

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

UNITED STATES OF AMERICA

v.

ERIC ANDREW CANTRELL

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Case No. 22-CR-121-3 (TNM)

ERIC CANTRELL’S SENTENCING MEMORANDUM

Eric Cantrell, through his undersigned counsel, respectfully submits this Sentencing Memorandum to assist the Court and the parties in arriving at an appropriate sentence. Pursuant to 18 U.S.C. §3553(a) and as discussed below, Eric seeks a sentence of no incarceration or probation and restitution of \$500.

FACTS

On December 19, 2020, then-President Trump posted a Twitter message stating that his loss in the 2020 election was “statistically impossible,” and the result of “election fraud.” The message concluded that there would be a “Big protest in D.C. on January 6. Be there, will be wild!” On January 5, 2021, Eric Cantrell drove from Indianapolis to Washington, D.C. with the sole intention of attending the protest and peacefully expressing his political views. Eric had no plan to illegally demonstrate or even enter a building. Eric travelled with his two cousins, Quentin and Jared Cantrell. Eric was not part of or belong to any group or organization related to the protest, and he did not coordinate his trip to the nation’s capital with any other individuals.

After a long drive, on January 6, Eric and his cousins attended the protest rally on the mall and then, at the President’s urging, they followed the crowd to the U.S. Capitol to continue the protest. By the time they arrived at the Capitol Building the stairways and terrace on the west side were very crowded. As Eric worked his way up the stairs, he could see a line of police officers in

front of doors straight ahead. Off to his right (south) he saw people lining up and peacefully entering the Upper West Terrace Door. As Eric approached the door, he could see police officers standing inside the doorway off to the side. Eric could hear a loud piercing noise that sounded like an alarm, but in the confusion of people and other noises, it was hard to determine the sound's origin. Although no police or other officer indicated he could not enter, no one said he could. Eric felt uneasy about entering the building and he almost turned away. Despite these reservations, he followed the line of people peacefully through the door. Once inside, Eric proceeded through a narrow hallway that led to an internal set of double doors. Eric walked through the double doors that led immediately to a large stairway. Eric did not go up the stairs; instead, he walked around the stairs and, after about a minute, he decided to leave. He exited the Capitol Building by going back through the same two doorways. Altogether, Eric was inside the Capitol Building for approximately one minute and thirty-eight seconds.

Eric worked his way back down the Capitol steps on the west side and ultimately met up with his cousins. The three of them returned to their car and drove back to Indiana that night. During the entire time Eric was in the Capitol Building and its grounds, he never engaged in any violent or destructive behavior and was never confronted by a police officer or any other official.

ARGUMENT

I. Legal Standard

In fashioning a sentence that is “sufficient, but not greater than necessary,” the Court must consider the relevant 18 U.S.C. §3553(a) factors, including:

- (a) Eric's history and circumstances;
- (b) the nature and seriousness of his offense;

- (c) the seriousness of the offense, respect for the law, just punishment; adequate deterrence and the protection of the public; and
- (d) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.

18 U.S.C. §3553(a)(1), (2) and (6).

II. The Section 3553(a) Factors Do Not Call for Incarceration or Probation

A. Eric's history and circumstances

Eric, soon to be 53 years old, was born in June 1970, the first of two children of Dean and Sherry Cantrell. Eric attended and graduated in 1988 from Monrovia High School, located in Morgan County, Indiana, just 30 minutes southwest of Indianapolis. Eric did well in the classroom and in sports and earned scholastic and athletic scholarships to Judson University, a small Christian school in Elgin, Illinois. He majored in chemistry and graduated from Judson in May of 1992.

Eric has never been in trouble with the law and has no criminal record. He maintains a close relationship with his parents and his extended family. According to his parents:

He has had many outstanding accomplishments. Eric learned to be a good student. He was at the top of his class in high school and was inducted into the National Honor Society. He was nominated as Mr. Basketball of the Monrovia High School varsity team. Those were fun times. Eric earned scholastic and athletic scholarships to Judson University in Elgin, Illinois while undertaking a pre-med curriculum.

* * *

Eric is a follower of Christ in word and in deed. He serves in a local church, Grace Baptist, as a teacher and as a deacon. He is active in community outreaches and is willing to counsel those who may need some extra help. Eric is generous with his resources, time and as a general rule, is willing to go out of his way to help others. I cannot tell you how many times I hear reports that Eric is helping someone with things like moving or painting or helping with transportation for someone in need.

Exhibit A (letter from Dean and Sherry Cantrell).

Upon graduation from Judson in 1992, Eric worked two large companies until 2008, when he joined his current employer, a large manufacturer located in central Indiana. He serves as a chemist and the leader of a chemical technology group. Eric is a valued 15-year employee and well regarded by his co-workers. His boss of nearly 13 years, Manjo Thete, writes the following about Eric:

I understand the charges against Eric in connection with January 6, 2021, the attack on the U.S. Capitol. When Eric first informed me of his arrest on the evening of March 10, 2022, I was utterly shaken. The whole incident, the media publications, and the charges that followed were painting a totally different character of Eric than the one I have known for the past 12-plus years. I have always found Eric to be personable, open-minded, and caring person. He has always demonstrated excellent work ethics, honesty, and commitment towards his job and the people he is responsible to supervise.

Exhibit B (letter from Manjo There).

Eric met his wife, Jillisa, in 1990 while they were both in college. They have been married almost 30 years and have four adult children (ages 20 to 26 years) and two grandchildren (ages 20 and 6 months). Eric is caring and loving husband, father, and grandfather. Because of Eric's hard work, Jillisa was able to be a stay-at-home mom while the children were young. Jillisa, the person who knows Eric best, describes him as follows:

As I write this letter, I can imagine that anyone would say that of course a wife is going to say glowing, raving things about her husband. What else would she say? But the reality is that not all spouses can truthfully say in good conscience the things I can say about my husband, Eric. Having known him now for almost 33 years, and having lived with him for almost 30 years, I, more than anyone, know his personality, mood, character, and temperament. I can honestly say without hesitation that Eric is the most consistent, loyal, trustworthy, honest, dependable person I have ever known. He is deeply loved and respected by me, his adult children of whom he has a loving, close relationship, as well as his extended family and friends. He is the same person in our home as far as personality and character as he is with our extended family, our friends, with our church family, and at his place of employment. He is not one to put on airs and has no interest in being the center of attention in any situation. He tends to be a more introverted person, so he does not desire to ever be in the limelight. He is careful when he speaks and is not rash with his words.

Exhibit C (letter from Jillisa Cantrell).

Eric is also a person of strong faith and has been very active in his church, the Grace Baptist Church in Indianapolis. James Murphy, the Senior Pastor at Grace Baptist, explains why he greatly values Eric's friendship and counsel:

When I think of Eric, I think of the words Jesus said regarding the soon-to-be apostle Nathaniel when He said (John 1:47, ESV), "*Behold, an Israelite, in whom there is no deceit.*" Simply put, if I had to describe Eric on one word, it would be "integrity." Integrity in his family, his church, his relationships, his job, his words, and his faith.

* * *

As a leader in our church, he is one of our most respected and well-loved members. I can not think of a person who has a greater reputation, due to his faithfulness and service to others in many ways (already mentioned above). In the many ways he has served, he has done so selflessly, always doing what was in the best interest of others and the church as a whole. As a pastor, I wish every man in our church was as consistent, selfless, and faithful as him. He has – in some way – worked with all of my children over the years, and they have been deeply and positively impacted by him. My whole family loves him.

Pastor Murphy also shares a story when Eric helped him with a personal problem:

In some of my darkest times, he was there for me. Please allow me to give you an example: During the summer of 2017, I was diagnosed with, and was struggling deeply with, a case of clinical depression and severe anxiety. As a friend, I confided in Eric regarding these things very early, and he was very supportive. On a Sunday morning in June 2017, I was to stand before our church and share with them my decision to take a couple of weeks off (based on the recommendation of my counselor, and with the support of our church leadership), to try to get my feet back under me. On the very morning I was to make this announcement, I had one of the worst panic attacks I had ever had. My wife was a great help, but we needed someone else in those moments; the first person I thought of to call was Eric. I asked him to come and simply sit with us until time to go to church. Graciously, he agreed.

As he sat in my home with my wife and me, he just let me talk. At one point I remember saying to him, "*I know you think I'm crazy.*" He said words I will never forget; he said, "*I will not be like one of Job's friends.*" In the biblical account of Job, in the midst of Job's struggles, when Job needed his friends the most, they chose to judge him instead of supporting or loving him. With those words, Eric assured me that he would not sit in judgment of me, but would support me, pray for me, and be there for me, however I needed. And indeed he was; and indeed, he always has been.

Exhibit D (letter from Pastor James Murphy).

Kristen Ogle, a fellow church member who has known Eric for 15 years, writes:

When Eric returned from Washington, he described his experiences. He also shared with us the charges against him. As such, I am eager to disclose to you the person I know Eric to be. I have personally witnessed Eric's constant dedication to supporting the church through service to a thankless role, but which he is always cheerful to perform. He is known as a leader among his peers and always has a kind, gentle heart for anyone in need. I have long known him to be an outstanding father, husband, son, and friend. He absolutely expresses his love of God, the USA,

his community and his fellow citizens. He not only speaks to that, but he shows it in actions, whether he joins with the men's group for a retreat or to lead bible studies, he is an inspiration. Eric has participated in many mission activities and trips. This is the action of a man of character who loves both peers and strangers alike.

Exhibit E (letter from Kristen Ogle).

Carol Jaeger, a long-time friend and neighbor, describes Eric and his relationship to their neighborhood as follows:

Eric Cantrell has been our next door neighbor for the past 25 years. When Eric and his wife Jillisa moved in they had two young children, with the youngest having not yet celebrated his first birthday, and they subsequently had two more children while living next to us. I watched their family grow, and go to school, and play in the yard, and get on the bus, and do chores, and learn to drive, and go to college, and now they are starting careers, getting married, and having children of their own. When they were little, their children played with our youngest daughter and other children in the neighborhood, and Jillisa and Eric were always watchful and protective, kind and caring toward all of the kids. They have frequently hosted gatherings of their extended family, or other social groups they or ones their children were involved with that would often spill into the yard, and I can see they are always occasions of wholesome fun and love. Eric and Jillisa have also on occasion invited all the immediate neighbors over for a meal, just to get everybody together to socialize.

* * *

Eric has been a model neighbor all these years. He has always been respectful and friendly and would not hesitate to help out if needed without being nosy or intrusive. We have never had a squabble or complaint with Eric, nor are aware of him having issues with any other neighbors, and whatever complaints he may have had about us over all these years he has kept to himself and always been congenial and neighborly. I have never witnessed, nor could ever imagine, Eric having an outburst of anger, nor has he ever expressed any radical ideologies to me. Eric is calm, thoughtful and reasonable, intelligent, a dedicated family man who is equally dedicated to supporting his community.

Exhibit F (letter from Carol Jaeger).

B. The nature and circumstances of his offense

Eric has pled guilty to one count of Parading, Demonstrating, or Picketing in a Capitol Building, 18 U.S.C. §5104(e)(2)(G), a class B misdemeanor, and agreed to pay \$500 in restitution. This is a non-violent offense and there are no allegations that Eric engaged in or encouraged violent or destructive behavior. He did not knowingly ignore any commands from police or other officials within the Capitol or its grounds. Eric attended the rally that day to express his personal views and had no intent to enter the Capitol Building. However, in the chaos of the day and despite his

reservations, he foolishly followed others through the Upper West Terrace Door—a decision he sincerely regrets. His lack of intent to enter is evidenced by the fact that he swiftly exited the building after a little over a minute.

In cases like Eric's, the government routinely points to the following factors for courts to consider when sentencing January 6 defendants: (1) whether, when and how the defendant entered the Capitol Building; (2) whether the defendant encouraged violence; (3) whether the defendant encouraged property destruction; (4) the defendant's reaction to acts of violence or destruction; (5) whether during or after the riot, the defendant destroyed evidence; (6) the length of the defendant's time inside the building, and exactly where the defendant traveled; (7) the defendant's statements in person or on social media; (8) whether the defendant cooperated with or ignored commands from law enforcement; and (9) whether defendant demonstrated sincere remorse or contrition.

Consideration of these factors strongly argue against the imposition of incarceration or probation. Eric entered peacefully with others through the already-opened Upper West Terrace Door, and there was no broken window or other sign of a forced entry; he neither engaged in or encouraged violence or the destruction of property; he did not witness any violence and thus had no reaction to violence; he did not destroy any evidence; he was inside the building for a total of one minute and thirty-eight seconds, and merely walked around the internal stairway before leaving the building; he made no statements to anyone or postings on social media; and he did not ignore any law-enforcement commands.

Finally, as explained in the attached letter to the Court (**Exhibit G**), Eric admits his wrongdoing, takes responsibility for his actions, and expresses genuine remorse for his conduct. As Eric explains, he regrets “violating the sanctity of the U.S. Capitol” makes clear that he “strong

oppose[s] any act of violence and condemn[s] any disrespectful act against law enforcement, Capitol personnel, or any leader regardless of political affiliation.”

I regret the act of entering the Capitol, and if I could go back in time, knowing what transpired that day January 6, 2021, I would have never gone near the Capitol building. If I could take back my actions, I would. I sincerely apologize for my actions and taking the time of the court.

C. The seriousness of the offense, respect for the law, just punishment, adequate deterrence, and protection of the public

Eric committed a B misdemeanor by parading, demonstrating, or protesting in the Capitol Building without authority. There are no allegations or evidence that he engaged in or encouraged violent or destructive conduct; in fact, as all the available videos and pictures show, Eric was peaceful and respectful that day. He did not disobey or ignore any law-enforcement commands. Without diminishing the seriousness of all that transpired that day at the Capitol, Eric’s conduct pales in comparison with the vast majority of the other January 6 cases. Except for this episode, Eric has no criminal record, and he poses no threat to the public.

Given the unique circumstances surrounding Eric’s actions and his lack of any prior offense, it is highly unlikely that Eric will ever repeat a similar offense or engage in other illegal conduct. As explained in his letter to the Court, Eric genuinely regrets his decision to enter the Capitol that day and apologizes to the Court for the trouble he has caused. Eric had no desire to violate the law and his only plan was to express his political views peacefully. Despite his instincts, the large presence of police at the Capitol that day, and the loud sounding alarm, he illegally followed others into the building.

Eric spent over a year on pretrial release in this matter without any problems or violations. This, in conjunction with his non-violent conduct and lack of criminal history, demonstrates that no sentence of incarceration or probation is warranted. His criminal conviction, the year on pretrial release, the notoriety surrounding his case, and the related legal expenses all combine to create just

punishment for Eric. And that punishment will be “sufficient, but not greater than necessary,” to demonstrate respect for the law and provide adequate deterrence. 18 U.S.C. §3553(a).

D. Avoiding unwarranted sentence disparities

Finally, courts must seek to “avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.” 18 U.S.C. §3553(a)(6). A review of sentences imposed by this Court in factually similar section 5104(e)(2)(G) cases confirms that a sentence of no incarceration or probation is both reasonable and sufficient. *See United States v. Blauser*, 1:21-cr-386 (sentence of \$500 fine and \$500 restitution where defendant entered and stayed inside the Capitol for over 35 minutes and traveled throughout the building, and while inside defendant was involved in a brief skirmish with law enforcement as the police attempted to clear the Rotunda area); *United States v. Doyle*, 1:21-cr-324 (sentence of 2 months’ probation, \$3,000 fine, and \$500 restitution where defendant entered the Capitol through a broken window, and traveled throughout the building for over 20 minutes); *United States v. Cordon*, 1:21-cr-269 (sentence of 2 months’ probation, \$4,000 fine, and \$500 restitution where defendant entered the Capitol through a broken window, stayed inside for 4 minutes and took video while inside); *United States v. Bratjan*, 1:22-cr-285 (sentence of 6 months’ probation, \$1,500 fine and \$500 restitution where defendant entered through a broken window, stayed inside for 35 minutes, joined a group of rioters who tried to push through police to reach a senator’s office, posted on social media about the day, and encountered pepper spray); *United States v. Prenzlin*, 1:21-cr-694 (sentence of 10 months’ probation, \$2,500 fine, 120 hours community service, and \$500 restitution where defendant saw rioters push past police on his way to Capitol, entered the Capitol and stayed inside for over 3 ½ minutes until he and others were forced to exit by police); *United States v. Rosa*, 1:21-cr-68 (sentence of 12 months’ probation, 100 hours community service, and \$500 restitution where

defendant heard loud bangs and smelled pepper spray before entering the Capitol, stayed inside for 20 minutes, and traveled throughout the building and took pictures).

Eric's conduct lies at the low end of the spectrum for all January 6 defendants and is less severe than the conduct of the six defendants described above. He entered the Capitol peacefully through an open door without crawling through a window or pushing through police. He did not wander around the building to other more popular areas like the Rotunda, the Crypt, or any Senate/House offices or chambers. Eric was inside for just over 1 ½ minutes and took no pictures or videos. No one had to order Eric to leave or push him out the door; he left on his own within a minute after entering. He did not disobey any police directions or make any public statements or internet posting before, during, or after the ordeal. To avoid unwarranted sentence disparities, Eric respectfully requests that the Court not impose a sentence of incarceration or probation.

CONCLUSION

As discussed above and pursuant to 18 U.S.C. §3553(a), Eric respectfully requests the Court to forgo any sentence of incarceration or probation, enter judgment of conviction on the class B misdemeanor, 40 U.S.C. §5104(e)(2)(G), and order payment of the already agreed-to \$500 in restitution. If the Court believes a fine is in order, Eric requests the Court to order community service in lieu of any additional financial penalty.

Dated: March 22, 2023

Respectfully submitted,

/s/ David J. Hensel

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