounds” and “was disposed after [he] paid a fine...”

Not only was he previously law-abiding, he has always been gainfully employed. He was working for the Midland County Sheriff’s Office at the time of this offense, but lost his job because of the present offense. After that, he obtained a job as a dispatcher for Alamo City Protective-Quick

Response Force. Mr. Brannan continues to be employed by them. However, his employer has informed him that he will be terminated if he is incarcerated.

Also, Mr. Brannan has been on Pretrial Release in this matter, since September 7, 2021. He has been in full and total compliance on Pretrial Release. Mr. Brannan contends that his compliance with all of the terms and conditions of Pretrial Release is indicative of how he will comply, if he is placed on probation.

Additionally, Mr. Brannan would not be prohibited under §5k2.20 based on the presence of certain circumstances. His offense did not involve serious bodily injury or death. He did not discharge a firearm or otherwise use a firearm or dangerous weapon. The instant offense is not a serious drug trafficking offense. And, Mr. Brannan has no criminal history points. U.S.S.G. § 5k2.20(c).

Mr. Brannan is very sorry and remorseful for his actions. He has admitted his guilt and has pleaded guilty. He has agreed to pay his share of restitution. He has tried to show the Court, through his staying out of trouble, complying with Pretrial Release and his ongoing employment, that he will not get in any further legal trouble.

Mr. Brannan is motivated and intelligent, and he definitely has the love and support of his family, especially his grandmother. Moreover, he certainly has personal qualities indicating his potential for rehabilitation.

According to U.S.C. § 3553(a)(2)(A), the sentence imposed must reflect the seriousness of the offense, promote respect for the law and provide just punishment. But, in light of the existence of probation as a congressionally, authorized sentencing alternative for this and many other offenses, imprisonment is not the only means to achieve these objectives. The same is true regarding issues of deterrence. 18 U.S.C. §3553(a)(2)(B). The sad reality is that the United States imprisons

more of its citizens than any other western country. However, the deterrent powers of imprisonment has not dethroned the United States from its status of having the highest crime rate.

Given that Mr. Brannan has a high school diploma, has great employment history, and does not have a criminal history, available statistics and criminology suggest that he has an extremely good chance of avoiding the common pitfalls of recidivism. Under these circumstances, imprisonment is not needed “to protect the public from further crimes of the defendant.” 18 U.S.C. § 3553(a)(2)(C). In light of these same facts, he has minimal needs for treatment and intervention in a correctional setting. 18 U.S.C. § (a)(2)(D).

All remaining statutory sentencing considerations are easily addressed and do not weigh against the Court imposing a non-incarceration sentence. Probation is an additional sentence alternative in this case. 18 U.S.C. § 3553(a)(3) (“the kinds of sentence available”). In light of all of the forgoing, a probation sentence would not result in “unwarranted” disparity. 18 U.S.C. § 3553(a)(6) (“the need to avoid unwarranted sentencing disparities”). There are no restriction issues in this case. 18 U.S.C. § 3553(a)(7).

Finally, enclosed are five (5) support letters which are further evidence that Mr. Brannan would be an excellent candidate for probation.

CONCLUSION

Based on all of the above, and applying all of the requires statutory sentencing factors, this young man should be given a chance of probation.

Respectfully submitted.

MAUREEN SCOTT FRANCO
Federal Public Defender

/s/ JOHN J. VELASQUEZ
Assistant Federal Public Defender
Western District of Texas
200 East Wall St., Room 110
Midland, Texas 79701
Tel.: (830) 308-6040
Bar Number: Nebraska 18183

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of September, 2022, I filed the foregoing Sentencing Memorandum using the CM/ECF system and emailed a copy to all attorneys of record.

April Ayers-Perez
Assistant United States Attorney
11204 McPherson Rd., Suite 100A
Laredo, Texas 78045

/s/ JOHN J. VELASQUEZ
Attorney for Defendant

Ref: Cory Ray Brannan

To whom it may concern

Honorable Judge

I am writing this letter in reference to my grandson, Cory Ray Brannan, I am his grandmother (or Mimi)

January 6, 2021 Cory made the biggest mistake of his life by going to the Capital. And this mistake will always haunt him for the rest of his life.

Cory lost the job of his dreams because of that one day he was working at the Midland County Sheriff Office hoping to one day have the privilege of being a sheriff working the streets of midland but after the FBI came with a photo and asked the sheriff to identify Cory, he was fired the next day without out any reason except some made up excuse.

Cory has always been a very helpful and loving member of our family while his mom worked and also went to nursing school, my parents and I helped take care of Cory. He was always willing to help in any situation if he could.

Cory and I are very close and I know he has always helped me through some difficult times, such as the death of my parents and my husband. He has lived with me in the past so that he could help take care of me through several surgeries and Covid.

Cory is a very loyal friend to all that he be friends and to anyone he works with he is a leader that believes in god, and all of his family and friends are praying that you will take this letter into consideration and let him continue to make a better person of himself, a better son, brother, grandson and most importantly a father.

Please, Your Honor, help take a foolish mistake and turn a young man into a person that can make a difference. Cory does understand the importance of the situation and sees how his life has truly been scared by the Grace of God. Cory is truly trying to be a citizen that we can all be proud of.

Thank you for your time reading this letter.

Judy Manley

To Whom this May Concern:

I am writing this letter on behalf of Cory Brannan; I am the mother of this said person. Cory Brannan has always been responsible and focused. He is well respected and loved at his jobs and in his family life. I believe he was in the wrong place at the wrong time in this instance and was being a follow of his friends instead of the leader that he has followed thru with. Cory has always pursued the law enforcement side of occupation and thrived to do what is right. This staggering situation has taken a toll on him and comprised him in being able to pursue his passion. He wants to be given the chance to make this situation right and be able to pursue his long-term dream and continue developing his character. Cory will continue to have a positive attitude and continue his leadership roles in his employment and daily life. I hope that this letter corresponding to Cory Brannan and his case acts as an effective and helpful aspect during the court's decision about this case.

Sincerely,

Crystal Nikki Brannan-Gonzales
Crystal (Nikki) Brannan-Gonzales



**DEPARTMENT OF THE AIR FORCE
10TH OPERATIONAL MEDICAL READINESS SQUADRON
USAF ACADEMY COLORADO**

25 September 2020

MEMORANDUM FOR UNITED STATES COAST GUARD

FROM: 10 OMRS/SGPJ

SUBJECT: Letter of Recommendation for Cory Brannan

Dear Board Members,

As a Major with 13 years of service in the United States Air Force and a vested interest in the future of the armed forces of the United States, it is with the utmost care and sincerity that I recommend prospective leaders.

I am a friend of the Brannan family and have known Crystal Brannan, the mother of Cory Brannan, for the last 7 years. Cory's mother requested my mentorship of Cory two and a half years ago as he entered military service with the Army. Cory Brannan is the child of parents whom have strong character, integrity, and work ethic. These are qualities that have obviously been instilled in their son, Cory. Through my interactions with Cory, I have seen that he has a positive attitude and seeks out opportunities to be of service to his community.

Cory's is capable of meeting the standards for the level of performance and behavior that one would expect of the members of our armed forces. He has my recommendation for acceptance into the United States Coast Guard.

MAASS.ANGEL Digitally signed by
A.D.1162782270 MAASS.ANGEL.A.D.1162782270
Date: 2020.09.25 09:16:02 -0500

**ANGELA D. MAASS, Maj, USAF
Cadet Medicine Flight Commander
Operational Medicine Flight Commander**

----- Forwarded Message -----

From: Aaron Realme <~~arrealme@va.gov~~>
To: "Cory Brannan" <~~cbrannan@va.gov~~>
Sent: Monday, June 20, 2022, 08:19:13 PM CDT

Subject: Mr. Cory Brannan is one of my closes friends that I new back in high school up until now as one my coworkers. he does his job with experience and Excellent also being a helping hand to the people in need. He protects the ones he loves he will also think about others just not him self he likes to be with family and friends on special Occasions and being a leader in any job leading by example in a safe place. He knows his right from wrong

Mr. Cory Brannan is one of my closes friends that I new back in high school up until now as one my coworkers. he does his job with experience and Excellent also being a helping hand to the people in need. He protects the ones he loves he will also think about others just not him self he likes to be with family and friends on special Occasions and being a leader in any job leading by example in a safe place. He knows his right from wrong



From: Manley Crane <craneman84@yahoo.com>
Sent: Tuesday, September 13, 2022 12:31 PM
To: John Velasquez <John_Velasquez@fd.org>
Subject: Cory Brannan

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EXTERNAL SENDER

Just a note to let you know how proud I am of Cory now

During the Uvalde crisis after working his 12 hour shift with no sleep he was taking water and snack deliveries to the law enforcement and others in Uvalde This was so his group could stay on site as the backup if needed

Also on Sunday (9/11) he had worked all nite but he was ask to assist the police, firemen, FBI and others that were going to do the walk of the tower. Cory ended up having to climb the stairs 3 times up and 3 times done because he assisted the ones that were passing out and not making it This is the type person Cory really is not the one that followed a group on January 6

Cory works close with the police and the fireman in his job now He has been offered a position in one fire station after he finds out what will happen on September 23 and also has talked with the police station but he knows everything is on hold and in the hands of the judge

Thank you for listening to me about Cory

Judy Manley

Sent from my iPhone