UNITED STATES DISTRICT COURT DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

Criminal Number 1:21-CR-238

VS.

Joshua Kahle Bustle

Defendant

DEFENDANT'S POSITION PAPER WITH RESPECT TO THE PRESENTENCE REPORT

The defendant, by and through counsel, with respect to the sentencing factors and material facts set forth in the presentence report dated July 6, 2021, prepared by Hana Field, U.S. Probation Officer, states there are no factual objections to the report.

18 USC 3553(a) factors

The 3553 factors support a sentence range of probation only. While the maximum punishment in this matter is confinement of up to 6 months in custody and a \$5000 fine, the Defendant reiterates the following factors:

- 1. The Defendant has no adult criminal record.
- 2. The Defendant is gainfully employed and is a participating member of society.
- The Defendant caused no violence or damage to the US Capitol
 Building nor threatened any law enforcement officers during the January 6
 2021 encounter.
- 4. A similarly situated Defendant, namely US v. Anna Morgan-Lloyd received a probation only sentence for almost identical conduct.

5. The Defendant promptly accepted responsibility and plead guilty when the opportunity to do so was offered by the government.

CONCLUSION

WHEREFORE, the defendant prays that this Court sentence the defendant in accordance with this position paper, to issue a probation only sentence and to grant any further relief as may be appropriate.

Respectfully Submitted,

Joshua Bustle

By: _______/s/

Counsel

Timothy V. Anderson, Esquire Anderson & Associates, PC Attorney for Joshua Bustle 2492 North Landing Road, Ste 104 Virginia Beach, VA 23456 757-301-3636 tel 757-301-3640 fax VSB 43803 timanderson@virginialawoffice.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT a true copy of the foregoing was emailed to:

Assistant US Attorney

Dcpdb_psi_documents@dcp.uscourts.gov

This 12 day of July 2021

<u>/s/</u>_____

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