

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO. 21-CR-00702 (JEB)

JULIO BAQUERO,

Defendant.

**JULIO BAQUERO'S SUPPLEMENT TO HIS SENTENCING
MEMORANDUM (DE 54) AND MOTION
FOR DOWNWARD VARIANCE (DE 55)**

In the government's sentencing memorandum, the prosecutor cited *United States v. Romero*, Case No. 21-Cr-677 (TSC), as a comparator case.

Here is a summary of Mr. Romero's case—from the government's sentencing memorandum—to give this Court more context:

The nature and circumstances of Romero's crime weigh heavily towards a term of incarceration. Unlike many other January 6 defendants, Romero did not just walk into the Capitol. **He forced his way in, first by pushing through a police line at the Lower West Terrace, and later by pushing through the makeshift police barrier and the officers defending the Senate Wing Door.** Nor were Romero's actions spontaneous or provoked. The fact that **Romero brought eye protection and a respirator to the Capitol demonstrated he anticipated violence**, and specifically the kind of violence that would require the police

to use tear gas. **Before he confronted police himself**, he saw the rioters attacking the outnumbered police on the West Plaza with sticks, fire extinguishers, and other objects. Rather than leaving, **he video-recorded the attacks and took videos of himself**. When Romero pushed through the police at the Lower West Plaza, **he did so in conjunction with the rioters breaking through the police line below him** on the West Front. He saw the police were outnumbered and being attacked from multiple directions. When Romero arrived at the Senate Wing Door, he could see that outnumbered police officers had set up a barricade to stop rioters from entering the building. Instead of moving away, **Romero moved forward, putting himself at the front line of the rioters, and pushing through the barricade and through the police line**. During the push, Romero braced himself against the wall, using his resulting leverage to apply force against the police. He also grabbed the edge of a police officer's riot shield during the struggle.

Given all he had experienced that day, **his participation in this push was deliberate and premeditated and cannot be ascribed to the heat of the moment**. And the harm caused by **Romero's conduct was multiplied because his actions re-opened a major breach point, enabling a swarm of rioters to enter the building**. After forcing his way into the Capitol building, Romero celebrated his actions, recording video, and yelling "We in this motherfucker!" He stayed in the Capitol for 15 minutes, taking multiple videos and **entering Senator Merkley's private office**.

After exiting the Capitol, Romero did not leave the Capitol Grounds, but circled around the building and climbed the east side steps to the Rotunda Doors. There, Romero joined other rioters demanding entry into the building, shouting "Our House!" But for the police's successful defense of the Rotunda Doors at the

time (though they had earlier been breached), Romero would very likely have re-entered the Capitol Building. Romero also celebrated by taking a selfie while flashing a “victory” sign with his fingers.

Rather than showing remorse for his participation in the assault on the Capitol, Romero was proud of it. He wanted people to know what he had done, and so he put together a composite video and disseminated it on social media.

(United States v. Romero, Case No. 21-Cr-677 (TSC), (DE 29:36-37))

(emphasis added).

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I HEREBY certify that on **May 19, 2023**, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

Michael Caruso