

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	:	Docket No.
	:	1:21-CR-00247-002
	:	
vs.	:	
	:	
	:	
JONATHAN DANIEL CARLTON,	:	
	:	
Defendant.	:	JUNE 3, 2022
	:	

DEFENDANT’S SENTENCING MEMORANDUM

The Defendant, Jonathan Daniel Carlton (hereinafter Carlton), respectfully submits this memorandum in anticipation of his sentencing following a plea of guilt to a Class B misdemeanor, Parading, Demonstrating, or Picketing in a Capitol Building, in violation of Title 40, U.S.C., Section 5104(e)(2)(G). The Government will dismiss the remaining counts of the Indictment at the time of sentencing. There is no mandatory minimum; the maximum sentence of imprisonment is six months and the sentencing guidelines do not apply. Carlton signed a detailed “Statement of Offense” on March 2, 2022 in which he admitted that he entered the U.S. Capitol building through a Senate Wing door. Having located his travel companion, Bradley Weeks, he walked through the Crypt Room and into the Hall of Columns. He then walked out of the building. Carlton did not cause any damage, nor did he engage in any acts of violence. He did not enter the Senate Room floor, nor did he enter any private offices. After initially telling

law enforcement that he had not entered the Capitol, he admitted, two days later, to having entered the building.

THE EVENTS LEADING UP TO JANUARY 6, 2021

After the November 2020 presidential election, then President Donald Trump falsely claimed the election was rigged and refused to concede. In doing so, Mr. Trump showed himself willing to undermine confidence in the democratic process, and in time, managed to convince nearly three-quarters of his supporters (Jonathan Carlton among them), that the loser was actually the winner. Prior to what has become known as the January 6, 2021 insurrection, Mr. Trump hired a lawyer, John Eastman, who wrote a detailed memo that can only be described as a road map for a coup. A Senate investigation documented frantic efforts by Mr. Trump to bully government officials to overturn the election. Before the January 6 attack on the Capitol, Trump White House officials and members of the right-wing House Freedom Caucus strategized about a plan to direct thousands of angry marchers to the Capitol building. On the planning call were Mark Meadows, the White House chief of staff, Rudolph Giuliani, Mr. Trump's personal lawyer, and Representative Jim Jordan, Republican of Ohio, among others. The nearly two-mile march from the then President's "Stop the Steal" rally at the Ellipse to the Capitol was not accidental. It was well-planned, with Mr. Trump and Mr. Giuliani urging the crowd to violence.

Carlton was one of the many manipulated and used by Mr. Trump for his own selfish purposes. These, among others, were the findings of federal Judge David O. Carter of the Central District of California, in *Eastman v. Thompson*, case No. 8:22-cv-00099-DOC-DFM. The Court found that Mr. Trump and Mr. Eastman likely had committed felonies, including

obstructing the work of Congress and conspiring to defraud the United States. The Court wrote, “As the courts were overwhelmingly ruling against President Trump's claims of election misconduct, he and his associates began to plan extra-judicial efforts to overturn the results of the election and prevent the president-elect from assuming office (footnote omitted). At the heart of these efforts was an aggressive public misinformation campaign to persuade millions of Americans that the election had in fact been stolen.” (pg.5). The opinion continues, “The President nevertheless continued to insist falsely through January that he had “won the election in a landslide.” And despite being repeatedly told that his allegations of campaign fraud were false, the President continued to feature those same false allegations in ads seen by millions of Americans.” (footnote omitted, pg.7).

JONATHAN CARLTON'S CONDUCT ON JANUARY 6, 2011

In terms of a timeline, the opinion in *Eastman v. Thompson* notes, “Trump tweeted at 2:24 p.m: ”Mike Pence didn't have the courage to do what should have been done to protect our Country...USA demands the truth!” (pg.12). Carlton walked from the area of the Elipse to the Capitol and entered the Capitol building at about 2:48 pm. While Carlton accepts responsibility for his actions, he was guided and urged every step of the way by no less of an authority than the former President of the United States and a majority of Republican Senators and Congressman that continued to repeat the 'Big Lie' that the election had been stolen by the Democrats. Carlton was a fierce supporter of the former president. While Carlton did voluntarily climb the northwest stairs underneath the scaffolding to the Capitol's northwest terrace, he was more intent on finding his friend, Bradley Weeks, with whom he had traveled from Florida to attend the rally

(and from whom he had become separated), than he was in entering the building. Carlton did join a line of people on a wheelchair ramp waiting to go inside the Capitol; just prior to entering the building, he had a change of heart. However, the crowd behind him began to push forward - Carlton saw that he was being pushed towards a Senate wing door. He had wanted to turn around; but by that time, it was too late. Carlton was literally pushed inside the Capitol, fell beside an overturned desk and injured his leg. He was helped up by a Capitol Police Officer (as shown on video) Once inside, Carlton can be seen on his cellphone making a phone call. Carlton stepped outside the Capitol, and then learned that his friend and travel companion Bradley Weeks was inside the building. In order to reunite with Mr. Weeks, Carlton stepped back inside the Capitol and did reunite with Mr. Weeks inside. The two are seen on video simply walking around the Capitol for a time before peacefully exited the building.

THE BACKGROUND OF JONATHAN CARLTON

Mr. Carlton's background, life and employment history are sufficiently laid out in the PSR and need not be repeated here. What stands out is the strong character of Carlton. Despite several divorces, Carlton has a good relationship with his ex-wives and takes responsibility for all his children, even going so far as to obligate himself financially (by placing himself on a birth certificate) for a child (Mason, age 13) that was not his and for whom he pays child support (PSR, paragraph 52). He lives with his wife Alicia, with whom he has been married for four years, his legally adopted seven year old son, Lester and his fourteen year old daughter, Olivia (not his current wife's child). He has good relationships with his mother, brothers and extended family. He has lived in Raiford, Florida for the past five years in subsidized housing provided by

the Union Correctional Institution, housing that he will now lose as he has been terminated from his employment as a corrections officer based on this criminal conviction (PSR, 56). Carlton has one prior misdemeanor conviction for driving with a suspended license, for which he was sentenced to time served and \$50. in court costs.

A SENTENCE OF PROBATION IS ADEQUATE IN THIS CASE

Of the many cases decided by the judges of this district court relating to charges of violation of 40 U.S.C. 5104 (e)(2)(G), about a third of the cases were resolved with a sentence of a term of probation, community services and the mandatory \$500. fine. Another third were resolved with a sentence of a period of home detention, probation and the mandatory fine; the final third to some period of incarceration, probation and the fine. In this instance, a sentence of probation, some community service and the agreed upon \$500. fine is an adequate sentence, taking into consideration all of the 3553(a) factors. In terms of real punishment, Carlton was informed on May 20, 2022 by the Florida Department of Corrections that he was dismissed from his position as a corrections officer from the Union Correctional Institution in Raiford, Florida because of his guilty plea. Carlton is now not only unemployed, but he will lose his subsidized housing that was provided as part of his employment. He will be forced to uproot his family; his children may need to attend new schools because of where Carlton may need to move to seek new employment. As a corrections officer, if Carlton is sentenced to any term of incarceration, he would necessarily need to be housed in protective custody, essentially locked down for 23 or more hours a day, as he would be a target in jail. A sentence of incarceration would be unduly harsh considering Carlton's actions, and not necessary to serve the ends of justice.

Respectfully submitted,

s/Richard Landes

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