

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	Case No. 1:22-cr-182 (BAH)
	:	
v.	:	
	:	
	:	
DAVID JOHNSTON,	:	
	:	
Defendant.	:	

SUPPLEMENTAL SENTENCING EXHIBIT ON BEHALF OF DAVID JOHNSTON

Defendant David Johnston, through undersigned counsel, respectfully requests that the attached letter in support of the above-referenced defendant, titled as "Exhibit C," be added in supplement to the defense's sentencing memorandum filed with the Court on December 12, 2022 (Docket Entry 43). The referenced exhibit is from Mr. Johnston's employer at CIG Bonds, Chairman Matt Clarke.

Respectfully submitted,

/s/ Christopher J. Gramiccioni  
Christopher J. Gramiccioni

c. Ashley Akers, Trial Attorney

# Exhibit C



Beryl Howell, Chief Judge  
District Court for the District of Columbia  
333 Constitution Avenue, N.W.  
Washington, DC 20001

December 5, 2022

Dear Judge Howell,

I am Matt Clarke, Chairman and CEO of Carolina Indemnity Group of Charleston South Carolina. Our primary business is providing surety bonds needed by vertically integrated construction developers engaged in building affordable housing utilizing low-income-housing-tax-credits (LIHTC).

I have known David Johnston since 1977 when we both worked in radio broadcasting. I have kept up with David through the decades. Back in the 1970s, David worked for some of the most demanding broadcasting programmers in the business. I know that because I worked for many of those same demanding broadcasters. David was known and respected for being solid, reliable, and putting forth 100% effort in an exacting business. We kept up with one another over the years and coincidentally both wound up moving to Charleston, South Carolina. We re-connected in 2014 when we ran into each other at the Charleston wedding of a broadcaster for whom we both worked and David was his best man.

During the past eight years I have followed David's work as an attorney at a large personal injury firm in North Charleston, George Sink Injury Lawyers. Not surprising to me at all, David did well at George Sink Law Firm and they featured him prominently in their advertisement, particularly in the area of motorcycle injury law. During the past eight years I have sought his advice myself on occasion and he was always willing to take a moment, hear my problem and help when he could. I would have paid him, but he would not accept it.

I also talked to David about joining my company in helping with LIHTC affordable housing, but he was practicing law and raising his children and he was content to stay where he was. When he was arrested in connection with the sad events of January 6<sup>th</sup>, his law firm fired him. I took the opportunity to hire him on June 7, 2022. I want his energy and positivity in my business and I think the feeling of personal reward from helping with affordable housing is greater than what he enjoyed in injury law, although they are both rewarding fields.

You should know, your honor, what I know. David is usually the first one in my office in the morning. Before he gets here, he has already gotten his youngest daughter up and ready for school. He drives her to school himself. It's a small private school in which she is overcoming many of her challenges and is apparently flourishing. At the end of the day David leaves on time to go home and help his daughter with homework and life's issues.

Transitioning from injury-law to LIHTC surety bonds has been quite a change for David. But he comes in, works hard, and is already winning over some of the major players engaged in the important work of affordable housing. I am glad to have him on board.

David told me what he did on January 6<sup>th</sup>: that he went inside the Capitol building for approximately 30 minutes. He deeply regrets being a part of it. He is embarrassed and ashamed to be associated with it. I hired David not because of, but in spite of his January 6<sup>th</sup> behavior because I know that it was completely out of character for him.

David has been on the front page of the Charleston Post & Courier twice, once the day of his arrest and once following a subsequent hearing on his plea. He lost his position at his law firm that he held for 10 years. When the board that disciplines lawyers petitioned to suspend his law license, David consented to the suspension and has not been able to practice since. In my opinion, David has paid a price.

You have a difficult decision your honor. I hope that there is room in that decision for mercy and forgiveness as well as justice. It would be quite helpful indeed, your honor, if whatever punishment you deem fit does not prevent him from continuing his fine work with my firm, Carolina Indemnity Group, which is a national leader in providing bonds for affordable housing developers.

If you would like to call me to discuss this matter, please feel free, 843-212-5254.

Sincerely,



Matt Clarke,  
Chairman of CIG Bonds