

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES LESLIE LITTLE,

Defendant.

DOCKET NO. 1:21 CR 315

SUPPLEMENTAL SENTENCING MEMORANDUM RE: 18 U.S.C. § 3553(a)(6)

James Leslie Little, by and through his counsel of record, Assistant Federal Public Defender Peter Adolf, submits this supplement to the memorandum regarding the statutory mandate that this Court consider the “the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct,” doc. no. 37, with updated information obtained in the last 24 hours.

Yesterday, March 11, 2022, Verden Nalley was sentenced in a related case pursuant to his plea of guilty to one count of violating 18 U.S.C. §1752(a)(1), a class A misdemeanor carrying a maximum penalty of a year in prison. Specifically:

(1) Nalley followed crowds into the Capitol building knowing that it was a restricted building and that certification of the election was supposed to take place; (2) he stayed inside the building walking around for 30 to 40 minutes taking photos and documenting his experience; (3) his social media posts after January 6 revealed a lack of remorse for his behavior; and (4) he actively spread false information on social media by downplaying the violence on January 6 and threatening to ‘be back with guns in two weeks if [the election results were] not fixed.’¹

¹ *United States v. Nalley*, 1:21 CR 116-2, doc. no. 93 at 1-2.

As depicted in surveillance videos and still photos captured inside the Capitol –

Nalley ...[is] in the crypt area when the police line is broken and move[s] through the crypt towards stairs that wind up to the rotunda. [A still image] depicts Nalley after the police line is broken in the crypt and prior to his making his way to the rotunda area.

....

In the following days, Nalley shows little remorse for his behavior, and in fact contemplates returning to the Capitol again. On January 8, 2021, a group named Atlanta Antifascists,' posted screenshots on Twitter of several posts from Nalley from a 'MeWe' chat group. In the first post...he posted a photo from the crypt area claiming that the 'media is telling you lies,' and warned that if 'we have to come back we will bring guns and take our country from them.'

[Later] he warns a second time of going 'back with guns in two weeks if it's not fixed' Based on the context of the posts, he is talking about 'fixing' the results of the 2020 election.²

Despite the government's request, *inter alia*, for 14 days in jail and a period of supervised release,³ Mr. Nalley was sentenced to a term of probation.

Respectfully submitted:

s/ Peter Adolf

Peter Adolf

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DATE: March 11, 2022

² *Id.* at 5, 7-8.

³ *Id.* at 1.