

BEFORE THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, .  
Case Number 21-238  
Plaintiff, .  
vs. .  
JOSHUA BUSTLE and .  
JESSICA BUSTLE, . August 4, 2021  
12:05 p.m.  
Defendants. .  
- - - - -

TRANSCRIPT OF SENTENCING HEARING  
BEFORE THE HONORABLE THOMAS F. HOGAN  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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## P R O C E E D I N G S

(All participants present via video conference.)

COURTROOM DEPUTY: Your Honor, this afternoon is the matter of United States versus Joshua and Jessica Bustle, Criminal Record 21-238.

I ask the parties to identify yourselves for the record, please.

MR. ROMANO: Good afternoon, Your Honor. Michael Romano on behalf of the United States.

MR. ANDERSON: Good afternoon, Your Honor. Tim Anderson for Joshua Bustle.

MR. KIBRIA: Good afternoon, Your Honor. Nabeel Kibria on behalf of Jessica Bustle.

THE COURT: Both Mrs. Bustle and Mr. Bustle, you can hear us all right?

DEFENDANT JOSHUA BUSTLE: Yes, Your Honor. Good afternoon.

DEFENDANT JESSICA BUSTLE: Yes, Your Honor.

THE COURT: Thank you. Mr. Bustle, your lighting is such, you show as a silhouette. I cannot see you too well, but I assume that is you there. All right.

We are ready to proceed to the sentencing. I have received the presentence report from the probation officer in this matter. I have reviewed those and discussed them with her. I have received the sentencing memorandum from the federal

1 government, a very excellent one done concerning these types of  
2 cases, and brief ones from counsel for each defendant.

3 And I'm going to have the government address us first and  
4 have each defense counsel address us and each defendant can  
5 address the Court as well, can allocute as to the statements  
6 they want me to hear.

7 I'm concerned, because of the nature of the events, with  
8 Mrs. Bustle, what she said and did and the nature of this  
9 offense. They are misdemeanor offenses that you've pled to, and  
10 the issue is whether or not incarceration is appropriate in this  
11 case. As to probation, I don't think anyone should start off in  
12 these cases with any presumption of probation. I think the  
13 presumption should be that these offenses were an attack on our  
14 democracy and that jail time is usually -- should be expected.

15 I will hear from the government and counsel and from the  
16 Bustles.

17 Mr. Romano, I appreciate the memorandum. I reviewed the  
18 matrix that you have proposed. That's a reasonable approach, I  
19 believe. You're muted.

20 MR. ROMANO: Thank you, Your Honor. I make that  
21 mistake too often. Can you hear me all right? I know the  
22 computer I'm using, sometimes the microphone is a little weak.

23 THE COURT: No, we can hear you.

24 MR. ROMANO: Okay. Thank you.

25 So first as a housekeeping matter, Your Honor, the

1 government moves to dismiss Counts 1 through 3 of the  
2 information as to both defendants. That was a part of the plea  
3 agreement. We're at sentencing now. We would make that motion.

4 THE COURT: To dismiss those counts?

5 MR. ROMANO: Yes.

6 THE COURT: I will at the conclusion of this hearing.  
7 I will wait until we've concluded and make sure --

8 MR. ROMANO: Okay. Then, Your Honor, as the Court is  
9 familiar from our sentencing memorandum, I will start with the  
10 sentence that we're seeking, and then I will go through my  
11 allocution.

12 The government is seeking a sentence of one month home  
13 confinement as to Mr. Bustle, three months as to Ms. Bustle,  
14 with three years' probation as to each, a \$500 restitution  
15 assessment for each of them as agreed to in the plea agreement,  
16 payable to the Department of the Treasury, a period of forty  
17 hours of community service for each of them.

18 We note that the presentence report also recommends that  
19 the Court impose a \$2,000 fine as to Joshua Bustle. This is not  
20 a specific part of our request, but if the Court finds it  
21 appropriate, we don't object to it.

22 As the Court knows, this matter is not governed by the  
23 sentencing guidelines, being a misdemeanor punishable by a  
24 maximum of six months. So the factors that the Court has to  
25 consider are taken from 18 U.S. Code Section 3553(a). And those

1 factors include: The nature and circumstances of the offense;  
2 the need for the sentence to reflect the seriousness of the  
3 offense, promote respect for the law, and provide for just  
4 punishment; to deter criminal conduct; to protect the public  
5 from further crimes by these individuals; and to avoid  
6 unwarranted sentencing disparities between similarly situated  
7 defendants.

8 Your Honor, we submit that in a case like this these  
9 factors provide mixed guidance. Some factors, as we outlined,  
10 favor incarceration, some favor a more lenient sentence. I want  
11 to start with the seriousness of the offense, the need to  
12 promote respect for the law, and to provide for just punishment.

13 We would submit that for this case, as in any case  
14 associated with the Capitol riot, this factor recommends a  
15 sentence of incarceration. We would note that the statute under  
16 which the Bustles were prosecuted could also be used to  
17 prosecute single protestors or small group protestors who  
18 briefly disrupt Congress, such as by shouting in the gallery and  
19 then are hauled out.

20 This case isn't like those cases. This is not a minor  
21 crime. And the conduct that they exhibited and the conduct of  
22 other rioters is not just a difference of degree from this other  
23 kind of conduct; it's a difference of the kind. The riot writ  
24 large was an attack on the seat of the legislative branch of the  
25 United States. It was an attack on the peaceful transition of

1 power between administrations, a cornerstone of our democracy  
2 and something that has existed in our country up until the  
3 events of January 6th, 2021.

4 I note what the Court said at the beginning of this  
5 hearing, which I think resembles what Judge Lamberth said in a  
6 prior sentencing, about how people should not necessarily assume  
7 that probation is going to be the default, which I think is an  
8 important thing to note here.

9 And I think it's worth considering that when looking at  
10 this factor, the seriousness of the offense, the need to promote  
11 the respect for law, and the need to provide for just  
12 punishment, probationary sentences for Capitol rioting cases, if  
13 they become the norm, could run the risk of undervaluing the  
14 seriousness of the offense and that punitive measures may be  
15 necessary to promote the goals of this sentencing factor.

16 I want to turn now to general deterrence. This factor is  
17 intertwined with the seriousness of the offense. General  
18 deterrence requires us to acknowledge that the property damage,  
19 the injury, the destruction, and the fear that members of  
20 Congress and their staff experienced was made possible by  
21 collective action on January 6th. No rioter acted in a vacuum.  
22 Each additional person who entered the Capitol building made it  
23 that much harder for the police to regain control of different  
24 parts of the building, to keep members of Congress and their  
25 staff safe, and ultimately to regain control of the exterior of

1 the building. And in particular, that's important given the  
2 level of violence and injury caused in certain parts outside the  
3 building where fighting took place.

4 General deterrence also requires us to acknowledge that  
5 many members of the riot were taking pictures of themselves,  
6 were recording themselves, were recording the events, were  
7 uploading evidence of their crimes in realtime or shortly  
8 thereafter to various social media sites. Members of the riot  
9 were writing their own narratives in many cases about how proud  
10 they were of what they accomplished.

11 And so when we consider the goal of general deterrence,  
12 we're not talking about dissuading individuals from bringing  
13 signs into the Capitol and picketing. We're talking about  
14 dissuading a group from violently storming the Capitol the next  
15 time, for example, we certify the results of an electoral vote  
16 or another major national election.

17 We promote general deterrence by imposing consequences.  
18 Consequences are essential. They discourage future criminal  
19 behavior. And we note that general deterrence is especially  
20 important here where the crime is so public, so widely known,  
21 and so closely followed.

22 It is also especially important where, as in the cases  
23 arising out of January 6th, almost every member of the riot was  
24 able to leave the Capitol building and grounds on that day  
25 without consequences.

1           So those two factors, we submit, support a sentence of  
2 incarceration and will support that for the vast majority of  
3 such cases.

4           The nature and circumstances of this offense we turn to  
5 next, Your Honor, and that presents a more mixed and nuanced  
6 question. In our pleading, we articulated a variety of factors  
7 for the Court to consider in evaluating between different  
8 defendants charged with offenses from the Capitol riot.

9           The Bustles entered through the east rotunda doors. They  
10 weren't a part of the group that originally breached the doors.  
11 There was about 20 to 30 minutes between breach of the doors and  
12 their entry. And we estimate they spent about 20 minutes inside  
13 the building.

14           So even though they weren't a part of that initial breach,  
15 the damage and the alarms, we submit, would have been obvious.  
16 The windows of the door where they entered were busted in.  
17 Alarms were going off throughout the building. But there's no  
18 evidence that they engaged in any violence, that they incited  
19 violence, that they encouraged violence, or that they reacted to  
20 violence caused by others in a way that led to greater risk.

21           At the point where law enforcement officers attempted to  
22 clear the rotunda, it appears that they complied, although it's  
23 hard to tell because of the size of the crowd and the fact that  
24 the crowd moves into the background of the camera angle as the  
25 rotunda was cleared.



1           And as we look at the nature and circumstances of the  
2           offense, Your Honor, we note that there are some things that  
3           make the two defendants' conduct somewhat different, even though  
4           they were in the Capitol, in the same parts of the Capitol for  
5           the same amount of time. And that's Jessica Bustle's Facebook  
6           postings where she wrote that Mike Pence was a traitor, where  
7           she wrote that they stormed the Capitol, where she wrote of the  
8           need for revolution. We submit that this makes the nature and  
9           circumstances of her offense greater than his.

10           Likewise, the false information about whether or not there  
11           was violence at the Capitol and who caused the violence, this  
12           both makes the nature and circumstances of the offense somewhat  
13           more serious and also supports a heightened need for specific  
14           deterrence and the promotion of respect for the law.

15           But in general, the nature of the conduct within the  
16           building, the Facebook posts aside, which we take very  
17           seriously, support a lesser sentence here.

18           Next, we turn to the history and characteristics of the  
19           offenders. We note that were this matter subject to the  
20           sentencing guidelines, they would not have any criminal history  
21           score, or we believe they would not.

22           We placed substantial weight in making our sentencing  
23           recommendation on the early acceptance of responsibility by the  
24           Bustles. I believe that they were the first defendants who were  
25           charged solely with misdemeanor offenses to plead guilty. I

1 might be wrong about that, but they were certainly among the  
2 first, and they are among the first to be sentenced. I think I  
3 was originally planning to say that they were the fourth and  
4 fifth defendants to be sentenced, but I think Judge Jackson got  
5 to one this morning. So they're now number 5 and 6.

6 And that early acceptance of responsibility hopefully shows  
7 a desire not to engage in further criminal conduct, hopefully  
8 shows that the Court doesn't need to tailor its sentence as  
9 specifically to deterring these defendants from committing  
10 future criminal conduct, hopefully reveals a desire to  
11 rehabilitate and not participate in this sort of behavior in the  
12 future.

13 It also saves the government resources, which in these  
14 cases especially we know is not a small thing. The sentencing  
15 guidelines in general note, when giving credit for acceptance of  
16 responsibility and reducing offense levels, the importance of  
17 saving the time in preparing for trial and saving resources.

18 And here we note that the investigation and prosecution of  
19 offenses arising out of the Capitol riot is one of the most  
20 involved, complex, and resource-intensive investigations in  
21 American history. In the approximately seven months since the  
22 riot happened, more than 500 people have been charged with  
23 offenses. Others remain under investigation. I'm sure the  
24 Court is familiar with the scope and scale of our efforts to  
25 process evidence and provide discovery and with the fact that

1 many of these cases have interlocking evidence where one  
2 defendant's cell phone, for instance, might capture actions by  
3 another defendant.

4 And so all of these factors make prosecution of the Capitol  
5 riot writ large and prosecution of individual cases within the  
6 Capitol riot very resource-intensive tasks.

7 And so given this factor, the early disposition of the case  
8 is certainly worth consideration. It certainly speaks well to  
9 these defendants and suggests that a more lenient sentence is  
10 appropriate.

11 We also note that as is noted in the presentence report,  
12 that Ms. Bustle is expecting a child. That also certainly  
13 weighs into our analysis here in terms of what is appropriate  
14 and what is needed.

15 So Your Honor, I'm happy to answer any questions if the  
16 Court has any, but to reiterate, our request here is for home  
17 confinement for both defendants, one month for Mr. Bustle, three  
18 months for Ms. Bustle, and for each defendant to be sentenced to  
19 a term of three years of probation, a payment of restitution in  
20 the amount of \$500 each, and 40 hours of community service.

21 THE COURT: The government does not take a position on  
22 the suggested fine of the probation officer?

23 MR. ROMANO: That's right, we didn't take a position,  
24 Your Honor. I did see that the presentence report writer  
25 suggested that a fine be imposed. We don't object to it, but

1 we're not taking a position affirmatively one way or the other.

2 THE COURT: Judge Jackson's case this morning you  
3 referenced just now, that was the same misdemeanor offense as in  
4 this case?

5 MR. ROMANO: It was. I believe the defendant there  
6 was sentenced to a term of six months of incarceration, and I  
7 think that was driven by the fact that that defendant had been  
8 detained pretrial. I don't know the circumstances of the  
9 offense, why the defendant was detained pretrial. I suspect it  
10 had to do with criminal history. But I don't know the  
11 specifics.

12 I can represent that there was another case, U.S. v.  
13 Michael Curzio, where there was a similar sentence imposed where  
14 the defendant was right up on the verge of six months and had  
15 pleaded to the same offense. I know his -- I'm fairly certain  
16 that his case, the sentence was driven, again, by pretrial  
17 detention, and that was driven by his criminal history. I know  
18 Mr. Curzio had a fairly serious criminal history, to include a  
19 prior attempted murder charge, which probably led to his  
20 pretrial detention. I just don't know what the circumstance was  
21 for the case before Judge Jackson.

22 THE COURT: Judge Lamberth's case was -- the other one  
23 was a female that was given probation.

24 MR. ROMANO: Yes. I think there are a few things that  
25 distinguish this case from that case, Your Honor. Both of them

1 certainly involve early acceptance of responsibility.

2 As to Ms. Bustle -- the case before Judge Lamberth, the  
3 defendant's name was Anna Morgan-Lloyd. She had also written  
4 about the riot on Facebook, but I will submit some of her  
5 postings were less incendiary than the postings that we're  
6 dealing with here. She wrote generally about being proud of  
7 participating. She wrote of January 6th as the best day ever  
8 but didn't write specifically about the vice president as a  
9 traitor, efforts to, you know, indulge in a revolution, that  
10 sort of thing.

11 She was in the Capitol, I believe, for less time overall,  
12 and she was in a specific hallway. So that makes her conduct a  
13 little bit less serious.

14 And I think there were also somewhat greater efforts at  
15 being cooperative. I believe that she submitted to an interview  
16 in which she gave access to her phones. Here, I don't think  
17 there was that initial interview, and we obtained the  
18 defendant's phones through a warrant. I'm not saying they did  
19 anything inappropriate or obstructive, but Ms. Morgan-Lloyd, I  
20 think, made somewhat greater efforts upfront to be immediately  
21 cooperative.

22 THE COURT: She also went on Fox News the next day and  
23 somewhat discounted or changed her statement somewhat?

24 MR. ROMANO: That's true.

25 THE COURT: Which concerned me whether it was true

1 acceptance of responsibility or just temporary.

2 All right. Thank you, Mr. Romano. Again, I appreciate  
3 your brief.

4 I would like to hear from defense counsel at this time.  
5 Who would like to address the Court first?

6 MR. ANDERSON: Your Honor, if I could go first, I  
7 would appreciate it.

8 THE COURT: All right. Mr. Anderson.

9 MR. ANDERSON: Judge, on behalf of Mr. Bustle, I would  
10 like to say just a couple of things preliminarily.

11 I think that the Court should at least review 18 U.S.C.  
12 2102 to define what a riot is. And I will just read it into the  
13 record. This is from the code. "Anywhere in Title 18, the term  
14 'riot' means an act or acts of violence by one or more persons  
15 part of an assemblage of three or more persons for which act or  
16 acts constitute a clear and present danger of or shall result in  
17 damage or injury to property or other person or persons of an  
18 individual or a threat or threats of the commission of acts of  
19 violence by one or more persons of an assemblage of three or  
20 more," and it goes on.

21 And the reason that I'm starting off with that is I take  
22 particular exception to the term "Capitol rioters" being used  
23 uniformly to everybody that participated in what happened on  
24 January 6. This was not a riot as far as Mr. Bustle is  
25 concerned.

1 THE COURT: Mr. Bustle went in, and Ms. Bustle sends  
2 out Facebook and other social media comments approving and  
3 praising the acts, but they didn't participate in violence?

4 MR. ANDERSON: Well, Judge, I'm not talking about  
5 Mrs. Bustle. I'm talking about Mr. Bustle.

6 THE COURT: They were together. They went together.

7 MR. ANDERSON: Sure. So what did they do? They  
8 walked into a breached building. They walked around. There's  
9 even pictures of them right next to police officers casually  
10 talking to them. And they left. They did not participate.  
11 Mr. Bustle did not participate in a riot. And I take exception  
12 to that, because that has all kinds of connotation to the actual  
13 behavior that is involved here.

14 Now, a riot did occur on January 6th. I'm not saying that.  
15 But Mr. and Mrs. -- or Mr. Bustle, at least, certainly did not  
16 damage any property. He didn't go in with violence, and he  
17 didn't make any threats of violence. He walked into the  
18 building, walked around, and left.

19 Now, that's unlawful. I'm not saying that that's not --

20 THE COURT: The building he went into, there were  
21 alarms going off. There were broken windows and doors where he  
22 walked in. There was pepper spray and other substances in the  
23 air. There were masses of people. If you look at the pictures,  
24 it was not just one or two people, but a mass of people. It was  
25 not a normal situation.

1 MR. ANDERSON: In no way am I saying it is, Judge, and  
2 in no way am I saying that they didn't commit a crime, but what  
3 I'm trying to start the conversation on is I think saying  
4 "Capitol rioters" uniformly creates an annotation, an unfair  
5 annotation towards Mr. Bustle that he somehow engaged in a riot.

6 Now, he broke the law, and we're not saying he's innocent  
7 of the crime of unlawfully entering a building or what he pled  
8 to, unlawfully picketing. But to go so far to say he is a  
9 rioter, I take particular exception to that. And I think that  
10 by saying "rioter," it taints even the Court's mind of what the  
11 appropriate punishment is.

12 As the government just said, and there's no evidence to the  
13 contrary, Mr. Bustle entered the building 20 or 30 minutes after  
14 the breach. They walked around in the building for 20 minutes.  
15 There's pictures attached to the indictment of them standing  
16 within feet of police officers, casually talking to them. They  
17 created no dangerous situation of their own actions.

18 And I just think that that's important, and I think that  
19 was very much important in the case of Anna Morgan-Lloyd where  
20 the Court found that the appropriate disposition was no  
21 incarceration but probation only.

22 If we can separate the word "riot" from what happened here,  
23 you have unlawful entry of a building.

24 THE COURT: Why did he go in the building if not to  
25 support what had happened?



1 MR. ANDERSON: Judge, I think that -- I think that  
2 the -- there's different types of people that were on  
3 January 6th. There's people that came with weapons and came to  
4 be rioters, and then there's other people that were there that  
5 were caught up in the moment of wanting to see what was going  
6 on. And a lot of people were taking Facebook video and so forth  
7 almost in a reporter-like fashion.

8 And I don't think that there's any evidence that the  
9 government could point to that would say that anything Joshua  
10 Bustle did before, during, or after would be even close to a  
11 riot. And I think that puts him most close to the Anna  
12 Morgan-Lloyd situation, which the appropriate disposition for a  
13 class B petty offense with no criminal record, with early  
14 acceptance of responsibility, with full cooperation with the  
15 government would yield a no incarceration, probation-only  
16 sentence.

17 Anything more -- to treat Joshua Bustle differently than  
18 Anna Morgan-Lloyd would be unjust. She received -- the only  
19 difference between him and Anna Morgan-Lloyd is Anna  
20 Morgan-Lloyd was a grandmother. But Josh Bustle has no criminal  
21 record, did nothing other than observe what was happening, was  
22 curiously observing, and left.

23 Now, Mr. Bustle has paid a substantial price for what has  
24 happened from the court of public opinion. Because everybody is  
25 called a rioter, he's lost his job, he's publicly shamed.

1 They're having to move from their home in Virginia to South  
2 Carolina to start a new life because they have lost everything  
3 in the court of public opinion. And so -- so Mr. Bustle has  
4 paid a substantial price for what has happened and what he did,  
5 from the loss of his income and now having to relocate to start  
6 over in a different place.

7 And so, Judge, in no way do I want to minimize what  
8 happened on January 6th. What happened on January 6th was  
9 terrible and was outrageous, and many people should be punished  
10 for what they did.

11 And Mr. Bustle should be punished for what he did, but what  
12 he did was he entered a breached door, walked around, and left.  
13 And there should be no purpose of giving him any more punishment  
14 than what Anna Morgan-Lloyd received in this particular  
15 situation. And accordingly, I would ask the Court to impose the  
16 same sentence.

17 Now, as far as a fine goes, I would ask the Court not to  
18 impose a fine, because Mr. Bustle has lost his job. His income  
19 sources have -- as a Realtor, he's lost that ability. And so  
20 he's -- a special assessment is appropriate. The restitution is  
21 appropriate. Community service is appropriate. But I would ask  
22 the Court not to impose a fine because of the other punishments  
23 Mr. Bustle has already received in the court of public opinion.

24 THE COURT: Thank you.

25 Does the government want to respond to that briefly?

1 MR. ROMANO: Yes. Thank you, Your Honor.

2 We don't think that the use of the term "rioter" is  
3 inappropriate to describe the people who participated in  
4 January 6th generally. I think you already noted in some of  
5 your questions to Mr. Anderson, Your Honor, the nature of what  
6 any person who stepped through the doors to the Capitol was  
7 stepping into, what they would have known, what they would have  
8 seen.

9 But also looking at the terminology in 18 U.S.C. 2102, I  
10 don't find issue with what's written here. One of the  
11 categories talks about an act or acts of violence by one or more  
12 persons part of an assemblage of three or more persons which act  
13 or acts shall constitute a clear or present danger of or shall  
14 result in damage or injury to the property of any other person  
15 or the person of any other individual.

16 That seems like a pretty good, if a bit legalese,  
17 description of what happened on January 6th. There certainly  
18 were people who committed acts of violence. There certainly  
19 were people who committed property destruction. They did it in  
20 a crowd, and the crowd helped enable the violence and the  
21 property destruction and the fear to take place.

22 The police officers were overwhelmed because of the size of  
23 the crowd. They took hours to clear the building because of the  
24 size of the crowd. In the lower west terrace and in other parts  
25 of the exterior and some parts of the interior of the building,

1 police officers were fighting with people for hours, and every  
2 minute that police officers took inside taking longer to clear  
3 the building was an extra minute that that fighting could go on.  
4 It was an extra minute that officers like the ones who testified  
5 before Congress recently were stuck in the fighting because  
6 their compatriots were having to address problems going on  
7 somewhere else that made the situation more dangerous.

8 I certainly understand that there may be a difference of  
9 opinion about this and that the defense takes a different  
10 position, but the United States thinks that the use of the  
11 term "riot" is completely appropriate here.

12 THE COURT: Thank you.

13 Let me turn to counsel of Mrs. Bustle next, please.

14 MR. KIBRIA: Yes, Your Honor. Thank you.

15 So we would like to state first and foremost that, you  
16 know, the government through Mr. Romano has suggested that a  
17 probationary term be appropriate. And, you know, our rule of  
18 law here in this country is founded on also the key principle of  
19 precedent.

20 And so through Mr. Romano's suggestion and looking at  
21 precedent set by the Anna Morgan-Lloyd case, we do feel that the  
22 Court need not look any further than, you know, the suggestion  
23 and the recommendation that probation be the sentence here. And  
24 we believe that is --

25 THE COURT: I think each individual before the Court

1 in any sentence, this case or any other case, stands on its own.  
2 You do have to look at conformity in sentencing and fairness in  
3 sentencing, but you look at each individual. That's what they  
4 got away from in the guidelines. So I don't think it's a good  
5 example to use.

6 MR. KIBRIA: Understood, Your Honor.

7 Again, we ask that the Court look at the actual behaviors  
8 and the actions of Ms. Bustle. Again, all she did was walk into  
9 a breached building, walked around, and the evidence against her  
10 just simply suggests, actually shows that she was speaking with  
11 police officers in a very, you know, gentle manner and there was  
12 no violence, as Mr. Romano has stated. There was no violence,  
13 no incitement of violence on their part, and they did, you know,  
14 simply walk through the Capitol building.

15 As for her Facebook posts, I, as an officer of the court --

16 THE COURT: She did put up her "no vaccine" sign, the  
17 parading and protesting.

18 MR. KIBRIA: And that is why we entered into that  
19 plea, because it did actually align with the actions she did  
20 take. And yes, Your Honor, you are correct, she did have a sign  
21 that said "no vaccines." However, that sign did not indicate as  
22 to any rioting or inciting violence or things like that.

23 So therefore, I will turn to her Facebook posts. As an  
24 officer of this court, I have had conversations with Ms. Bustle  
25 regarding her Facebook posts and her, you know, activity on

1 social media.

2 First of all, let me say that from our conversations and my  
3 suggestions as to, you know, the harms of social media and the  
4 kinds of cult-like, you know, personalities that have been  
5 formulated through social media in these last five to ten years  
6 in our country, I believe Ms. Bustle was generally, from her  
7 words, somewhat a victim to that when, you know, very, very  
8 large, important, and prominent figures -- I won't name who, but  
9 I think you know who exactly I'm talking to -- are constantly  
10 for four years shouting down orders basically through social  
11 media and through media. Many people fell victim to this.

12 And I will tell that you Ms. Bustle took my advice and has  
13 been off of social media since the charges came through. Her  
14 and Mr. Bustle have not been on social media, and they've told  
15 me that they actually found a new life and thanked me for, you  
16 know, giving them that advice that social media is very harmful  
17 and actually can lead people to believe things and do things  
18 that they may not actually be, you know -- believe in them  
19 themselves. I think Ms. Bustle was actually a victim.

20 Again, I don't discount the fact that she is an adult and  
21 makes, you know, actions on her own and thoughts on her own.  
22 But I believe when you look back at the four years and  
23 especially the months leading up to the Capitol riot, that  
24 certain figures, very prominent, very large figures, and again,  
25 I think you know who, were directing orders to people, when, you

1 know, they have no other thoughts besides they believe in a  
2 certain ideology and the key leaders in those ideology are  
3 telling them to do certain things, people will partake in that.

4 And again, Mrs. Bustle is very remorseful for that. She  
5 has been off social media and has changed her life completely.  
6 And that is coming from me, again, from deep conversations with  
7 her. This is the truth. I would not put forth lies in front of  
8 this Court as an officer of the court. So I think she  
9 understands how she was affected and how her actions may have  
10 put her in this place.

11 However, we do need to look back, in terms of the  
12 sentencing, as to the physical actions she did take a part in  
13 that day. They were to cause no violence, to insight no  
14 violence. She simply walked through an already breached Capitol  
15 and was only there for 20 minutes.

16 And I guess if we take into account your words, Your Honor,  
17 that we don't want to look at Anna Morgan-Lloyd's case because  
18 that's a different case, fine, but we do put emphasis on the  
19 words of Mr. Romano as a representative of the government that  
20 he suggests that based on the behaviors and actions, that  
21 probation be the term.

22 We also do ask, though, that Ms. Bustle not to be fined.  
23 As Mr. Anderson stated, Mr. Bustle, who is the key provider for  
24 this family in terms of income, has no income anymore. And  
25 Ms. Bustle was a housewife, and she has been raising their

1 children, their one child with another one on the way.

2 Therefore, we believe a probationary term is appropriate.  
3 The only thing we would ask for is that there be no fine  
4 instituted. We also believe restitution and community service  
5 is also fine and appropriate.

6 THE COURT: Thank you.

7 I would like to have Mr. Bustle address the Court if he  
8 wishes. You have the right to do so. And then I will hear from  
9 Mrs. Bustle.

10 DEFENDANT JOSHUA BUSTLE: Thank you, Your Honor.

11 I think my defendant has spoke well for me. I don't really  
12 have much else to say. I do recognize that I did break the law,  
13 and I just hope that you look at what I do there.

14 And that would be it. Thank you, Your Honor.

15 THE COURT: Let me ask you, your attorney made the  
16 point that you've lost your job, which was in real estate at  
17 that time, and I understand -- I think it was mentioned on an  
18 earlier status call that you subsequently have a new real estate  
19 job?

20 DEFENDANT JOSHUA BUSTLE: I am still in real estate,  
21 but I have not been able to continue to perform anymore.

22 THE COURT: And the concerns about moving, you said  
23 you're going to move to somewhere down south?

24 DEFENDANT JOSHUA BUSTLE: Yes. I just need to have a  
25 fresh start.



1 THE COURT: And that is because of the notoriety of  
2 this case?

3 DEFENDANT JOSHUA BUSTLE: Yes, Your Honor.

4 THE COURT: Now, what's the situation with your family  
5 and your relationship with them because of this case?

6 DEFENDANT JOSHUA BUSTLE: It's not great.

7 THE COURT: You have family in this area?

8 DEFENDANT JOSHUA BUSTLE: Yes, Your Honor.

9 THE COURT: All right. Thank you.

10 Mrs. Bustle, let me talk with you for a few minutes about  
11 your situation and what you want me to consider as I determine  
12 whether probation is appropriate or jail time is appropriate.

13 DEFENDANT JESSICA BUSTLE: Thank you for letting me  
14 speak, Your Honor.

15 I don't have much to say other than that I'm sorry for my  
16 actions and that I love our country, and that's all.

17 THE COURT: Obviously, you did attempt to minimize  
18 your involvement or justify the conduct overall, what happened  
19 on January 6 in your postings. Your counsel indicated that you  
20 got away from that, you aren't doing that. But you did write on  
21 Facebook before the riot, "We don't win this on the sidelines.  
22 Excited to stand for truth with my fellow patriots and freedom  
23 fighters in D.C. today." And then after the riot, you wrote,  
24 "The vice president of the United States is a traitor" and that  
25 you stormed the Capitol.

1           Then you said that the information the media were  
2           portraying was false and saying that you walked right in with  
3           tons of other people and that some supporters were supposedly  
4           unruly and that Congress reassembled in the same place that was  
5           supposedly destroyed and people were simply making their  
6           presence known, finally growing a backbone, that the election  
7           has been undermined and stolen, that people are tired of being  
8           lied to and cheated and we need a revolution, that we can accept  
9           an honest and fair election but that this is not fair and  
10          patriots don't want to see their country brought into Communism,  
11          that I'm proud of them standing up.

12           What am I to take of that, that you did not actively  
13          support, essentially encourage this riot that occurred?

14           MR. ROMANO: Your Honor, I think we might have lost  
15          Ms. Bustle. I don't see her on the participant line anymore.

16           DEFENDANT JOSHUA BUSTLE: Can you give me one second,  
17          Your Honor? I think her computer is freezing up.

18           THE COURT: All right.

19           MR. ANDERSON: Mr. Bustle, just put her in front of  
20          your screen. Okay? Just go get her.

21          (Pause.)

22           THE COURT: Mrs. Bustle, I don't know if you heard my  
23          final statements.

24           DEFENDANT JESSICA BUSTLE: No, I heard it, Your Honor,  
25          right before the screen frozen and I was kicked out of Zoom.

1           THE COURT: All right. Thank you. Would you try to  
2 answer my question about your participation in the riot with  
3 that language beforehand and after it supporting it?

4           DEFENDANT JESSICA BUSTLE: Yes, Your Honor.

5           So we went down to D.C. for the medical freedom rally that  
6 took place a couple of blocks over. My son, my son that's  
7 living has been injured by vaccines. So my sign said "no  
8 mandatory medical procedures," that I don't believe that every  
9 medical procedure should be mandatory. And we walked over to  
10 the Capitol from the medical freedom rally.

11          And I understand that my terminology with saying "storm the  
12 Capitol," I didn't understand what that meant at the time. I  
13 didn't have any knowledge of what was going on in the front of  
14 the building. I only saw what was taking place on my side of  
15 the building, which wasn't anything like what was going on on  
16 the other side of the building, at least when we got there.

17          So that doesn't justify my actions in any way. Those  
18 Facebook posts were made before I had any clue what was actually  
19 going on, which actually didn't happen until the following day,  
20 and that the things that I saw were different than some of the  
21 things that happened in the front, because I didn't see that  
22 stuff going on.

23          THE COURT: All right. Your views are the same today,  
24 are they, the language that we need a revolution, that this is  
25 not fair and patriots don't want to see their country brought to

1 Communism and destroyed over on a lie and you're proud of them  
2 for standing up?

3 DEFENDANT JESSICA BUSTLE: I can't hear anything.

4 MR. KIBRIA: Your Honor, I believe she might be having  
5 trouble hearing Your Honor's latest question.

6 DEFENDANT JESSICA BUSTLE: I didn't hear your  
7 question, Your Honor. I'm sorry.

8 THE COURT: Let me try that again. I said you  
9 indicated in your views -- this is, I believe, the day after the  
10 riot. You indicated -- it says you went into the building. So  
11 this is after the riot. You said this election is undermined  
12 and stolen, people are tired of being lied to and cheated, we  
13 need a revolution, you can accept a fair and honest election but  
14 this is not fair and patriots don't want to see their country  
15 brought into Communism based on a lie and I'm proud of them for  
16 standing up.

17 And that's what you still believe today?

18 DEFENDANT JESSICA BUSTLE: With respect to the things  
19 that I've seen that have taken place, no, Your Honor, I don't  
20 agree with that. The violence and stuff like that, I wasn't  
21 aware of that stuff because I didn't see any of those things  
22 going on.

23 So I condone and do not agree with anybody who is ever  
24 violent towards anybody in life, no matter who that is.

25 THE COURT: Now, your counsel has represented you're

1 presently expecting. Is that accurate?

2 DEFENDANT JESSICA BUSTLE: Yes, Your Honor.

3 THE COURT: All right. And you have a child who is  
4 four years of age, a boy?

5 DEFENDANT JESSICA BUSTLE: He just celebrated his  
6 fifth birthday last week.

7 THE COURT: And you used to be employed in the dental  
8 area, managing dental clinics, et cetera, had a very successful  
9 job, but you left that after your son was born?

10 DEFENDANT JESSICA BUSTLE: Yes, Your Honor. I left  
11 that to stay home with my son and take care of him.

12 THE COURT: All right. Either counsel have anything  
13 else to add to this matter?

14 MR. ROMANO: Nothing else from me, Your Honor.

15 MR. ANDERSON: Nothing else from me, Your Honor.

16 MR. KIBRIA: Nothing further from me as well, Your  
17 Honor.

18 THE COURT: Now, I was concerned about this matter,  
19 and I'm going to pass sentencing at this time, because of the  
20 nature of the offense. This case, I think, is somewhat unique,  
21 because although I have grave concerns about Mr. and Mrs. Bustle  
22 going into the Capitol during the riot, even though apparently  
23 it was on the east side and the main riot was on the west side,  
24 but still, they went through a door that had been -- windows had  
25 been broken and the police were all there and, obviously, the

1 sound and the noises of the riot going on were all evident, and  
2 then Mrs. Bustle's posting before and thereafter are of great  
3 concern.

4 I'm saying it's unique because they were not there  
5 originally as Trump supporters, although they may be Trump  
6 supporters. But they were there on a medical protest,  
7 antivaccine protest at a different place than the Trump rally  
8 and came on after the main riot had begun and access into the  
9 Capitol had been forced by the rioters.

10 The unfortunate side is that, obviously, there's a riot,  
11 and it was a riot, and people were engaged in the riot. In  
12 fact, not only did violence occur, but people died. The day  
13 before yesterday, another Capitol police officer committed  
14 suicide, making it the fourth one since the riot, after what  
15 they went through for several hours. If you listened to the  
16 testimony of the officers on the Hill the other day, you can  
17 understand how tragic it was.

18 I think the people who engaged in this process should be  
19 punished and have to be responsible, and that may be jail time  
20 for most people. In this case, I'm not going to give jail time,  
21 and I'll explain my rationale and reasons.

22 First, I said this is unique. These people were not here  
23 originally to protest with President Trump and did not listen to  
24 the exhortations to march to the Capitol. They were not engaged  
25 in that process going on of the speeches and went in after the

1 riot had begun.

2 They're not tourists. I object to any individual who is  
3 trying to characterize this or the narrative that somehow these  
4 people were tourists while attacking our system and the  
5 democracy in this country. There was, obviously, an intent to  
6 interfere with the electoral process and essentially cause a  
7 revolution.

8 But at the same time, Mr. Bustle has no prior criminal  
9 records of any matter. He has worked his entire life in the  
10 realty business, supported himself early on as a young man on  
11 his own. He was qualified as a field mechanic and then went  
12 into real estate and became successful in the real estate  
13 business, which he has lost as a result of this arrest and  
14 charge and guilty plea in this case.

15 His counsel indicated that he has been substantially  
16 punished already. Both Mr. and Mrs. Bustle are being punished  
17 by feeling they have to leave the area because of the notoriety  
18 associated with having been charged in this case.

19 Mr. Bustle has been separated from his family, his parents  
20 and other family members who are from the same area. He hasn't  
21 seen them with their grandson. All of this is punishment. They  
22 will again be separated when the new grandchild is born, which  
23 is substantial punishment. They have to relocate to a new  
24 community and establish a new home.

25 Mr. Bustle had been somewhat successful financially and

1 worked all his life since a young teenager and has indicated  
2 that he was able to provide successfully. Mrs. Bustle had  
3 successful employment until the time she had a child and stayed  
4 home to care for her family.

5 But as to the nature of the sentence and the factors the  
6 Court has to consider under the sentencing guidelines -- not the  
7 guidelines but the sentencing statute. The guidelines do not  
8 apply to this offense because it's a misdemeanor offense.  
9 Misdemeanor means it's a minor offense. It does not mean it's a  
10 felony offense. This is a class B misdemeanor. The maximum  
11 sentence is up to six months in jail and a fine of \$5,000.

12 I have to look at the sentencing factors in considering the  
13 appropriate sentence under Title 18 United States Code 3553(a):  
14 The nature and circumstances of the offense and the history and  
15 characteristics of the defendants; the need for the sentence to  
16 reflect the seriousness of the offense and promote respect for  
17 the law and the need for the sentence to afford adequate  
18 deterrence; the need to avoid unwarranted sentencing disparities  
19 between other defendants with similar records who are found  
20 guilty of similar conduct.

21 Obviously, the nature and circumstances of the offense,  
22 their particular offense has to be put in context. Their  
23 particular offense can be downplayed to say they were simply,  
24 quote, tourists, unquote, walking into the Capitol. In context,  
25 what we had was -- and they had some understanding of this when



1 they went in because of the surrounding circumstances. You  
2 can't be blind to it.

3 The nature of the attack was unique in the history of our  
4 country. I think the last time the Capitol had been under  
5 attack and occupied over strong opposition by the lawful  
6 authorities was maybe the War of 1812 when the Capitol was taken  
7 over by the British and burned.

8 And now we have a group of individuals irritated and misled  
9 by false claims of a fraudulent election who decided to take the  
10 law into their own hands. And the basic premise in this country  
11 is the rule of law where every person agrees as a part of the  
12 membership of this country as citizens to obey the law. It is  
13 concerning to the Court and, I'm sure, to all people in this  
14 country that this can happen in our nation.

15 The government has suggested maybe a spectrum or a matrix  
16 of how to consider these cases, and I take that suggestion  
17 seriously in determining what's a fair and just sentence on the  
18 spectrum. The government advises that we should look at whether  
19 and how the defendant entered the Capitol building, whether the  
20 defendant engaged in violence or incited violence, whether the  
21 defendant engaged in any acts of destruction, whether the  
22 defendant's reaction to the acts of violence and destruction,  
23 how they reacted to it, whether during or after the riot the  
24 defendant destroyed evidence, the length of time the defendant  
25 was in the building, exactly where the defendant traveled within

1 that building, obviously what the defendant did in the building,  
2 defendant's statements and posts on social media, and whether  
3 the defendant cooperated with law enforcement, whether the  
4 defendant otherwise exhibited --

5 MR. ROMANO: I think the Judge's feed has frozen.

6 THE COURT: Really, you have to understand that  
7 there's no evidence, the government says, that Mr. Bustle  
8 engaged in any violence or destruction of property. He did not  
9 destroy evidence after the riot or write anything with respect  
10 to the riot on social media. He got into the building  
11 approximately 30 minutes after the other rioters had breached  
12 the door. At the time he entered, the doors were open. There  
13 were police officers at either side of the door, and a group of  
14 rioters were crowding the opening, and there were signs of  
15 damage in the area. Obviously, he had to see that. The windows  
16 are smashed where he walked in. The alarms were sounding  
17 throughout the Capitol rotunda, and the -- but his actions were  
18 to walk into the building. He took some pictures of his wife  
19 holding onto the "no vaccine" sign, and a few of the other items  
20 listed in the spectrum the government has suggested.

21 His criminal history is none really. He doesn't come under  
22 the guidelines but looking at it. He agreed to plead guilty  
23 early on. He acknowledged his conduct. He wanted to promptly  
24 resolve the case, and that is significant to the Court.

25 Because of the nature of this riot and the damage done and

1 people who lost lives, obviously, overall the offense supports  
2 incarceration, but in this case Mr. Bustle is separate from  
3 that. Obviously, deterrence, people are going to have to  
4 realize this illegal type of activity, attacking the established  
5 government of the United States, it has to be deterred in the  
6 future.

7 Mr. Bustle has suffered consequences already, personal and  
8 professional consequences, and that seems to discourage any  
9 further activity of this sort.

10 Judge Moss, as the government indicated, made the following  
11 statement: "Democracy requires the cooperation of the governed.  
12 When a mob is prepared to attack the Capitol to prevent our  
13 elected officials from both parties from performing their  
14 constitutional and statutory duty, democracy is in trouble. The  
15 damage that that defendant and others caused that day goes way  
16 beyond the several-hour delay in the certification. It is a  
17 damage that will persist in this country for decades."

18 And I agree. The United States has been held up to the  
19 world. The country has always believed in democracy and pursued  
20 it until now we see what happened January 6th.

21 It seems to the Court that Mr. Bustle, in the very limited  
22 capacity, engaged only because he walked into the premises, I  
23 think with some understanding of what was happening.

24 I'm worried about having unwarranted disparities in  
25 sentencing. As I said, I think individual -- we have to treat

1 each case individually, and we do hope there will be some  
2 uniformity of sentencing in these matters. In this case, as I  
3 mentioned, the probationary sentence should not become the  
4 default to everyone who is charged with a misdemeanor.

5 I certainly considered giving jail time to Mrs. Bustle  
6 because of her publications, but that seems to me that this is  
7 not a type of sentence that would be productive in this case.  
8 They have already suffered and have to move from the area.

9 So I am going to sentence Mr. Bustle for all of those  
10 reasons and similar reasons for Mrs. Bustle.

11 I think the punishment because of the recommended  
12 probationary time of home confinement time, community service  
13 time, the restitution that will be due and paid would be an  
14 appropriate sentence in light of the consequences of his  
15 activities.

16 So the sentence will be as follows for Joshua Bustle:  
17 Consistent with the Sentencing Reform Act of 1984 and in  
18 consideration of provisions in 18 U.S.C. 3553, which I've  
19 discussed with you, it is the judgment of the Court that Joshua  
20 Bustle is sentenced to a term of 24 months (two years) of  
21 probation on Count 4, which will include 30 days of home  
22 confinement, and will be sentenced as well to 40 hours of  
23 community service.

24 In addition, you are ordered to pay a special assessment of  
25 \$10 under Title 18 Section 3013. And while -- you are to abide

1 by the following mandatory conditions on the probation and  
2 supervision, as well as the standard conditions. Mandatory  
3 conditions include, obviously, not committing any other crimes,  
4 not unlawful possessing controlled substances. I will not  
5 require mandatory drug testing, and that will be suspended  
6 because I see you as a low risk for any substance abuse.

7 You will make your restitution in Title 18 Section 3653,  
8 and you will make payments to the Department of Treasury in the  
9 amount of \$500. I am not going to assess a fine against you  
10 because of your necessity to leave the community and join a new  
11 community and because of the upcoming child and you lost your  
12 employment. You have other assets that you can live on. You're  
13 very fortunate that you worked hard, but I do not think a fine  
14 is appropriate in your present condition.

15 Restitution can be made to the Clerk of Court of the United  
16 States District Court for the District of Columbia in the amount  
17 of \$500, and the victim is the United States Department of  
18 Treasury. The balance of the restitution will be paid no less  
19 than \$200 a month until paid in full. You have to provide the  
20 Probation Office access to financial information and release of  
21 any financial information to pay off this restitution.

22 Now, the home confinement will be monitored by the  
23 appropriate probation office in the district in which you join.  
24 Whether it's somewhere down south or you stay in Virginia, that  
25 will determine your home confinement, and they will establish

1 the appropriate location monitoring as necessary.

2 Home confinement means you're confined to your house except  
3 you may report to work, medical appointments, church services,  
4 and the like, and seek permission from the Probation Office for  
5 other special needs you may have if you have to leave the house.  
6 But otherwise, you're confined to your home.

7 MR. ANDERSON: Your Honor, Tim Anderson for  
8 Mr. Bustle. Can I ask for one clarification on the home  
9 confinement?

10 THE COURT: All right.

11 MR. ANDERSON: Your Honor, Mr. Bustle and his wife are  
12 moving to South Carolina. The movers are coming on August 14th.  
13 So we would ask the Court to allow him to have a delayed report  
14 for home confinement to possibly August 27th to September 1st,  
15 just so that they can get moved in and then begin that home  
16 confinement period in South Carolina.

17 THE COURT: I'm going to grant that. I think he  
18 should talk to Ms. Field, the probation officer, the Pretrial  
19 Services officer here to make arrangements. You will have to  
20 make arrangements for the Probation Office wherever they move in  
21 South Carolina. They'll have to handle the home confinement as  
22 well.

23 MR. ANDERSON: Thank you, Your Honor.

24 THE COURT: I need to legally advise you that you have  
25 the right to appeal the sentence under Title 18 Section 3742 if

1 I gave you an improper or illegal sentence that departs  
2 upward -- there's no guideline range, but if it's longer than  
3 the statutory maximum, which it's not, and your right to  
4 challenge this conviction under Title 28 U.S.C. 2255 if you find  
5 new information that's been unavailable at this time or shows  
6 you should not have been guilty of this offense or that you  
7 received ineffective assistance of counsel.

8 All right. Now as to Mrs. Bustle. Mrs. Bustle, again for  
9 the rationale I've already put in the record, I believe you  
10 should be entitled to probation despite your publications on  
11 social media. I think the loss of your husband's position, the  
12 need to move from the area, the lost family as you have a new  
13 child coming has been substantial punishment as indicated by the  
14 Court.

15 Additionally, I believe that you have true remorse for what  
16 you did and a better understanding of what happened at this  
17 point than you did on January 6.

18 At the same time, I seriously considered putting you in  
19 jail because those statements concern the Court. The statements  
20 about patriots are so inaccurate and so misguided that, as your  
21 lawyer indicated, you have been swayed by social media and by  
22 others, but patriots are not one to attack ongoing operations of  
23 Congress and the legitimate operation of their constitutional  
24 duties and attempt to stop them. That is a revolution, not  
25 patriotism.

1 But under the Sentencing Reform Act of 1984 and in  
2 consideration of the Title 18 Section 3553 factors as I've  
3 reviewed for you and your husband, it is the judgment of the  
4 Court that Jessica Bustle will be committed for a term of 24  
5 months (two years) of probation as to Count 4. In addition,  
6 there is a special assessment of \$10 for the conviction of this  
7 misdemeanor.

8 An additional part of the sentence is I'm going to give you  
9 a sentence of home confinement for 60 days because of your  
10 activities being more serious than your husband's. Again,  
11 probation can set the terms of that confinement. You would be  
12 confined to your home, but if you need to leave, with the  
13 probation officer's permission, you can do so, but generally,  
14 you will be confined to your home for 60 days and subject to  
15 location monitoring.

16 Now, while you're on supervised probation, you have to  
17 follow all the mandatory conditions and the standard conditions  
18 of your supervision. Mandatory, obviously, no more crime of any  
19 kind, no unlawful possession of a controlled substance. I will  
20 not require mandatory drug testing because I don't think there's  
21 evidence of any future substance abuse. You have to make  
22 restitution under the law as ordered to the Department of  
23 Treasury for \$500. I'm going to waive any fine, because I do  
24 not believe you're in a position to pay any fines. Now, the  
25 obligation for the restitution is paid at no less than \$200 a



1 month until paid.

2           Additionally, I think that you have to understand that  
3 during your term of release as well, an additional provision of  
4 the sentence will be community service, and I will give you the  
5 same length of time that I gave your husband for community  
6 service, which I hope you will do something in the new community  
7 you move to for people who are less fortunate than you. I think  
8 it would be appropriate for you in your situation and not  
9 working with your son turning five and certainly going to  
10 preschool.

11           I'm not going to lecture you on your vaccine choices or  
12 not. That's your decision. I hope that you read appropriate  
13 media and accurate media about your decision, particularly in  
14 light of the delta variant and the danger it provides to you, to  
15 your unborn, and to your son if you're not vaccinated.

16           That will be the sentence of the Court. You have the  
17 right, again, to appeal, as I indicated to your husband, if I  
18 gave you a sentence longer than required by the law. You have  
19 the right to challenge your conviction or sentence if new and  
20 currently unavailable information should come to light or if you  
21 receive -- you claim you received ineffective assistance of  
22 counsel, your counsel didn't do a good job for you.

23           That will be the sentence in the case. I'm going to check  
24 with the presentence report provider. Ms. Field?

25           PROBATION OFFICER: Your Honor, thank you.

1           If I may just clarify, what is the date that they are to  
2       report to the home detention? Was it August 27th or  
3       September 1st?

4           THE COURT: Let me ask their counsel. He's the one  
5       that suggested those dates. What is realistic for them to do  
6       it? They've got to get moved, get there, and they're going to  
7       have to stay home. So they can't go out and do things they  
8       might want to do for a while.

9           MR. ANDERSON: Your Honor, I had a conversation with  
10      my client, Mr. Bustle, this morning on that point. And the  
11      movers are moving them, picking up furniture on August 14th.  
12      They're traveling to South Carolina. They're going to get set  
13      up. And he asked for a couple of weeks.

14           So under the circumstances, I would ask September 1st be  
15      the start date. That should give them enough time to be set up  
16      and start it at that time.

17           THE COURT: All right. I will put it in the order,  
18      then, for the Probation Office to begin his term, both of them  
19      begin their terms of home confinement on September 1st for the  
20      lengths I've indicated, and they will have to do that. Failure  
21      to do that would be a violation of the terms of probation, and  
22      you could come back to the Court subject to imprisonment.  
23      Failure to abide by any terms of your probationary requirements  
24      will result in your probation being revoked and going to jail up  
25      to the maximum, which is two years.

1 All right. Anything else?

2 PROBATION OFFICER: No, Your Honor. Thank you.

3 THE COURT: All right. Thank you, Mr. Romano. I  
4 appreciate your work on this case.

5 MR. ROMANO: Thank you, Your Honor.

6 (Proceedings adjourned at 1:19 p.m.)

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## 1 CERTIFICATE OF OFFICIAL COURT REPORTER

2  
3 I, Sara A. Wick, certify that the foregoing is a  
4 correct transcript from the record of proceedings in the  
5 above-entitled matter.  
6

7 Please Note: This hearing occurred during the  
8 COVID-19 pandemic and is, therefore, subject to the  
9 technological limitations of court reporting remotely.  
10

11  
12 /s/ Sara A. Wick

August 11, 2021

13 SIGNATURE OF COURT REPORTER

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