

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

**UNITED STATES OF AMERICA**

**v.**

**23-cr-151**

**MACSEN RUTLEDGE**

**DEFENDANT'S MEMORANDUM IN SUPPORT  
OF A PROBATIONARY SENTENCE**

Macsen Rutledge, through counsel, requests a period of probation of twelve months, with special conditions of one hundred hours of community service and payment of Court Costs and Restitution of \$510.00. In support of our request we state as follows:

Macsen Rutledge was inside the Capitol on January 6th, 2021 for some 60 seconds. According to the criminal complaint, the Statement of Offense and the Government's Sentencing Memorandum:

"Rutledge entered the Upper House Door at approximately 2:52 p.m., where he happened upon a confrontation between police and other rioters inside the Capitol: Specifically, a group of officers attempted to move down the hallway but were attacked by a rioter. Other rioters then slid furniture at the officers. Rutledge turned around and exited the Capitol through the Upper House Door at approximately 2:53 p.m."

At the point Macsen saw what was taking place inside the U.S. Capitol *he turned around and he exited*. He has never looked

back. He has expressed shame and great remorse for having participated in the events of January 6th, 2021. He walked out of the Capitol and has since reconsidered his priorities, his associates and his choices.

While we agree the riot on January 6th, 2021-- was conduct beyond egregious--Macsen Rutledge's participation was minimal. He did not participate in any violence or destruction nor did he cheer on others who may have. He did not participate in violence before January 6th or since. He has ceased his earlier reliance on social media as a means to find friends. He has strengthened his relationship with his church and with his community, providing social services to the needy. There is no need for specific deterrence. He is self-deterred. He would never so thoughtlessly place himself and our country at risk. As he states in his letter to the Court:

" I realized almost immediately that there was a violent riot going on and I turned right around and walked out. I returned home and was left feeling very stupid and ashamed of myself. I feel chagrinned and great humiliation that I could have been so stupid. And I am mortified that my presence gave strength to individuals who may have thought I supported their bad acts."

The Office of Probation is recommending a sentence of 24 months probation. We believe a lesser sentence would serve the same purposes of supervision and note that since October 27, 2022 he has been in total compliance with Court Pre Trial Services.

In support of his request for a sentence of Probation Officer Koehler writes in justification:

"Macsen Rutledge is before the Court after having pled guilty to a violation of 40 U.S.C. §§ 5104(e)(2)(G). In considering the

relevant sentencing factors in this matter, pursuant to 18 U.S.C. § 3553(a), Mr. Rutledge is a 42-year-old male who is single with no children, and who lacks a significant criminal history or consistent employment history. He reports some substance abuse and mental health histories, and his self-reported historical political ideology seem converse to his presence in Washington during the instant offense. Regarding his involvement in the instant offense, Mr. Rutledge remained in the Capitol for approximately one minute, and took advantage of his presence to memorialize his participation while wearing a "bear-like" hood. "There is no indication he participated in any violence that day, nor any indication he has made any inflammatory or disparaging remarks via social media since that day. Additionally, there is no information to suggest Mr. Rutledge has had any issues while on Pretrial Supervision. Given the totality of these factors, we believe a sentence of probation with no incarceration is sufficient, but not greater than necessary, to impose just punishment in this matter, pursuant to in 18 U.S.C. § 3553(a).

In an effort to return his life to normalcy and to educate himself, Macsen has read several books and shared his thoughts with counsel. One book report, along with Macsen's mental meanderings and political thoughts, is attached. Colin Woodward's, American Nations: A History of the Eleven Rival Regional Cultures of North America. He has also read Just Mercy, by Bryan Stevenson, about the injustices in our criminal justice system; The Orwell Reader, a selection of essays about his life and travels; and Mindf\*ck, by Christopher Wylie, about Cambridge Analytica and the plot to break America.

Macsen has written a brief letter to the Court explaining his recent past mistakes and his plans for a more productive future. He is now very active in his church and is serving his community.

He has enrolled in SUNY Cortland to complete his degree. He hopes to teach and to work as a counselor to young teens. He looks forward to a permanent adult relationship and is choosing a more responsible path in life and to have a more productive future.

I am also attaching letters from his priest at Holy Apostles Church, Father Joel and from several friends. Elizabeth Steele is a longtime friend and traveling companion. Monica Fawkes is a co-worker in his and his brother's company, and an "honorary member" of the Rutledge family. Tina Higgins is a new friend. Marilyn Brady is a neighbor and a fellow parishioner at Holy Apostles Church. And Justin Cohen, who wrote a lovely letter, is a lifetime friend who knows Macsen's character and strongly recommends he be given a sentence of probation.

Of all my January 6th clients, I really look forward to meeting Macsen Rutledge in person. I believe the Court will be impressed as I am with his kindness, remorse, empathy, creative energy and inspired intelligence.

WHEREFORE we are requesting a Sentence of Twelve Months Probation consistent with the Sentences of other Similarly situated defendants with a special term of Probation of Community Service and Restitution.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_

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