

BEFORE THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, .
Case Number 21-cr-324
Plaintiff, .
vs. .
Washington, D.C.
DANIELLE NICOLE DOYLE, .
October 1, 2021
2:05 p.m.
Defendant. .
- - - - -

TRANSCRIPT OF SENTENCING HEARING
BEFORE THE HONORABLE TREVOR N. MCFADDEN
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the United States: LAURA HILL, ESQ.
U.S. Department of Justice
175 N Street Northeast
Room 9.1811
Washington, D.C. 20002

For the Defendant: IRVEN BOX, ESQ.
Box and Box Attorneys
2621 South Western Avenue
Oklahoma City, Oklahoma 73109

RAMMY BARBARI, ESQ.
Price Benowitz LLP
409 Seventh Street Northwest
Suite 100
Washington D.C. 20004

Official Court Reporter: SARA A. WICK, RPR, CRR
333 Constitution Avenue Northwest
U.S. Courthouse, Room 4704-B
Washington, D.C. 20001
202-354-3284

Proceedings recorded by stenotype shorthand.
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P R O C E E D I N G S

(Call to order of the court.)

COURTROOM DEPUTY: Your Honor, this is Criminal Case 21-324, United States of America versus Danielle Nicole Doyle.

Counsel, please come forward to identify yourself for the record, starting with the government.

MS. HILL: Good afternoon, Your Honor. Laura Hill for the United States.

THE COURT: Good afternoon, Ms. Hill.

MR. BOX: Good afternoon, Your Honor. Irven Box representing the defendant, Nicole Doyle.

THE COURT: Good afternoon, Mr. Box, and good afternoon, Ms. Doyle.

THE DEFENDANT: Good afternoon.

MR. BARBARI: Good afternoon, Your Honor. Rammy Barbari from Price Benowitz on behalf of David Benowitz.

THE COURT: Good afternoon, sir.

We are here for the sentencing of the defendant, Danielle Doyle, who has pled guilty to one count of parading, demonstrating, or picketing in a Capitol building in violation of 40 U.S.C. 5104.

I've received and reviewed the presentence investigation report and sentencing recommendation from the Probation Office, as well as sentencing memoranda from the government and Ms. Doyle, including numerous attached letters from others in

1 Ms. Doyle's community.

2 Are there any other documents or materials that I should
3 have reviewed? Ms. Hill?

4 MS. HILL: No, Your Honor.

5 THE COURT: And Mr. Box?

6 MR. BOX: No, Your Honor.

7 THE COURT: Ms. Doyle, this sentencing hearing will
8 proceed in four steps, many of which may seem a bit mechanical
9 to you. But I want you to keep in mind why we are here today
10 and the gravity of the situation. You've committed a federal
11 crime. Today's proceeding is a serious matter, as it is about
12 the consequences that you will face because of your decision to
13 engage in criminal behavior in violation of federal law.

14 The first step, ma'am, is for me to determine whether
15 you've reviewed the presentence report and whether there are any
16 outstanding objections to it and, if so, to resolve those
17 objections.

18 The next step is for me to hear from the government, from
19 your counsel, and from you, ma'am, if you wish to be heard about
20 sentencing in this case.

21 And the final step requires me to fashion a just and fair
22 sentence in light of the factors Congress set out in 18 U.S.C.
23 3553(a). As a part of this last step, the Court will actually
24 impose the sentence, along with the other required consequences
25 of the offense.

1 All right. So turning to that first step, the final
2 presentence investigation was filed on December 23rd of this
3 year. The Probation Office filed its final sentencing
4 recommendation on the same day. The defense filed its memoranda
5 in aid of sentencing on January -- or September 7th, and the
6 government filed its memorandum in aid of sentencing on
7 September 21st. I'm sorry. I think the -- yeah, that's
8 correct.

9 Does the government have any objection to any of the
10 factual determinations set forth in the presentence report,
11 Ms. Hill?

12 MS. HILL: No, Your Honor.

13 THE COURT: Mr. Box, have you and Ms. Doyle read and
14 discussed the presentence report?

15 MR. BOX: We have, Your Honor.

16 THE COURT: Does the defendant have any objection to
17 any of the factual statements set forth in it?

18 MR. BOX: She does not, Your Honor.

19 THE COURT: Thank you, sir.

20 Ms. Doyle, if you could come forward, ma'am. Ma'am, are
21 you fully satisfied with your attorney in this case?

22 THE DEFENDANT: Yes, sir, Your Honor.

23 THE COURT: Do you feel that you've had enough time to
24 talk to him about the Probation Office's presentence report and
25 the papers the government filed in connection with sentencing?

1 THE DEFENDANT: Yes, sir, Your Honor.

2 THE COURT: All right. Thank you. You may have a
3 seat, ma'am.

4 The Court will accept the facts as stated in the
5 presentence report. The presentence report will serve as my
6 findings of fact for purposes of this sentencing.

7 All right. The sentencing guidelines do not apply because
8 this crime is a Class B misdemeanor.

9 Turning now to the applicable penalties, the maximum jail
10 term the Court may impose for Ms. Doyle's offense is six months.
11 The maximum fine the Court may impose for the offense is \$5,000.
12 There is also a mandatory special assessment of \$10. And
13 according to 18 U.S.C. 3561, Ms. Doyle is eligible for up to
14 five years of probation because the offense is a misdemeanor.
15 And according to 18 U.S.C. 3663(a), the Court shall order
16 restitution in the amount of \$500.

17 And I believe the government is not seeking forfeiture. Is
18 that correct, Ms. Hill?

19 MS. HILL: That is correct, Your Honor.

20 THE COURT: All right. Have I accurately stated the
21 statutory framework under which we are operating in regard to
22 this case?

23 MS. HILL: You have, Your Honor.

24 THE COURT: All right. Mr. Box?

25 MR. BOX: Yes, Your Honor, you have.

1 THE COURT: Okay. Before I discuss the other
2 sentencing factors that will bear on the Court's final decision,
3 I will share with the parties the particular sentence the
4 Probation Office has recommended, taking into account the
5 advisory guideline sentence, the available sentences, and all of
6 the factors listed in Section 3553(a).

7 The Probation Office has recommended a sentence of no jail
8 time, a three-year term of probation, a fine of \$1,800,
9 restitution in the amount of \$500, and a special assessment of
10 \$10. The recommendation of the Probation Office is based solely
11 on the facts and circumstances contained in the presentence
12 report.

13 I must now consider the relevant factors that Congress set
14 out in 18 U.S.C. 3553(a) to ensure that the Court imposes a
15 sentence that is sufficient but not greater than necessary to
16 comply with the purposes of sentencing. These purposes include
17 the need for the sentence imposed to reflect the seriousness of
18 the offense, to promote respect for the law, and to provide just
19 punishment for the offense. The sentence should also afford
20 adequate deterrence to criminal conduct, protect the public from
21 future crimes of the defendant, and promote rehabilitation.

22 In addition to the guidelines and policy statements, I must
23 consider the nature and circumstance of the offense, the history
24 and characteristics of the defendant, the need for the sentence
25 imposed, the need to avoid unwarranted sentence disparities

1 among defendants with similar records who have been found guilty
2 of similar conduct, and the types of sentences available.

3 Does the government wish to be heard on the application of
4 factors set forth in 3553(a), request a variance, or otherwise
5 make a sentencing recommendation?

6 MS. HILL: Yes, Your Honor, we do.

7 THE COURT: Thank you, ma'am.

8 MS. HILL: Your Honor, the government's position is
9 laid out in our sentencing memorandum. So I won't belabor
10 what's in the sentencing memorandum, but I would like to make a
11 few points in summary.

12 The riot was a violent attack, and it threatened the
13 peaceful transfer of power after the 2020 presidential election.
14 Hundreds have now been charged with crimes related to their
15 actions on that date, including with crimes such as assault on
16 federal officer and obstruction of an official proceeding. In
17 addition, the rioters on that date caused more than \$1 million
18 worth of property damage.

19 That said, we do base our sentencing recommendation on the
20 specific conduct of the individual, and we have put significant
21 resources into making sure that our sentencing recommendations
22 avoid unwarranted sentencing disparities. In fact, we've put
23 together a list of factors that we are now considering in all
24 Capitol riot cases, and several of those factors apply here.

25 First, Ms. Doyle, before even entering the building,

1 witnessed a lot of the destruction that was occurring on that
2 date. She saw rioters on scaffolding; she saw torn fabric on
3 the scaffolding. She witnessed individuals holding signs that
4 said things like, quote, the storm is here. She also witnessed
5 individuals climbing through a broken window in order to get
6 into the Capitol building that day.

7 And we know all of these things because Ms. Doyle
8 photographed all of these things on her own phone. She
9 documented all of these events.

10 And after witnessing and documenting these events,
11 Ms. Doyle decided to enter the building through that same broken
12 window that she had photographed previously. She climbed
13 through the broken window and then stayed in the building for 24
14 minutes. She eventually went through three levels of the
15 Capitol building. Starting with the entering into the building,
16 she went in the basement for the Capitol Visitor Center up to
17 the second floor to the rotunda.

18 And while in the building, she had one -- at least one
19 interaction with law enforcement where she was chanting in or
20 yelling in the direction of the law enforcement officer.

21 After the event that day, she texted a third party, quote,
22 I literally can't do any more Q shit. Brandon Straka was
23 arrested today. He didn't even go in the Capitol. This is
24 fucking insane, end quote. A few weeks later, she texted the
25 same individual a 15-second clip from an open-source video of

1 herself in the rotunda.

2 At the same time, Ms. Doyle has apologized in her
3 allocution statement for her actions. She has very limited
4 criminal history. And as far as we know, she did not post about
5 these events on social media.

6 And so for these reasons, the government does not believe
7 that a probation-only sentence is appropriate. Instead, the
8 government is recommending that Ms. Doyle serve two months of
9 home confinement, a probationary term of three years, 60 hours
10 of community service, and \$500 in restitution.

11 I would also like to note, Your Honor, that prior to this
12 hearing I was notified that Ms. Doyle actually did sit with the
13 FBI for about an hour and a half for an interview. So I would
14 just like to correct that point from our sentencing memorandum.

15 And I would be happy to answer any questions from the
16 Court.

17 THE COURT: All right. Thanks, Ms. Hill.

18 You know, I will tell you, there was a line that kind of
19 jumped out at me in your sentencing recommendation. It
20 said, "It is important to convey to future rioters and would-be
21 mob participants, especially those who intend to improperly
22 influence the democratic process, that their actions will have
23 consequences. There's possibly no greater factor that this
24 Court must consider."

25 It occurs to me -- and I know you are a detailee, but that

1 the U.S. Attorney's Office has, frankly, not prosecuted many
2 people for rioting and mobs over the last year until
3 January 6th. Mayor Bowser said in a letter of August 31st of
4 last year that the U.S. Attorney's Office declined to prosecute
5 41 of the 42 rioting arrests made on August 13 and 14. Indeed,
6 since May 30th, the Metropolitan Police Department has submitted
7 63 affidavits in support of arrests and search warrants directly
8 related to criminal activities conducted under the guise of
9 First Amendment assemblies. 28 of these arrests have been
10 declined, while another 24 are still pending review by your
11 office.

12 So I appreciate your perspective, but I think the U.S.
13 Attorney's Office would have more credibility if it was
14 evenhanded in its concern about riots and mobs in this city.

15 MS. HILL: I can't speak to the other cases. I've
16 only been involved in the Capitol riot cases and only a subset
17 of those cases. But I can tell you that for the Capitol riot
18 cases we are taking them, obviously, very seriously.

19 THE COURT: Oh, that's very clear.

20 MS. HILL: Over 600 people have been charged thus far
21 is my understanding, and obviously, there is a case-by-case
22 assessment of when prosecution is appropriate. But
23 unfortunately, I can't speak to the specifics of cases I was not
24 involved in.

25 THE COURT: I understand. Thank you, Ms. Hill.

1 Mr. Box?

2 MR. BOX: Thank you, Your Honor.

3 THE COURT: Does the defense wish to be heard on
4 application of factors set forth in 3553(a) and make a
5 sentencing recommendation?

6 MR. BOX: We do, Your Honor.

7 I would like to bring up one thing. I know Ms. Hill
8 pointed out that I didn't want to blind-side her and tell her
9 something that was contrary to her sentencing memorandum without
10 her knowing that I was going to speak to it. But in her
11 memorandum, she said that she had only limited cooperation. I
12 know she's late getting in the case. Ms. Cockburn was the
13 attorney, Vivien Cockburn, who we dealt with for months on end,
14 and I would tell the Court that we did do an interview with the
15 FBI and Ms. Cockburn, about an hour and a half Zoom at our
16 office some many months ago.

17 As recent as last week, we got a call from the House
18 subcommittee investigating the intrusion on January 6th and
19 asked if we would volunteer -- Ms. Doyle would volunteer to
20 speak to them in regards to it. We volunteered, and Wednesday,
21 Ms. Doyle sat down with my son and three FBI agents -- or agents
22 from the congressional subcommittee and interviewed for an hour
23 and a half.

24 So I wanted to let you know that she did -- has been
25 cooperating.

1 To the extent of this, Your Honor, you've got our
2 sentencing memorandum. She is a 37-year-old lady that's a
3 college graduate, works full-time, employed all her life, has no
4 criminal behavior. The incidents in this case are something --
5 is it an anomaly to her, maybe, maybe not, but I will tell the
6 Court that she is a very passionate person about her country,
7 about things that are going on. And she, in her allocution in
8 this case, said that she is sorry.

9 One of the things she pointed out to me that just struck
10 her after she walked out of there, I may not be able to vote
11 again. She's a person that's passionate about her country, what
12 she does, her rights, and as I said, she made a mistake. She's
13 told you in her allocution, I was wrong, I did wrong, I accept
14 responsibility, I will take whatever punishment.

15 Judge, in my 50 years plus of being at or doing this, as a
16 police officer, I arrested people who acknowledged that they had
17 done wrong. I've prosecuted people that did that. I've
18 defended people. Most of the time, the acknowledgment was to
19 save them from being punished with a more harsh punishment.

20 I think hers is genuine, from the heart. With the same
21 passion that she had on that day, she believes now that she was
22 wrong, and she will accept whatever this Court gives her. She
23 came in here today, we talked in the hall, I said I have no idea
24 what this Court will do, but she said whatever it is, she will
25 accept. Of course, she has to.

1 But I will say to the Court that she has been throughout
2 her life a fine young lady. One of the things that I'm most
3 impressed as a Marine is that she is a person who has been doing
4 the honor flights for all the veterans of World War II and
5 Vietnam. She is right now working on raising funds to bring
6 them back to Washington that they do once a year, and she's the
7 point person that does that.

8 That's some of her passion that she directs toward that.
9 And she directed passion in this case towards what she did on
10 January 6th, which was wrong, and as I said, she accepts that.

11 I ask you to give her -- I ask the Court to give her
12 probation. She's full-time employed, working. She's active in
13 her church. She belongs to a minority church that she does
14 active work in. She's active in her volunteering for the
15 veterans. And she's a good citizen other than this particular
16 criminal law that she violated, which she has expressed and
17 acknowledged that she is ashamed of what she did and apologized
18 for what she did.

19 I just ask the Court to take all the things into
20 consideration of who she is, what she's been, and what she will
21 be in considering what you impose as a sentence here today to
22 her. And I thank you for your time.

23 THE COURT: Thank you, Mr. Box.

24 Ms. Doyle, you have the right to make a statement or
25 present any information to mitigate the sentence. Would you

1 like to say anything that you would like me to consider before
2 imposing sentence?

3 THE DEFENDANT: Yes, Your Honor.

4 Are you comfortable with me removing my mask while I speak?

5 THE COURT: Yes.

6 THE DEFENDANT: Okay. I wish that I had some profound
7 thing to tell you about that day and about why those things
8 happened and about why I made the decision that I did. But I
9 can't. That moment went from joy and happiness and hope to
10 something entirely different in the blink of an eye.

11 Why I went into that building, I can't tell you. I don't
12 know why I made that decision. But I can tell you that there
13 was no intention, there was no plan to harm anyone. I would
14 never even speak disrespectfully to a police officer, much less
15 harm one or harm that building. It means more to me than I
16 could ever convey, as does this country.

17 And I think the thing that I'm most disappointed in is that
18 so many people came here that day in hopes of representing the
19 things that we believe in, the things that are important to us,
20 and again, in a blink of an eye, all of that was overshadowed by
21 those decisions, by the violence, by the fact that some of us
22 took things into our own hands. And for that, I am sorry more
23 than anything, because it overshadowed the things that were
24 good.

25 And no matter what my punishment is, I am ready to accept

1 it and take responsibility for the decision I made in that
2 moment.

3 THE COURT: Thank you, ma'am.

4 THE DEFENDANT: Thank you.

5 THE COURT: You can remain at the podium, ma'am.

6 I have assessed the particular factors of this case in
7 light of the relevant 3553(a) factors, and I now want to provide
8 the remarks for the record and for you, ma'am, about my
9 considerations in regard to the nature of the offense and your
10 history and characteristics.

11 Ms. Doyle, when I looked at those photos of you entering
12 the Capitol building through a broken window, I just kept
13 thinking of how you were acting like all those looters and
14 rioters who plagued our cities last year. For weeks last year,
15 windows were boarded up around here. Humvees with National
16 Guardsmen patrolled our streets. That was because looters and
17 rioters decided that the law did not apply to them. And that's
18 what you did on January 6.

19 Now, it's true that prosecutors have charged very few
20 people for last year's riots while they are aggressively
21 prosecuting anyone who entered the Capitol building on
22 January 6th, but that does not excuse what you did. You
23 participated in a shameful event, a national embarrassment that,
24 like last year's riots, made us all feel less safe, less
25 confident that our country can be governed democratically rather

1 than by mob rule.

2 I know that you didn't assault anyone, that you didn't
3 damage any property, and I'm sure you had no intent of breaking
4 into the Capitol building when you woke up on January 6th. I
5 think those are important mitigating factors in your favor, but
6 I hope you also see that when people allow themselves to get
7 swept up into a mob, they end up creating chaos and lawlessness
8 that the vast majority of those people individually never would
9 have caused or chosen to do. That's the danger of mobs.

10 But none of us should be judged just by our worst day
11 alone, and it's clear to me that your conduct on January 6th was
12 a strange aberration for you. You have no criminal convictions.
13 You're gainfully employed. And you also have expressed real
14 remorse here for your conduct, and I credit and appreciate what
15 you said just now.

16 I've also considered the numerous letters submitted on your
17 behalf that testify to your kindness and human decency. I'm not
18 concerned that you're going to re-offend, and I think the most
19 important thing you can do now is to start repaying the country
20 for the damage that you in a small but significant way helped
21 cause.

22 For all those reasons and in light of the 3553(a) factors,
23 I don't think the government's recommendation is appropriate
24 here. I'm going to order you to pay a \$3,000 fine.

25 Mr. Box, how long does your client need to pay her

1 financial obligations?

2 MR. BOX: We will have it within 30 days, if it please
3 the Court.

4 THE COURT: Okay.

5 Ma'am, there's nothing wrong with expressing your political
6 views, attending political rallies, and even protests are
7 welcome in this country and in this city, but the first and most
8 important step in being a contributing citizen of your society
9 is upholding the laws of that society. You failed to do that on
10 January 6th. I hope you learn from that experience and use your
11 political passion and love for our country to protect and
12 promote our country in the future.

13 I will now impose the sentence. It is the judgment of the
14 court that you, Danielle Nicole Doyle, are hereby sentenced to
15 serve a two-month term of probation, as well as payment of \$500
16 in restitution, a \$3,000 fine, and a \$10 special assessment.
17 The special assessment is immediately payable to the Clerk of
18 the Court for the U.S. District Court for the District of
19 Columbia.

20 While on probation, you shall abide by the mandatory
21 conditions, as well as the standard conditions of probation,
22 which are imposed to establish the basic expectations of your
23 conduct while on probation.

24 You shall also abide by the following special conditions:
25 You are ordered to make restitution to the Architect of the

1 Capitol in the amount of \$500. Restitution payment shall be
2 made to the Clerk of the Court for the U.S. District Court for
3 the District of Columbia for disbursement to the Architect of
4 the Capitol.

5 Payment of all financial obligations described herein are
6 specific requirements of your probation. You must pay the
7 balance of any financial obligation owed at a rate of no less
8 than \$2,000 each month.

9 You must provide the probation officer access to any
10 requested financial information and authorize the release of any
11 financial information. The Probation Office may share financial
12 information with the United States Attorney's Office. During
13 your term of probation, you must not incur any new credit
14 charges or open additional lines of credit without the approval
15 of the Probation Office.

16 The financial obligations are payable to the Clerk of the
17 Court, U.S. District Court, at 333 Constitution Avenue
18 Northwest, Washington, D.C. 20001.

19 Within 30 days of any change of address, you shall notify
20 the Clerk of the Court of the change until such time as the
21 financial obligation is paid in full.

22 The Probation Office shall release the presentence
23 investigation report to all appropriate agencies, which includes
24 the United States Probation Office in the approved district of
25 residence, in order to execute the sentence of the Court.

1 Pursuant to U.S.C. 3742 from Chapter 18, you have the right
2 to appeal the sentence imposed by this Court if the period of
3 imprisonment is longer than the statutory maximum. If you
4 choose to appeal, you may file any appeal within 14 days after
5 the Court enters judgment.

6 As defined in 28 U.S.C. 2255, you also have the right to
7 challenge the conviction entered or sentence imposed if new and
8 currently unavailable information becomes available to you or on
9 a claim that you received ineffective assistance of counsel in
10 entering a plea of guilty to the offense of conviction or in
11 connection with sentencing. If you are unable to afford the
12 cost of an appeal, you may request permission from the Court to
13 file an appeal without cost to you.

14 Pursuant to *United States v. Hunter*, 809 F.3d 677 from the
15 D.C. Circuit in 2016, are there any objections to the sentence
16 imposed that are not already noted on the record? Ms. Hill?

17 MS. HILL: No, Your Honor.

18 THE COURT: Mr. Box?

19 MR. BOX: No, Your Honor.

20 THE COURT: Ms. Hill, do you have a motion?

21 MS. HILL: We move to dismiss Counts 1 through 3 of
22 the information, Your Honor.

23 MR. BOX: I'm sorry. I didn't hear, Your Honor.

24 THE COURT: The government wishes to dismiss the
25 remaining counts.

1 MR. BOX: Yes, sir. Thank you, Your Honor. We agree
2 with that, of course.

3 THE COURT: All right. Without objection, that motion
4 will be granted.

5 All right. Ms. Doyle, good luck to you. I hope not to see
6 you again.

7 Yes, sir?

8 PROBATION OFFICER: Is interest and fees waived on
9 both financial obligations?

10 THE COURT: No. Do you need -- I know you proposed
11 transferring this to her district.

12 PROBATION OFFICER: Do you choose to retain for the
13 two months?

14 THE COURT: I think it makes sense for us to keep it.
15 So we will retain jurisdiction over this matter.

16 MR. BOX: I think that will make it easier for paying the
17 fines and things, Your Honor. Thank you very much.

18 THE COURT: Thanks, folks.

19 MS. HILL: Thank you, Your Honor.

20 (Proceedings adjourned at 2:30 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.
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8

9 /s/ Sara A. WickOctober 7, 2021

10 SIGNATURE OF COURT REPORTER

DATE
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