

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

United States of America,) Criminal Action
) No. 21-cr-225
Plaintiff,)
) SENTENCING HEARING
vs.)
) Washington, DC
Treniss Jewell Evans, III,) September 13, 2022
) Time: 1:00 p.m.
Defendant.)

TRANSCRIPT OF SENTENCING HEARING
HELD BEFORE
THE HONORABLE JUDGE DABNEY L. FRIEDRICH
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S

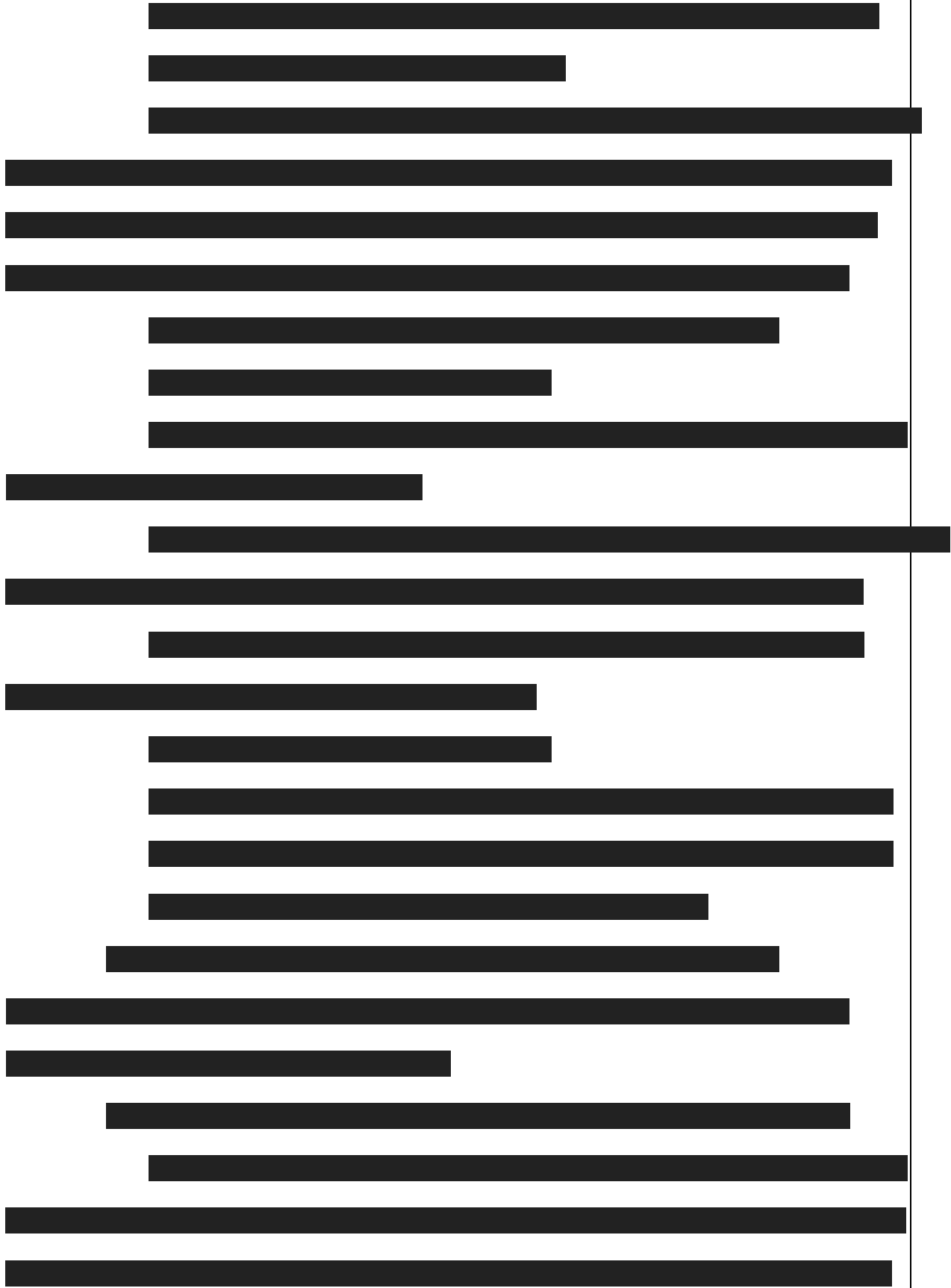
For Plaintiff: Francesco Valentini
DOJ-CRM
Criminal Division, Appellate Section
950 Pennsylvania Avenue NW
Washington, DC 20530
202-598-2337
Email: Francesco.valentini@usdoj.gov

For Defendant: Steven Metcalf
METCALF & METCALF, P.C.
99 Park Avenue
6th Floor
New York, NY 10016
646-253-0514
Email: Fedcases@metcalflawny.com

For Probation: Aidee Gavito

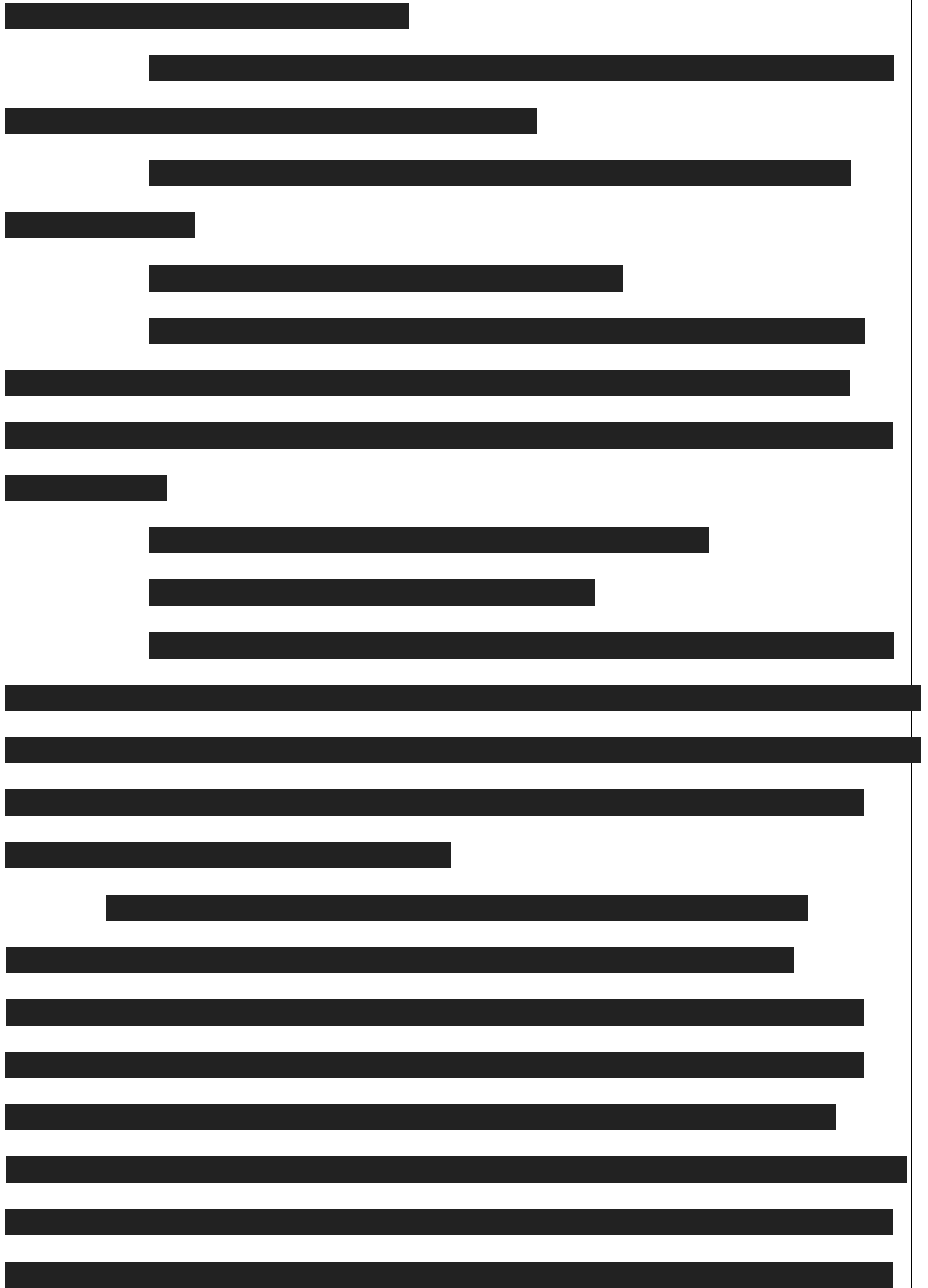
Court Reporter: Janice E. Dickman, RMR, CRR, CRC
Official Court Reporter
United States Courthouse, Room 6523
333 Constitution Avenue, NW
Washington, DC 20001
202-354-3267

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25



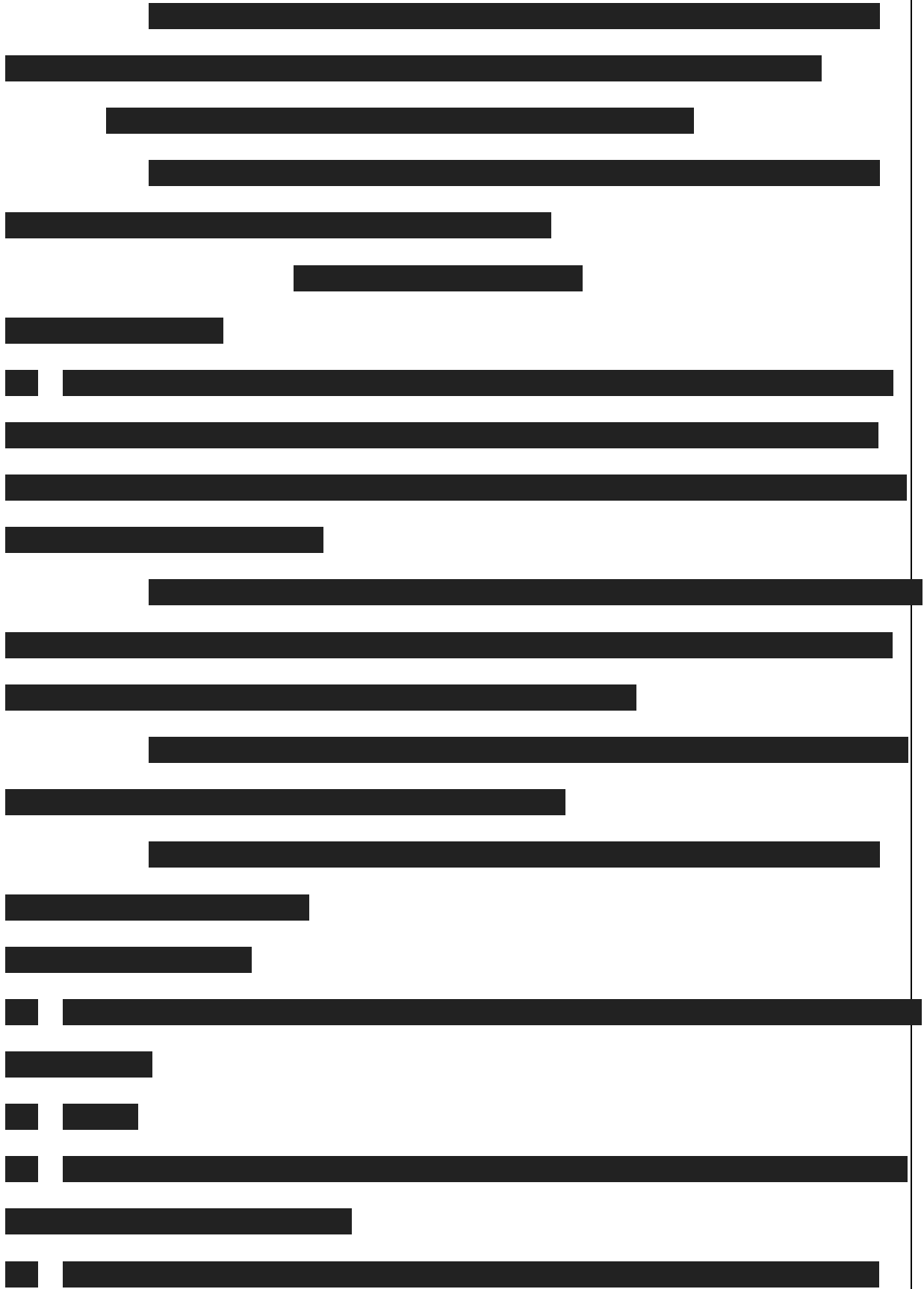


- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25



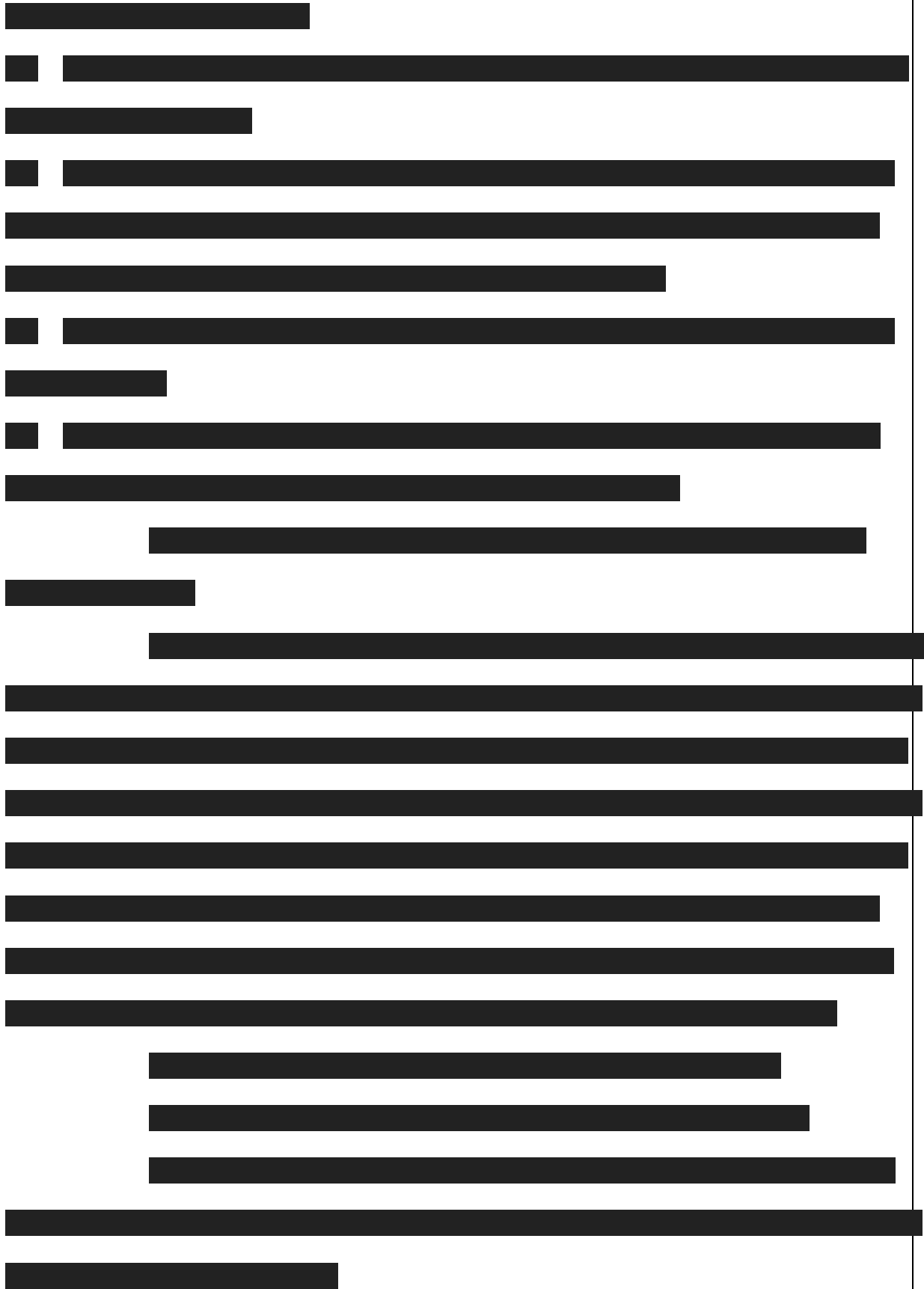


- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25





- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25



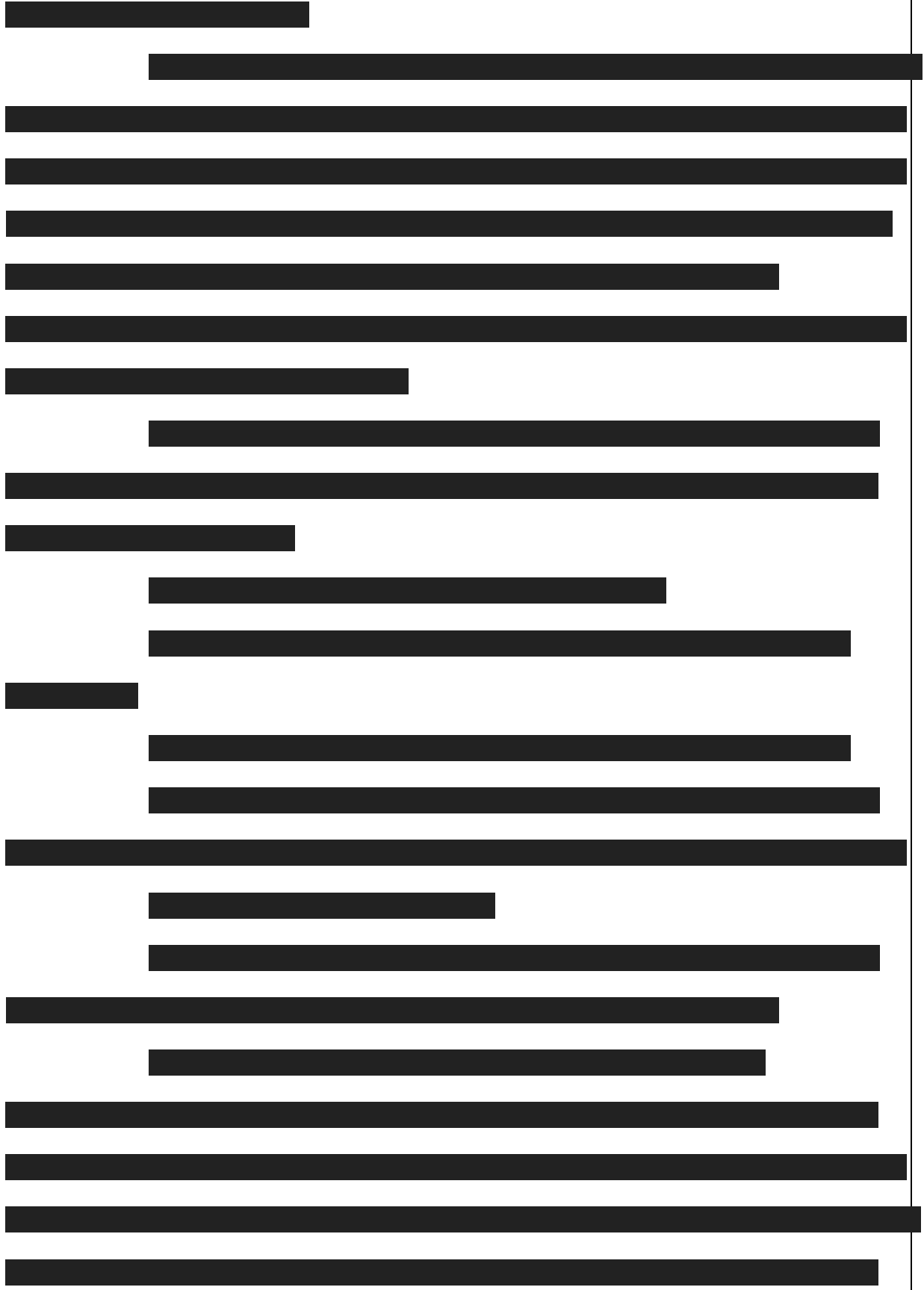
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25







- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

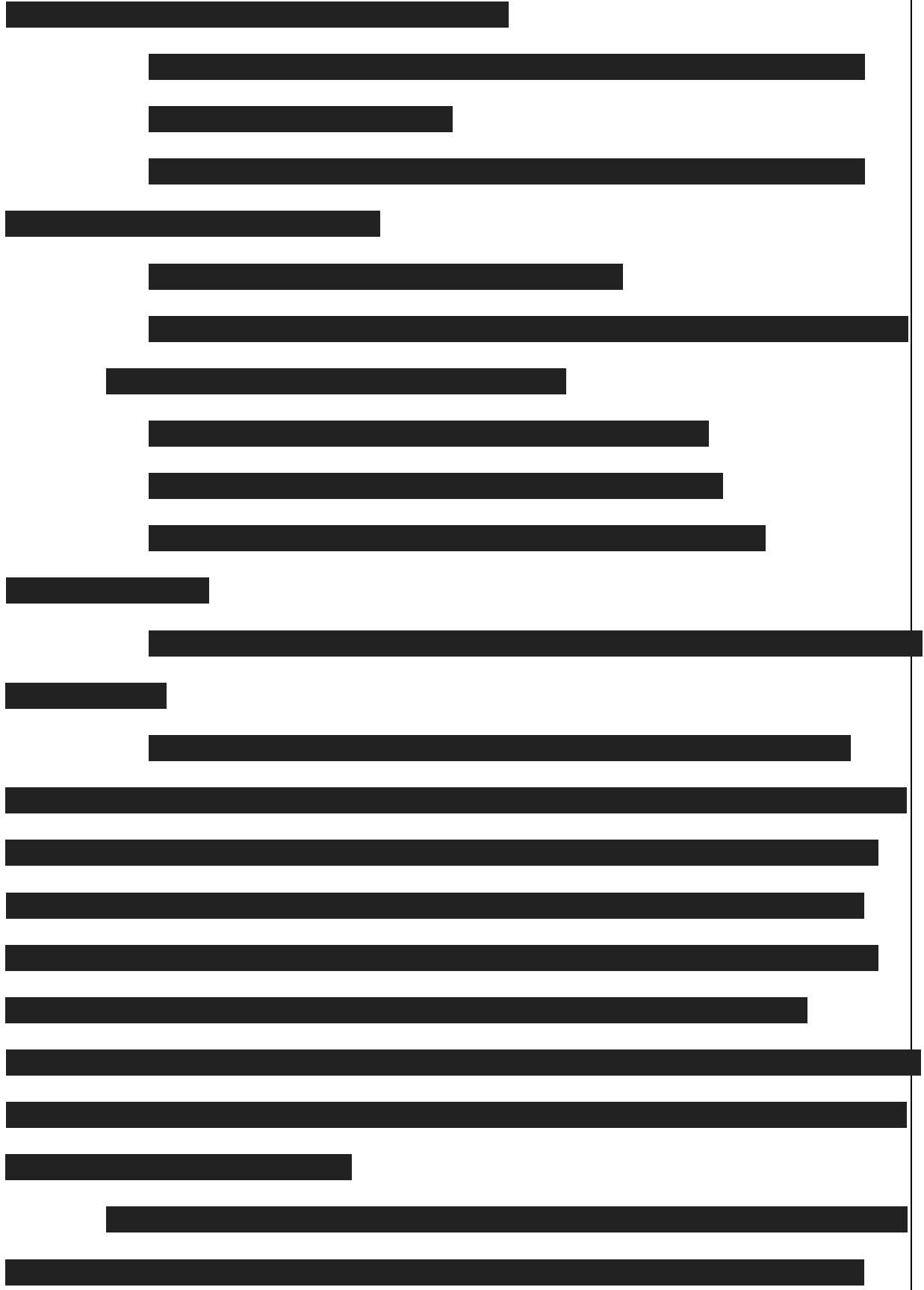


- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25





- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

[REDACTED]
[REDACTED]
(Open court:)

THE COURTROOM DEPUTY: Your Honor, we are in criminal action 21-225, *United States of America versus Treniss Evans*. Parties, can you identify yourself for the record? You can do it from the table.

MR. VALENTINI: Your Honor, Francisco Valentini for the United States.

THE COURT: Good afternoon.

MR. VALENTINI: Good afternoon, Your Honor.

MR. METCALF: Steven Metcalf on behalf of Treniss Evans. Good afternoon, everyone. Good afternoon, Your Honor.

THE COURT: Good afternoon. All right. So we are here for sentencing. We had a brief sealed proceeding to address matters that aren't appropriate for the public. I've reviewed the presentence report and recommendation. I've also read the parties' sentencing memoranda, the exhibits, and I've reviewed the videos provided by the government. And there are no videos by the defense, correct?

MR. METCALF: That is correct, Your Honor.

THE COURT: All right. Mr. Metcalf, have you reviewed the presentence report with Mr. Evans?

MR. METCALF: Yes, Your Honor.

THE COURT: Mr. Evans, have you reviewed the

1 presentence report and had adequate time to talk to your
2 attorney about it?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: You've had a chance to correct any errors
5 in the report?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: And you're satisfied with your attorney's
8 services --

9 THE DEFENDANT: Yes.

10 THE COURT: -- Mr. Metcalf's?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: All right. In addition to the PSR, have
13 you reviewed the sentencing memoranda and the videos filed in
14 this case?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: And have you had sufficient time to talk
17 to your attorney about them all?

18 THE DEFENDANT: With the absence of a video, yes,
19 Your Honor.

20 THE COURT: Which video have you not been able to
21 review?

22 MR. METCALF: Your Honor, if I could clarify. The
23 government's video that was submitted prior to my being
24 retained, I recently wasn't able to get opened based on USAfx
25 database because my password, and then I haven't been able to

1 update the password. So, Mr. Evans and I have discussed the
2 video --

3 THE COURT: Which video are we talking about? Which
4 exhibit?

5 MR. METCALF: The government's video that was
6 submitted as sentencing material, the 28-minute video.

7 THE COURT: They've submitted about six or seven
8 different videos. I don't know which one you're talking about.

9 (Off-the-record discussion between defendant and
10 Attorney Metcalf.)

11 MR. METCALF: Mr. Evans was talking about something
12 different. So, Your Honor, all the sentencing videos -- or,
13 the videos that the government submitted for sentencing
14 materials, I have not been able to actually go through those
15 one by one with Mr. Evans as detailed as we've gone through all
16 the other material.

17 THE COURT: Has he seen them?

18 MR. METCALF: Yes, he has, from my understanding.

19 THE COURT: Okay. Are there any unresolved
20 objections or factual inaccuracies in the PSR?

21 MR. METCALF: Not at this time, Your Honor.

22 THE COURT: And you're prepared to go forward based
23 on the review you've had of the evidence, Mr. Evans?

24 THE DEFENDANT: Yes, Your Honor, with the regret that
25 we weren't able to enter a specific video.

1 THE COURT: That you weren't able to enter a video?
2 That you didn't file?

3 THE DEFENDANT: Yes. It wasn't filed in a timely
4 manner.

5 THE COURT: Okay. And to be clear for the record,
6 that's a video of you making statements at some unidentified
7 date.

8 THE DEFENDANT: The dates are clearly defined and
9 outlined. These were at public events where I was speaking in
10 regards to the events of January 6 and accepting responsibility
11 for doing -- for my actions on January 6th, repeatedly, and
12 respecting the idea that I have broken the law.

13 THE COURT: And when were those statements made?

14 THE DEFENDANT: We actually created a compilation of
15 a number of events, to include some of General Flynn's tour and
16 some other speaking events, starting as early as in November of
17 last year.

18 THE COURT: November of 2021?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Okay. These videos span November 2021
21 until when?

22 THE DEFENDANT: In the recent months, Your Honor.
23 And then, additionally, the interviews that I've done on
24 countless shows, nationally broadcast shows, in accepting
25 responsibility. Almost -- sometimes it's not the topic, but

1 often, more than not, then that's where I often tell, I broke
2 the law, I recognize that I broke the law, and I take
3 responsibility for breaking the law and that's not the way we
4 should conduct ourselves, et cetera.

5 THE COURT: Okay. All right. And so, Mr. Metcalf,
6 I'll hear more about this from you and from Mr. Evans, to the
7 extent he wants to share more. But you cannot, you know, an
8 hour before a sentencing hearing, expect the Court to be able
9 to view, it sounds like, a long -- a number of videos. I don't
10 understand why you didn't provide these videos in a timely
11 fashion, so I had time to review them before the sentencing
12 hearing.

13 MR. METCALF: Your Honor, I just got them last week,
14 as we were preparing the sentencing memorandum.

15 THE COURT: Last week? It's now Tuesday.

16 MR. METCALF: Understood, Your Honor. I was not able
17 to actually go through it all, sit down with Mr. Evans about
18 the edits of the video and be able to submit it before --

19 THE COURT: Okay. Well, this --

20 MR. METCALF: -- where we are today.

21 THE COURT: -- sentencing has been set for months.
22 It's been set for months. So the idea that a judge is going to
23 have time right before a sentencing to view, it sounds like, a
24 number of videos is not realistic. So I will hear from you
25 about the content --

1 MR. METCALF: And that's what we --

2 THE COURT: -- and if the government wants time to
3 have a continuance and go look and see if what you're
4 proffering is true, I'll give them that time. You cannot dump
5 things at the last minute and expect the Court and the
6 government to be prepared.

7 MR. METCALF: Understood, Your Honor. And that's why
8 we just wanted to mention it and explain, as we will continue
9 to do so.

10 THE COURT: All right. Again, I don't understand why
11 things are coming in so late on the defense side.

12 All right. Mr. Valentini, does the government have any
13 objections to the presentence report?

14 MR. VALENTINI: No, Your Honor, we don't.

15 THE COURT: And to be clear, Mr. Metcalf and
16 Mr. Evans, there are no unresolved objections or factual
17 inaccuracies in the PSR?

18 MR. METCALF: No, Your Honor.

19 (Off-the-record discussion between defendant and
20 Attorney Metcalf.)

21 MR. METCALF: No.

22 THE COURT: Mr. Evans, do you have any concerns, any
23 objections, any factual inaccuracies in the PSR?

24 THE DEFENDANT: Your Honor, there were original
25 inaccuracies that we submitted corrections for.

1 THE COURT: Okay. And those have been corrected?

2 THE DEFENDANT: That is correct, Your Honor.

3 THE COURT: All right. So I will accept the
4 presentence report as my findings of fact pursuant to Rule 32
5 of the Federal Rules of Criminal Procedure.

6 Looking at the guidelines, the parties agree that the
7 guideline calculations as set forth in the PSR, principally on
8 page 8, are accurate for the offense of conviction, which is
9 entering and remaining in a restricted building or grounds, in
10 violation of § 1752(a)(1), Title 18. The proper guideline is §
11 2B2.3 and the base offense level was 4. A two-level upward
12 adjustment applies under § 2B2.3(b)(1)(A) because Mr. Evans was
13 inside the Capitol building.

14 He's also entitled to a two-level downward adjustment
15 for acceptance of responsibility. This results in a total
16 offense level of 4. And given that his criminal history
17 category is a I, Mr. Evans' sentencing guideline ranges is zero
18 to six months in prison.

19 Do you agree, Mr. Metcalf?

20 MR. METCALF: Yes, Your Honor.

21 THE COURT: Mr. Valentini?

22 MR. VALENTINI: Yes, Your Honor.

23 THE COURT: All right. So I've independently
24 calculated the guidelines and I do believe that's the
25 appropriate guideline range.

1 All right. Mr. Valentini, I'll hear first from you and
2 then I'll give Mr. Metcalf a chance to allocute and then I'll
3 hear from Mr. Evans, if he would like to make a statement.

4 Do you intend to play any of the videos you've
5 submitted?

6 MR. VALENTINI: Good afternoon, Your Honor. Yes, we
7 intend to play excerpts of the videos.

8 THE COURT: Okay. All right. And, again, I asked
9 you earlier, but these videos are available to the public?

10 MR. VALENTINI: I have instructed my office to make
11 them available to the public. They've already been designated
12 to be made available upon entry of an order and I've informed
13 my office that Your Honor ordered the release of those videos.
14 So if they're not yet available, they will be available within
15 a matter of hours.

16 THE COURT: Okay. Go ahead, Mr. Valentini.

17 MR. VALENTINI: With the Court's indulgence, I need
18 to plug into my computer.

19 Good afternoon, and it may it please the Court. The
20 government is asking for a meaningful prison sentence for the
21 defendant; two months in prison and probation. We don't make
22 that request lightly. But, as we explained in our sentencing
23 memo, a prison sentence is amply warranted in this case.

24 THE COURT: Okay. Mr. Valentini, sorry to interrupt,
25 but if you've reviewed my sentencings, I've held on multiple

1 occasions that the Court doesn't believe it has the authority
2 to enter both probation and a sentence of imprisonment.

3 MR. VALENTINI: Your Honor, I just misspoke. We're
4 asking for a term of two months in prison.

5 THE COURT: With one-year supervised release?

6 MR. VALENTINI: Supervised release, yes. I misspoke.

7 THE COURT: For deterrent value, you would rather
8 have a sentence of imprisonment, rather than three years
9 probation?

10 MR. VALENTINI: Yes, Your Honor. Yes, absolutely.
11 Sorry, I spoke. I said probation, but it's supervised release.

12 I would like to start today where this case started,
13 with January 6th, with what the defendant did leading up to
14 January 6, with what the defendant did on January 6th, and what
15 the defendant did about January 6th after January 6th.

16 Let me start with the obvious. No matter what the
17 defendant is suggesting now on social media, on January 6 he
18 did not stumble upon a peaceful demonstration at the Capitol.
19 He joined a violent riot that was aimed at the United States
20 Capitol and at the peaceful transfer of powers. And,
21 critically, he did so knowing from the start that the riot
22 would likely be violent, and looking forward to the riot.

23 Let's go back a few weeks, if Your Honor will allow me,
24 before January 6, to December 11 and 12, 2020. The defendant
25 at that point travels from Texas, where he lives, to

1 Washington, D.C. that day because he's angry. He's angry about
2 the outcome of the 2020 presidential election. But while in
3 D.C. the defendant doesn't just protest in D.C., he buddies up
4 with a violent group, the Proud Boys, and tries to join them.

5 Your Honor, if I may direct the Court's attention to
6 what has been submitted as Government Exhibit -- Sentencing
7 Exhibit No. 1 in support of the government's sentencing
8 memorandum.

9 On December 12th, 2020, at approximately 3:09 in the
10 afternoon, the defendant emails a Proud Boy recruiter and says,
11 "I want in," and "I'm in D.C., staying at the Marriott at
12 Freedom Plaza."

13 THE COURT: How do you know this is a Proud Boy
14 recruiter?

15 MR. VALENTINI: This is not disputed. It's not been
16 disputed, it's in our sentencing memorandum. It's not been
17 disputed. We have redacted a specific address. We are happy
18 to provide an unredacted version of this --

19 THE COURT: But this is the role of this individual,
20 is to recruit people?

21 MR. VALENTINI: It's an address associated with the
22 Proud Boys that the defendant became aware of while in
23 Washington, D.C.

24 THE COURT: Well, you said he contacted a recruiter.
25 I'm just wondering, did this individual have a particular role

1 for the Proud Boys?

2 MR. VALENTINI: It is -- as we understand, it's not
3 been disputed that this address is associated with the Proud
4 Boys.

5 THE COURT: I understand they haven't disputed it.
6 I'm just wondering, do you have evidence that this is -- this
7 is a redacted email, right?

8 MR. VALENTINI: We have just redacted for privacy
9 purposes.

10 THE COURT: Okay. But the individual whose email
11 address is redacted is, in the government's view, based on the
12 government's evidence, a recruiter for the Proud Boys?

13 MR. VALENTINI: Individual or individuals are Proud
14 Boys. And we know that the defendant understood this email
15 address to be a way to get in touch with the Proud Boys at the
16 time in order to join the Proud Boys. That was the defendant's
17 understanding at the time.

18 THE COURT: And how do you know that?

19 MR. VALENTINI: Statements made by the defendant,
20 Your Honor.

21 THE COURT: So he said, "This is the recruiter for
22 the Proud Boys?"

23 MR. VALENTINI: That was the purpose of this email.

24 THE COURT: It was the purpose of the email, I get
25 it, he's trying to get in the Proud Boys. I'm just trying to

1 understand, is this person's job for the Proud Boys to recruit
2 new members?

3 MR. VALENTINI: We don't know the specific individual
4 who's linked to this particular address.

5 THE COURT: All right.

6 MR. VALENTINI: If I can move on to another email
7 that the defendant sent around the same time, approximately one
8 hour before the email that I just referenced. And the
9 defendant emails, "I want in. How do we fight commies and
10 liberals?"

11 THE COURT: This is the same individual, Proud Boy
12 member?

13 MR. VALENTINI: This is a different email address.

14 THE COURT: Another Proud Boy?

15 MR. VALENTINI: Associated -- an individual or email
16 account associated with the Proud Boys -- the defendant --
17 excuse me. Let me correct myself. Email account that the
18 defendant understood was connected with the Proud Boys.

19 THE COURT: Do you independently know that to be
20 true?

21 MR. VALENTINI: Yes, Your Honor. If I can just move
22 on to the separate portion of Government Sentencing Exhibit
23 No. 2. Well, in fact, Your Honor, if Your Honor will allow, I
24 will just pull up Government Exhibit No. 2 in its entirety,
25 which also reports a response received by the defendant from

1 the email account that he emailed. It says, "Sir" -- as I
2 mentioned before, lucky for Mr. Evans the Proud Boys don't want
3 him because he's coming out too hot, too extreme. And that is
4 a blessing in disguise, that rejection, as it turns out.

5 I can walk the Court through this email. It says, "Sir,
6 We appreciate your interest in the Central Texas Proud Boys
7 chapter. As an organization we made the decision to not accept
8 any new members until after February 2021. Merry Christmas.
9 Happy New Year. The CenTex PB's" -- we understand that to
10 stand for Proud Boys -- "wish you and yours all the best.
11 Regards, TP."

12 But, what does the defendant do when he's rejected by
13 the Proud Boys? He doubles down, he boasts about the violence
14 he was involved in -- or, he claims he was involved in with
15 other Proud Boys.

16 And if we can return to another portion of Government
17 Exhibit 2, and the highlighted portion of this email. He
18 claims, in an email that he sent in an attempt to join the
19 Proud Boys, "I got me some. Chicago PB" -- again, we
20 understand "PB" to stand for Proud Boys -- "Paul and another PB
21 were in the thick of it with me twice." Now --

22 THE COURT: Sorry to keep interrupting. But are
23 these redactions all the same individual's email or is he
24 reaching out to multiple representatives of the Proud Boys?

25 MR. VALENTINI: As I recall, Government Exhibit No. 1

1 and No. 2 are different individuals. The last couple of emails
2 that are referenced, we broke up the same email chain just for
3 clarity. But all the emails in Exhibit No. 2 are to or from
4 the same email account.

5 THE COURT: Okay.

6 MR. VALENTINI: In the email he says, again, he
7 claims that he was involved in violence.

8 As the Court can see, in other settings, I believe, the
9 defendant has denied that he was ever involved in any sort of
10 violence, that he just made those statements because he was
11 very interested in joining the Proud Boys. But one way or the
12 other, one thing is for sure, that night, on December 12th,
13 there were plenty of violent clashes involving the Proud Boys
14 on the streets of Washington, D.C., and the defendant was on
15 the street of Washington, D.C. So at a minimum, he knew that
16 this group that he was trying to join was involved in violent
17 rioting, in violent street demonstrations.

18 Now, let's -- I would like to fast forward about 11
19 days, from December 13th to Christmas Eve 2020. And recall the
20 Texas Proud Boys had already rejected the defendant. The
21 defendant won't take no for an answer, he wants in on this
22 action and he wants in on the action on January 6. And so, if
23 I may direct the Court's attention to Exhibit No. 3, which is,
24 again, an exchange with one of the two email addresses that we
25 already referenced below. Mr. Evans says, "I will be back in

1 D.C. 4th through 7th or 8th. I look forward to meeting you
2 guys."

3 So this exchange makes clear, at a minimum, that the
4 defendant knows that the Proud Boys would be in Washington,
5 D.C. on January 6 and that he intended to be part of that
6 initiative.

7 If I can also point to one more pre-January 6 email the
8 defendant sent. This is from a -- to a different email
9 address, which we understand the defendant understood was
10 associated with a member of the Proud Boys in Atlanta, Georgia.
11 And here defendant says, "Please," all caps, "contact me. I am
12 willing to outfit one of your righteous men who need gear while
13 in town. I am going to surplus store today. Let me help this
14 cause of patriots keeping our citizens and streets safe." Then
15 after a few sentences he says, "I can point you to multiple
16 people who will quickly vet me as a support."

17 So he knew that the Proud Boys were involved in street
18 violence, he knew they were acquiring what appears to be
19 tactical gear. He offered a funding opportunity in an effort
20 to join that group.

21 With that clear, I would like to move on to January 6
22 and what happened on January 6 itself. To the extent there was
23 any doubt in the defendant's mind that January 6 was going to
24 be a violent riot, that doubt surely was dissipated by the time
25 he showed up at the Capitol building with a megaphone. At

1 about 3 p.m. the defendant breached the Senate wing of the
2 Capitol. He did not just walk into an open door. He jumped
3 through a window that other rioters had smashed in about four
4 to seven minutes before he came in. The glass was still on the
5 ground.

6 And this, with the government's -- with the Court's
7 permission, I would like to play a clip which is excerpted from
8 Government Sentence Exhibit No. 6. It's acquired from CCTV
9 camera footage from within the Capitol.

10 (Video played.)

11 As the Court can see, Mr. -- Mr. Evans is walking
12 through the broken window, with his yellow cap, to join the
13 riot inside the Capitol.

14 What does the defendant see as he walked through that
15 window? He doesn't see just people mingling around, he also
16 saw a line of police officers in riot gear protecting the
17 Capitol -- at least trying to protect one wing of the Capitol
18 by standing arms length next to each other; again, in riot
19 gear.

20 Let me play a short excerpt from Government Exhibit
21 No. 5. And just for clarity, Government Exhibit No. 5 is an
22 open-source video that was posted on the internet by someone
23 who was involved in the riot on January 6.

24 (Video played.)

25 MR. VALENTINI: Your Honor, just to orient the Court

1 a little bit. On the top left corner of this video clip you
2 will see a window. That is the same window that we just saw
3 that Mr. Evans just walked in through. And I will try to
4 highlight that on the screen.

5 (Video played.)

6 You see Mr. Evans walking through that door -- through
7 that window. Sorry.

8 (Video played.)

9 Your Honor, when Mr. Evans saw this line of U.S. Capitol
10 police officers in riot gear, Mr. Evans did not turn back. He
11 did not turn back -- or, rather, he did turn back, but not
12 looking for an exit. He just turned back for a different
13 purpose.

14 (Video played.)

15 Your Honor, you just heard it. The defendant turned
16 back with a megaphone to speak to the crowd outside, gathered
17 outside, and said, "Bring them in," to make sure that more
18 people joined the riot.

19 What does defendant do next? The defendant does not --
20 again, does not simply mingle around the entry point of the
21 Senate wing doors. The defendant goes as deep into the Capitol
22 building as the Crypt. On the way there -- and we have
23 submitted other videos in support of our sentencing
24 memorandum -- he speaks through a megaphone, he addresses the
25 crowd, he encourages the crowd, and he also speaks to a police

1 officer who at some point asks him, "What time do you think we
2 can get some people out?" Mr. Evans' response is, "There's
3 more coming." He had no intent to put an end to that riot.

4 What does the -- when does the defendant finally turn
5 back? Well, he did, after he walks past the Crypt, deep in the
6 building, and after he turns back, he turns back towards where
7 he entered. But he doesn't head for the exit. He heads,
8 instead, for a conference room, a workspace where the people's
9 representatives work, a sensitive place where work is
10 accomplished in the Capitol. And while he's there, what does
11 he do? He theatrically celebrates and then takes celebratory
12 shots of whiskey. And he claims, he says, "Is this Speaker
13 Pelosi's office? I would like to hang out."

14 And, Your Honor, with the Court's permission, I would
15 like to play two short clips. One is a third excerpt from the
16 Government Sentencing No. 5 and the other one is Government
17 Sentencing Exhibit No. 9.

18 (Video played.)

19 Now, Your Honor, with the Court's permission, we will
20 hear from Mr. Evans' own words his impressions of entering the
21 conference room that he believes belonged to Speaker Pelosi.

22 (Video played.)

23 Your Honor, January 6 did not end on January 6 for the
24 defendant. Since January 6 the defendant's relentlessly used
25 social media to spread false information about the January 6

1 attack, to downplay his culpability, to fundraise for his own
2 financial benefit, to attack -- sometimes in really incendiary
3 tone -- public officials, and to glorify political violence.

4 Let me just run through a sampling of the defendant's
5 post January 6 activities. Let me start with political
6 violence. And let me start with the Government Sentencing
7 Exhibit 14. What does the defendant want in 2022? He told us
8 on New Year's Eve 2021, "I feel this coming." And, again, this
9 is reflected on Government Sentencing Exhibit 14. "I feel this
10 coming. I hope it is done peacefully." The thing is, it
11 doesn't look as peaceful when it's against the backdrop of a
12 nuclear mushroom cloud that says, "2022, we, the people, taking
13 America back, come hell or high water." If I can give you just
14 another example of Mr. Evans' purported remorse and contrition,
15 because he does say in his sentencing memorandum he's
16 exceedingly remorseful, and I think he referenced contrition,
17 too.

18 This one was posted a couple months later, on February
19 25th. And in all caps the defendant posts on his GETTR
20 account, "I love this. Time for the rights of we, the people,
21 is coming."

22 And what does he repost? It's a picture of a heavily
23 armed man with the following writing, "Message for the deep
24 state. Be advised there are 60 million-plus veterans in the
25 country. Once they find out what we have done, are going to be

1 more than willing to stack bodies and save children. President
2 Trump has an army, the size of which has never been seen on the
3 earth. There is nowhere on earth to hide. Surrender while you
4 can."

5 If I can -- again, like, moving back, again, to the
6 question of remorse. Again, there is this claim -- which is
7 really hard to believe -- in the defendant's sentencing
8 memorandum that he has shown remorse and that he is exceedingly
9 remorseful and contrite. But, again, if I can turn the Court's
10 attention for a second to Government Exhibit 18, which was
11 submitted, again, in support of our sentencing memorandum, what
12 he says is a different story about his conduct on January 6.
13 He says, "I am January 6 and now a victim of a two-tiered
14 justice system run by terrorists." You can't have it both
15 ways. Either he is remorseful and actually is expressing
16 contrition for what he did, or we are -- the DOJ, Department of
17 Justice, are terrorists and he is a victim. He just can't have
18 it both ways.

19 And, Your Honor, there are multiple additional examples.
20 I will just point you to one more, just because the timing of
21 it is so revealing. This is a posting from Mr. Evans' GETTR
22 account on March 10th of this year. That is the day that he
23 entered a guilty plea in this court. And what does it say?
24 And the highlighting is of the government. We have highlighted
25 the language at the bottom for benefit of presentation. It

1 says, "We, the people, citizens, are now the greatest victims
2 of lawfare -- this is called tyranny -- this country has ever
3 witnessed. Welcome to the tyrannical state of America."

4 Your Honor, there are more examples in our sentencing
5 memorandum. And because our sentencing memorandum was filed
6 back in May, when the sentencing was first scheduled to occur,
7 there are many more examples that, if the Court is interested,
8 we could pull up from Mr. Evans' Twitter, GETTR account. But
9 the long and short of it is, Mr. Evans has not learned the
10 lesson from his mistakes. He has not understood the
11 implications of his actions on January 6 and of the incendiary,
12 violent conduct that he incites.

13 For that reason we think that a prison term in this case
14 is appropriate and we think that the 60-day sentence that we
15 request in our sentencing memorandum is the appropriate
16 sentence to impose.

17 THE COURT: All right. Mr. Valentini, you mentioned
18 that he has used his actions on January 6 to raise money. Can
19 you elaborate on that a little bit?

20 MR. VALENTINI: Yes, Your Honor. And we have made
21 reference and we have included some exhibits on -- in our
22 sentencing memorandum. The defendant has created a fundraising
23 page on the internet. I frankly don't know how successful that
24 has been. There's certainly been a few pitches made on his
25 GETTR account to contribute. Most of the tune of the

1 fundraising is along the lines of, you know, help us defend
2 against the tyranny of January 6 prosecutors -- that's not a
3 direct quote, I'm just sort of --

4 THE COURT: Fundraising for attorney fees, is that --

5 MR. VALENTINI: It's not entirely clear it's limited
6 to that. There's certainly an aspect of that. I don't know if
7 that's the extent of the pitches. I certainly don't know if
8 that's the extent of the use to which the funds are put.

9 THE COURT: Okay. I've looked carefully at the cases
10 you've cited in your sentencing memorandum that you suggest the
11 Court consider as analogous cases, the first being *U.S. v.*
12 *Howell*, that's 21-217. This is a case of Judge Hogan's in
13 which he sentenced a defendant to three years probation, with
14 60 days of intermittent confinement, which I do see under
15 5B1.3 -- 5B1.3(d) -- no, sorry, (e)(6) is a possible condition
16 of probation, intermittent confinement, right? And in that
17 case there are some factors that are analogous to this case,
18 there are some that are not. And I was wondering if you could
19 talk about the specifics of this case. Do you know which one
20 I'm talking about? This is a woman who contacted the Proud
21 Boys in advance and she went through a window to enter the
22 Capitol --

23 MR. VALENTINI: Yes. Yes.

24 THE COURT: -- she posted, you know, similarly posted
25 information on social media that displayed a lack of remorse.

1 Unlike Mr. Evans, she -- I don't think you have evidence of
2 deletion here, do you, of evidence related to the case?

3 MR. VALENTINI: We have not raised it at sentencing,
4 Your Honor.

5 THE COURT: You have not what?

6 MR. VALENTINI: We have not raised it at sentencing,
7 no, Your Honor. We are not making that claim, no, Your Honor.

8 THE COURT: Okay. So in that case there was likely
9 deleted evidence. That defendant reset her phone and deleted
10 social media posts.

11 MR. VALENTINI: Your Honor -- Your Honor, I think you
12 touched on the similarities between the two cases, as well as
13 some of the distinctions. No two cases will ever be exactly
14 alike. If I -- first, as a legal matter, if I can just note, I
15 know you referenced it in Ms. Howell's case, she was sentenced
16 to 60 days of intermittent confinement as a condition of
17 probation. The reason why we think that's analogous, because
18 it's a 60-day term at the end of the day, whether that's --

19 THE COURT: Well, I mean, I'm always much more in
20 favor of three years' probation than I am one year supervised
21 release for the deterrent value. Someone on probation through
22 the next presidential election, for example. So that's why I'm
23 looking in particular at this case. That defendant did,
24 however, agree to meet with the January 6 Committee, which I
25 don't think Mr. Evans has had the opportunity to do, or didn't

1 offer.

2 MR. VALENTINI: No, Your Honor. This goes likely
3 outside the current record, sentencing record: I think there
4 is indication, however, on Mr. Evans' GETTR account that it's
5 not looked particularly fondly on the work of the January 6
6 Committee.

7 THE COURT: That defendant, though, falsely blamed
8 law enforcement officers for the violence. So I think that's
9 an aggravating factor that does not exist here.

10 MR. VALENTINI: Your Honor, I think there's exhibits
11 in the record, in the sentencing record, where the defendant
12 does say that those -- the blame for January 6 --

13 THE COURT: Well, on the government generally. But
14 he's pretty clear about backing the blue and not wanting to
15 hurt police officers, is he not?

16 MR. VALENTINI: There are some statements to the
17 effect how he exactly wants to carve up the government, law
18 enforcement, as opposed to the federal government and the FBI.
19 It's a little bit unclear in some of the postings. But I think
20 there is certainly similar overtones. But again, no two cases
21 are alike. I think Your Honor pointed exactly to the
22 similarities --

23 THE COURT: This is remarkably similar. I mean, I
24 think he, too, has some mitigating factors that are under seal
25 here. So, I mean --

1 MR. VALENTINI: Your Honor --

2 THE COURT: I was surprised there was a case that on-
3 point.

4 MR. VALENTINI: Yes. But that's why we led with it
5 in our sentencing memoranda. I would note just one more
6 factor, which I'm not sure Your Honor just mentioned, which is
7 Ms. Howell's case, too, there were pre-riot attempts --

8 THE COURT: There were what?

9 MR. VALENTINI: Pre-January 6 attempts to reach out
10 to the Proud Boys.

11 THE COURT: Yes, like here.

12 MR. VALENTINI: Yes. No, absolutely, it's an
13 additional factor. I'm not sure I heard it before from Your
14 Honor, before when we were going through the factors. I would
15 also note two factors here that don't seem to be, sort of,
16 present in Ms. Howell's case which are aggravating factors.
17 The first is -- and it goes back to some of the videos that we
18 just saw. Mr. Evans went into sensitive places and his conduct
19 in the conference room is serious, is unforgiveable, and as
20 well as -- I'm not sure that Ms. Howell's case fully captures
21 the extent of Mr. Evans's post-January 6 conduct and just how
22 lacking in any sort of remorse, and almost vengeful tone the
23 conduct is characterized by.

24 THE COURT: Well, I mean, this Ms. Howell was talking
25 about acquiring teargas for the Proud Boys. So, they aren't on

1 all fours, but they are remarkably similar. Also, the *Rau*
2 case, 21-467, it's a Judge Boasberg case, in which he sentenced
3 someone to 45 days imprisonment. That individual entered the
4 Speaker's conference room. But unlike Mr. Evans, that
5 individual had a prior record, including an assault conviction
6 for which he was still on probation. That individual brought
7 Kevlar gloves to D.C. and deleted evidence and encouraged and
8 celebrated violence. So, you know, 45-day sentence there with
9 some real aggravators that don't exist here.

10 MR. VALENTINI: Yes, Your Honor. I think we have
11 different aggravators in this case. And, again, if you go back
12 to our sentencing memorandums, we cite the *Rau* case principally
13 because, really, it establishes the principle that not all
14 places within the Capitol are the same. And we cite it for the
15 proposition that there are places that are exceedingly
16 sensitive, like conference rooms used by the representatives of
17 the people.

18 THE COURT: And that, by the way -- I can't remember
19 if I gave the case number, that's 21-467. Another case, 21-72,
20 *U.S. v. Courtright*. This is a Cooper case in which Judge
21 Cooper sentenced the defendant to 30 days and that defendant
22 entered the floor of the sentence -- of the Senate, sorry,
23 downplayed the violence on social media, showed a lack of
24 remorse, no criminal history, like Mr. Evans.

25 And then, finally, the *Ericson* case, which you also

1 cited, 21-506, a McFadden case, where that defendant was
2 sentenced to 24 months probation with 20 days of intermittent
3 confinement. That individual also entered the Speaker's
4 conference room -- or what they thought was the Speaker's
5 conference room and office, and posed with a beer taken from
6 the mini freeze -- mini fridge -- I can't talk today -- posted
7 on social media and then deleted accounts, and even at the time
8 of sentencing was still claiming that it could have been antifa
9 that cased the riots.

10 So, anyway, those are, you know, interesting cases that
11 range from 20 days intermittent confinement up to 45 days in
12 prison. None are seeking quite the sentence the government is
13 seeking here. And I think in those cases the government sought
14 higher sentences than were imposed.

15 MR. VALENTINI: Again, Your Honor, we view the
16 sentencing imposed in the *Howell* case, which was 60 days of
17 intermittent confinement, of being of a piece of our request in
18 this case; that was 60 days in terms of sheer term requested.
19 So I think we are well within the range of what the courts of
20 this district have imposed.

21 THE COURT: Okay. Finally, let me talk to you about
22 conditions of release. And let me ask you, in light of the
23 D.C. Circuit's recent opinion -- are both attorneys familiar
24 with standard conditions and discretionary conditions of
25 probation? Is there a need to have probation right now review

1 all of those? Do you all know what they are?

2 MR. VALENTINI: Um --

3 THE COURT: Mandatory conditions, special conditions.
4 If not, I want to give probation a chance to read those for the
5 record, because that is something that I need to make sure -- I
6 don't have to have it read on the record, if you all are
7 familiar with it. If you're not, maybe we should go through
8 those.

9 MR. VALENTINI: Your Honor, the government would
10 prefer to err on the side of caution and have them read in the
11 record.

12 THE COURT: Ms. Gavito, if I can have you, in light
13 of the recent D.C. Circuit case, review those?

14 MR. VALENTINI: Your Honor --

15 THE COURT: Yes, you can have a seat. Thank you.

16 THE PROBATION OFFICER: Would Your Honor like me to
17 read all of the mandatory and standard conditions or --

18 THE COURT: Let's ask counsel: Which ones are you
19 familiar with, if any?

20 MR. METCALF: Your Honor, we wouldn't oppose the
21 mandatory conditions being read.

22 THE COURT: And what about the rest?

23 MR. METCALF: Special -- being that she's here,
24 there's no objection to her reading.

25 THE COURT: You wouldn't be objecting, it's do you

1 need them? Do you not know what they are?

2 MR. METCALF: We do, but it's better to err on the
3 side of caution and make sure that it comes out now.

4 THE COURT: So go ahead and read all of them. This
5 will take awhile.

6 THE PROBATION OFFICER: Yes, Your Honor. The
7 mandatory conditions recommended in the sentencing
8 recommendation:

9 No. 1, you must not commit another federal, state, or
10 local crime.

11 No. 2, you must not unlawfully possess a controlled
12 substance.

13 No. 3, you must refrain from any unlawful use of a
14 controlled substance. You must submit to one drug test within
15 15 days of placement on supervision and at least two periodic
16 drug tests thereafter as determined by the Court.

17 No. 4, you must make restitution in accordance with 18
18 U.S.C. 3663 and 3663(a) or any other statute authorizing a
19 sentence of restitution.

20 With regards to the mandatory conditions, Your Honor,
21 those are the ones that are applicable in this case.

22 With regards to standard conditions of supervision or
23 discretionary conditions of supervision, they are as follows:

24 No. 1, you must report to the probation office in the
25 federal judicial district where you are authorized to reside

1 within 72 hours of the time you are sentenced, unless the
2 probation officer instructs you to report to a different
3 probation office or within a different timeframe.

4 No. 2, after initially reporting to the probation
5 office, you will receive instructions from the court or the
6 probation officer about how and when you must report to the
7 probation officer, and you must report to the probation officer
8 as instructed.

9 No. 3, you must not knowingly leave the federal judicial
10 district where you are authorized to reside without first
11 getting permission from the court or the probation officer.

12 No. 4, you must answer truthfully the questions asked by
13 your probation officer.

14 No. 5, you must live at a place approved by the
15 probation officer. If you plan to change where you live or
16 anything about your living arrangements, such as the people you
17 live with, you must notify the probation officer at least ten
18 days before the change. If notifying the probation officer in
19 advance is not possible due to unanticipated circumstances, you
20 must notify the probation officer within 72 hours of becoming
21 aware of the change or expected change.

22 No. 6, you must allow the probation officer to visit you
23 at any time at your home or elsewhere, and you must permit the
24 probation officer to take any items prohibited by the
25 conditions of your supervision that he or she observes in plain

1 view.

2 No. 7, you must follow -- you must work full-time, at
3 least 30 hours per week, at a lawful type of employment, unless
4 the probation officer excuses you from doing so. If you do not
5 have full-time employment, you must try to find full-time
6 employment, unless the probation officer excuses you from doing
7 so. If you plan to change where you work or anything about
8 your work, such as your position or your job or your
9 responsibilities, you must notify the probation officer at
10 least ten days before the change. If notifying the probation
11 officer at least ten days in advance is not possible due to
12 unanticipated circumstances, you must notify the probation
13 officer within 72 hours of becoming aware of a change or
14 expected change.

15 No. 8, you must not communicate or interact with someone
16 you know is engaged in criminal activity. If you know someone
17 has been convicted of a felony, you must not knowingly
18 communicate or interact with that person without first getting
19 the permission of the probation officer.

20 No. 9, if you are arrested or questioned by a law
21 enforcement officer, you must notify the probation officer
22 within 72 hours.

23 No. 10, you must not own, possess, or have access to a
24 firearm, ammunition, destructive device, or dangerous weapon.
25 An example, anything that was designed or was modified for the

1 specific purpose of causing bodily injury or death to another
2 person, such as nunchucks or tasers.

3 No. 11, you must not act or make any agreement with a
4 law enforcement agency to act as a confidential human source
5 for information without first getting the permission of the
6 court.

7 No. 12, if the probation officer determines that you
8 pose a risk to another person, including an organization, the
9 probation officer may require you to notify the probation --
10 I'm sorry, the person about the risk and you must comply with
11 that instruction. The probation officer may contact the person
12 and confirm that you have notified the person about the risk.

13 And, No. 13, you must follow the instructions of the
14 probation officer related to the conditions of supervision.

15 That's it, Your Honor.

16 THE COURT: All right. Thank you.

17 THE PROBATION OFFICER: Thank you.

18 THE COURT: All right. Let me ask the government,
19 what is your position with regard to the specific conditions
20 probation has proposed in this case?

21 MR. VALENTINI: We have no objection to the
22 conditions proposed.

23 THE COURT: Are there any others you would suggest?

24 MR. VALENTINI: No, Your Honor.

25 THE COURT: Okay. All right. Mr. Metcalf, let me

1 ask you, first, about the conditions. What is your position
2 with respect to the proposed conditions?

3 MR. METCALF: Your Honor, discretionary condition No.
4 10 I believe was modified in Mr. Evans's situation. So I would
5 ask that that remain the same.

6 THE COURT: Wait, wait. I need -- where is my paper?
7 That's No. 10. Which one does that relate to?

8 MR. METCALF: To firearms.

9 THE COURT: That's been modified.

10 MR. METCALF: That's my understanding. Before I came
11 on this case that condition specifically was not ordered by
12 Your Honor, based on the threats and certain circumstances that
13 were brought to this Court's attention at that time.

14 MR. VALENTINI: Your Honor, we would oppose any
15 modification that would allow the defendant to own or possess
16 any firearms.

17 THE COURT: Well, he's saying it's not a
18 modification. He's saying existing terms.

19 MR. VALENTINI: Your Honor, I am not aware of that
20 detail. If that is the case --

21 THE COURT: You need to check the record. It sounds
22 like you all are saying two separate things.

23 I'm going to ask Mr. Hopkins: Would you do two things?
24 Would you print what his current conditions are, and can you
25 print probation office's recommendations?

1 All right. So we'll hold off on that for a moment.

2 Why don't you come up, Mr. Metcalf.

3 MR. METCALF: Thank you, Your Honor. Who is
4 Mr. Evans, Treniss Evans, III, and where does his heart truly
5 stand? Because the government's exhibits that cherry pick
6 certain situations aren't going to explain that to Your Honor.

7 This is a father who deeply cares for his two children,
8 who drives them to soccer practice. This is a devoted husband.
9 This is a man who will jump in a situation to save other
10 people, regardless of the danger that it could cause to him.
11 We submitted an exhibit to Your Honor, Exhibit I. This is --
12 that document shows the essence of who Mr. Evans is.

13 THE COURT: What are you talking about?

14 MR. METCALF: It's a CPR report where there was an
15 individual who was not able to breathe.

16 THE COURT: I've read it, yep.

17 MR. METCALF: And, ultimately, everybody was afraid
18 of COVID, Mr. Evans went to this individual's rescue and
19 facilitated CPR that he's been trained to do. And that's not
20 the only time that he's actually had to do that. The funny
21 thing is, when I heard the stories, I thought about how many
22 people actually are trained in conducting CPR and how many have
23 actually had to perform it in their lifetime. And once is
24 substantial, but numerous times is --

25 THE COURT: He was a lifeguard, wasn't he?

1 MR. METCALF: Say again.

2 THE COURT: Wasn't he a lifeguard?

3 MR. METCALF: I believe so. But that's not where I
4 believe he got the training from.

5 THE COURT: Well, I'm familiar with the rescue
6 attempt. Didn't work, but that -- he wasn't a lifeguard.

7 But, am I correct, Mr. Evans, you've saved a number of
8 people as a lifeguard?

9 THE DEFENDANT: Your Honor, I did save a number of
10 people as a lifeguard. But the references that Mr. Metcalf is
11 making regarding the CPR were never given as --

12 THE COURT: It was the guy on the jet ski.

13 THE DEFENDANT: That was one of the times, yes, over
14 the course of my life that I've given CPR, correct. But the
15 only one -- none of them were as -- I was never being paid to
16 perform those services.

17 THE COURT: Understood.

18 MR. METCALF: Just goes to the heart of what it is
19 that we're talking about here. We're talking about -- Your
20 Honor, even referenced he backs the blue. He comes from a
21 family who conducted law enforcement; his wife is the same, her
22 father. This is a man who is -- the reason we're here today is
23 because Mr. Evans has accepted responsibility. He has taken
24 ownership of his actions that day. And he has continuously
25 remained the same on various different fronts, and I'll go

1 through them. And one of them is that he never condones
2 violence. So to cherry pick a certain situation or a post that
3 was reposted of something that could seem violent has
4 absolutely nothing to do with the words that he even said that
5 day.

6 THE COURT: Let's talk about the words he uses. What
7 about the words he used on two occasions about being a victim
8 of lawfare or the justice system? What does that mean? And is
9 that fully taking responsibility?

10 MR. METCALF: Your Honor --

11 THE COURT: What does he mean by a two-tiered justice
12 system?

13 MR. METCALF: Your Honor, there's various different
14 ways that this could be broken down. Mr. Evans is going to
15 come here and speak to Your Honor about, specifically, his
16 posts and his beliefs.

17 Now, there is a difference between saying I did
18 something wrong on this day, which he admits -- he admits he
19 went through a window, he shouldn't have been there. He was in
20 a conference room, he shouldn't have been there. Those things
21 have all been admitted. Just because there's disbeliefs about
22 what the justice system is doing or about a political scenario
23 does not mean that he has not accepted responsibility as to why
24 we're here today.

25 THE COURT: But, he might accept responsibility, but

1 not be remorseful, if he thinks he's a victim.

2 MR. METCALF: That's a different kind of situation,
3 though, Your Honor. What I have seen -- and I've seen him on
4 video, being recorded standing on stage in front of a public
5 audience. I've seen him on news articles where he clearly
6 knows he's recorded. And what he says each time -- and this
7 is -- the pattern remains kind of the same here: He respects
8 the court, he respects the court as an institution and which it
9 stands for. He acknowledges that what he did was wrong and he
10 should actually have to serve justice and he should be held
11 accountable for his actions on that specific day.

12 This is -- this is the same statement that I've seen
13 constantly. So, for a different political belief or something
14 that happens or that was reposted later on, does not take away
15 him accepting responsibility here.

16 THE COURT: He's not -- to be clear, he's not being
17 punished for any belief he has. He's being punished for
18 unlawfully and knowingly entering a restricted building. And
19 he's looking at zero to six months in prison for that offense.
20 And he's not being punished based on his speech. But when you
21 want to say he's completely remorseful, which I think is what
22 you said -- am I quoting you incorrectly?

23 MR. METCALF: Yeah, I believe I did say completely
24 remorseful.

25 THE COURT: Okay. And I'm just asking you, how do

1 you reconcile that sentiment with these others that he's
2 expressed? Not by reposting something, but this is his own
3 typed email. Help me understand that, if you perceived
4 yourself as a victim.

5 MR. METCALF: Your Honor, I don't know the context as
6 to which post you're talking about and which scenario --

7 THE COURT: The two the government read. The two --
8 the January 6ers, all of them are victims of a two-tiered
9 justice system run by terrorists, and he's a victim of lawfare.
10 Is that what he feels, sitting here in the courtroom?

11 MR. METCALF: No, Your Honor, because he's clearly
12 said to pretrial, numerous times, that he acknowledges what
13 he's done is wrong. He acknowledges that he should be punished
14 for that -- not punished, he should be held accountable -- his
15 words -- he should be held accountable for that day.

16 THE COURT: But not in the court system?

17 MR. METCALF: In front of Your Honor today, that's --

18 THE COURT: Well, it's hard to reconcile that with
19 what he writes.

20 MR. METCALF: Your Honor, when Mr. Evans has accepted
21 responsibility on more than one time -- he acknowledges that
22 his intent that day was completely different than what the
23 government says that it was. Again, Your Honor, it was to
24 demonstrate. Again, Your Honor, it was to not be violent, to
25 make sure that he actually spoke out against violence. And

1 that has continued throughout. That has continued for 18
2 months. There's been no issues at all with Mr. Evans for 18
3 months. Every single condition that was just read to the Court
4 has clearly been satisfied.

5 So, for First Amendment speech or for his words, to make
6 Your Honor think: What is this going to be in the future? I
7 want Your Honor to think about what he has done since that
8 time. He has actually --

9 THE COURT: He's under the court supervision and
10 that's why he's going to stay under the court supervision for a
11 decent amount of time.

12 MR. METCALF: Then that should be enough assurances
13 than saying this man should go to jail.

14 THE COURT: But the espousing of, you know --
15 regardless of what he knew on that date -- and the government
16 is right, he walked by -- he walked through broken glass to get
17 in, he walked through lines of armed police. Regardless of
18 whether he himself assaulted any officers or committed any
19 property damage -- I don't think there's any dispute here that
20 he did not.

21 Regardless what he knew was going on that day -- and I
22 think he had to know, given what he had to see outside before
23 he came in, that he knew there was violence, whether he engaged
24 in it or not. And after the fact to make statements about the
25 January 6ers being victims and patriots and heroes, it's --

1 it's -- you know, he knows now that some folks did assault the
2 police officers, and he was saying don't do it. And yet he's
3 still referring to the January 6ers, en masse, as patriots and
4 as heroes.

5 MR. METCALF: Your Honor, since this is -- going back
6 to where I was getting at with this, since January 6th he has
7 literally somewhat left his business behind and taken on a
8 completely different role. He takes on a role where he's
9 speaking to politicians -- he is traveling, with permission
10 always, to speak to various different groups of people. And
11 throughout that time, yes, a vast majority of them have been
12 January 6 defendants. January 6 --

13 THE COURT: Is he making money off of this?

14 MR. METCALF: Your Honor, he'll address the whole
15 money situation and the money that he spent out of his own
16 pocket, and his family's money. It's almost laughable. So
17 we'll get back to that kind of --

18 THE COURT: What was the purpose of these speeches?

19 MR. METCALF: The speeches are to ultimately inform
20 people about what's going on, to ultimately just spread
21 awareness and to help people when -- when Mr. Evans puts
22 himself out there the way that he has, people are going to come
23 to him looking for guidance.

24 THE COURT: And what's he saying? What's he saying?

25 MR. METCALF: Your Honor, I'm not privy or sitting in

1 the conversations, but I know that he does help people.

2 THE COURT: You say you wanted to present this whole
3 video. What does he say in those speeches?

4 MR. METCALF: I respect the court and which it stands
5 for. I respect the court as an institution. I take acceptance
6 of my actions on that day and I should be held accountable.
7 Those are the four main points that I remember throughout each
8 one of those. And it's on more than one occasion. Same
9 scenario that's been given to pretrial. Otherwise Your Honor
10 would have heard something completely different.

11 THE COURT: And looking at those statements as
12 potential evidence of the need for deterrence, what does he say
13 about the January 6th event as a whole in those public
14 statements?

15 MR. METCALF: Well, Your Honor, there's so many
16 various different distinctions. But the thing that I can say,
17 he's not condoning violence, don't condone scenarios where
18 people were violent that day, where officers were alleged to
19 have been assaulted that day. So there's huge distinctions.
20 There's distinctions about bail; who should be out on bail, who
21 shouldn't be out on bail. Distinctions about trial, about,
22 actually, legal issues.

23 THE COURT: He draws distinctions and doesn't just
24 portray everyone as a patriot and a hero?

25 MR. METCALF: Your Honor, Mr. Evans is actually very

1 articulate when he's speaking. And he spoke before Your Honor
2 before and I'm sure when he comes up after me he's going to be
3 able to articulate various different distinctions as to any
4 single question that Your Honor has for him.

5 THE COURT: But yet he's consistently drawn that
6 distinction through these various public statements that he's
7 made?

8 MR. METCALF: From what I've seen -- with regards to
9 violence, yes. I don't condone violence, I don't condone
10 people who were violent on that day. That statement has
11 remained the same. There are a couple of others. But that
12 statement has always stuck out to me, that that's not -- that's
13 a very big -- so, aggravating factors, that's a very big,
14 strong scenario and belief that Mr. Evans has held throughout
15 the entire course of this. So in the last 18 months, he is now
16 learning how to do things the correct way, the way that he
17 should have done it in December of 2020 or on January 6th.

18 He's learning how to speak to people about laws, about
19 how bills are made, speak to politicians about running for
20 office. He's now taking his frustrations and dealing with them
21 the appropriate way. Those -- the last 18 months has actually
22 changed him completely around.

23 THE COURT: What about trespassing?

24 MR. METCALF: Your Honor, I'm sure I could say
25 something right now that Mr. Evans will repeat: He will never

1 be seen again in another courtroom across the United States or
2 the world for doing any trespassing again. That has been
3 another theme I've actually spoke to him about. He actually
4 intends on -- after this case is done, on -- I don't want to
5 speak too soon, but on speaking with other politicians about
6 political situations, in his future, whatever they may be.

7 But, this day drastically changed this man's life. It
8 has changed the way he has handled things, it has changed the
9 way he has dealt with his frustrations. He has realized the
10 proper channels legally to go through, certain avenues. And he
11 is making his voice heard in a good, positive way.

12 When people are in need and come to him, he tries to
13 help them, he tries to counsel them, he tries to get them to
14 the right people, whatever it may be. He has literally devoted
15 almost all of his time and energy to this over the last 18
16 months, and it's getting more and more so every single day.

17 THE COURT: So before January 6 he was so intent on
18 joining the Proud Boys and giving them gear because he did
19 believe, at least at that time, that violence was appropriate?

20 MR. METCALF: No, Your Honor. My understanding of
21 who Mr. Evans is, has never been to condone violence or try to
22 advocate for violence, before January 6 or after January 6th.
23 That is who I know Mr. Evans to be.

24 I ask Your Honor to look at his mother's statement, look
25 at his brother's statement, look at how people rely on him, how

1 people love him. Financially, emotionally, all these people --
2 two young kids, wife, a neighborhood, a community -- they all
3 look to him for various different things; advice, support --
4 financial, emotional support, whatever it may be. He is a man
5 who ultimately helps people, whether it's trying to save their
6 life with mouth-to-mouth when they're on the side of the road,
7 without knowing them, or to the closest people in his family
8 and his community. There is a community that looks up to him
9 and needs his support.

10 So I ask Your Honor: What's just here? There's
11 mitigating factors that we presented to Your Honor. And we
12 respectfully request -- is a month in jail just? Two months in
13 jail just? Under these circumstances and the things that he
14 has done since January 6th, the turn around, the changes he has
15 made and --

16 THE COURT: Mr. Metcalf, I don't understand why you
17 didn't trump this in the sentencing memorandum. Are you just
18 trying to hold this to the last minute and then talk about all
19 of the things he's done since his arrest in this case? I mean,
20 the -- none of this is outlined in your memorandum.

21 MR. METCALF: Your Honor, my memorandum is also over
22 25 pages long. I told you this morning -- or, I informed the
23 Court this morning that there are various different things that
24 were sensitive in nature that took a lot of time to deal with
25 in going through this memo with Mr. Evans --

1 THE COURT: This is --

2 MR. METCALF: -- every --

3 THE COURT: This is a pretty integral part of your
4 allocution, is what he's done since. And correct me if I'm
5 wrong, but there's not a word of that in your sentencing
6 memorandum.

7 MR. METCALF: I'm explaining to you now. And
8 Mr. Evans --

9 THE COURT: I don't have the benefit of any response
10 from the government on this. I haven't had a chance to view
11 these videos.

12 MR. METCALF: Mr. Evans will come up here and inform
13 Your Honor.

14 THE COURT: I understand. But this is an adversary
15 system, where it's not just one person giving stuff. So, you
16 know, this is very interesting to me. This is the kind of
17 information I would like to know before sentencing, to think
18 about and get a response from the government, if they have one.
19 Maybe they don't. Maybe they say, you know what? We change
20 our recommendation in light of all the good works he's done.
21 But this is the key to your allocution and there's not a single
22 thread of it in this memo.

23 MR. METCALF: It's a theme, Your Honor.

24 THE COURT: It's not a theme.

25 MR. METCALF: Yes, it is.

1 THE COURT: You're talking about facts. You're
2 talking about he spoke on this day, he spoke on this day, he
3 did this, and we want you to watch a video. I don't have any
4 of that. And, yes, I could take it now, but I'm going to have
5 to continue the hearing to consider it. And if you want me to
6 do it, that's what I'm going to do.

7 MR. METCALF: Your Honor, getting the information
8 that I had to get just to prepare the sentencing memo --

9 THE COURT: Mr. Metcalf, listen --

10 MR. METCALF: -- left me overwhelmed.

11 THE COURT: This has been on for months, continued
12 for months.

13 MR. METCALF: Your Honor, I was not on the case.

14 THE COURT: You've been on it for months ago. We had
15 a hearing months ago.

16 MR. METCALF: I also had a mother-in-law who passed
17 away on August 10th.

18 THE COURT: You should have asked for a continuance,
19 if you're not ready to go today.

20 MR. METCALF: Your Honor, I have done every single
21 thing I can in preparation of this sentencing of Mr. Evans --

22 THE COURT: Well, I would have preferred that you'd
23 been prepared and ask for a continuance, than you do what
24 you're doing now. So, you're making some interesting points
25 that I would like to consider. I would like to see the video.

1 I would like the government to have a chance to respond. So
2 I'm not going to sentence him today.

3 MR. METCALF: That's fine, Your Honor. Would Your
4 Honor --

5 THE COURT: I don't know that it can be tomorrow.
6 And I know he's traveled far to do that. But this is just not
7 how you operate in federal court; it's not. Judges want to be
8 prepared. Judges want to consider all the relevant evidence,
9 and I don't have it before me right now.

10 MR. METCALF: Your Honor still want to hear from
11 Mr. Evans while he's here?

12 THE COURT: He's raising his hand. Do you want to
13 talk to him about what he wants to say first? And I also have
14 another sentencing that's waiting.

15 THE DEFENDANT: I want to speak today.

16 THE COURT: And I've got to do this other hearing. I
17 only have ten minutes until this reporter is needed in another
18 courtroom, and she needs a break before then.

19 MR. METCALF: I ask that Mr. Evans be able to address
20 the Court real quick, Your Honor.

21 THE COURT: All right. So I'll give him a few
22 minutes to do that. Before he does that, do you have any
23 response to the various cases I listed? And they seem very
24 analogous to his case.

25 MR. METCALF: Your Honor, I ask that you consider

1 what's just here under these mitigating circumstances.

2 THE COURT: That's not my question. Do you have any
3 response to the specific cases I mentioned and how this case
4 compares?

5 MR. METCALF: No. I think Your Honor did a very good
6 analogy of each case and what those were. I ask Your Honor to
7 deviate with regards to jail time with Mr. Evans specifically
8 based on the mitigating circumstances. So each case that you
9 saw -- I mean, that you cited, you did break down each one of
10 the factors and how they were relevant and not relevant. And
11 I've nothing else to add, other than to focus on the lack of
12 violence and lack of that being something that he would ever
13 advocate for.

14 THE COURT: Okay. Well, there are others that had
15 lack of violence, too.

16 But, yes, Mr. Evans, come on up.

17 THE DEFENDANT: Thank you, Your Honor. Yes, and what
18 I have to say to the Court would certainly take more than the
19 few minutes that I'm allotted here at this moment. What
20 Mr. Metcalf is saying is true, and we would -- I would love --
21 let me -- I'm going to paint a very clear picture here of my
22 interpretation of what's gone on since January 6 in regards
23 solely to legal representation.

24 On January 6th I broke the law. I understand that I
25 broke the law. I've never argued that. Okay? Now, moving

1 forward as far as legal representation goes, I was speaking
2 with counselors and to appropriate representation to deal with
3 not only people -- started with, actually, a business
4 attorney --

5 THE COURT: But we've talked about some of this in
6 prior hearings, Mr. Evans. I don't --

7 THE DEFENDANT: No, no.

8 THE COURT: To me, it doesn't inform your actions on
9 January 6 or your emails that you've posted since then. So,
10 just, can you tell me why it's relevant to your sentencing?

11 THE DEFENDANT: I'm in disagreement often with the
12 structure or the idea of how that we handle sentencing or
13 what's happened since the plea or what have you. For instance,
14 the videos -- and while it seems that -- the counselors
15 oftentimes like to not bring more attention to a matter and
16 move on from it, as if it's going to go away.

17 THE COURT: You mean why I don't have evidence before
18 me?

19 THE DEFENDANT: Correct. Yes.

20 THE COURT: I'm not blaming you. That's why I'm
21 continuing this, so that I can --

22 THE DEFENDANT: Thank you. And I appreciate Your
23 Honor's continuance.

24 THE COURT: It's the heart of your sentencing
25 allocution and I don't have any evidence in support of it. So

1 I do need to review it. And, Mr. Valentini, if you would like
2 to respond, you may. But, so I'm not -- don't think,
3 Mr. Evans, I'm holding that against you personally. I'm
4 frustrated because I try to prepare for these things and move
5 cases. And I can't move your case, through no fault of your
6 own, because I don't have before me what I think I need to make
7 a determination on what a just sentence for you is.

8 THE DEFENDANT: I would be more than happy to be
9 certain that the Court gets what I want you to see, and
10 Mr. Valentini can more than -- I understand, do whatever is
11 appropriate to weigh in.

12 I would like to ask the Court to consider that, yes, I
13 have traveled and I am taking in and incurring additional
14 expense. So the sooner that we can do -- I'm prepared to
15 provide that information to the Court. We could have it here
16 in 48 hours, everything that I would absolutely want to have
17 you consider.

18 THE COURT: I appreciate that, Mr. Evans. I think we
19 need to hear from Mr. Valentini, how much time the government
20 needs. And I wish I could do this, you know, this week, but I
21 don't know that that's realistic. But let's hear from Mr.
22 Valentini. Anything else you want to say before --

23 THE DEFENDANT: No. I thank you for bringing up the
24 matter and taking it into consideration.

25 THE COURT: Okay.

1 THE DEFENDANT: I would like to address -- since the
2 record kind of closes today for a short time, as far as my
3 interest in joining the Proud Boys, the reason that I had an
4 interest in joining the Proud Boys -- and I stand by that
5 interest -- because what I know of that group, both on, before,
6 and after January 6, was a group of individuals that combatted
7 street thugs that beat up little old ladies and terrorized
8 neighborhoods, children, burned down cities. And they were the
9 combatants when, obviously, the police were not able to or --
10 they were -- either they were unable to or they were somehow
11 told to stand down or whatever the situation may be.

12 So the individuals that stand in the gap between
13 terrorists, the people that burn down cities and destroy and
14 beat old people in the streets, I totally support that
15 ideology, that people would stand up against violence, just as
16 if, I think, any person were to see someone beating up some
17 lady in the parking lot, anyone here should intervene and
18 attempt to stop that.

19 THE COURT: You're familiar -- stay up there --
20 you're familiar with the allegations, at least, with respect to
21 January 6 and what -- whether it's the Proud Boys or other
22 groups allegedly have done?

23 THE DEFENDANT: I'm very familiar.

24 THE COURT: Do you agree with that?

25 THE DEFENDANT: I don't agree with the allegations.

1 I agree the allegations exist.

2 THE COURT: So you think the allegations will be
3 proven false?

4 THE DEFENDANT: 100 percent.

5 THE COURT: What about the convictions of folks who
6 have engaged in violence?

7 THE DEFENDANT: Your Honor, engaging in political
8 violence is not -- look, I would never be engaged in political
9 violence. There's a misrepresentation and a commingling of
10 ideology of what I'm talking about that does not accurately
11 represent my position on political violence. And you will see
12 that from both my statements that have been made over time and
13 where and whatever. Additionally, in the United States Capitol
14 on January 6 I can be heard either singing or citing the --

15 THE COURT: I know what you did. But I'm curious
16 about what you think about all the rioters as a whole. You
17 recognize that some of the rioters were violent and assaulted
18 police officers?

19 THE DEFENDANT: Yes, Your Honor. I also recognize
20 that some of the police officers acted and abused the people
21 under the color of authority unlawfully, and I think they will
22 be held accountable as expert witnesses will provide this in
23 some of the trials upcoming.

24 THE COURT: What do you think about those who engaged
25 in violence against the police? Was that political violence

1 that's defensible, in your view?

2 THE DEFENDANT: Your Honor, I don't think that -- I
3 think I represent this idea: If a nation had witnessed Rodney
4 King, as if many of the people witnessed some of the violence
5 that occurred there on January 6 that day -- which not only led
6 just to the beating of an individual in 1992, but led to the
7 death of individuals on January 6, I believe that the people
8 will start to see that there are some of these cases -- I don't
9 support violence, but the attempt of somebody like Mr. Coffee
10 that asked people to stop what they were doing, just stop and
11 was in prayer. But he's charged with numerous assaults. I
12 think it makes a great sampling, if you will, of -- yes,
13 trespassing, shouldn't have been there. But trying to render
14 aid to somebody or stop somebody from dying. And the law
15 clearly depicts what an individual's not only opportunity, but
16 what their duty or responsibility is in those situations.

17 THE COURT: All right. But you're still not
18 addressing my question. You're cherry picking certain things
19 out. People who've engaged in physical violence against law
20 enforcement officers and hurt them, what is your perspective?

21 THE DEFENDANT: I have zero respect for engaging in
22 any kind of political violence or any violence against anyone.
23 The idea was, is that I was -- I don't believe in the political
24 violence. I don't believe anyone should be conducting a
25 violent act against anyone.

1 THE COURT: And do you not believe any of those
2 actions occurred on January 6 --

3 THE DEFENDANT: Most -- I'm sorry. I didn't mean to
4 cut you off.

5 THE COURT: -- by some of the rioters?

6 THE DEFENDANT: I do always represent -- and I think
7 you'll see from these speeches -- that many people acted
8 outside of their character that day, to the point of assaulting
9 law enforcement. That should have never happened, and they
10 should go through the criminal justice system and be held
11 accountable, just as I myself should go through the system and
12 be held accountable for accurate actions and depictions; not
13 terrorism, not seditious conspiracy, as in -- I know in this
14 court we're not dealing with that. But as the government
15 continues to lump us into a category, as we see from both
16 Congress and the President.

17 Additionally, Your Honor, I would like you to understand
18 that one of the things that I'm now having understanding, your
19 interest in the forum, I will tell you -- and I'll be prepared
20 to share this under oath, if Mr. Valentini so desires when we
21 return -- that the United States Congress, additionally, the
22 Select Committee, has altered video, changed timestamps, and
23 violated numerous laws of tampering with evidence, as well as
24 optional completeness and omission.

25 THE COURT: What does that have to do with your

1 sentencing?

2 THE DEFENDANT: Because they did it to me and aired
3 it on national television, Your Honor.

4 THE COURT: What do you mean, they did it to you?

5 THE DEFENDANT: The videos that they played of me
6 is -- violates the laws of optional completeness. Also, they
7 fraudulently altered the timestamp, and I can prove that and
8 I'll be prepared to share that under oath, Your Honor, and
9 share that with you when I return, if you would like.

10 THE COURT: Okay. What do you mean by the two-tiered
11 system of justice --

12 THE DEFENDANT: Well, I think it's been --

13 THE COURT: -- like terrorist or something --

14 THE DEFENDANT: Well, I think that the DoJ is
15 terrorizing the American citizen with a ridiculous amount of
16 charges as they go after these people that largely were
17 trespassing. I think it's rather absurd that people like
18 Mr. Rhodes are going through trials for seditious conspiracy
19 for writing an open letter to their President, asking that --
20 if he would file the Insurrection Act and saying they would
21 stand by his decision.

22 I think these certifications and -- I've spent 18 months
23 of my life on this, Your Honor, and advocate for this legally.
24 And we offer counseling services. I've worked really hard on
25 this. I know the truth of what's going on there and I know

1 that there are various truths, and the truths are as individual
2 as the many people that were there because each officer, each
3 congressman that was -- should have never been in fear,
4 congressperson or their aide. No one should have been in fear.
5 And I'm respectful and recognize that my presence created a
6 fear for them. I didn't understand or think about it at the
7 time, and that is one of the things I'm most apologetic for.

8 But I would like to say, I would love that opportunity
9 in this court, but if -- without overstepping, I would suggest
10 that we're going to need a couple hours just for me, and I will
11 sit there under oath and I will provide this information and
12 these statements to this Court. I would be more than happy to
13 do it. And I can represent those statements --

14 THE COURT: I don't see the relevance. That's not
15 before me at all, is it, any of this?

16 THE DEFENDANT: No, Your Honor. But I am before you
17 and what I'm very clear on, when it says the *United States*
18 *versus Treniss Evans*, that's the government as a whole, so --

19 THE COURT: It's not the Congress. This is a
20 criminal case. Department of Justice against you.

21 THE DEFENDANT: Correct.

22 THE COURT: What do you mean by you provide
23 counseling services?

24 THE DEFENDANT: So, well, we have been counseling
25 with people. So, due to the light of the recent suicides --

1 well, recent, the first one being on January 9th in Louisiana,
2 obviously, and in the light of the suicides and the people that
3 are feeling -- that are damaged. I went through a very
4 troubling time when I first saw this, that I was facing 23
5 years in prison. It is quite a wake for your thinking; man I
6 was just there to protest. And I've learned a lot about the
7 laws as it relates to intent.

8 My intent was to demonstrate. And I want to be very
9 clear with this Court and the nation, I did so wrongly when I
10 breached that building, and I understand that. I've always
11 said that. And you'll see that from these statements. What
12 I'm trying to allude to is that I intended to go in support of
13 the legislators, the lawmakers that were doing what I believed
14 in, what most of -- what many of the people in this nation
15 believed in.

16 I was certainly against those -- you know, it's like a
17 ball game. I was -- we were off to one side and boo for you.
18 And that was really relevant to what I was there for. My
19 intent was to demonstrate and I got carried away, there's no
20 question. But even in that being carried away, Your Honor, as
21 I was in that building, you can plainly hear me saying, "We
22 back the blue. Do not harm. Do not break. Do not damage. Do
23 not steal." And as the government tends to say this, I went
24 deep into the Capitol, I never exited in an exterior hallway.
25 It's 50 yards from where -- or, 70 yards or something of that

1 nature, to the Crypt from where I entered the building. And
2 when I saw a line of police officers there in riot gear, I'm
3 sorry, but that's commonplace here in Washington, D.C., thanks
4 to what's been allowed to happen in this country by, you know,
5 the Mayor Bowser and others allowing political violence to take
6 care (sic) in the street and form up, just like we saw on
7 January 20th. We've been aware and recognize these things.

8 And when I went in to arm the Proud Boys, it wasn't in
9 an effort to do something against the government, it was
10 because I saw men in tee-shirts against men that were heavily
11 clad in armor on the other side getting their teeth kicked in.
12 And I was supportive of that and thought there should be an
13 equity there.

14 THE COURT: All right. We need to let the reporter
15 go. Go ahead, you can have a seat, Mr. Evans.

16 How much time do you need to respond? I'll have the
17 defense file the additional materials by September -- is there
18 any reason you can't file it tomorrow? You had it all for me,
19 did you not?

20 MR. METCALF: No, Your Honor, those -- no, I need a
21 little bit more than -- Your Honor, I would ask for --

22 THE COURT: I'm going to give you 24 hours. This was
23 a sentencing hearing set for today. Anything you want me to
24 consider, file by tomorrow.

25 MR. METCALF: Your Honor, I'm at a hotel right now

1 with Mr. Evans.

2 THE COURT: I'm sorry. Figure it out.

3 Mr. Valentini, how much time do you need to respond?

4 MR. VALENTINI: Your Honor, probably, depending a
5 little bit on what he files, but seven days I am sure will be
6 enough time.

7 THE COURT: Okay. So the defense will file --

8 MR. METCALF: Your Honor --

9 THE COURT: -- you have until midnight tomorrow to
10 file, and then the government has until the 21st.

11 MR. METCALF: Your Honor, I'm being informed that
12 some of this information are on discs that are located in
13 Mr. Evans' house.

14 THE COURT: But I thought you had a video that you
15 wanted me to consider?

16 MR. METCALF: That is a compilation.

17 THE COURT: Okay. Why don't I take a look at that
18 and tell you if I need more.

19 MR. METCALF: That's fine.

20 THE COURT: File that today.

21 MR. METCALF: That's fine.

22 THE COURT: Give a copy to the government today.
23 I'll take a look tomorrow and I'll let you know if I want more.
24 All right. I don't want to be inundated with, you know, 100
25 hours. I've already watched a 28-minute video that wasn't

1 relevant.

2 All right. So, Mr. Valentini, once he provides that to
3 you, you can file something and I'll consider how much time you
4 think you'll need. But I'm not inclined to give you more than
5 a week, max. All right. If you can do it more quickly, let's
6 do it more quickly, and then I'll have Mr. Hopkins reach out to
7 you all to set a date for sentencing.

8 MR. VALENTINI: Yes, Your Honor.

9 THE COURT: The final sentencing will be just a
10 continuation, it won't be a full-blown resentencing. But we
11 really need to let the court reporter go. And I'm sorry for
12 keeping you here this long.

13 MR. METCALF: Thank you, Your Honor.

14 * * *

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF OFFICIAL COURT REPORTER

I, JANICE DICKMAN, do hereby certify that the above and foregoing constitutes a true and accurate transcript of my stenographic notes and is a full, true and complete transcript of the proceedings to the best of my ability.

Dated this 3rd day of October, 2022

Janice E. Dickman, CRR, CMR, CCR
Official Court Reporter
Room 6523
333 Constitution Avenue, N.W.
Washington, D.C. 20001