

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

**UNITED STATES OF AMERICA**

**v.**

**Case No. 1:22-cr-00102-002 (JDB)**

**JORDAN BONENBERGER,**

**Defendant.**

**DEFENDANT’S SENTENCING MEMORANDUM**

Defendant Jordan Bonenberger (“Bonenberger”), together with his undersigned counsel, submits this Memorandum to assist the Court in determining an appropriate sentence in his case. He pled guilty on April 28, 2023 to a single count of Parading, Demonstrating, or Picketing in a Capitol Building, 40 U.S.C. §5104 ( e ) (2) (G) related to his conduct at the U.S. Capitol on January 6, 2021. Bonenberger’s sentencing hearing is scheduled in the mid-afternoon on Tuesday, September 5, 2023.

For his role on January 6, Bonenberger seeks a probationary sentence. Reliable information about him as a person that has long been in the record indicates that he is a very good if not in many ways ideal candidate for a non-custodial result. Moreover, bits and pieces of new but collectively compelling information about Mr. Bonenberger appearing in both the draft and final Presentence Investigation Report and in this Memorandum also supports a probationary sentence. To be sure, the U.S. Probation Officer yesterday afternoon also recommended a probationary sentence (ECF 62); specifically, it proposes (a) a probationary period of 18 months, (b) a fine of \$5,000, (c) restitution to the Architect of the Capitol for damages in the amount of \$500, and (d) special assessment fee of \$10. Finally, the United States, in its Sentencing Memorandum,

apparently now recognizes that Bonenberger is, in the final analysis, a different kind of defendant than is his codefendant Melanie Lanham, who was sentenced on the same count on February 9 of this year. In Bonenberger's case, the government urges (*see*, ECF 60) for him to serve 14 days of intermittent incarceration, or roughly half what had been recommended for Ms. Lanham.

Part of the government's rationale for giving Bonenberger any jail time at all is the somewhat astounding, in his case, argument that as a 25-year-old U.S. Marine reservist in Washington, D.C. on January 6 should have "known better" than to participate in something that was inconsistent with the oath he took upon entering the USMC Reserves (ECF 60, at 9.) January 6, 2021 marked the first time Jordan Bonenberger had ever visited Washington, D.C. He went there to attend a rally and hear speeches. He deeply regrets entering the Capitol building for those 17 minutes; in fact, he realized the mistake he made while still in the building and urged his codefendant to leave with him immediately. *See*, Government's Sentencing Memorandum, ECF 60 at 6 ("...this is not good; we need to leave right now.") Given the quality of Bonenberger's military career, the kind of life he has lived this far, and what the record of this action should be making clear about him, the government's suggestion that his lapse of judgment for some minutes he now wishes never occurred justifies a short-term imprisonment is a bit over-the-top. To the contrary, this defendant is arguably an ideal candidate for a probationary sentence.

## **I. Introduction**

Mr. Bonenberger has been active in the preparation of this filing. Frankly, he's grateful for the opportunity to help persuade the Court to impose a probationary sentence for his conduct on January 6, 2021. At this point, he has been interviewed thoroughly by representatives of the government, always with his undersigned counsel present, three times: his Pretrial Services

Agency interview on March 24, 2022; his Presentence Investigation interview on May 24, 2023; and his more recent FBI interview in Pittsburgh on August 9, 2023. After each of those interviews, even though his interviewers were always skillful and professional, Bonenberger worried that the questioners walked away with an incomplete sense or knowledge of what kind of person he was. There is a good reason for that concern. Mr. Bonenberger by nature is reserved and deliberate. He is unassuming and tends to “hide his light under a bushel.” He is not spontaneous or bubbling up with information. He pauses and thinks for a moment before answering even simple questions. While he’s happy to have these qualities, which he has always had, he has been equally concerned that a full and complete picture of him as a person would never emerge in this proceeding. Mr. Bonenberger understands that this filing can help solve the “incompleteness” problems. In his case, what’s missing falls almost entirely under the sentencing factor of “the history and characteristics of the defendant.” Accordingly, most of this filing will be devoted to that factor.

## **II. History and characteristics of Jordan Robert Bonenberger**

In this misdemeanor case, crafting a sentence for Mr. Bonenberger is guided by 18 U.S.C. § 3553(a). Courts must impose a sentence “sufficient, but not greater than necessary,” to reflect the seriousness of the offense, to promote respect for the law and to provide just punishment for the offense, to afford adequate deterrence, to protect the public from further crimes of the defendant, and other factors not relevant here. *Id.* That discussion begins under § 3553(a)(1) by considering “the nature and circumstances of the offense and the history and characteristics of the defendant.” While Bonenberger is surprised at and disputes several characterizations the government makes of his dynamics with or effect upon the police once inside the Capitol on January 6, the “nature and circumstances of the offense” in his case are simple, straightforward

and accurately summarized by Probation Officers Final Presentence Investigation (ECF 60, paragraphs 28 and 29.) So here the emphasis will be on Mr. Bonenberger's "history and characteristics."

#### **A. Bonenberger Character Reference Letters**

As an initial matter, the Court is directed to two excellent, honest, well-thought out, brief and informative character reference letters for Jordan Bonenberger by supervisors and mentors who know him: Letter dated May 22, 2023 to Hon. John D. Bates from Todd Small, Senior Enlisted Advisor, USMC Reserves, East Liverpool, Ohio. Letter dated May 23, 2023 from Jonathan Faltot, Student Ministry Director, North Way Christian Community Church, Wexford, Pennsylvania. They are attached as Exhibits 1 and 2. Both were written in late May of this year. While this Court is urged to consider them both, it's interesting that both authors note that Mr. Bonenberger's is a person who combines life-long leadership qualities with a genuine concern for others, i.e., those who are younger, junior or in any respect "under his command." Although quiet and understated, he is by these accounts a natural leader who others apparently look up to, admire and seek out. The authors of these letters do not know each other.

#### **B. Bonenberger Childhood and Pittsburgh**

On September 1, four days before his sentencing in this matter, Jordan Bonenberger will turn 28. He is still a relatively young man. On January 6, 2021, he had recently turned 25. Born in Pittsburgh in 1995, he was raised and educated in Pittsburgh and effectively based in Pittsburgh as a USMC Reservist (excluding boot camp, MOS training, and excursions to Vienna, Ohio). His biological parents separated when he quite young: 5-years-old. However, he and an older sister were fortunate to remain in the Pittsburgh area with a parent. Both parents indeed remained in

Pittsburgh, and the break-up of his family while difficult was managed well by his parents. Life had a regularity and the family even had some cohesion with the two children switching houses weekly. Bonenberger's mother, a business owner who had always lived with or (in his adult years) near him, was at the helm of this fragmented family. Like many if not most Pittsburghers, he was raised Catholic. Like many people of his generation, he experimented with other, often Pentecostal, churches, and for some time now has attended one that he likes.

### **C. Mt Lebanon High School and Geneva College**

Bonenberger was also fortunate to spend four years at--and graduate with a 3.6 grade point average--from one of the most outstanding and storied public high schools in the United States. Mt. Lebanon High School (about 10 miles from downtown Pittsburgh), consistently appears in the Best High School rankings of U.S. News & World Report. For 2023-2024, Mt. Lebanon is ranked for public high schools 622<sup>nd</sup> nationally, 15<sup>th</sup> in Pennsylvania, and 3<sup>rd</sup> in the Pittsburgh metropolitan area. The school was established in 1927. Among many other activities and groups Bonenberger was a part of while there, he was a member and letterman on the school's fabled varsity Rifle Team (aka Blue Devils) all four years at Mt. Lebanon, including his freshman year. The school has an excellent network which graduates use. Its accomplished alumni are legion. Two are businessman Mark Cuban and his lawyer-author older brother Brian Cuban. An honors student, Bonenberger graduated from Mt. Lebanon in 2013.

After high school, Bonenberger applied to and was accepted at Geneva College, a 170 year old small private Presbyterian school in Beaver Falls, just outside of Pittsburgh. He enrolled in its highly structured mechanical engineering program. He graduated with honors in 2017. He also learned specialized computer skills for large-scale construction design and large-scale



infrastructure projects. His employer, an engineering firm with a national presence discussed below, hired Bonenberger for these very skills.

**D. Current Pittsburgh Employer: Large Engineering Firm**

Bonenberger's career is also Pittsburgh-based. In 2018, after graduating from Geneva, he took and test and obtained his Engineer-in-Training license from the Commonwealth of Pennsylvania, which requires aspiring professional engineers to work as apprentices under a professional engineer (in Bonenberger's case, a mechanical engineer) for a period of time before sitting for the professional engineer exam themselves. During that time, EITs are attractive to engineering firms who can pay them well. Bonenberger will take the exam at the end of this year. Since 2018, the same year he earned his EIT License, he has also had an enviable position and hopefully a promising future with the Pittsburgh office of a large North Carolina-based engineering firm with offices in seven other states. Its full-time staff numbers about 900 professionals. The work it does is mainly in the south and mid-Atlantic with increasing inroads into the northeastern states and New England. Much of the firm's business is large, specialized construction projects such as commercial buildings for or one-off new infrastructure projects in the public sector. In short, it does a wide range of civil, environmental, mechanical, electrical, plumbing, and structural engineering. Bonenberger himself currently works in designing and building out large scale HVAC systems, often doing that work with specialized computer software. This firm has both an investment in and affection for the defendant Bonenberger. It is well-aware of this proceeding and would like to see him get through it quickly and continue his career with them.

**E. Military Career: USMC Reserves (2019-2022)**

Jordan Bonenberger was an "honors student" for a third time in USMC Reserves. Attached

as Exhibit 3 are seven certificates Bonenberger received during his three years in that branch of the military. Each was forwarded to the Probation Officer earlier this year. Three of the certificates are particularly impressive. Of the seven, the first (“Meritorious Mast”), the fifth (“Honor Graduate”) and seventh (“MTA” recognition) are all reflective that Bonenberger was the top graduate of his Military Occupational Specialty (MOS) school at Camp Lejeune in 2019.

Bonenberger hopes that the information given above helps the Court to have a fuller sense of him as person and a man. Any participation in the breach of the Capitol grounds and building on January 6, 2021 by anyone is serious and wrong. However, a probationary sentence is fair and appropriate in this defendant’s case. Except for January 6, Bonenberger has lived and continues to live a solid, steady, somewhat quiet and well-rounded life in which he consistently and positively affects a wide variety of people around him. He would like the Court to understand that.

Respectfully submitted,

FOR JORDAN R. BONENBERGER

By: /s/ J. Daniel Hull

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**CERTIFICATE OF SERVICE**

The undersigned certifies that on August 31, 2023, the foregoing Defendant's Sentencing Memorandum (Jordan Bonenberger) was filed and served via the Electronic Case Filing (ECF) system.

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