

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

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<b>UNITED STATES OF AMERICA</b>	:	
	:	
v.	:	<b>CR# 22-074</b>
	:	
<b>RACHEL MYERS</b>	:	

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**DEFENSE OBJECTIONS TO THE PRESENTENCE REPORT**

1. The defense to objects to paragraph 14 of the pre-sentence report wherein the probation officer states that certain electronic messages expressed the defendant’s “desire to stop the certification of the electoral college”. There is nothing in her texts to other people wherein she expressly states that she wishes to “stop” the electoral process. Prior to January 6<sup>th</sup>, the defendant forwarded a Tweet from former President Donald Trump stating that “it was statistically impossible to have lost the 2020 election”. The probation department also references a series of Tweets from an unknown person who goes by the handle of “Maximus Uncensored” which lay it out, in the poster’s opinion, how the electoral process certification works in relation to various provisions of the Constitution and Federal law. These forwarded Tweets are followed up by the defendant texting another person “January 6<sup>th</sup> the house starts and there’s already a ton of them objecting the Biden votes.” These forwarded Tweets by other people and the defendant’s follow up texts can in no way be interpreted to imply that her desire was to “stop” the election, so the defense objects.
  
2. The defense further objects to paragraph 14 of the pre-sentence report wherein the probation department states that the defendant would be “marching with the Proud

Boys”. There is no evidence presented either in the Affidavit of Probable Cause or the Statement of the Case that alleges that the defendant was a member of the Proud Boys. The series of texts between herself and another protestor, as outlined in the Affidavit of Probable Cause, clearly show that the defendant was concerned about being attacked by counter-protestors, and that she would hide amongst the Proud Boys as a means of protecting herself.

3. The defendant objects to paragraph 41 of the pre-sentence report wherein the probation department states that the defendant is an “occasional” user of marijuana. This implies that the defendant still uses marijuana “occasionally” in the here in now. During the presentence interview, the defendant admitted to using marijuana a few times in high school. She also admitted to using a THC edible during the pandemic lockdown due to boredom. At present, the defendant does not use marijuana and has not since the lifting of the COVID-19 restrictions.

Respectfully submitted,

**Thomas F. Burke, Esquire**  
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Counsel to Rachel Myers

