

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
Criminal Division

UNITED STATES OF AMERICA,)	
)	
v.)	Case No. 21-cr-49 (TSC)
)	
EDWARD E. HEMENWAY, II,)	
Defendant.)	
_____)	

DEFENDANT’S POSITION ON SENTENCING

COMES NOW your Defendant, EDWARD E. HEMENWAY, II, by counsel, and requests a sentence of one year probation, and in support thereof, states as follows:

I. Mr. Hemenway takes responsibility for his actions.

Mr. Hemenway takes responsibility for his actions, and did so shortly after January 6. Mr. Hemenway reached out to federal agents to freely admit his involvement, without waiting to be contacted by agents first. Mr. Hemenway did not take a “wait and see” approach, but rather initiated contact on his own. He readily acknowledged the “stupidity” of his actions to those law enforcement agents. Even though Mr. Hemenway did not cause any physical damage to people or property, he recognizes that his mere presence in the group contributed to the “trouble” of the day.

II. Mr. Hemenway did not plan in advance to enter the Capitol.

Mr. Like Mr. Bauer, Mr. Hemenway did not plan in advance to enter the Capitol building. Mr. Hemenway and his family, including Mr. Bauer, had gone to

D.C. to visit museums and monuments. As part of that trip, they decided to take part in the political rally on the Ellipse. Mr. Hemenway came unprepared for a political rally, bringing no recording devices or political symbols. He merely purchased a political hat from a street hawker at the rally.

Just like Mr. Bauer, Mr. Hemenway's transgression is being caught up in the group mentality of the crowd that entered the Capitol. This infectious group mentality is the danger inherent in riots and why they can become so dangerous so quickly. Mr. Hemenway is responsible for his own small part in that riot, and he knows that the protest would not have become such a danger if it had not been for his small part and the small part of many others. As a result of learning of this danger personally, Mr. Hemenway has lost all desire to attend any future group rallies or protests. Mr. Hemenway understands first-hand how groupthink and crowd psychology can influence a person to make decisions that he would not normally make, and wants nothing to do with such dangers in the future. Counsel posed eight questions to Mr. Hemenway, who answered them in writing in his own words. His unedited responses are attached to this pleading, where Mr. Hemenway describes how he never wants to attend a political event again.

III. Mr. Hemenway's actions on January 6 are out of his character.

Mr. Hemenway's actions on January 6 are not in keeping with his character. Mr. Hemenway's family have written letters for the Court. They extol his generous, gentle, and kind nature. They also testify to his remorse and regret for entering the

Capitol, acknowledging the damage that Mr. Hemenway's actions caused even though he personally caused no physical damage.

Although Mr. Hemenway has a criminal history that is nearly two decades old, he has turned from that part of his life and has made a new one. He has started his own business as a truck driver and has purchased his own truck. He has maintained gainful employment, such that he is the primary breadwinner and is able to support not just his nuclear family but several members of his extended family as well. The attached letters attest to this generous disposition.

IV. Incarceration is unnecessary for general or specific deterrence.

A period of incarceration is unnecessary for Mr. Hemenway due to his forthright and spontaneous remorse. There is no need to specifically deter him, as he has shown by his actions that he takes this matter very seriously and that it has made a lasting change on his heart. He regrets his actions themselves, not simply that he was caught for them. A sentence of probation would also show that those who exhibit genuine remorse, not those who are only remorseful when they get caught, are considered thoughtfully by the court.

WHEREFORE, Mr. Hemenway respectfully requests that this Honorable Court sentence him to a one-year term of probation.

Respectfully Submitted,
EDWARD E. HEMENWAY, II
By Counsel

/s/ Meredith M. Ralls

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