

U.S. Capitol, requiring the expenditure, as of April 5, 2022, of approximately \$2,734,783.14 for repairs. Mr. Buxton agrees to pay restitution to the Architect of the Capitol in the amount of \$500. This applies regardless of whether Mr. Buxton himself caused any damage. Pursuant to the parties' agreement, the government will request the Court dismiss the remaining Counts of the Information pending against the defendant in this case at the time of sentencing.

In this memorandum, Defense Counsel is providing the Court with additional information based upon USC § 3553(a) and urging the Court to sentence Mr. Buxton to a term of probation. Mr. Buxton has accepted full responsibility by providing a truthful admission regarding his involvement in the crime for which he is charged and by entering a guilty plea in a timely manner.

Factual Background

The facts that gave rise to this cause of action took place on January 6, 2021. On this date, a joint session of the United States Congress convened at the US Capitol, which is located at First Street, SE, in Washington, DC. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the US Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber. As the proceedings continued in both the House and the Senate, and with Vice President Pence present and presiding over the Senate, a large crowd gathered outside the US Capitol. The temporary and permanent barricades were in place around the exterior of the US Capitol building, and US Capitol Police were present

and attempting to keep the crowd away from the US Capitol building and the proceedings underway inside.

At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the US Capitol Police, and the crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by US Capitol Police Officers or other authorized security officials.

At such time, the certification proceedings were still underway and the exterior doors and windows of the US Capitol were locked or otherwise secured. Members of the US Capitol Police attempted to maintain order and keep the crowd from entering the US Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the US Capitol, including by breaking windows and by assaulting members of law enforcement, as others in the crowd encouraged and assisted those acts. The riot resulted in substantial damage to the US Capitol, requiring the expenditure of more than \$1.4 million dollars for repairs.

Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Pence, were instructed to—and did—evacuate the chambers. Accordingly, all proceedings of the United States Congress, including the joint session, were effectively suspended until shortly after 8:00 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the US Capitol, including the danger posed by individuals who had entered the US Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the US Capitol, and the building had been

confirmed secured. The proceedings resumed at approximately 8:00 p.m. after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

Jonas Buxton's Participation in the January 6, 2021, Capitol Riot

Mr. Buxton had planned to attend the political rally on January 6th, 2021, which had been announced and called for by then outgoing President Donald Trump. Mr. Buxton planned to attend with his family. He did not anticipate violence against the Capitol, violence against police officers, or destruction of property. He was a supporter of then President Trump and planned to peacefully demonstrate and participate in the political discourse surrounding the controversial 2020 elections. It was an exciting prospect for him to hear the President speak in person. He and his family had attended previous political rallies in the past including several in Missouri, his state of residence, and the "Prayer March" held on September 26, 2020. The "Prayer March" was a peaceful political rally led by the Reverend Franklin Graham. Mr. Buxton and his family had been accosted on previous occasions by counterdemonstrators when attending pro-Trump rallies. Many of the counter protesters were highly organized and dressed in all black. They wore black motorcycle helmets to conceal their identities. These counter demonstrators were believed to be affiliated with Antifa group. On numerous occasions in the past Mr. Buxton and his family witnessed assaults on fellow peaceful rally goers. Rally goers were pepper sprayed, tear gassed, and beaten with sticks. One was stabbed with a knife and others were attacked with exploding fireworks.

Mr. Buxton first recalls hearing about the January 6th, 2021, rally via a news post on Instagram. He recalls an announcement by the President. He and his family made plans around that time to attend the January 6th, 2021, rally.

The government notes Buxton had formed casual acquaintance with a recruiter for the Three Percenters and Oathkeepers groups. Buxton had expressed interest in joining. On January 3, 2021, Mr. Buxton sent a text to an acquaintance stating that "I'm looking to join the Three Percenters. To the best of my knowledge the Oathkeepers is reserved for Veterans." The defendant's acquaintance told Defendant Buxton that the "Oathkeepers is for past and present military and first responders. Ok I'll send ur [sic] info to _____. He should vet u in 48hrs if not text me." Later on January 3, 2021, defendant's acquaintance told Defendant Buxton, "[h]e said Oathkeepers is now open to all patriots but u have to be a 3% er too." Defendant Buxton responded, "[i]nteresting! If that is the case then I'd be open to joining both." On January 4, 2021, after not hearing from the contact person to which Defendant Buxton was referred, the defendant's acquaintance wrote, "know with everything going on no hing [sic] personal be patient and text him agai [sic] on the 7th. No vetting right now with DC stuff." Defendant Buxton responded, "Understandable! I am en route to DC, so I'm okay with waiting until after. Thanks!"

Mr. Buxton did not follow through with joining either group. Buxton was shocked following the January 6th, 2021, attack on the Capitol to learn in the news of extensive involvement by Three Percenters and Oath Keepers. He saw both as patriotic groups and never had imagined they would be involved in political violence. Buxton had received an email from the Three Percenters promoting the rally which was explicit in calling for a peaceful gathering warning all attendees against violence and/or being provoked to violence by others.

Mr. Buxton resided in St. Charles, Missouri. On January 4, 2021, Mr. Buxton traveled from Missouri to Washington, D.C. with his family and one of his uncles. The purpose of his trip to Washington, D.C., was to protest Congress' certification of the Electoral College and attend a

call-to-action rally promoted by the Three Percenters. It was also an opportunity to hear the President speak and participate in active political discourse together with his family.

On January 6, Defendant Buxton went to and entered the Capitol building. At approximately 3:05 p.m., Buxton entered the Capitol through the Senate Wing doors. Defendant Buxton then went to the Crypt, asked a police officer for directions to the bathroom, used the bathroom, and exited the Capitol through the Senate Wing doors at approximately 3:21 p.m. Buxton was peaceful, respectful and pleasant in his interactions with law enforcement. He did not destroy any property. He was in awe of the Capitol Building. He now deeply regrets having entered the Capitol on that day.

Investigators later identified Mr. Buxton as having entered the Capitol after having received a tip. When Buxton learned that investigators were seeking his whereabouts, he promptly contacted counsel and planned a trip to return from Panama where he had been temporarily residing with his parents. He then moved up his flight home at great personal expense when investigators requested that he do so.

On April 7, 2021, Buxton landed at the Miami International Airport from Panama City, Panama. Buxton was inspected by U.S. Customs and Border Protection (CBP) officers. Officers discovered a letter from the Three Percenters on his phone for a January 6, 2021 "General Call to Action! Washington DC Rally." Although the email on Buxton's phone was not his impetus for attending the rally, investigator's found it noteworthy. Also noteworthy was the substance of the email Buxton received which explicitly asked all who participated to do so peacefully and to be non-confrontational even in the face of counter protestors.

18 USC § 3553(a) Factors

1. Nature of the Offense and History/Characteristics of the Defendant

18 USC § 3553(a)(1) requires this Court to impose a sentence sufficient, but not greater than necessary, to comply with several purposes which this memorandum will address. First and foremost, this Court must consider the nature and circumstances of the offense along with the history and characteristics of the Defendant. The charge of Parading, Demonstrating, or Picketing in a Capitol Building is serious, but also limited in its wight and impact as it is a non-violent misdemeanor offense. Buxton has been cooperative in entering a guilty plea and debriefing investigators regarding the things he saw and heard. He also came to meet investigators prior to being charged, at their request. He even moved up his planned date of arrival when asked. He did so at great personal expense, purchasing a last minute airline ticket. He is genuinely remorseful. He wishes deeply that he had never entered the Capitol Building. He has distanced himself from groups such as the Three Percenters and Oathkeepers who he once saw as patriotic. Hi distanced himself from them immediately following the attack on the Capitol. He was appalled by their involvement in political violence. It should be noted that Mr. Buxton has zero prior criminal offenses of any kind.

Mr. Buxton was born and raised in Missouri. He has lived in numerous towns in the greater St. Charles area. St. Charles County, Missouri, is adjacent to St. Louis County and includes large suburban and rural portions of eastern Missouri.

On November 18, 1996, Jonas Gray Buxton, was born to the marriage of Jason Buxton and Cindy Baier (nee: Farrar) in Saint Charles County, Missouri. His father, age 51, resides in Wentzville, Missouri; and is a software developer. His mother, age 48, resides in Iron County, Missouri, and is self-employed as business owner in solar power.

Mr. Buxton reported his parents divorced in 2005 and his father kept their familial home. He reported his mother told him the reason for the divorce was his father was addicted to pornography and had committed adultery. Mr. Buxton reported he does not have

a relationship with his father and reports only seeing him once a year.

Buxton's mother remarried his stepfather in 2016; and he has a good relationship with them. Mr. Buxton has one full sibling Lucas Buxton, age 22, who currently resides with him and is employed as a waiter. Mr. Buxton reported they are a close family, and he and his brother were raised by their mother and stepfather. He reported that his father has children with his stepmother, but he did not know any information about his paternal siblings. He has never been married and has never bore children. Mr. Buxton advised he is not in a relationship at this time.

Mr. Buxton reported being born and raised in Missouri; residing in the following cities: Wenfield, Wentzville, Lake Saint Louis, and Saint Charles. He currently resides in an apartment with his brother at 2204 Ruger Circle, Apt 4, in Saint Charles, Missouri. Mr. Buxton is being supervised by the U.S. Probation Office for the Eastern District of Missouri. A home contact was last conducted by his supervising officer on July 1, 2022. Mr. Buxton has had zero violations while on pretrial release.

Mr. Buxton suffered from panic attacks his junior year at college due to the stress he imposed on himself. He reported he kept a spreadsheet of his panic attacks and went to the doctor for help because the attacks came on suddenly and without warning. His mother referred him to a doctor, and he was prescribed medication for approximately six months. Mr. Buxton advised he could not remember the name of the doctor or the medication. Mr. Buxton advised after six months he stopped taking the medication and seeing the doctor because his workload at school lessened and he was better able to manage his stress. He has no current symptoms of mental illness and has not sought the care of a mental health professional since college. He was not familiar with any family history of mental illness

Buxton consumes alcohol socially and his first use of alcohol was age 21. Mr. Buxton reported he has never consumed any illicit substances. He reports no substance abuse.

In 2020, Mr. Buxton earned a bachelor's degree in physics from Missouri University of Science and Technology in Rolla, Missouri; and in 2015 a high school diploma from Timberland High School in Wentzville, Missouri. His education included specialized training and skills in entrepreneurial business development, and electrical and robotics engineering.

Since August 2021, the defendant has been employed at two startup companies: Crypto World (cryptocurrency storefront) and zPods LLC (sensory beds for children with autism) in Saint Charles, Missouri. He reported he is the co-founder of Crypto World and earns approximately \$2,000 per month. The defendant reported he is an engineering consultant for zPods LLC and earns approximately \$1,000 per month. Between May 2020 and August 2021, the defendant was employed by Viral Shields LLC., as a sales manager selling sanitizer and masks, earning \$2,000 plus commission per month in Saint Charles, Missouri. Between May 2012 and August 2015, the defendant reported part-time employment at Pro Pool as a lifeguard in Missouri, earning approximately \$1,000 per month. Prior to 2012, the defendant was a student and financially supported by his family.

The Imposed Sentence Should Accomplish The Proper Goals

18 USC §3553(a)(2) considers the need for the sentence imposed to

- (A) reflect the seriousness of the offense, promote respect for the law, and provide just punishment for the offense;
- (B) afford adequate deterrence to criminal conduct and
- (C) protect the public from further crimes of the defendant, and

- (D) provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

A sentence to a term of probation would be appropriate in the instant case. Mr. Buxton requests that this Honorable Court sentence him to a term of probation. A sentence of probation places Buxton under supervision for the term decided upon by the Court. He will feel the reach and weight of the law, without being deprived of moving forward with his life in a positive and constructive manner. Probation addresses the seriousness of the offense, punishes the offender, and provides adequate deterrence against future offenses. A person of Mr. Buxton's demeanor with no criminal history does not present a realistic risk of recidivism. Buxton will not feel fully free while on probation. He will pay a price for his actions and his poor judgment. Buxton is further willing to participate in community service and to pay any fines imposed. Buxton's life has been deeply affected by his criminal prosecution. He feels great remorse and is committed to following local, state and federal laws.

Mr. Buxton's life has been a law-abiding life. He has sought to be a good citizen and contribute in positive ways to his community. One of the start-up companies he works for is focused on bettering the lives of autistic children.

Mr. Buxton came to Washington, D.C. to participate in what he thought would be a peaceful political rally. He wanted to exercise his first amendment rights but had no vision of the events that would unfold. He followed the crowd and foolishly entered the Capitol building. His main intent was to use the bathroom. He was respectful and courteous to law enforcement when inside. He found himself in awe of the majesty of the Capitol. He feels terrible to have participated in a general desecration of the Capital premises which occurred during the attack.

It is expected that the U.S. Attorney's Office will try to paint Buxton as a political radical tied closely to groups such as the Three Percenters and the Oathkeepers. Such is simply not the case. Although Buxton expressed some interest in joining the groups prior to the events of January 6th, he did not join. He had no interest in joining afterwards. He saw the ugliness of the actions taken by many. Buxton was not part of the violent behavior undertaken by some. His place in the crowd shielded him from a knowledge of most of what occurred until he saw later news reports.

It is expected that the U.S. Attorney's Office will draw some focus on Buxton's clothing. He wore a tactical style vest and a gas mask during portions of the rally. Buxton had been to other political rallies where he had witnessed others injured by counter-protesters. He had seen others pepper sprayed, beaten and otherwise violently accosted. He dressed in a manner which he felt was appropriate for his safety. Many counter-protest groups had organized to be present and had used political violence to intimidate and harm in the past. Looking back it may have been a poor choice, but life allows us the privilege of learning from our mistakes. Mr. Buxton hopes that the Court will grant him that privilege as well.

It is expected that the U.S. Attorney's Office will seek to make it appear that Buxton's time spent in Panama with his parents was an attempt to flee from justice. Such was not the case. Buxton's parents had business interests in Panama. Buxton worked remotely while staying with them. He invited his girlfriend to visit. He kept in touch with friends and was open about his whereabouts. Most importantly and telling, when Buxton learned he was being investigated, he quickly reached out through counsel and made plans to return. Investigators then moved up the date on which they wanted to meet with Buxton. Buxton flew home on short notice at great personal expense together with his mother to comply with the investigator's request.

Buxton is a normally good citizen who was caught up in a moment of a great political upheaval. His role in the events of January 6th, 2021 was extremely limited. He was non-violent, respectful and courteous to others. He did trespass. At a time when many reported election fraud following the 2020 election, truth became difficult to ascertain for many citizens. Political tensions were high. Social media and a 24-hour news cycle fanned an information war which was dizzying and dangerous.

Political polarization has not been healthy for our county. Political factions have stretched the boundaries of our civil political discourse. Our nation needs to heal from the divisions the recent past. Persons like Mr. Buxton who have no criminal history and carried no criminal intentions should not face jail time. Jail time brands one's life. It often leads to bitterness instead of fostering the needed healing for which our nation yearns. Mr. Buxton seeks appropriate leniency. Justice needs to prevail, but with a gentle hand. Mr. Buxton and the justice system would be well served by a sentence of probation in this case. Mr. Buxton's sentencing letters attest to his good character *See* Exhibit A. They attest to how out of character this crime was for him. They attest to him as a loving, caring hardworking, intelligent and well-balanced young man. Mr. Buxton deserves to be able to move forward in his life without the stigma and emotional weight which often follows an individual who has been to jail. He has been law-abiding prior to and since the time of his offense. He has distanced himself from radical groups. Congress has tasked the Court with determining an appropriate sentence which is sufficient, but not greater than necessary to accomplish the goals of sentencing under 18 USC §3553(a). Mr. Buxton is a non-violent offender who committed misdemeanor trespass. He has since demonstrated both cooperation and remorse. A sentence to a term of probation of probation is appropriate.

Conclusion

Mr. Buxton's non-violent participation in the January 6th attack on the Capitol was limited to peaceful protest while engulfed by an enormous crowd. His trespass into the Capitol building was a serious offense, but it is not worthy of jail time. He conducted himself respectfully and courteously toward law enforcement while in the crypt of the Capitol Building. He entered through open doors and was not present for the wild and destructive behaviors of many. He was not instructed to leave. He did not stay long and most of his time was spent waiting to use the bathroom. He left on his own. After exiting the Capitol Building he peacefully reunited with and moved on with his family. He was horrified by the actions of others which he later saw in news reports. Buxton is a hardworking college graduate with a good heart. He has demonstrated contrition and cooperation in agreeing to plead guilty. He continues to chart a course for a positive and meaningful life. He seeks now to move on from the highly negative events of January 6th, 2021, and build on a life of hard work, kindness and goodwill toward others. A sentence of probation would more satisfy all of the factors addressed by the legislature in 18 §3553(a). In considering the mitigating factors in this case, specifically his sincere remorse, his lack of criminal history, and the non-violent nature of his offense, Mr. Buxton respectfully requests that this Honorable Court sentence him to a term of probation.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2022, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all parties in interest including but not limited to Assistant United States Attorney Anthony Franks.

/s/ John C. Schleiffarth
John C. Schleiffarth