

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 directed F.B.I. agents to his clothing which he wore on January 6th, 2021. 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. She has recently been diagnosed with serious medical issues which will require surgery and a period of rehabilitation and treatment. Counsel reached out to the parties to inquire if a short continuance of Sentence would help, but the Mungers wish to move forward and to resolve this matter. The fear and anxiety they have endured since Jeff's ill-conceived and wrong headed trip to Washington, D.C. in January 2021, is a severe stressor on their mental health and on their physical medical problems.

Should the Court place Mr. Munger on any period of home detention, we request he be allowed to accompany his wife to all medical appointments. We also request that, if possible, he be permitted to continue to clear leaves and snow from his elderly neighbors' homes, whether as a form of community service or as a permissive term of home

detention. He and his wife strongly wish any punishment the Court imposes should not punish the neighbors for whom he provides critical services and who depend on his help. He hopes his work to help his neighbors could be treated as a form of "permitted employment," were the Court to impose a period of home detention.

Should his wife's medical situation no longer allow her to drive to pick up and drop off the four grandchildren, for whom the Mungers help care for, Mr. Munger requests he be allowed to leave his home to pick up the grandchildren and return them to their homes, if probation can allow this and monitor his movement during any period of imposed home detention. If this is possible, the Mungers, and their children and grandchildren thank the Court and the Office of Probation for your consideration in effecting a compassionate sentence.

Before Jeff Munger relocated to Indiana and married Carla, he lived in a small town in North Carolina, where he he worked in construction as a carpenter and a laborer. He also cared for and managed historic properties his family owned. However, more important to Jeff Munger, was his avocation as a firefighter and first responder in Highlands, North Carolina. His e-mail address reflects his pride in having been affiliated with the Highlands Fire Department.

Jeff Munger was a volunteer firefighter and a rescue tech from 1994 to 2005 at Highlands Fire and Rescue. He was certified as a First Responder. He was certified as Firefighter 1, and was trained to fight structural and vehicle fires. He also was trained in wildland fire suppression, and assisted the U.S. Forest Service to fight wild fires in our National Forests. He was certified for High Angle Rescue and was 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 on all calls related to medical emergencies. As a volunteer rescuer he was paged whenever an ambulance was called. He assisted the Sheriff's Department in locating missing persons and was trained in both tracking and topographic map reading. His highest position was that of Rescue Lieutenant.

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

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 provide childcare to his four grandchildren. He helps care for friends and elderly neighbors who suffer with significant health issues. His hobby is wood working. He uses this skill to perform home repairs in his neighborhood and acts as a general handy man to help others in his community. Although 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.

The government's recommendation is more punitive and greater than necessary to provide just punishment for this offense. This was a singular event, that hopefully will never be repeated in our country. Jeffrey responded to a call to action from leaders he believed and respected. This was aberrant conduct, one bizarre and horrid day, in a lifetime of good acts.

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 probation, a lump sum payment of \$500.00 restitution within thirty days and Community Service. Should the Court Order Community Service, we request the Office of United States Probation refer Mr. Munger to a placement, appropriate for his current medical limitations. Should it be possible, we request the Office Of Probation to nominate a local church or social service agency to monitor his hours of community service so as to allow him to provide his hours of service, to his Goshen community by helping his neighbors and others designated by a church or social service agency.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
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H. Heather Shaner, #273276

Appointed by the Court for Jeffrey Munger

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