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March 18, 2021

Honorable Christopher R. Cooper
United States District Court Judge
District of Columbia
333 Constitution Avenue N.W.
Washington D.C. 20001

Re: United States v. Eric V. VonBernewitz
Docket No.: 1:21CR00307-001

Dear Judge Cooper:

My office represents Mr. Eric V. VonBernewitz, a defendant in the above-referenced matter. He is scheduled for sentencing on April 26, 2022. In consideration of the appropriate sentence on the instant matter, I am writing to urge the Court to give great weight to Mr. VonBernewitz's physical disability. Additionally, I respectfully ask the Court to consider the impact that this matter has had on his life to date. Furthermore, I respectfully ask the Court to consider Mr. VonBernewitz's conduct and cooperation with the Government and its agents prior to being formally charged and thereafter.

As indicated in the Pre-Sentence Report (PSR) (see PSR paragraph 60), Mr. VonBernewitz was hit by a car when he was in eighth grade. The recovery from the injuries suffered due to this incident was an extremely long and painful process that ultimately failed. Mr. VonBernewitz's right arm is permanently paralyzed and he has thus lost the use of his dominant hand.

Up until the accident, Mr. VonBernewitz's life revolved around sports, which is not to suggest he lacked intellectual acuity. In an instant, that life was gone. Living life without the use of one's dominant hand, on the most basic level, is limiting.

From Mr. VonBernewitz's perspective, there is no use in speculating as to where his life would have led him had he not suffered these life-altering injuries just before entering high school. By all accounts, notwithstanding what he did on January 6, 2021, Mr. VonBernewitz's life is a success story which he achieved after enduring challenges that no able-bodied person can relate to.

As set forth in the PSR, Mr. VonBernewitz "is the managing member of the home-based business, which brokers furniture to government offices and military barracks." Since the commencement of this matter, Mr. VonBernewitz has been denied access to military bases across the country, which has essentially rendered him unemployed and unable to earn a living.

From the moment Mr. VonBernewitz was contacted by Federal Agents who were investigating the incidents that occurred in and around the Capitol Building on January 6, 2021, he has cooperated fully, without hesitation.

On January 19, 2021, at approximately 9:02 AM, I received a text message followed quickly by a telephone call from Mr. VonBernewitz. He indicated that he had been contacted by Federal Agents who wanted to bring him in for questioning. During our telephone conversation that morning, Mr. VonBernewitz conveyed to me that he completely understood the gravity of the situation he had gotten himself into and wished to fully comply with any requests and/or demands of the agents that had contacted him earlier. Within hours, Mr. VonBernewitz was seated with two federal agents at the Federal Bureau of Investigation (FBI) Field Office located in Chesapeake, Virginia, answering each and every one of their questions with his attorney listening in via teleconference.

In addition to answering the agents' questions, upon their request, Mr. VonBernewitz immediately agreed to turn over his cellphone to the agents. The next day, following my client's lead, Mr. VonBernewitz's brother Paul H. VonBernewitz, met with the same Federal Agents in the same FBI field office and was equally compliant with all that the agents asked of him.

At no point, since January 19, 2021 (perhaps since January 6 of that same year), did Mr. VonBernewitz do anything to impede the investigation.

The man standing before Your Honor at sentencing is humble, hardworking and completely devoted to his family and the community within which he lives.

In 2017, Mr. VonBernewitz founded the Virginia Wrestling Club (see PSR paragraph 84). Perhaps Mr. VonBernewitz is living a bit vicariously through his younger son, Vince, as they travel to youth wrestling tournaments around the country but his devotion is, without a doubt, to the children in the club and to the promotion of the sport of wrestling. Despite being detained, sometimes for hours, at airports to and from said tournaments, he is, so far, undeterred. Mr. VonBernewitz opines that he is being detained at airports because of the pendency of this matter.

Essentially, everything Mr. VonBernewitz does in life comes with challenges that most of us do not encounter. Yet he accepts this fate and, over the last 34-plus years, I have never once heard him utter one word of self-pity.

As indicated above, the consequences of his involvement with the criminal activity that occurred on January 6, 2021, have had a tremendous impact on his ability to earn a living. Seeking alternative means of employment are not simple for a man with one arm. As mentioned above, traveling has become immensely difficult, as well.

Mr. VonBernewitz considers the recent challenges he is facing, regarding his job and travel, as punishment for the crime to which he plead guilty, yet accepts and acknowledges that the Court is poised to issue additional punishment for said crime.

I write now to ask the Court to consider a sentence that does not include incarceration or any post-conviction supervision. In light of Mr. VonBernewitz's difficulty with earning a living at this time, it seems rather counterintuitive to ask this Court to sentence my client to a fine. Mr. VonBernewitz, however, strongly believes that once he has served his sentence, his access to military bases will be restored.

Despite the immensely negative impact that this crime has had on our country, our democracy, the victims and the political discourse that has followed, I believe that sentencing Mr. VonBernewitz to a fine would balance all of the 18 U.S.C. § 3553 (a) factors including the need for deterrence and punishment while acknowledging the cooperation provided by Mr. VonBernewitz.

Respectfully submitted,



Austin M. Manghan

cc: AUSA Michael Mitchell, AUSA