

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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UNITED STATES OF AMERICA

v. Criminal Case 21-366 (JEB)

GARY EDWARDS,

Defendant

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Washington, D.C
Monday, December 20, 2021
11:00 a.m.

TRANSCRIPT OF THE SENTENCING
BEFORE THE HONORABLE JAMES E. BOASBERG
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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P R O C E E D I N G S

THE COURTROOM DEPUTY: Good morning, everyone. We're here for a sentencing in criminal case 21-366, United States of America versus Gary Edwards.

Starting with counsel for the government, if you would approach the lectern and identify yourself for the record.

MR. AMORE: Good morning, Your Honor. Christopher Amore, Assistant U.S. Attorney for the United States.

THE COURT: Good morning.

MR. HARRIS: Good morning, Your Honor. Adam Harris on behalf of the Gary Edwards.

THE COURT: Thank you.

Mr. Edwards, good morning to you also.

THE COURTROOM DEPUTY: Your Honor, probation is via zoom video.

THE PROBATION OFFICER: Carmen Newton from probation.

THE COURT: Thank you.

All right. Given the latest spread of the Omicron variant, we'll have everybody keep their masks on for the proceeding today.

I have reviewed the materials that have submitted. Anything preliminary for the government?

MR. AMORE: Nothing for the government, Your Honor.

1 THE COURT: Defense?

2 MR. HARRIS: No, Your Honor.

3 THE COURT: Okay. Mr. Amore, I will hear from you.

4 MR. AMORE: Thank you, Your Honor. Good morning.

5 I think to start, it's only fair to acknowledge that
6 the defendant in this case did not commit any acts of
7 violence, did not destroy any property, did not commit any
8 theft. But as Your Honor is aware, if he had, he would be
9 sitting here, facing felony charges and he is not, he is
10 facing a misdemeanor charge.

11 Just because the defendant did not commit any act of
12 violence, destroy any property, it doesn't mean he had no
13 role in the attack on the Capitol on January 6. Without
14 rioters, there is no riot. And as Your Honor is aware, the
15 mob is only as strong as its numbers. The defendant was part
16 of that mob on January 6.

17 So certainly this was a serious offense. It was the
18 mob whose primary purpose was to conduct a direct attack on
19 our democracy, at the seat of our democracy, at the time when
20 Congress was performing perhaps its most democratic function,
21 the certification of the election, a lawful election.

22 But of course, we have to look not just at the
23 seriousness of the offense as a whole, but we have to look at
24 the nature and circumstances of the defendant's individual
25 conduct in this case. As set forth in the government's memo,

1 and other memos that have been submitted before this Court in
2 other cases, the government is primarily looking at nine
3 factors. I'll address some of those here for Your Honor.

4 The defendant entered the Capitol building through
5 the Senate wing door at approximately 3:01 p.m,
6 approximately 40 minutes after that door had been breached by
7 a crowd of rioters. He entered with a large mob through the
8 door and, at the same time, there were other rioters entering
9 the window that was just adjacent to that door.

10 What I submitted as Government's Exhibit One, which
11 was a video obtained from social media which, hopefully, Your
12 Honor has had a chance to review, that video shows what the
13 defendant saw, what the defendant heard, what he knew at the
14 time he entered the Capitol building.

15 In that video, you can see that there has been
16 property damage. There were alarms going off that could be
17 heard. And there was law enforcement in riot gear.
18 Additionally, there was -- the defendant had knowledge that
19 tear gas had been deployed. As he notes in his sentencing
20 memo, he aided one of the other rioters who had been doused
21 with some of the tear gas. So clearly there was a serious
22 situation going on.

23 He spent approximately 24 minutes in the Capitol
24 building. Certainly this is longer than those who went in
25 for a few minutes, saw law enforcement, turned around and

1 came out, but it's also shorter than those who stayed in for
2 an hour or even more. Nonetheless, it wasn't just a few
3 minutes, it was a conscious decision to enter the building
4 and remain in the building for an extended period of time.

5 Not only did he remain in the building but he made a
6 conscious decision to enter the private office space of
7 Senator Murphy, Senate Office S140. And it's the entry into
8 this private office that distinguishes this defendant from
9 the other non-violent defendants who walked around common
10 spaces. He took an additional step to walk into a sensitive
11 office space, a space that wouldn't even be -- would not be
12 allowed to go into, had the building been open to the public
13 at the time.

14 For that reason, we are seeking a sentence of
15 incarceration for 14 days. Incarceration is necessary here
16 to address the seriousness of the offense, and also to
17 provide a deterrence. As I said before, this was an attack
18 on democracy itself; and that alone warrants jail time. That
19 each rioter, including the defendant, contributed to the
20 chaos of January 6th. Because of the large numbers, law
21 enforcement simply wasn't able contain it. The large numbers
22 even emboldened others to commit acts of violence or destroy
23 property.

24 And so there has to be consequences beyond just
25 sitting home on probation. There have to be consequences

1 that will deter future attacks on the election process.
2 Probation is not going to deter others. We don't want the
3 public to think that participation in the riot at the Capitol
4 to overthrow the certification of the election will simply
5 lead to a sentence of probation. Perhaps that would even be
6 an invitation for this to happen all over again.

7 Now, I said at the outset, to be fair, he did not
8 commit any acts of violence, he did not destroy any property
9 and there are some other mitigating factors in the
10 defendant's favor. He was fairly cooperative. He
11 interviewed with the FBI. He provided his phone. He
12 provided his pass code to his phone when offense arrested.
13 He did admit to being at the Capitol but he did not admit to
14 being in the building at first. He eventually admitted that,
15 once they showed him a picture of him inside the building.

16 He did take early acceptance of responsibility and
17 he has no criminal history. He does appear to be
18 remorseful. But he claims in his memo that he did not know
19 there was a riot elsewhere in the Capitol. The issue I take
20 with that is that, based on the video evidence, what he saw,
21 to me it was clear there was a riot right there where he was.

22 Certainly in other parts of the Capitol, there was
23 more violence, there was more assault on law enforcement
24 officers. But if you see what he saw there, the destruction
25 of property, people coming through windows, there was a riot

1 right where he was, perhaps not at the time that he was
2 there, but only a riot could have caused the circumstances
3 where he was.

4 The challenge for the Court, of course, is
5 addressing the preventing of unwarranted disparities in
6 sentencing. And that is difficult because there have been
7 over 700 defendants charged, all with unique circumstances.
8 That's why the case with this defendant and other defendants
9 who have entered sensitive space the government is treating
10 that as sort of a red line that warrants a sentence of
11 incarceration.

12 You could see in my memo, I set forth other cases
13 involving sensitive spaces such as Mazzocco, Rau, Jancart,
14 Fam, all of them by got 45 days in prison. I'm not seeking
15 that for Mr. Edwards, I'm seeking 14 days. And that's based
16 on the mitigating circumstances and the factors that are
17 favorable to him.

18 I have read his letter, I've read his memo. He does
19 appear to be a devout member of his church. He has positive
20 letters of support. And I have reason to believe he is a
21 good person, good person, good people can do bad things. The
22 decisions he made on January 6th do not negate -- I'm sorry,
23 his good traits, his positive traits do not negate his
24 actions on January 6.

25 Unless Your Honor has any questions, that's

1 concludes my presentation. For those reasons, the government
2 is seeking 14 days incarceration.

3 THE COURT: Thanks very much, Mr. Amore. My
4 question is you asked for 14 days of incarceration to be
5 followed by a term of 24 months of probation. But you can't
6 do that, right? For a petty offense, that's not a legal
7 sentence, is it?

8 MR. AMORE: Your Honor, our office has clarified
9 that our position is that it is a legal position, to do a
10 split sentence of incarceration and probation even on these
11 misdemeanor charges. Obviously, I have not briefed that
12 before you.

13 THE COURT: Certainly in Superior Court, you can do
14 split sentences which make a lot of sense. But I haven't
15 seen a request for what would effectively be a split sentence
16 or any authority for giving a split sentence for a petty
17 offense.

18 MR. AMORE: I know this has been brought before the
19 courts in other cases. And I do not have the case before me
20 where it was since argued that it is a legal sentence. I
21 would have to submit something after this for Your Honor to
22 put forth my position on that.

23 THE COURT: Okay. All right. Thank you very much.

24 I'll hear from Mr. Harris.

25 MR. AMORE: Thank you, Judge.

1 MR. HARRIS: On January 6, 2020, American democracy
2 came under attack from its own citizens. To be sure, Gary
3 Edwards was not among those who battled police, damaged
4 property and forced the Vice President and Members of
5 Congress to be evacuated from the House chamber.

6 Indeed, Mr. Edwards didn't even know that any of
7 those events had occurred until he got home. But the fact
8 remains, while Mr. Edwards did not engage in a riot, no riot
9 would have taken place without the cumulative presence of
10 Mr. Edwards and hundreds of others who were present on
11 January 6.

12 Mr. Edwards understands this. He feels great shame
13 and remorse for it. At the same time, Mr. Edwards played as
14 minor a role in the January 6th attack as any defendant who
15 has appeared in this courthouse in connection with the events
16 of that day.

17 He stands apart, not just from those convicted of
18 felonies or acting with intent to disrupt Congress. He
19 stands apart even from most defendants who pleaded guilty to
20 the same offense that he did, that is parading, demonstrating
21 or picketing in a Capitol building in violation of 40 USC
22 Section 5104(e)(2)(G).

23 Unlike the vast majority of persons convicted and
24 sentenced for that offense so far, Mr. Edwards was never
25 present for any violence or destruction of property. He

1 never boasted to anyone about his participation in the attack
2 and never spread misinformation about January 6.

3 In light of that exceptionally minor role, his early
4 and genuine acceptance of responsibility, his sterling
5 background and character, a just sentence in this case is a
6 sentence of probation with the requirement that he pay
7 restitution of \$500.

8 If committed on any other day, the offense of
9 parading, demonstrating or picketing in a Capitol building,
10 which by statute is classified as petty offense, would be so
11 trivial as to barely register among the serious felonies the
12 Court sees on a weekly basis.

13 Of course, this was anything but an ordinary day and
14 the circumstances make it anything but trivial. As such, it
15 is useless to compare the sentences meted out in misdemeanors
16 arising from the January 6th attack, the sentencings imposed
17 in other cases and on other days.

18 It is, however, useful to compare the conduct and
19 backgrounds of the defendants who have pled guilty to section
20 5104(e)(2)G and, now that a sizeable number of those
21 defendants have been sentenced, to take a look at who has
22 gone to jail and who has not.

23 I'm not going to go through the facts of each case
24 that I referenced in the sentencing memorandum, but I would
25 note that a review of those cases supports two conclusions.

1 First, every defendant who has been sentenced to jail or home
2 confinement engaged in more troubling conduct during or after
3 the incursion than Mr. Edwards.

4 For example, Robert Bauer, who was sentenced to 45
5 days in jail, pleaded to the same offense as Mr. Edwards.
6 But Mr. Bauer took a triumphant photo while making an obscene
7 gesture and standing his foot on a government vehicle. And
8 when he spoke with the FBI, said quote, I don't feel like
9 I've done nothing terribly wrong. End quote.

10 Donna Bissey also pleaded to the same offense as Mr.
11 Edwards. She was sentenced to 14 days in jail, the same
12 amount of time that the government is seeking in this case.
13 She wrote a twitter about entering the Capitol on January
14 6th, quote, It was a day I'll remember forever, I'm proud
15 that I was part of it, exclamation point. No shame. End
16 quote.

17 The second conclusion to draw from the examination
18 of the pleas to this offense and the resulting sentences is
19 that numerous, if not all, defendants who were sentenced to
20 straight probation, that is without jail or home detention,
21 engaged in more egregious conduct than did Mr. Edwards. One
22 notable but not unique example is Andrew Bennett, who pleaded
23 guilty to the same offense as Mr. Edwards before Your Honor.

24 THE COURT: I remember it. I was very surprised
25 that the government did not ask for jail time in that case,

1 Mr. Harris, you're right.

2 MR. HARRIS: The Court will remember that before
3 coming to D.C., Mr. Bennett posted on Facebook, quote: You
4 better be ready, chaos is coming and I will be in D.C. on
5 1-6-2021, fighting for my freedom, hash-tag, fight back. End
6 quote.

7 Mr. Bennett taunted police, and live-streamed
8 rioters tussling with officers. Mr. Bennett entered the
9 Capitol through the Senate wing door at 2:14 P.M. Rioters
10 had only breached that entrance two minutes earlier at 2:12.
11 In comparison, Mr. Edwards came in through that door just
12 after 3:00 and posted nothing online. The Court sentenced
13 Mr. Bennett to 24 months of probation and ordered him to
14 perform community service.

15 The government proposes nine factors for the Court
16 to use in assessing Mr. Edwards and each defendant's conduct
17 and placing it on a spectrum for purposes of differentiating
18 among misdemeanor defendants at sentencing. I believe that
19 is a sensible framework and encourage the Court to apply it
20 here.

21 In doing so, even the nine factors put Gary Edwards
22 on the less culpable end of the spectrum from his complete
23 abstention from violence to his full cooperation with law
24 enforcement, including providing the access code to his cell
25 phone, to his consistent and early expressions of remorse.

1 Mr Edwards is on the more innocent end of the spectrum by the
2 government's own yard stick.

3 The only factor that points the other way is factor
4 six, that is the length of defendant's time inside of the
5 building and exactly where the defendant traveled. Now it is
6 true that Mr. Edwards very briefly entered the Senate office
7 S140 which is the Capitol building office known as the
8 hideaway of Senator Murphy of Oregon. It is also true, as
9 one can see from a video that Senator Murphy posted on the
10 night of January 6th, that by the time the senator got there,
11 his office had been, in his words, trashed.

12 Mr. Edwards' brief presence in Senate Office S140
13 was unquestionably criminal and wrong, just as was his
14 presence inside the Capitol building in the first place.
15 However, it is important to recall first that Senate office
16 S140 appears to be just another room in the Capitol. It is
17 off a main hallway. It is unmarked. So it would not have
18 been apparent to Mr. Edwards that he had entered a more
19 sensitive space than any other part of the Capitol.

20 The government argues that he made a conscious
21 decision to enter S140. That's true in a literal sense that
22 he consciously chose to step in that office. But he did not
23 do so knowing that that was any more sensitive than the space
24 that he had already invaded. Second, everyone agrees that
25 Mr. Edward played no role in forcing open the office door or

1 trashing the office and was inside only for a matter of
2 seconds.

3 This case is unlike the cases that the government
4 points to where the defendant entered a sensitive space and
5 sentenced to jail. In each of those cases, the defendant
6 penetrated deeper into the building, invaded more obviously
7 private spaces and committed aggravating acts that fall under
8 at least one of the other nine factors.

9 To address two examples the government cites in its
10 memo, Andrew Erickson put his feet up on Speaker Pelosi's
11 conference table and took a beer from her refrigerator. Tam
12 Pham was an active duty Houston police officer who went into
13 House leader McCarthy's office suite, and then lied to the
14 FBI about entering the Capitol. The sentences imposed in
15 those cases are no guide as to what a just sentence is in
16 this case because the defendants did not engage in similar
17 conduct.

18 Finally, at least one defendant, Felipe Marquez,
19 entered the same office as Mr. Edwards and was not sentenced
20 to incarceration, despite more egregious conduct.
21 Mr. Marquez drove to D.C. from Florida with a handgun in his
22 car, thereby, committing a felony under D.C. law. He entered
23 the Senate wing door mere seconds after Ahmad had
24 over-powered officers and pushed his way into the building.
25 And he entered Senator Murphy's hideaway, where he stayed for

1 about 10 minutes and smoked from a vape pen. And the judge
2 in this district imposed sentence of 18 months of probation
3 with neither home detention nor executing incarceration.

4 To conclude this portion of my sentencing
5 presentation, 18 USC Section 3552(a)(6) provides that the
6 Court should, quote, avoid unwarranted disparities among
7 defendant with similar records who have been found guilty of
8 similar conduct. The sentence urged by the government would
9 create just such a disparity.

10 Mr. Edwards' acts on January 6th aren't the only
11 thing to consider in crafting a sentence that is fair and
12 just. There is another side to the ledger, that is how
13 Mr. Edwards has lived the rest of his life. I'm not going to
14 go into detail about Mr. Edwards' achievement and
15 contributions. The Court has read about them in sentencing
16 memo and the four letters of support submitted to the Court
17 on behalf of Mr. Edwards. I would just note that
18 Mr. Edwards' life has truly been one of distinction and
19 merit and that weighs heavily against the government's call
20 for incarceration.

21 Two final points before Mr. Edwards addresses the
22 Court, and with the Court's permission, Mrs. Edwards
23 addresses the Court. First, Mr. Edwards could have attended
24 this hearing virtually from his home in Pennsylvania. That
25 certainly would have been easier. Instead, he wanted to come

1 to D.C., to come back to D.C. I should say, to stand before
2 this Court to express his remorse. He figured if he could
3 travel to D.C. in January, he could devote the time and
4 expense to return in December and take responsibility for
5 what he did.

6 Second, while Mr. Edwards very much hopes that the
7 Court will not impose either active jail time or home
8 detention, if the Court nevertheless concludes that home
9 detention is necessary to effectuate the purposes of
10 sentencing, Mr. Edwards asks the Court to allow him to leave
11 home in order to work at the food pantry where he volunteers.
12 This is certainly never a request I've made on behalf of any
13 other client before as an exception to home detention.

14 Mr. Edwards is already on the schedule for the
15 remainder of December and January, where expects to be
16 working three days a week. He is an integral and essential
17 part of the volunteer effort at the pantry in Pennsylvania
18 and he tells me that it would be difficult for them to find
19 someone like him who is there at 6 o'clock in the morning and
20 getting meals ready for people who need them.

21 Unless the Court has any questions, with the Court's
22 permission, Mrs. Edwards would like to address, and then
23 Mr. Edwards.

24 THE COURT: Thank you very much, Mr. Harris. I will
25 hear from Mrs. Edwards first.

1 Good morning. Please state your full name. I would
2 be happy to hear from you have to say today..

3 MRS. EDWARDS: Lynn Edwards. Your Honor, thank you
4 for allowing me to share my thoughts this morning. I am Lynn
5 Edwards, Gary's wife of 45 years.

6 Although our attorney, Mr. Harris, told me that I am
7 not on trial and my Facebook post will be considered hearsay,
8 I still feel the need to clarify why I posted what I did and
9 how that reflects on my husband.

10 Never in my life could I have dreamed that something
11 I posted on Facebook would be used against my husband, would
12 lead him to be arrested and that those posts would be brought
13 up in one of highest courts in the nation. I'm not going to
14 go through my posts one by one. But suffice it to say that
15 the prosecution is 99 percent incorrect in its assumptions
16 that my posts were formed from statements Gary shared with
17 me. I expressed myself off the cuff without much thought and
18 did a very poor job of stating the facts correctly. I was
19 never bragging about him. But reporting a combination of
20 what I saw In my mind and reiterating information I had
21 watched on conservative news.

22 I only heard from Gary once from the time he was
23 inside the Capitol. And that was a call when he was in the
24 rotunda. Our conversation was very brief and with few
25 details. Even later that evening, when Gary got home, and in

1 the days following, he did not want to talk about his
2 experience very much.

3 Neither of us watched T.V. regularly, but I did
4 watch that day on conservative news station, OAN, until Gary
5 called to say he was leaving the Capitol to get on the bus to
6 come home. The news that I was watching and reading is not
7 what was shown repeatedly on main stream news programs.

8 It was not until June, when I saw a special report
9 from the New York Times that I had a full view of all the
10 events of the day. After watching it in horror, I made Gary
11 watch it. I asked if he had seen any of that in person on
12 the 6th. And he replied absolutely not. He was shocked.
13 That was the moment we both recognized how he could be viewed
14 as being part of a riot just by being.

15 But Gary's intentions were innocent. He was part of
16 a crowd of thousands of people who together were disruptive,
17 frightening and caused a great deal of harm. It was a
18 terrible day in the history of our country.

19 When one is married for as long as we have been, you
20 know your spouse very well. Their character, what they stand
21 for as well as their flaws. My husband is a man of God,
22 faithful, loving, honest, a hard worker, morally upright,
23 generous, intelligent and forgiving.

24 At no time has he been upset with me for posting
25 what I did on Facebook. He has taken full responsibility and

1 has apologized time and time again to me and our children for
2 the stress, shame and embarrassment he created and for not
3 understanding the severity of his actions at the time.

4 Gary is filled with deep remorse. I wish I had been
5 there because, in our relationship, I am the one who is much
6 more observant and aware of my surroundings. I would have
7 kept him from entering, or at least asked an officer if it
8 was okay to go inside. I have asked many friends if they
9 knew it was against the law to enter the Capitol without
10 permission. They did not know that. And neither did we.
11 Call us uninformed, but that's the truth.

12 Please, Your Honor, I plead for your understanding
13 and ask your mercy and forgiveness on behalf of my inept
14 communication on Facebook and Gary's curiosity, leading him
15 to enter the building. I beg your mercy in sentencing him.
16 Thank you for your consideration.

17 THE COURT: Thank you very much. I appreciate your
18 coming and sharing your comments.

19 Mr. Edwards, do you wish to say anything before I
20 impose sentence?

21 THE DEFENDANT: Yes, I do, Your Honor.

22 THE COURT: Come right up to the lectern.

23 THE DEFENDANT: Thank you, Your Honor, for the
24 opportunity to address you. I am ashamed to be here this
25 morning. I am ashamed to be for the first time in my 68

1 years, standing before a judge, having pleaded guilty to a
2 committing a crime, ashamed to be associated with an attack
3 on the United States Capitol, a symbol of American democracy
4 and greatness that means a great deal to me.

5 Most of all, I, myself did not view any violence. I
6 did not steal anything or damage any property. I am ashamed
7 that when I walked through the open door of the Capitol
8 building, I was seen as part of a mob that did do these
9 things. I would like to share with you my actions on January
10 6 and how those actions have had lasting implications for me
11 and my family.

12 I came to Washington on January 6th for two reasons:
13 To show my support for President Trump and to join others in
14 praying for our country. Towards the end of December, I
15 learned that several ministry leaders that I follow, Doug
16 Sheets, Charlie Shamp, Nathan French, were planning to go to
17 Washington and pray for the country. That was something I
18 was very interested in being a part of. When I learned that
19 other people from the area where I live had chartered a bus,
20 I reserved a seat.

21 We arrived in Washington between 9:30 and 10:00 and
22 I made my way to where the president was going to speak. It
23 was a very cold and windy day and I had trouble hearing the
24 speakers or seeing the screens where his pictures were
25 projected. I stood on the mall for several hours and after a

1 while got tired and decided that I would leave. So I left
2 and started to walk down Pennsylvania Avenue I believe
3 towards the Capitol. When I left, the president was still
4 speaking.

5 It was my intention to walk down to the Capitol,
6 have lunch and try to meet up with one of those prayer groups
7 that brought me to Washington in the first place. I got down
8 to the Capitol between 1:30 and 1:45 to the best of my
9 recollection and I ate my lunch. I was able to sit on the
10 low retaining wall with my back to the Capitol facing away
11 from the building. From this position, I did not see anyone
12 engage in violence or destroying property.

13 When I finished lunch, I saw a large group of people
14 headed up the lawn towards the Capitol and I followed them.
15 I'm not sure why I did this. I think it was mostly just out
16 of curiosity but I followed them on to the lawn. I had never
17 planned on going into the Capitol.

18 Since that time, I read that some groups were
19 planning a violent confrontation but I was not part of those
20 groups who had such plans.

21 I reached a large retaining wall and saw several
22 people scaling the wall and people at the top, cheering them
23 on. I did not think at 67 years of age, this was a smart
24 thing to do. So I followed several others around to the side
25 of the building and up the steps to the side. I walked up

1 those steps and stood around for about 30 minutes, taking a
2 few pictures of the crowd of people around me. I did not see
3 anyone engaged in violence and I did not see anyone
4 destroying property.

5 It appeared to me that the main door of the building
6 on that side was not open as people were just standing
7 around. While I had my back to the building taking pictures,
8 the door was somehow opened. I do not know how that happened
9 or who did it. But people were slowly walking in and out of
10 door.

11 There was a man standing at the doorway, motioning
12 for people to come into the building. Again, curiosity got
13 the best of me and I walked inside. Cautiously entering the
14 building, I looked to see if it was okay to come in. I saw
15 at least eight uniformed officers standing off to the side of
16 the room. They seemed to just be standing around. None of
17 them made any attempt to stop me or tell me not to come in.

18 After entering the building, I wandered down the
19 hallways, and then turned around and walked back. I saw
20 someone who was doubled over and rubbing his eyes as though
21 he was in pain and I gave him a bottle of water. I then
22 turned around and walked further down the hall where I saw an
23 opened door and walked into the room.

24 I had no idea it was a senator's office since the
25 door was open. There were already a bunch of people inside.

1 And there were no signs or markings that this was a
2 restricted area.

3 I walked in, took a picture or two and walked out
4 down the hall a little further into the rotunda. I spend a
5 few minutes in the rotunda and talked to a police officer for
6 a while, while I was there. Shortly thereafter, on the other
7 side of the room, another police officer began asking people
8 to leave. I immediately started to make my way out of the
9 building.

10 After leaving the building, I walked back to the bus
11 station. The driver wanted us back on the bus at 4:30. I
12 needed to find a men's room which I did at the bus station
13 and I was back to the bus around 4:00. The bus started for
14 home a little late, left around 5:00. We got back to
15 Pennsylvania later that evening and I went home.

16 I had no business going into the Capitol building or
17 the senator's office. I understand now that what I did was a
18 crime. As the son of a New York City police officer, I would
19 not have entered the building if I had been told not to by
20 law enforcement officers.

21 One of my greatest regrets in all of this is that I
22 might have added to the stress and fear that law enforcement
23 officers experienced that day. I had no idea on January 6th
24 that elsewhere in the building that people were fighting with
25 police officers, smashing windows and storming the chambers

1 where Congress meets.

2 Like most people, I watched with horror the videos
3 of people inside the Capitol building, equipped for combat
4 and violently attacking police officers. I believe that
5 those people who engaged in that violence and destruction of
6 property should be prosecuted to the full extent of the law.
7 I never would have set foot inside if I had known that other
8 people were there to disrupt Congress or threaten law
9 enforcement officers or congressmen.

10 There have been several consequences for me and my
11 family as a result of my going into the Capitol where I
12 shouldn't have. My behavior that day reflects very badly on
13 who I am as a person of faith. I believe in my life that I
14 have acted in such a way that I can say that I am a peaceful
15 and law abiding person. It pains me, as a result of my
16 actions and the actions of those around me that day, that I
17 am viewed in another way.

18 I also worry that my actions have besmirched my
19 family's good name. Since my arrest was on the news, my
20 wife, my adult children and even my 91 year old mother have
21 been harassed. This has taken the form of prank calls at all
22 hours of day and night and letters from strangers saying vile
23 things about me and my family. This has been a source of a
24 great deal of stress and caused some health issues for my
25 wife.

1 Finally, I regret that my activity that day did
2 reflect badly on President Trump. In summary, Your Honor, I
3 am not a violent person and had no nefarious intentions that
4 day. At the time I entered, I did not think I was doing
5 anything illegal. I know now that I was wrong in this
6 assumption.

7 I deeply regret playing any role whatsoever in what
8 will go down in history as a day where democracy was under
9 attack. As the Bible says in the book of James, mercy
10 triumphs judgment. As such, I seek your mercy, knowing it is
11 not deserved. Thank you.

12 THE COURT: Thank you very much.

13 Okay. I appreciate everybody's submissions and
14 statements. I have viewed the videos. I think that, as
15 Mr. Harris has said, and as you recognize, Mr. Edwards, that
16 this riot, this insurrection doesn't occur without people,
17 without bodies and without numerous people. That no
18 successful insurrection occurs with five, 10 or 20 or 50
19 people, given the police presence. What is required is the
20 crowd of people that were there. As you yourself point out,
21 Mr. Edwards, your being there, just as anyone else being
22 there, facilitates this riot and insurrection.

23 Again, we've said before -- I've said it before and
24 certainly my colleagues have, and Mr. Harris recognizes there
25 really is no more serious and profound action that democracy

1 takes than the certifying of a lawful and fair election.

2 To the extent that anyone attempts to interfere with
3 that, particularly with force and violence, they strike at
4 the root of our democracy, at the root of our republic. And
5 anyone who was involved on that day contributes to that.

6 I also, I certainly don't believe that you,
7 yourself, took part in any violent act or destroyed anything.
8 And the fact that you did not post anything on social media
9 or incite anyone is significant.

10 I think just in the video that I saw, that it would
11 be hard to say that you weren't aware of certain things going
12 on. The man you were aiding had been tear gassed and was
13 crying from the result of the injury to his eyes. And the
14 film maker, who was another rioter, was saying things as he
15 was filming when you were present, supports that the people
16 there were not simply curious about what was going on in the
17 Capitol.

18 I do agree with Mr. Harris, that your role was one
19 of the most minor that I have seen. But again, my general
20 policy is not to give more time than the government asks.
21 But as I said on the record, I certainly would have sentenced
22 Mr. Bennett to prison given the facts of that case, which I
23 agree are worse than your facts. And Mr. Rau and Mr.
24 Jancart, who I did give 45 days to, they did enter an office.
25 But the bigger offense was the fact that they left their

1 hotel room once they had seen the rioting and came to join
2 it. That was the significant reason why they got time.

3 I also believe that your appearance in Senator
4 Murphy's office was very, very limited. The video shows that
5 you are almost sheepish there and you are just standing
6 briefly there and leaving. So I think that you don't have
7 any role in any of the damage to that office, which again is
8 significant.

9 I also certainly factor in who you are as a person
10 and the fact that you've lived 68 years with no criminal
11 offenses is good. But what is more impressive is all of the
12 good work and volunteer actions on behalf of those who are
13 less fortunate that you have been engaging in. To me, that
14 is a significant mark in your favor.

15 I also do take note of the fact that, as Mr. Harris
16 says, that you have come here in person, despite viral
17 threats, to accept responsibility and to show your remorse
18 here today, you and your wife.

19 Factoring all that in, I'm not going to give you any
20 jail time, Mr. Edwards. There is a strong argument that
21 anybody who was there that day deserves jail. And the
22 government's recommendation here is certainly a reasonable
23 one.

24 But I believe, because looking at the factors the
25 government espouses, and I think those are pretty good list

1 of factors, that you are on one of the -- you are one of the
2 least culpable people that I have seen. And coupled with
3 your other good works in your life, show me that a jail
4 sentence is not warranted.

5 What I am going to do though is I am going to impose
6 a fine of \$2500 which I believe is appropriate. Again, I
7 don't imply that you are a rich man. But I think that you
8 are able to pay that. And if it causes any pain, that's the
9 point of the fine.

10 I'm also requiring 200 hours of community service.
11 But I'm going to require that community service to be
12 performed in an organization with which you don't already
13 have any connection. In other words, I know you do community
14 service through your food pantry but I am going to order that
15 you perform community service outside of that with another
16 organization. I will also add one year of probation.

17 All right. It is therefore the judgment of the
18 Court that Mr. Edwards is sentenced to one year probation on
19 Count Five and a special assessment of \$10. The supervision
20 and jurisdiction of probation will be transferred to the
21 United States District Court for the Western District of
22 Pennsylvania.

23 In addition to the general terms of probation, you
24 must complete 200 hours of community service with a new
25 community service organization. And \$2500 in fine. In

1 addition, you have the restitution of \$500 to the Architect
2 of the Capitol.

3 You have the right to appeal the sentence imposed,
4 Mr. Edwards, if you choose to appeal, you must file any
5 appeal in 14 days after the entry of judgment. Do you
6 understand that?

7 THE DEFENDANT: I do.

8 THE COURT: If you are not able to afford the cost
9 of appeal, you may request permission from the Court to file
10 without cost. Do you understand that?

11 THE DEFENDANT: I do.

12 THE COURT: You also have the right to challenge the
13 conviction entered and sentence imposed if new and currently
14 unavailable information becomes available to you or on a
15 claim that you have received ineffective assistance of
16 counsel in connection with your plea or sentencing. Do you
17 understand that?

18 THE DEFENDANT: I do.

19 THE COURT: Are there any objections to the
20 sentenced imposed by either side not previously mentioned,
21 Mr. Amore?

22 MR. AMORE: No, Your Honor.

23 THE COURT: Mr. Harris.

24 MR. HARRIS: I believe Your Honor said that
25 probation will be in the Western District of Pennsylvania.

1 Mr. Edwards lives in the Philadelphia suburb which is in the
2 Eastern District.

3 THE COURT: I'm sorry. Thank you for that
4 clarification. We will make it Eastern District of
5 Pennsylvania.

6 Government move to dismiss the remaining charges at
7 this time?

8 MR. AMORE: I do, Your Honor.

9 And with the agreement of Court, I understand it's a
10 moot point but I could address the split sentence for the
11 record if you want very briefly.

12 THE COURT: Okay. All right. I will grant the
13 motion to dismiss the remaining counts. I'll waive any
14 interest on the either the fine or restitution.

15 And I would be interested, Mr. Amore.

16 MR. AMORE: I apologize for not giving you a clearer
17 answer earlier. But the government did request a split
18 sentence in the United States versus Griffith, criminal
19 number 21-204. That defendant was sentenced to 90 days of
20 home detention and a 36 months probation.

21 THE COURT: Right. But I think, that is actually a
22 not split sentence. The home confinement is a condition of
23 probation.

24 MR. AMORE: Correct, Your Honor. But they were
25 asking for a split jail sentence. And they relied on United

1 States versus Posley, a 2009 Fourth Circuit case, where they
2 said, under 18 USC 3561, that provision that prohibits a
3 split sentence does not apply to petty misdemeanor offenses,
4 which is what is involved in this case. I understand the
5 Court may disagree with that but that--

6 THE COURT: Can you give me a cite for that?

7 MR. AMORE: I can, Your Honor. Can I step to my
8 phone for a second.

9 That's United States versus Posley, P-o-s-l-e-y, 351
10 F. Appendix 801 at 809 Fourth Circuit 2009.

11 THE COURT: Thank you, I'll take a look at that.

12 Thank you everyone. Have a nice holiday. Court is
13 adjourned.

14 (Whereupon, at 11:49 a.m., the hearing adjourned.)

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16 oo0oo

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18 CERTIFICATE OF REPORTER

19 I, Lisa Walker Griffith, certify that the foregoing
20 is a correct transcript from the record of proceedings in the
21 above-entitled matter.

22
23
24 _____
25 Lisa Walker Griffith, RPR

1-21-2022
Date