

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES

*

*

v.

*

Case No.: 22-cr-53-RDM

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NICHOLAS LENTZ

*

DEFENDANT’S SENTENCING MEMORANDUM

Nicholas Lentz, by and through undersigned counsel, submits this Memorandum in support of sentencing in this matter. In support thereof, counsel states as follows:

1. Counsel has reviewed the Presentence Report with Mr. Lentz. We have no objection to the Court accepting the Report in its entirety.¹

2. While counsel does not dispute most of what the Government’s memorandum states about Defendant’s role, it is hard to reconcile the Government’s assertion that “as a former police officer, Lentz was acutely aware of the dangers that his and other rioters’ presence at the Capitol posed to law enforcement,” with the fact that the Government has said on numerous occasions that this attack on the Capitol was “unparalleled in American history”.

¹ Defendant agrees with the Government in that, while the calculation is correct, the incorrect specific offense characteristic was used. See Govt Sentencing Memo page 8, at footnote 2.

Govt. Sentencing Memo at 10. Being a police officer in North Miami Beach and Fort Pierce, Florida prepared Mr. Lentz for nothing of the sort. The truth is: Mr. Lentz was swept up in a chain of events that, upon reflection, he should not have allowed himself to take part in.

3. The Government also alleges that Mr. Lentz watched on as an officer was assaulted. Govt. Sentencing Memo at 3. What is clear from the photo, however, is that Mr. Lentz was unable to render aid to the Officer in question at the time he was being assaulted. There are numerous people between Mr. Lentz and the fracas. To the contrary, Mr. Lentz has served his country honorably, and worked in law enforcement. Indeed, as even the Government's memorandum makes clear Mr. Lentz stated on social media:

I'm trying my best to protect all police officers and security that are trying to maintain order. We're not here to hurt any cops of course. I love my boys in blue...

Govt. Sentencing Memo at 5. While Mr. Lentz should not, of course, have been at the Capitol that day, there is no reason to suspect events would have been different had he stayed home and at least a plausible argument that law enforcement guarding the Capitol might have fared worse.²

4. The Government also concedes Mr. Lentz's post-January 6 contrition. He voluntarily met with the FBI, admitted he knew that he was trespassing, described his clothing for ease of identification and provided the

² The Government in its Memorandum notes that Mr. Lentz, while not under arrest, told the FBI that he "offered to help Capitol Police officers with crowd control." Id. There is no reason to dispute this statement, although given the melee that was occurring inside the Capitol, there is no way to confirm it either.

passcode to his phone. He self-surrendered without incident. This aligns with counsel's experience, since day 1 of representing Mr. Lentz he has expressed a desire to accept responsibility for his actions and to plead at the earliest possible juncture. The plea offer was signed and returned to Government counsel less than a week after it was tendered.

5. As for specific deterrence, there has been no showing that this cuts in favor of incarceration. Since this offense Mr. Lentz has been under Pretrial Supervision for almost fifteen (15) months with zero infractions. He has reported regularly, allowed two (2) home inspections and obeyed all laws.

6. The Government suggests that this Court should compare Mr. Lentz's conduct to that of Thomas Gallagher. 21-cr-41-CJN. Respectfully, the Government is comparing apples with oranges. Mr. Gallagher was arrested at the scene, due to his intransigence: Mr. Lentz walked out the door of his own volition. Mr. Gallager and his co-defendants were "shouting and cursing at the Capitol Police Officers." 21-cr-41, ECF document 1 at 1. Mr. Lentz was telling anyone listening on social media that "I love my boys in blue." Id.

7. Mr. Lentz's fiance is an emergency room pediatric doctor. Given her schedule, Mr. Lentz assists with childcare as to both her child, S.V., as well as his own two (2) daughters. When counsel last talked on the phone with Mr. Lentz, he was picking the children up from school. He is a dedicated caregiver, and all family members speak to his willingness to take on the role of being a positive role model and assisting in their upbringing. Placing him on house arrest will

serve primarily, only to punish Dr. Vasquez, who will be unable to tend to sick children to the same extent, due to childcare obligations.³

8. Mr. Lentz previously served his country honorably. He had 8 separate deployments, including to Georgia when Russia was invading Crimea and to Guantanamo Bay. He had two (2) separate combat deployments to Iraq as well as spending close to two (2) years in Afghanistan. As a result of his service as a Marine he developed PTSD, which he still receives medication and counseling for, through the Department of Veterans Affairs.⁴ Other than a one (1) hour period in his life, at the United States Capitol, he has been an asset to this country, his family and law enforcement.⁵ He has suffered significant collateral consequences in that his participation in the Capitol Riot has been widely documented and will, presumably, be available on easily accessible media forever.⁶ As stated above, his participation is not something Mr. Lentz is proud

³ Attached as Exhibit A is a letter from Mr. Lentz's fiancée, Dr. Erika Vasquez.

While the Court will, no doubt, read it in its entirety, it is clear that she considers Mr. Lentz as a compassionate person and "without him, my life and career would not be possible." Id.

⁴ Attached as Exhibit B is Mr. Lentz's military ID showing he was a Marine, and his pay grade and rank. In that same Exhibit is Mr. Lentz's VA Healthcare ID, but counsel has redacted the member ID and Plan.

⁵ Indeed ABC news reported in 2017 that, following Hurricane Irma, Mr. Lentz found a family "in waist high water, standing there in a panic...[t]he mom handed the child to the officer, an officer grabbed the mother and got both of them to safety...[t]he police officer who rescued the child, Nicholes Lentz, is a father of two and a former U.S. Marine." See <https://abcnews.go.com/US/1st-responders-rescue-mother-month-baby-irma-flooded/story?id=49765473> (last visited May 6, 2022).

⁶ See for example, <https://nypost.com/2021/02/22/ex-north-miami-beach-cop-nicholes-lentz-charged-in-capitol-riot/> or <https://www.newsweek.com/nicholes-lentz-ex-cop-who-livestreamed-capitol-riot-arrested-florida-1570928> (last

of, so having his darkest moment readily available through national media at a few keystrokes is a significant additional punishment.

For all of these reasons, counsel respectfully requests that this Court fashion a sentence that does not include a term of actual or domiciliary incarceration.

Respectfully Submitted,

_____/s/_____

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CERTIFICATE OF SERVICE

I hereby certify that on this day, May 6, 2022 a copy of the foregoing was served on all parties via ECF.

_____/s/_____

Gary E. Proctor

visited May 6, 2022).