

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

CASE NO. 21-CR-703-RDM

UNITED STATES OF AMERICA

v.

JULIO CHANG,

Defendant.

DEFENDANT CHANG’S SENTENCING MEMORANDUM

The Defendant, JULIO CHANG, through undersigned counsel, hereby files his Sentencing Memorandum. This memorandum provides a brief description of the offense, a brief background of CHANG’s life, and a brief discussion of the 18 U.S.C. § 3553(a).

Pursuant to USSG §1B1.9, the United States Sentencing Guidelines do not apply to any count of conviction that is a Class B or C misdemeanor or an infraction. The Sentencing Recommendation made by United States Probation is three years probation with no term of imprisonment and \$500.00 in restitution. (See D.E. 41). The Government recommends this court sentences CHANG to 45 days imprisonment and \$500.00 in restitution. (See D.E. 39). For the reasons set forth below, CHANG urges the Court to accept the recommendation made by United States Probation that he be sentenced to a term of probation.

This Honorable Court is tasked with fashioning a sentence that is “sufficient but not greater than necessary” to achieve the goals of sentencing set forth in 18 U.S.C. § 3553(a)(2).

CHANG’S PHYSICAL CONDITION

As set forth in the Presentence Investigation Report (PSR) at ¶ 42-43, in May 2019, CHANG was involved in a traffic accident where he was rearended by a box-truck. Attached as

Exhibit 1 is a photograph of CHANG's vehicle after the accident. As a result of this accident, CHANG suffered a concussion, spinal fracture, herniated discs, as well as traumatic brain injury. These injuries resulted in surgery, and he continues to suffer from the effects, including pain, impaired balance and memory problems. Medical records provided to the Probation Officer document that CHANG underwent brain and spinal treatment at NeuLife Neurological Services from March 26, 2023, May 8, 2023.

CHANG'S MENTAL AND EMOTIONAL HEALTH

As set forth in the Presentence Report (PSR) at ¶ 46-47, CHANG has been diagnosed with Post-Traumatic Stress Disorder (PTSD), anxiety, and depression. This is a result of his deployments in the United States Marine Corps in Guantanamo, Cuba and Afghanistan. His military service and commendations are set forth in the Presentence Report (PSR) at ¶ 51. Most notably is the Joint Service Commendation for his preventing a bombing which could have resulted in the death of the U.S. Ambassador and the President of Afghanistan.

NATURE AND CIRCUMSTANCES OF THE OFFENSE

Julio Chang traveled from Miami, Florida, on a 22-hour Amtrack train ride which departed on January 5, 2021, and arrived on January 6, 2021, before noon. Upon exiting the train station, CHANG realized that he was underdressed for the cold Washington weather and purchased a knit cap outside from a street vendor outside the train station.

The purpose of Chang's trip was to listen to then President Trump's speech. He arrived near the Washington Monument during the speech and was too far away to hear the President. After the speech, CHANG walked back to the train station to warm up while he waited for his return train to Miami.

While at the station, CHANG learned from a friend in Arizona that Trump supporters had marched to the Capitol. Upon hearing this, CHANG walked the few blocks to the Capitol and

approached it from the East side around 3:00 p.m. When CHANG arrived at the Capitol, there were no barriers or police blocking access to the steps which was filled with people. CHANG did not see any confrontations occurring between the civilians and Capitol police.

CHANG entered the Capitol at approximately 3:03 p.m. through the East door. The door was being held open by the Capitol police and people were entering and exiting unimpeded as shown in *Exhibit 2* and the Capitol surveillance video (Government's Sentencing Memorandum D.E. 39 at Exhibit 2).

There were well over one hundred people in the Rotunda when CHANG entered. For a couple of minutes, CHANG walked around the Rotunda filming and taking pictures with his phone. Immediately after witnessing a confrontation with Capitol Police CHANG started making his way to the exit. See Government's Sentencing Memorandum Exhibit 4. CHANG did not cause any property damage, or cheer on the rioters, or disobey Capitol Police. CHANG exited the Capitol through the Rotunda doors at approximately 3:11 p.m. See PSR at ¶ 20.

CHANG'S ACCEPTANCE OF RESPONSIBILITY

On May 31, 2021, CHANG voluntarily agreed to speak with FBI Special Agent Robert Fiumefreddo. CHANG admitted that he was present at the Capitol on January 6, 2021. He did not deny his presence at the Capitol nor did he create a false alibi.

Unlike the way it is portrayed in the Government's Sentencing Memorandum, CHANG did not immediately delete his Facebook account after speaking with the FBI. Had CHANG wanted to conceal his presence at the Capitol on January 6th, would not have been forthcoming with law enforcement. The reality is that CHANG deleted his Facebook account because he was tired of the negative comments for his Facebook postings.

CHANG was not instructed by law enforcement to keep his social media accounts active, nor preserve any photographs, videos, or communication regarding January 6th or his views of the

2020 Election. Had law enforcement wanted to preserve any of CHANG's media posts regarding January 6th it had ample opportunity to do so. Although, it should be noted that said posts would not have led to a different outcome in this case. CHANG openly admitted to being at the Capitol on January 6th and every second of his peaceful presence in the Capitol is documented by video surveillance.

CHANG understands he should not have entered the Capitol. He is remorseful for his transgressions against society and accepts full responsibility for his actions.

NEED TO AVOID UNWARRANTED SENTENCE DISPARITIES

Attached as Exhibit 3 is a table of the Sentences Handed Down in the Capitol Breach Cases¹ by this Honorable Court. The table is current through September 20, 2023, and we have limited it to only to those cases that were handled this Honorable Court.

CONCLUSION

The Defendant, JULIO CHANG, respectfully requests that this Honorable Court adopt the recommendation of the United States Probation and impose a sentence of probation with no term of imprisonment, which would result in a sentence that is sufficient but not greater than necessary.

Dated: October 2, 2023

Respectfully submitted,

By: /s/ Joseph S. Rosenbaum
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¹ <https://www.justice.gov/usao-dc/capitol-breach-cases>

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 2, 2023, I electronically filed the foregoing with the Clerk of the Court using CM/ECF.

/s/ Joseph S. Rosenbaum
Joseph S. Rosenbaum, Esq.
Rosenbaum & Acevedo, L.L.P.