

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

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. 1:22-cr-121-1 (TNM)
)	
JARED CANTRELL)	
_____)	

DEFENDANT’S MEMORANDUM IN AID OF SENTENCING

Jared Cantrell, through undersigned counsel, submits this sentencing memorandum to aid the Court at sentencing. Following a bench trial, Mr Cantrell was found guilty of one count each of: Entering and Remaining in a Restricted Building (18 U.S.C. §1752(a)(1)), Entering and Remaining in a Restricted Building (18 U.S.C. §1752(a)(2)), and Parading, Demonstrating, or Picketing in a Capitol Building (40 U.S.C. §5104 (e)(2)(G)). Based on the facts and arguments below, Mr Cantrell requests the Court sentence him to 12-months of supervised probation on each count, with community service; probation to convert to unsupervised upon completion of community service. We submit that this sentence would most accurately address the concerns of the sentencing statute, 18 U.S.C. §3553.

As is our practice, we are not going to belabor the Court with a recitation of the information contained in the Presentence Report. Rather we will contain our remarks to factors we feel pertinent and relevant to the Court’s sentencing calculus outside of that document, focusing on Mr Cantrell’s actions and memories of the events of 6 January 2021, and perspective on his position over two years later.

Prologue to 6th January.

Jared Cantrell was not a supporter of former President Trump. He had been a consistent libertarian, voting as such in previous elections. He did not vote for Trump in neither 2016 nor

2020. The events of the latter part of 2020 took a very strange undertone. In the period leading up to the election, perhaps sensing the political winds, the former president claimed were he to lose the election, this could only happen if election fraud were to take place. This meme was bombarded across right-wing media.

A sad indictment of our times is media outlets have become increasingly polarized and seek not to *inform* their respective audiences, rather catering to the already-apparent biases of their target demographic. In response, it is natural for the audience, hearing what they want to hear, to become increasingly fervent having their particular suspicions and fears buttressed. No one likes to lose, and reassuring any crowd that *if we lose its because we were cheated* is an incredibly powerful narcotic, and this message struck a resonant chord with the right-wing faithful. As the first Tuesday in November approached, the message of potential voter-fraud to the devoted increased to frenetic levels: The scene was set for discord. Trump constantly stoked the fires claiming there was an organized effort from his adversaries to “steal” the election. This was nuclearized with the message that the conservative vote as a whole was being neutralized. Again, the message resonated. Moreover, in addition to the media, the circles and friends one encounters also has a strengthening factor to personal beliefs. All this combined, and on the eve of the election the stage was set; the powder was primed.

3rd November arrived. The country watched with bated breath as America went to the polls. Tuesday evening turned into Wednesday; the nation perched on the edge of its seat as the election leaned towards Biden. The right-wing media went into overdrive. It didn’t help that recount after recount left us 4 days without a decision, but by Saturday the result was called. The effect of this four-day delay only served to ramp-up the tensions and fears as the faithful watched what appeared to be Trump’s prediction coming to pass. In the wake of the result, what followed was an explosion of frenzy with court cases, recounts, protests of cheating screamed from the rooftops. The new

meme of “Stop the Steal” took over the airwaves. As court case after court case collapsed, as recount after recount confirmed the returns, and as state after state refused to nullify its result, the options for the faithful dwindled. 6th January 2021 was the scheduled date for Congress to exercise its two-hundred-year-old constitutional duty in certifying the votes of the Electoral College, and this date quickly became the new focal point. Trump called for a huge rally for that day, and the MAGA hats responded.

6th January, 2022

As the day approached, Jared Cantrell considered the situation. He had observed the last eight weeks frenzy and outrage from the outlets. He had discussed the events with his close friends and relatives. As mentioned, Jared had no allegiance to the soon-to-be former president and took no position on whether Trump should stay in power or not. But for a student of politics which he considered himself to be, these were fascinating times and even though he had no dog in the fight whether the election had been stolen or not, the fact that this was issue was unfolding in the public domain, from Jared’s perspective, was history in the making. He had heard from friends and relatives that Trump had called the faithful to rally in DC on January 6th. As the day approached, having had conversation with his two cousins, Eric and Quentin, who had already made plans to travel to DC, Jared decided on the spur of the moment to get in the car with his two relatives, and as he puts it, to “tag-along.” In addition to his being fascinated at how this whole business was to get resolved, and despite his having been to all other fifty states, he had never visited the nation’s capital. Moreover, he had never physically seen a sitting president in the flesh. He got in the car.

The party left for DC on the Tuesday the 5th. They arrived in the District Tuesday evening and stayed in a hotel in DC: (Jared remembers it being downtown but doesn’t remember the name as he hadn’t made the travel arrangements.) The next day, they walked to the Ellipse. By the time they got there the Ellipse was full and they had to watch from the hill surrounding the Washington

Monument, the other side of Constitution Avenue. From that distance they could hear very little, but from the crowd around them, the message was passed that Trump had told the crowd to go to the Capitol. It was widely circulated that he intended to speak again there. The crowd began the trek towards the Hill. The three cousins followed.

As they joined the crowd at the Capitol, Jared took stock of the scene. They were at the bottom of the steps on the north-west corner of the building close to the north edge of the structure being constructed for the inauguration. There was a rumour purveying itself across the crowd that people were being let in the building. The crowd, *en masse*, started to move up the steps to the north edge of the patio running the west side of the Capitol. The three cousins were swept up in this crowd and, at the top of the steps, on the patio, they were swept in with the crowd through the open door and into the building.

Before moving on, Jared Cantrell would like to be clear about this idea of being swept along. Mr Cantrell is not, and has never, asserted that he entered the Capitol that day being coerced by anyone, or being forced, or not of his own will. Quite the opposite. He chose to go with the crowd. But he submits to the Court that upon coming to DC he had no idea of affecting the election or going to the Capitol. However, as events transpired and speakers encouraged the descent on the Hill, he went along. As the belief in the crowd became people were being let in, he went along. As people went into the building, he went along. He recognizes and accepts responsibility for these decisions, but remains of the belief that there was no criminal intent on his part, nor of anyone around him to discern.

Upon entering the building, he came across the stairs leading up to the Rotunda. He understood his two cousins to be right behind him. However, at the top, as he entered the Rotunda, he turned around and found himself alone. He attempted to call them, but had no signal. He waited several minutes, took some photographs, and upon getting no closer to finding Eric and Quentin,

made his way to the closest exit. The Rotunda being circular and him not being familiar, he was turned around and upon leaving through a door found himself on the east side of the building, the opposite from where he'd entered.

Once outside Jared found his cell phone reception had returned, and was able to make contact with Eric and Quentin. They met at a landmark they could all see and decided to leave. The trip home was surreal. The mood was subdued. Whilst they were unaware of what had transpired at other locations in and around the building, they began to hear reports of what had taken place. The gravity of what had transpired set in, and the feeling that things would never be the same again was inescapable.

The Present Day.

Jared Cantrell looks back at the events of 6th January 2021 with one simple regret. He should never have got in that car. In coming to DC he had no thoughts that this was to be anything other than a Trump rally. In going to the Hill, he had no inkling that this was about to be anything other than a protest. In entering the Capitol he had no intent to engage in any criminal behavior. The environment he found himself in was roused and he found himself being swept along with the crowd into the Capitol building itself. As we have mentioned, that is not to say that he was coerced but rather the speed of events left little time for self-reflection. As discussed earlier, Jared was not a supporter and was not part of any movement to either stop-the-steal or stop the count. He was there to observe history. All of this would have been avoided had he not got in the car.

Secondly, he feels sadness at the manner that day is now perceived. He came to DC with purely innocent goals whilst throughout the Capitol building area, events span out of control. The nature of the violence the nation witnessed has cast a pall over anyone who attended that day, and that is something he will take a very long time to get over; if at all. He believes the events of that day will now haunt everyone connected including himself, and he could have avoided it all by

simply not getting in the car. He has been approached on several occasions by media to provide his side of events, but has declined to do so. Quite simply his experiences on that day have left an indelible sour taste in his mouth and he wants to put it in the past and close the door as quickly as possible. He is very frightened of what could happen to him at sentencing but he wishes to make the Court aware that nobody forced him, he takes full responsibility, and he's before the Court based on his own decisions.

Sentencing Factors.

18 U.S.C. §3553 provides:

(a) Factors To Be Considered in Imposing a Sentence.—The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection. The court, in determining the particular sentence to be imposed, shall consider—

- (1)** the nature and circumstances of the offense and the history and characteristics of the defendant;
- (2)** the need for the sentence imposed—
 - (A)** to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
 - (B)** to afford adequate deterrence to criminal conduct;
 - (C)** to protect the public from further crimes of the defendant; and
 - (D)** to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;

Addressing these factors individually we find the following. Nature and circumstances of the offense in these matters is a highly combustible issue, and we will return to it shortly. On history and characteristics of the defendant there is not much debate. Mr Cantrell has extremely minor criminal history: mostly traffic related matters for which he received probationary sentences appearing to complete periods of supervision successfully. His background displays an individual who, aside from these anomalies, has led a law-abiding existence prior to the events which bring him here. Subsection (2)(A) discusses seriousness of the offense, respect for the law, and just punishment for the offense. We will return to this also when we discuss nature and circumstances

of the offense. Subsection (B) contemplates adequate deterrence to criminal conduct. Jared Cantrell has been emotionally shaken by his experiences with the justice system in this matter, and the insight he has acquired here has left him with the strongest of convictions that there is to be no repeat: This will be his last. Moreover, these events have left him disillusioned. He does not have the stomach to engage in any kind of political action again. He has indicated his days of attending further rallies are over. Incarceration is not necessary to make that point. Subsection (C) considers a similar idea as that in (B), in protecting the community from further criminal contact. Here we point out Jared Cantrell is as far from being a career offender as is possible and, again, given his experiences here, the public has nothing to fear from Jared Cantrell in the future. With respect to Subsection (D), quite simply he has no need of any of the services available to U.S. Probation. Which brings us back to sections (1) and (2)(A).

The nature and circumstances of the offense is a not a simple issue to unpack. On the one hand, the conduct and decisions Jared accepts responsibility for, in the universe of criminal conduct, are not especially egregious. However, taken into context with the much larger events of 6 January, the nature and circumstances question becomes much less clear. There is no question the events of that day have left a deep scar on the national psyche. Seditious behavior has in some cases been charged. But we ask the Court to take note that Mr Cantrell is one of a small group of people who despite having gone down the regrettable road of entering the Capitol realized it was not the place to linger and got out as quickly as possible. We ask the Court to recognize that even at what appeared to be the point of no return, this was a Rubicon he made every effort to recross. We ask the Court to view his actions against the backdrop of those with more sinister intentions as proof of his original harmless purpose and sentence him accordingly.

Addressing (2)(A), we have already discussed Mr Cantrell's view of the rioters' actions being contrary to the best interests of the country, but he also views those acts as not being true to

one of his core values of respect towards law and order. We highlight to the Court that at no point has there been any suggestion that Mr Cantrell belongs to any organization that encourages civil disobedience, advocates overthrow of the government, displays extremist right-wing views, or has encouraged in any way of the violence on display on 6th January. In terms of any sense of danger to the community, there is simply none: it does not exist. The Court should have no concerns as to his views on the respect for law either today or for the future.

The final issue §3553 to be discussed is the last part of (2)(A): just punishment for the offense. At its heart, this is the very central issue for this Memorandum as a whole. Mr Cantrell is a law-abiding citizen who placed himself in the wrong place at the wrong time. He came to DC to be a witness to never before scenes of political protest, and quickly found himself in the middle of an escalating situation in which speech, free or not, was being dropped as a form of expression by a mob, spinning out of control and rage was taking over. He has been shattered at the fallout from that day. His life will never be the same again. This, in and of itself, is more than adequate punishment. In no way, shape or form should the Court be under the impression that a probationary sentence would be seen as getting away with anything. For the rest of his life Jared will forever be associated with the events of that day, and he takes this to heart. Given all discussed above, including the fact of his decision to disengage when he did, we ask the Court to sentence in accordance with our proposal.

Conclusion

Taking all the above into account. We ask the Court to provide the following sentence. We submit a twelve-month probationary period, on each count, running concurrently, with community service, to be fitting sentence. We believe the community would benefit far more from his service than his incarceration. We would ask the Court to make the probation supervised for the initial portion up to the completion of community service, and then to convert to unsupervised for the

remainder of the probationary period. We believe this sentence to best satisfy the concerns of 18 U.S.C. §3553.

/s/ Peter A. Cooper

Peter Cooper; 478-082
Counsel for Jared Cantrell
400 5th Street NW.
Washington DC 20001