

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

22-CR-123 RDM

JEFFREY L. MUNGER

DEFENDANT'S SENTENCING MEMORANDUM

Jeffrey Munger is a fifty-five year old retired firefighter who, like too many normally wise and well intentioned citizens, came to Washington, D.C. on January 6th, 2021 at the request of then president Donald Trump. He drove from his small town of Goshen, to attend the rally at the Ellipse. After attending the rally, he followed the "orders" of the multiple speakers and he walked to the Capitol. At about 2:50 he entered the building through a broken window and unlawfully remained in the entryway taking photos and looking around for under 15 minutes. He briefly walked around the building, before he exited through an open door at about 3:05 P.M.

Mr. Munger was arrested at his home in Goshen, Indiana March 23, 2022. He was released on his personal promise to comply with pretrial supervision. He has been in complete compliance since his release. Upon appointment of counsel on March 29th, 2022, Mr. Munger told counsel he was remorseful about having gone to Washington and did not wish to contest his guilt. Counsel relayed this request for an early plea to government counsel, Cindy Cho. She issued a One Count Information and

a plea agreement allowing him to accept responsibility for violating 40 USC § 5104(e)(2)(G). He entered a plea of guilty to the single count Information on May 20, 2022.

In a letter to U.S. Probation Officer Sherry Baker, he states in relevant part:

*I made the stupid mistake of going inside. . . It didn't take me long to realize that this was not what I was here for and wanted nothing to do with it, so I made my way to the door and left. I take full responsibility for my stupid actions. I should have known better.*

Jeffrey Munger is a gentle human being. He now knows better. He recognizes his grave mistake. He has suffered serious medical problems, discovered shortly after his arrest in this case. He is married to Carla Munger, a registered nurse. They live in their family home in Goshen, Indiana. Before he married Carla and relocated to Indiana, he lived in a small town in North Carolina, where he he worked and in construction as a carpenter and a laborer. More important to Mr. Munger, however, was his avocation as firefighter and first responder in Highlands, North Carolina.

He was a volunteer firefighter and rescue tech from 1994 to 2005 ,at Highlands Fire and Rescue. He was a certified First Responder. He was certified as Firefighter 1, to fight structural and vehicle fires. He also was trained in wildland fire suppression, and he assisted the U.S. Forest Service fighting wildland fires in National Forests. He was certified for High Angle Rescue and trained to rescue people from natural structures such as cliffs and waterfalls, using rappelling gear. He had additional training in extricating victims from man-made structures and from vehicles, using the Jaws of Life. He was certified as a Swift Water Rescue Tech level 2, which

included day or night-time water rescue. Before the onset of his chronic disability, he assisted all calls related to medical, emergencies. As a volunteer rescuer he was paged whenever an ambulance was called. He assisted the Sheriff Department in locating missing persons and was trained in tracking and topographic map reading. His highest position was that of Rescue Lieutenant.

In 2005 he relocated to Indiana to marry his wife. When he moved to Indiana the local economy suffered a downturn. His deteriorating health limited his ability to work. His need to help others remained a strong personal characteristic. He helped Carla's parents when his father-in-law was diagnosed with cancer. He took care of his in-laws, their home and their yard. After his father-in-law died, Jeff helped his mother-in-law maintain her independence. When she came to live with them, and until her death, he was her primary caretaker, while Carla worked.

Mr. Munger's medical problems began in 2005. He has been disabled since 2010. He suffers from chronic pancreatitis and neuropathy pain in both legs. His health has continued to deteriorate. This spring he had colon surgery in May 2022, to remove stage 3 colon polyps. He is now recovering from the surgery. He remains unable to work due to his disabilities.

At this time, Jeff is a house husband . He takes care of his home and environs. He helps to care for friends and neighbors who suffer with significant health issues. His hobby is wood working. He uses this skill for home repairs and as a general handy man to help others in his community. Though his disability limits his contributions, he remains a community asset.

Pursuant to 18 USC § 3553(a), the Court shall 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 to provide the defendant with needed educational/vocational training, medical care, or other correctional treatment.

As noted in the Statement of Offense, Jeffrey Munger entered the US Capitol Building through an open window adjacent to the Senate Wing Door. He remained inside the US Capitol for less than 15 minutes, before exiting through the Memorial Door. There is no evidence Mr. Munger incited violence or destroyed property. We believe that Probation is an appropriate sentence, as a period of incarceration does not appear to be needed for specific deterrence or to promote respect for the law. Based upon Mr. Munger's personal history and characteristics, there is no perceived benefit to society to be derived from a punitive sentence.

For these reasons the defendant requests this Honorable Court impose a sentence of 12 months probation, a lump sum payment of \$500.00 restitution within thirty days and community service, if the Office of United States Probation is able to refer Mr. Munger to an appropriate placement, in consideration of his physical disabilities and current medical limitations.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
H. Heather Shaner, #273276  
Appointed by the Court for  
Jeffrey Munger  
1702 S Street N.W.  
Washington, D.C. 20009  
Tel. 202 265 8210  
hhsesq@aol.com