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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICHOLAS BURTON REIMLER,

Defendant.

Criminal Action  
No. 1:21-cr-0239

Washington, DC  
December 10, 2021

2:06 p.m.

TRANSCRIPT OF SENTENCING BY VIDEO (ZOOM)  
BEFORE THE HONORABLE RANDOLPH D. MOSS  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government:

**JANANI IYENGAR**

U.S. Attorney's Office for the  
District of Columbia  
555 4th Street, NW  
Washington, DC 20530

For the Defendant:

**ETHAN CORLIJA**

Ethan B. Corlija, P.C.  
5205 Hampton Avenue  
St. Louis, MO 63109

Court Reporter:

**JEFF M. HOOK**

Official Court Reporter  
U.S. District & Bankruptcy Courts  
333 Constitution Avenue, NW  
Room 4700-C  
Washington, DC 20001

P R O C E E D I N G S

1  
2           **DEPUTY CLERK:** This is criminal action 21-239, the  
3 United States of America v. Nicholas Burton Reimler. The  
4 defendant is appearing by video. Also by video for the  
5 Government, Janani Iyengar; for defendant, Ethan Corlija;  
6 and from probation, Hana Field.

7           **THE COURT:** Well, thank you all. We're here today  
8 for the sentencing of the defendant Nicholas Reimler who has  
9 pleaded guilty to one count of parading, demonstrating or  
10 picketing in a Capitol building in violation of 40 U.S.C.  
11 section 5104(e)(2)(G). At the beginning, let me note it's  
12 not permissible to record or rebroadcast today's  
13 proceedings, and I will order that nobody do so. Also, I  
14 want to address at the outset whether we should be doing  
15 this by videoconference or in-person. I understand that  
16 Mr. Reimler is in Missouri, but I want to make sure that the  
17 parties agree that it is appropriate for us to proceed by  
18 videoconference today, and that there's an appropriate basis  
19 to do so. In a felony case, I would need to make a specific  
20 finding that the proceedings cannot be further delayed  
21 without serious harm to the interests of justice. I'm not  
22 quite certain whether I need to do that in a misdemeanor  
23 case, but I guess I'd like to at least address that question  
24 as well.

25           So maybe it makes sense for me to start with

1 Mr. Corlija.

2 **MR. CORLIJA:** Yes, Your Honor. I've discussed the  
3 issue with Mr. Reimler, and he does consent to conducting  
4 these proceedings by video today.

5 **THE COURT:** Okay. And what are your views about  
6 how the interests of justice plays into doing it today  
7 rather than waiting until the pandemic has subsided?

8 **MR. CORLIJA:** Your Honor, that is another  
9 discussion that Mr. Reimler and I have had, and he feels --  
10 and I concur in his feeling, that he is ready to proceed.  
11 And we feel that the interests of justice would be better  
12 served to proceed today than to delay the proceedings  
13 further.

14 **THE COURT:** Ms. Iyengar.

15 **MR. CORLIJA:** Yes, Your Honor, I agree. Just  
16 given where Mr. Reimler is physically located, the nature of  
17 the case and the seemingly unending pandemic that we're in,  
18 I think it makes sense for us to proceed today instead of  
19 waiting for an opportunity to have this in-person.

20 **THE COURT:** Thank you. I agree that it is  
21 appropriate for us to proceed today. And assuming that I do  
22 need to make the finding that further delay would cause  
23 serious harm to the interests of justice, I conclude that I  
24 can make finding here. I think it's important, given the  
25 nature of the charges, and quite frankly given Mr. Reimler's

1       contrition and desire to move on with his life, that the  
2       interests of justice are served by allowing him to do that  
3       and resolving matters today so that he can move forward with  
4       his life. So I do conclude that it is appropriate, with his  
5       consent, for us to proceed today by videoconference.

6               So I have received and reviewed the presentence  
7       report and sentencing recommendation from the probation  
8       office along with the sentencing memoranda, as well as the  
9       letters that were sent -- submitted on Mr. Reimler's behalf.

10              Mr. Corlija, is there anything else that you  
11       request that I consider today, any other materials?

12              **MR. CORLIJA:** There are no written materials, Your  
13       Honor. I have a few brief remarks I would like to make on  
14       Mr. Reimler's behalf, if permissible. But I feel that  
15       everything that I was able to convey to the Court on behalf  
16       of Mr. Reimler is fully and accurately conveyed in the  
17       sentencing memorandum that I submitted.

18              **THE COURT:** Well, you of course are welcome to  
19       make -- at an appropriate time to make your remarks however  
20       you think appropriate. I'm also happy to hear from  
21       Mr. Reimler and anyone else that he'd like me to hear from  
22       today.

23              Ms. Iyengar, anything else the Government would  
24       request that I consider today?

25              **MS. IYENGAR:** No, Your Honor, not other than the

1 written filings that have already been submitted. And I  
2 would also ask for the opportunity to make oral argument as  
3 well.

4 **THE COURT:** Of course. So Mr. Reimler, today's  
5 proceeding is going to involve four steps. I know you're  
6 probably anxious to get to the bottom line, but it's  
7 important that we go through these steps just so I make sure  
8 that we're all on the same page factually and legally before  
9 I impose sentence. And if there are any differences, to  
10 give me the opportunity to resolve those before we actually  
11 reach the sentencing stage itself.

12 The first step is for me to determine whether  
13 you've reviewed the presentence report, and whether there  
14 are any outstanding objections that I need to resolve. And  
15 then I want to hear from the Government, from your counsel,  
16 from you, if you'd like to be heard, and anyone else. And  
17 then as the final step, I need to fashion a just and fair  
18 sentence that's consistent with the factors that Congress  
19 has specified in the statute which is at 18 U.S.C. section  
20 3553(a). And as part of that final step, I'll impose the  
21 sentence.

22 So let's start with the presentence report. The  
23 final presentence report and sentencing recommendation were  
24 filed in this matter on December 3rd, 20212.

25 Does the Government have any objections,

1 Ms. Iyengar, to any of the factual materials set forth in  
2 the presentence report?

3 **MS. IYENGAR:** No, Your Honor, the Government  
4 doesn't have any objections.

5 **THE COURT:** And Mr. Corlija, any objections from  
6 the defense to any of the factual materials set forth in the  
7 presentence report?

8 **MR. CORLIJA:** No, Your Honor.

9 **THE COURT:** Mr. Reimler, are you fully satisfied  
10 with the assistance of your lawyer in this case?

11 **THE DEFENDANT:** Yes, I am, Your Honor.

12 **THE COURT:** Do you feel as though you've had  
13 enough time to talk to him about the probation office's  
14 presentence report, to review that report and to raise any  
15 concerns that you might have with respect to the material in  
16 that report?

17 **THE DEFENDANT:** Yes, we've had enough time to  
18 discuss it, Your Honor.

19 **THE COURT:** Well, the Court will then accept the  
20 facts as stated in the presentence report as my findings of  
21 fact for purposes of today's sentencing. Because  
22 Mr. Reimler has pleaded guilty to a class B misdemeanor, the  
23 United States Sentencing Commission guidelines don't apply  
24 in this case and so we don't need to go through the process  
25 of calculating the guidelines sentence.

1           The probation office, as you all know, has made a  
2 recommendation with respect to the sentence to impose in  
3 this case. The probation office has recommended a sentence  
4 of 24 months of probation, a fine of \$3,000, restitution in  
5 the amount of \$500 and a special assessment of \$10. And the  
6 probation office has not recommended any period of  
7 incarceration or supervised release in light of that  
8 recommendation. The statute which Mr. Reimler has pleaded  
9 guilty to carries a maximum sentence of six months  
10 imprisonment and/or a fine of \$5,000, and I believe that a  
11 period of up to five years of probation is permissible as  
12 well.

13           Mr. Corlija, anything else you would add or  
14 clarify with respect to the statutory considerations with  
15 respect to sentencing?

16           **MR. CORLIJA:** Your Honor, those are -- what the  
17 Court had mentioned are exactly the statutory parameters  
18 that I discussed with Mr. Reimler, and he is aware of the  
19 range of punishment by statute.

20           **THE COURT:** And Ms. Iyengar, anything else to  
21 clarify or to add?

22           **MS. IYENGAR:** No, Your Honor.

23           **THE COURT:** So I now need to consider the relevant  
24 factors that Congress has specified in 18 U.S.C. section  
25 3553(a), and must ensure that the Court imposes a sentence

1 that's sufficient, but not greater than necessary, to comply  
2 with the purposes of sentencing. Those purposes include the  
3 need for the sentence imposed, to reflect the seriousness of  
4 the offense, to promote respect for the law and to provide  
5 just punishment for the offense. The sentence should also  
6 afford adequate deterrence to criminal conduct, protect the  
7 public from future crimes of the defendant, and promote  
8 rehabilitation. In addition to those factors, the Court  
9 needs to consider the nature and circumstances of the  
10 offense; the history and characteristics of the defendant;  
11 the need for the sentence imposed; the need to avoid  
12 unwarranted sentencing disparities among defendants with  
13 similar records who have been found guilty of similar  
14 conduct; and the types of sentences available.

15 Ms. Iyengar, would the Government like to be heard  
16 with respect to the 3553(a) factors?

17 **MS. IYENGAR:** Yes, Your Honor. I'm not going to  
18 sort of rehash all of the arguments that we made in our  
19 sentencing memorandum with respect to the application of the  
20 factors. I just wanted to sort of go through and highlight  
21 some of what we believe are the aggravating factors and some  
22 of the mitigating factors in Mr. Reimler's case.

23 I think in terms of the aggravating factors, the  
24 first one that I would just point the Court to is that while  
25 the defendant was inside the Capitol building, he was



1 posting on social media about being in the Capitol building.  
2 And the caption that he placed on the video that he posted  
3 to Snapchat does appear to make light of what the situation  
4 was in terms of the breach of the building. I know in the  
5 defendant's papers that he submitted, he says that he was  
6 just expressing his astonishment. But the text of the  
7 caption indicates that this was beyond just expressing -- an  
8 expression of astonishment, he really thought that this was  
9 a funny event and he was trying to make light of it.

10 The second thing that I would point the Court to  
11 is on actually page nine of the defendant's sentencing  
12 memorandum. He indicates that prior to entering the Capitol  
13 building, the defendant had actually witnessed individuals  
14 force entry into the building. And in spite of realizing  
15 that this was a violent breach of the building -- it wasn't  
16 just people sort of being able to move in and out of the  
17 building at will without any police stopping them from doing  
18 that, knowing that it was a violent breach of the building,  
19 he still made the choice to enter the building and remain in  
20 the building for several minutes taking pictures, taking  
21 videos and posting things to social media.

22 In terms of the mitigating factors, as the  
23 Government stated in its memorandum -- and I think this was  
24 highlighted in the defendant's sentencing memorandum,  
25 obviously the defendant did not himself engage in any acts

1 of violence, in any destruction of property. He did take  
2 very early on responsibility for his conduct, and he has  
3 complied with all of the conditions of his pretrial release.

4 So we believe that the sentence that we're  
5 requesting here, which is three years of probation, two  
6 months of home confinement, \$500 in restitution and 60 hours  
7 of community service is in line with the defendant's  
8 conduct, his history and the -- his characteristics at the  
9 time that he came before the Court. And it's also in line  
10 with sentences that we have asked for in other cases that  
11 are similar to Mr. Reimler's case.

12 So that's the reason --

13 **THE COURT:** I had a question about that,  
14 Ms. Iyengar.

15 **MS. IYENGAR:** Sure.

16 **THE COURT:** Which is when you just described what  
17 the Government is seeking, you said the Government is  
18 seeking a sentence of home confinement. In the Government's  
19 sentencing memorandum, it says it's seeking a sentence of  
20 home detention. And although I suspect the public does not  
21 recognize a distinction between those two things, they are  
22 different in a way that I think makes a substantial  
23 difference to the arguments that Mr. Reimler has made.  
24 Because home detention does allow him to leave to go to  
25 work, to go to medical appointments, to go to religious

1 services and things of that nature. Whereas home  
2 confinement is more in the nature of a prison term which is  
3 served in one's home and where you cannot leave the home.

4 **MS. IYENGAR:** Yes, your Honor. And I misspoke, I  
5 did mean home detention and not home confinement, I'm sorry  
6 about that.

7 **THE COURT:** Okay, thank you. Anything else?

8 **MS. IYENGAR:** No, Your Honor.

9 **THE COURT:** Mr. Corlija.

10 **MR. CORLIJA:** Thank you, Your Honor. May it  
11 please the Court, Madam Prosecutor, I spent a considerable  
12 amount of time last night deciding how I was going to make  
13 remarks on Mr. Reimler's behalf, and the things I wanted to  
14 make known to the Court that were not already made known in  
15 the memorandum which I submitted. It became apparent to me  
16 that it, in fact, did cover all of the bases that  
17 Mr. Reimler and I discussed and that Ms. Iyengar and I  
18 discussed.

19 But there are a few remarks I would like to make,  
20 Judge. Mainly, I think -- when I thought about this, Judge,  
21 it became apparent to me that so many times the Court is  
22 called upon to hold to account criminal actors that intended  
23 to do what they have done or acted illegally with  
24 deliberation. Individuals that have calculated their course  
25 of action, such as conspirators, drug traffickers,

1 fraudsters, embezzlers, to name only a few, Judge, are  
2 constantly being held to account for their actions.

3 I would submit that Mr. Reimler is not a person  
4 that engaged in the despicable riot of January 6th at our  
5 nation's Capitol out of a considered desire to participate  
6 in acts of violence, harm and destruction. Nicholas went to  
7 Washington, D.C. on January 6th, Your Honor, to take part in  
8 what he thought would be an exercise in a free, permissible  
9 and peaceful process to voice his support for the democratic  
10 principle. The event obviously deteriorated into chaos.

11 This is where accountability for Nicholas begins,  
12 precisely during the irrational actions of a mob. Nicholas  
13 made poor choices, Your Honor, that day that cannot be taken  
14 back. He followed, he entered, he posted a message on  
15 social media about what he could not believe was happening  
16 in the building. Yet he was a part of it. These decisions,  
17 of course, will haunt Mr. Reimler for the rest of his life.

18 Fortunately, in the middle of all of this damage,  
19 Judge, taking place in one of our nation's most sacred  
20 buildings, the better angels of Nicholas' nature were  
21 present. Despite having opportunities to assault, Nicholas  
22 did not. Despite having opportunities to damage, Nicholas  
23 did not. Despite having opportunities to accost, threaten,  
24 intimidate, fight and harm, Nicholas did not. I believe  
25 that this is the reflective, deliberate Nicholas Reimler

1 that exists among us, not a violent, disrespectful or  
2 intolerant human being, Judge; but someone that does not  
3 possess those deleterious qualities. He is not a threat to  
4 the safety of society.

5 Your Honor, the Government made a few points, and  
6 mainly they centered on the fact that they believe Nicholas  
7 should be held more accountable or should serve a term of  
8 home detention based on the fact that he entered the  
9 Capitol, made a social media post, and should therefore be  
10 more accountable because of the nature of the post.

11 Nicholas is aware, Judge, that sheer numbers and people are  
12 essential ingredients for a mob and riot. He's willing to  
13 accept that, and he has accepted that early on. That is  
14 inescapable. But there are degrees of culpability, and  
15 there are distinctions, many in this case, that set Nicholas  
16 apart from those committed or intended to be committed by  
17 other actors. I submit to sentence Nicholas, Judge, to a  
18 period of home detention or a lengthy period of probation  
19 would be overly punitive. I'd ask the Court to impose a  
20 sentence, Your Honor, in this case that is consistent with  
21 the one proposed by the United States Office of Probation  
22 and not the United States Attorney's Office.

23 I believe Ms. Iyengar made the Court aware of the  
24 fact that Mr. Reimler posted a message on his social media  
25 account that could be viewed as making a laughing matter out

1 of the riot. I strongly disagree with that. Knowing  
2 Nicholas, speaking to Nicholas about that particular issue,  
3 I wholeheartedly believe, Your Honor, that Nicholas made  
4 that post in the chaos of that moment and was rather  
5 astonished at what he was seeing around him. When you look  
6 at that post, it's three words: What is going on. Of  
7 course, there is an LOL which we all know in social media  
8 language stands for laugh out loud. But I would propose and  
9 submit, Judge, that's more of a nervous laugh than it is a  
10 laugh about the destruction of our nation's Capitol. I just  
11 do not believe that Nicholas would be capable of posting  
12 such a callous remark to his social media account.

13 As such, Judge, I would request that the Court  
14 strongly consider the recommended sentence by the United  
15 States Office of Probation; that being a two-year term of  
16 probation with a monetary fine, payment of the restitution,  
17 any other conditions or requirements that the Court would  
18 deem just and proper, but not to include home detention. I  
19 believe, Your Honor, that such a sentence would serve to  
20 fulfill the goals of community safety, deterrence,  
21 punishment. Those are the factors that the Court should  
22 consider in evaluating Mr. Reimler's case under section  
23 3553.

24 In the end, Your Honor, I wished to provide the  
25 Court with a very accurate picture of Mr. Reimler, his

1 conduct, his character, his peaceful demeanor, his peaceful  
2 existence in the sentencing memorandum that I've filed with  
3 the Court. I hope I was successful in that endeavor. And I  
4 would just conclude, Your Honor, by asking that the Court's  
5 sentence reflect those factors accordingly, and that he be  
6 sentenced consistent with the recommendation made by the  
7 United States Office of Probation.

8 **THE COURT:** All right, thank you. Would  
9 Mr. Reimler like to be heard as well?

10 **MR. CORLIJA:** Yes, Your Honor.

11 **THE COURT:** Mr. Reimler.

12 **THE DEFENDANT:** Your Honor, good afternoon. I am  
13 here today to take responsibility for my actions on  
14 January 6th, and to express my remorse to those affected by  
15 the events of that day. The violence, destruction and loss  
16 of life at the Capitol building in Washington, D.C. should  
17 have never happened. I want to say I'm sincerely sorry for  
18 being in and around the Capitol building that day. I'm  
19 sorry to the United States Capitol Police Officers who  
20 should have never had to defend lawmakers and their staff in  
21 the fashion they had to. I'm sorry to the 100 plus police  
22 officers who were injured, and to the families of the  
23 numerous officers who tragically passed away stemming from  
24 the horrendous events of that day. And I'm sorry to the  
25 people of this country for threatening the democracy that

1 makes this country so great. Nothing that happened that day  
2 can be taken back, and for that I'm wholeheartedly  
3 remorseful for my actions.

4 I did not go to Washington, D.C. with malice on my  
5 mind or intent to do ill-will to any persons or property. I  
6 simply went to show my support. Not for a particular person  
7 or political party, but to support other Americans and the  
8 rights in the democracy we live in. My actions that day  
9 were far from exercising my constitutional rights. I should  
10 have never participated in the Capitol breach. No one  
11 should have participated in the Capitol breach that day.  
12 You cannot expect to live in a free society and also  
13 unlawfully hinder a constitutional duty given to our  
14 government. That is not how a democracy is supposed to  
15 work.

16 Participation in American society requires  
17 cooperation of the governed. I understand and accept that  
18 my actions contributed and justified to a larger crowd that  
19 unlawful acts of violence and destruction of government  
20 property were the appropriate thing to do. My participation  
21 in the events that day were part of an attack on the rule of  
22 law. It crippled the trust between the people of differing  
23 political parties, and eroded the fabric of American  
24 society. No police officer should have to defend, yet alone  
25 lose their life defending, against a mob that tries to



1 thwart the transition of power to the next president.

2 These actions I'm charged with do not convey who I  
3 am or what I believe in. Now, and in the future, I will  
4 continue to be a contributing person in society, and will  
5 respect the rule of law. I understand the seriousness of my  
6 actions, accept responsibility for my actions and the  
7 consequences that come along with it. I vow to become a  
8 better, more compassionate and upstanding citizen from this.  
9 Thank you.

10 **THE COURT:** Thank you. Mr. Corlija, anything else  
11 you want to add or anyone else you want me to hear from?

12 **MR. CORLIJA:** No, Your Honor.

13 **THE COURT:** Let me ask Mr. Reimler one question,  
14 which is -- and I think I know the answer to this question  
15 based on your remarks, but do you fully associate with  
16 everything that's contained in the memorandum that your  
17 lawyer filed with the Court? Do you know what I'm talking  
18 about? I assume you reviewed the sentencing memorandum he  
19 filed?

20 **THE DEFENDANT:** Yes, Your Honor.

21 **THE COURT:** And does that memorandum express your  
22 sentiments?

23 **THE DEFENDANT:** Yes, Your Honor, it does. I  
24 reviewed it, and I agreed to everything that was contained  
25 within.

1           **THE COURT:** Okay, thank you. Ms. Iyengar,  
2 anything else you want to add?

3           **MS. IYENGAR:** No, Your Honor, nothing else from  
4 the Government.

5           **THE COURT:** Well, thank you. So the reason that I  
6 asked you that question, Mr. Reimler, was I was, I have to  
7 say, thoroughly impressed with the memorandum that your  
8 lawyer filed in this case.

9           **MR. CORLIJA:** Thank you, Your Honor.

10           **THE COURT:** And I was thoroughly impressed with  
11 the comments that you just made, because I do think that  
12 they do an excellent job of conveying the gravity of the  
13 events that occurred.

14           I have assessed the particular facts in light of  
15 the 3553(a) factors, and the first of those factors that I  
16 need to consider is the nature of the offense. And I just  
17 want to take a second to read some of what your lawyer said,  
18 which echoes I think what you've just said to me, in  
19 describing the nature of the events and the nature of what  
20 occurred that day. And this is not what the Government is  
21 saying in this case, this is what you're saying to the Court  
22 in this case:

23           "It cannot be understated that the events  
24 which took place at the United States Capitol on  
25 January 6th, 2021 were despicable acts of violence

1 that served to undermine the electoral process, a  
2 fundamental bedrock of democracy, a principle on  
3 which the United States of America was founded.  
4 Some of the acts which took place during the riot  
5 at the United States Capitol on January 6th, 2021  
6 led to serious injury or death to others. The  
7 United States Capitol Police, and other law  
8 enforcement officers, valiantly defended one of  
9 the nation's most sacred buildings against an  
10 attack, which was made even more abhorrent given  
11 that it was undertaken by United States citizens  
12 or individuals residing in the country's borders.

13 "From the outset, Mr. Reimler was shocked  
14 that a political rally descended into a violent  
15 confrontation inside and on the front steps of the  
16 United States Capitol building. Reimler witnessed  
17 individuals force entry into the building and  
18 attempt to disrupt a normal and necessary function  
19 of government performed by duly-elected  
20 representatives. It is important to note that  
21 Reimler himself never took part in any act that  
22 would have caused intimidation, fear or harm to  
23 anyone. He never engaged in conduct which was  
24 destructive in any form.

25 "Reimler did not take issue with" -- "does

1 not take issue with the fact that he was a person  
2 in the crowd that was not lawfully authorized to  
3 enter or remain in the Capitol building; and that  
4 prior to his entry, no members of the crowd  
5 submitted to security screening or weapons checks  
6 by the United States Government" -- "by the United  
7 States Capitol Police Officers or other authorized  
8 security officials. In the moment of chaos,  
9 Reimler followed along with others that entered  
10 the building."

11 To my mind, that does an excellent job of  
12 describing how truly abhorrent the events of that day were.  
13 The memorandum also says:

14 "A crowd of enormous size gathered outside  
15 the building. Temporary and permanent barricades  
16 were in place around the exterior of the Capitol  
17 building. United States Capitol Police and law  
18 enforcement were present, and desperately  
19 attempted to keep the crowd away from the Capitol.  
20 The crowd, in a mass frenzy, advanced to the  
21 exterior facade of the building."

22 And then it continues: "The gravity of the  
23 events of January 6th, 2021 cannot be diminished.  
24 The country suffered an indelible scar, and the  
25 event revealed the larger problem of a potentially

1 violent political rift among fellow countrymen.

2 The division may be accurately categorized as a  
3 societal ill once it rose to the level of violence  
4 and destruction as seen on January 6th, 2021.

5 Mr. Reimler only requests that the Court weigh the  
6 seriousness of his personal conduct on January 6th  
7 rather than the collective mayhem that occurred."

8 As I have said previously, the events of that day  
9 were abhorrent; not just to the rule of law, but to the  
10 fundamental nature of what this country stands for; to the  
11 notion that goes back to our founding of the peaceful  
12 transition of power. And there were people there that day  
13 who did not believe in democracy and sought to undermine  
14 democracy; did not believe in the electoral process and  
15 sought to interfere and to undermine the electoral process.  
16 To my mind, there are few offenses that are more serious  
17 than to attack the democracy on which -- the democratic  
18 principles upon which this country was founded. So that is,  
19 of course, the backdrop.

20 I also, though, take seriously Mr. Reimler's  
21 assertion through his lawyer that I need to consider his  
22 role on that day. And that takes me -- well, before I move  
23 to the nature of the character of the offender, let me say  
24 something about Mr. Reimler's role that day. His role in  
25 that day was clearly less severe than many. He did not

1 engage in any violence. He did not engage in any  
2 destruction of property. He did not make his way to the  
3 chamber of either house of Congress. He did not engage in  
4 any combative conduct with law enforcement. And thus, on  
5 the scale of things, his conduct is on the low end of the  
6 scale of the events that occurred that day. And he's  
7 charged appropriately in that respect, and his plea is  
8 consistent with that.

9 Had Mr. Reimler engaged in any violent conduct,  
10 had he engaged in conduct which demonstrated that he was  
11 there to actually disrupt the electoral process itself, he  
12 would be facing much more serious charges. And if he pled  
13 guilty or was convicted of those charges, he would be facing  
14 a lengthy prison term. So I think that the fact that  
15 Mr. Reimler has pled guilty to a misdemeanor is consistent  
16 with all of that.

17 With respect to the character of the offender,  
18 which is something else I need to consider, I have to say I  
19 am impressed by what Mr. Reimler had to say here today.  
20 I've been impressed by his demeanor. I'm impressed by his  
21 contrition, which I think is truly heartfelt. Judges all  
22 the time are used to having people, when it comes time for  
23 sentencing, tell them how remorseful they are and how sorry  
24 they are. I truly believe it in Mr. Reimler's case. He's  
25 given me no reason to think otherwise. He's not one of

1 these individuals who, after the events, was posting things  
2 on social media crowing about what happened on the Capitol.  
3 And he's given me no reason to doubt in any way that his  
4 presence there is among the greater regrets in his life, and  
5 I take that seriously.

6 I also was impressed by the letters that were  
7 submitted on his behalf. He has no criminal record to speak  
8 of. He has an arrest from his college days, but not a  
9 conviction. Otherwise, he appears to be somebody who has  
10 lived, and is continuing to live, the type of life that we  
11 would expect and hope for. He's a productive member of  
12 society; he works very hard. His employer is impressed with  
13 him. His family and fiance and friends think highly of him.  
14 So I think he has demonstrated that, and the Court has no  
15 question about his character.

16 With respect to the types of sentences available  
17 here, the Government has requested that I impose a sentence  
18 of two months of home detention as part of a probationary  
19 term of three years, along with 60 hours of community  
20 service and \$500 in restitution. The probation office has  
21 recommended a period of two years probation, a \$3,000 fine  
22 and a \$500 payment for restitution. As I've indicated, the  
23 guidelines don't apply in this case, and so I don't have a  
24 guidelines sentence to draw on.

25 But that leads me to the final factor in all of

1 this, which is -- maybe not the final, there are all sorts  
2 of factors that go into sentencing, but the final  
3 significant one from my perspective, and that is the need to  
4 avoid unwarranted sentencing disparity. The Government  
5 submitted along with its memorandum what I thought was a  
6 very helpful chart that listed sentences that judges have  
7 imposed in other cases. And I have to say, going through  
8 that -- and I went back and actually in a number of those  
9 cases pulled the sentencing memoranda to actually find out  
10 what actually happened in each of those cases, and to do my  
11 best to try and make sure that what I'm doing fits with what  
12 my colleagues have been doing.

13           And one thing I will say is I was impressed upon  
14 looking at this at the extent to which my colleagues have  
15 engaged in sentencing which has been consistent across  
16 cases; and where I'm able to, going back and looking  
17 carefully at what happened in each of these cases, discern  
18 some of the differences. I went back and I did as the  
19 Government requested and looked at the Bustle case where  
20 Judge Hogan imposed a sentence of 60 days of home detention  
21 on Jessica Bustle. I also looked at the sentence that Judge  
22 Friedrich imposed in the Dillon case where she imposed a  
23 sentence of 60 days home detention. I have to say, I  
24 thought that at least the rhetoric in the Dillon case was  
25 more severe than anything that was at issue here.



1 I was really interested in looking at this,  
2 though, at some of the lines that Judge Nichols drew in the  
3 Gallagher and Sweet and Fitchett cases which were all before  
4 him in a single matter. And there, Judge Nichols imposed a  
5 period of 24 months of probation, 60 hours of community  
6 service and a \$500 restitution payment on Thomas Gallagher.  
7 But he imposed periods of one month home detention, 36  
8 months of probation and 60 hours of community service on  
9 Cindy Fitchett and Douglas Sweet. I went back and I looked  
10 at the sentencing memoranda there, and Judge Nichols, I  
11 think from what I concluded, that in the case of Thomas  
12 Gallagher a lower sentence was imposed as I think it was  
13 argued to him that there was some mitigation there because  
14 Mr. Gallagher actually engaged in efforts to try and stem  
15 the violence that occurred there.

16 I think that the conduct involving Cindy Fitchett  
17 is to my mind a little bit more severe than is at issue in  
18 this case. But this case strikes me as pretty close to that  
19 dealing with Douglas Sweet where Judge Nichols imposed a  
20 sentence of one month home detention, 36 months probation,  
21 60 hours community service and \$500 restitution. I think  
22 that, in candor, there may be a slight difference between  
23 this case and that case, and it's impossible to -- every  
24 case is slightly different, and judges do their best to try  
25 and find consistency; but at the same time, recognize that

1 every single case is different.

2           What I'm going to do -- and I'll set this forth in  
3 greater detail in just a moment, is I am going to impose a  
4 sentence of one month of home detention with 36 months of  
5 probation, 60 hours of community service and \$500  
6 restitution, like Judge Nichols did in the Sweet case. But  
7 I want to stress that if this were home incarceration, I  
8 would not do it. Because the last thing I want to do is  
9 interfere with Mr. Reimler's ability to work and to perform  
10 his community service. He's been very successful in his  
11 job, and I don't want to do anything that would interfere  
12 with that.

13           And I have to say, in imposing a sentence -- just  
14 to finish my thoughts and then I'll actually impose the  
15 sentence, I really, as I sit here, do not -- I do not come  
16 away from this thinking that Mr. Reimler is a bad guy; that  
17 he is anybody who showed up that day with the intention to  
18 contribute to the horrible events that occurred that day.  
19 But there are crimes that occur where people, without  
20 deliberation, find themselves in situations where good  
21 people are contributing to bad events. There are  
22 consequences when that happens here.

23           Mr. Reimler did know at the time that he entered  
24 the Capitol that there were people who were breaking into  
25 the building, and didn't have any reason to think this was a

1 peaceful assembly or these were merely tourists entering.  
2 It may have been getting momentarily carried away with the  
3 events of the day; not being a bad person, finding himself  
4 briefly inside the Capitol when he knew he shouldn't have  
5 been there, and quickly leaving without causing further  
6 harm. But as he and his lawyer have acknowledged, his mere  
7 presence did contribute to what happened there.

8           There may be leaders of a mob and people who  
9 engage in violence in a mob that is particularly  
10 destructive, but they need people there. And it's the size  
11 of the mob itself that contributes to the horrendous  
12 consequences that can follow. I think in Mr. Reimler's  
13 case, he was somebody who was not a bad person, who didn't  
14 come to Washington with bad intentions. He had a momentary  
15 lapse in judgment that led him into the Capitol in a way in  
16 which, just through his presence, he did contribute in some  
17 marginal way to the horrendous events that occurred that  
18 day. And quite frankly, I think the sentence that I'm  
19 imposing here is not a particularly severe one; and that the  
20 misdemeanor charge is not a particular severe one; and that  
21 Mr. Reimler will be able to move on with his life; and that  
22 this appropriately strikes the balance.

23           So it is the judgment of the Court that you,  
24 Nicholas Reimler, are hereby sentenced to a term of 36  
25 months of probation on count three. In addition, you are

1 ordered to pay a special assessment of \$10 in accordance  
2 with 18 U.S.C. section 3013. While on supervision, you  
3 shall abide by the following mandatory conditions as well as  
4 the standard conditions of supervision, which are imposed to  
5 establish the basic expectations of your conduct while on  
6 supervision.

7 The mandatory conditions include you must not  
8 commit another federal, state or local crime. You must not  
9 unlawfully possess a controlled substance. You must refrain  
10 from any unlawful use of a controlled substance. You must  
11 submit to one drug test within 15 days of placement on  
12 supervision, and at least two periodic drug tests thereafter  
13 as determined by the Court.

14 The Court authorizes supervision and jurisdiction  
15 of this case to be transferred to the United States District  
16 Court for the Eastern District of Missouri.

17 You are ordered to make restitution to the  
18 Architect of The Capitol in the amount of \$500. The Court  
19 has determined that you do not have the ability to pay  
20 interest, and therefore waives any interest or penalties  
21 that may accrue on the balance. Restitution payments shall  
22 be made to the Clerk of the Court for the United States  
23 District Court for the District of Columbia, with  
24 disbursement as follows: The victim named Architect of The  
25 Capitol, Office of the Chief Financial Officer, Attention

1 Kathy Sherrill, CPA, Ford House Office Building, Room  
2 H2-205B, Washington, D.C. 20515. And the loss amount is  
3 \$500.

4 You shall comply with the following special  
5 conditions: Restitution obligation. You must pay the  
6 balance of any restitution owed at a rate of not less than  
7 \$100 each month. If the judgment imposes a financial  
8 penalty, you must pay the financial penalty in accordance  
9 with the schedule of payments sheet of the judgment. You  
10 must also notify the Court of any change in economic  
11 circumstances that might affect the ability to pay this  
12 financial penalty.

13 Financial payment schedule. Having assessed the  
14 defendant's ability to pay -- actually, strike that, I don't  
15 think that's applicable here.

16 Financial information disclosure. You must  
17 provide the probation office access to any requested  
18 financial information, and authorize the release of any  
19 financial information. The probation office may share  
20 financial information with the United States Attorney's  
21 Office.

22 Social media restriction. You shall not access,  
23 view or use any online social media, chat service, blogs,  
24 instant messages, SMS, MMS, digital photos/video sharing  
25 websites or any other interactive online or electronic

1 communications application or sites without the probation --  
2 the approval of the probation officer. You'll notice that I  
3 dropped from that list e-mails. I think it's appropriate  
4 that Mr. Reimler can use e-mails, both for his business, but  
5 also I think frankly for his personal purposes here. And I  
6 entered the social media restriction, my understanding is,  
7 without objection from the defendant. The probation officer  
8 will have the authority to modify that restriction as  
9 appropriate.

10 With respect to home detention, location  
11 monitoring: You'll participate in a location monitoring  
12 program for a period of 30 days, and shall abide by all  
13 technology requirements as determined by the probation  
14 office. You may be required to maintain a telephone in your  
15 place of residence without any service that would interfere  
16 with the operation of the location monitoring equipment for  
17 the above period at the discretion of the probation officer,  
18 unless otherwise ordered by the Court. You may be required  
19 to wear a location monitoring device that may include global  
20 positioning system and/or random tracking. You must follow  
21 the location monitoring procedures specified by the  
22 probation office.

23 You are restricted to your residence at all times  
24 except for employment, education, religious services,  
25 medical, substance abuse or mental health treatment,

1 attorney visits, court appearances, court-ordered  
2 obligations or other activities as approved by the  
3 officer -- and that's home detention.

4 And Mr. Reimler, if you need to assist your  
5 parents -- where I understand there could be some health  
6 issues, you can ask the probation officer for approval if  
7 you need to go over there and help them with some task that  
8 they can't perform.

9 I'm also going to -- even though this is a little  
10 bit at odds with what I just said, the mandatory drug  
11 testing condition is suspended based on the Court's  
12 determination that you pose a low risk of future substance  
13 abuse, and so I will waive that requirement.

14 You must submit your person, property, house,  
15 residence, vehicle, papers and computers as defined in 18  
16 U.S.C. section 1031, other electronic communications or data  
17 storage devices or media or office to search conducted by  
18 the United States Probation Officer. You must warn any  
19 other occupants that the premises may be subject to searches  
20 pursuant to this condition. The probation officer, however,  
21 may conduct a search under this condition only when  
22 reasonable suspicion exists that you have violated a  
23 condition of supervision, and that the areas to be searched  
24 contain evidence of this violation.

25 The financial obligations are immediately payable

1 to the Clerk of the United States Court for the District of  
2 Columbia, 333 Constitution Avenue, NW, Washington, D.C.  
3 20001. Within 30 days of any change of address, you shall  
4 notify the Clerk of the Court of the change until such time  
5 as the financial obligation is paid in full. The probation  
6 office shall release the presentence investigation report to  
7 all appropriate agencies, which includes the United States  
8 Probation Office in the approved district of residence, in  
9 order to effect the sentence of the Court. Treatment  
10 agencies shall return the presentence report to the  
11 probation office upon the defendant's completion or  
12 termination from treatment.

13 Pursuant to 18 U.S.C. section 3742, you have a  
14 right to appeal the sentence imposed by the Court if the  
15 sentence is longer than the statutory maximum or the  
16 sentence departs upward from the applicable guidelines  
17 range. If you choose to appeal, you must file an appeal  
18 within 14 days after the Court enters judgment. You also  
19 have the right to appeal your sentence -- your conviction to  
20 the extent consistent with your plea agreement. As defined  
21 in 28 U.S.C. section 2255, you also have a right to  
22 challenge your conviction entered or your sentence imposed  
23 if new and currently unavailable information becomes  
24 available to you or on a claim that you received ineffective  
25 assistance of counsel in entering a plea of guilty to the



1 offense of conviction or in connection with sentencing. If  
2 you're unable to afford the cost of an appeal, you may  
3 request permission from the Court to file an appeal without  
4 costs.

5 Let me ask, pursuant to the D.C. Circuit's  
6 decision in United States v. Hunter, Ms. Iyengar, are there  
7 any objections the Government has to the sentence imposed  
8 that have not already been noted for the record?

9 **MS. IYENGAR:** No, Your Honor.

10 **THE COURT:** Mr. Corlija, is there anything else --  
11 any objections that you have not noted for the record?

12 **MR. CORLIJA:** No, Your Honor.

13 **THE COURT:** Well, that concludes the sentencing in  
14 this case. Kristin -- I see the Deputy Clerk has something  
15 to ask or raise. I'm sorry, we can't hear you, Kristin.  
16 You can text me if you want to raise something, just let me  
17 know. I still can't hear you. Give me one second here, I'm  
18 just going to --

19 **PROBATION OFFICER FIELD:** Your Honor?

20 **THE COURT:** Yes.

21 **PROBATION OFFICER FIELD:** I apologize, I have a  
22 couple of questions on behalf of probation, if the Court  
23 would take those questions at this moment?

24 **THE COURT:** Of course, please.

25 **PROBATION OFFICER FIELD:** The location monitoring,

1 is the cost to the defendant going to be waived or is the  
2 Court ordering him to pay the cost of any equipment?

3 **THE COURT:** I will waive that. And actually, now  
4 that you mention it, too, the other thing that I didn't read  
5 into my judgment was the 60 hours of community service, too.

6 **PROBATION OFFICER FIELD:** Thank you, Your Honor.  
7 Would the Judge like to impose a timeframe that the -- that  
8 Mr. Reimler has to complete the community service hours?

9 **THE COURT:** What's your recommendation for that?

10 **PROBATION OFFICER FIELD:** If the Court is  
11 sentencing him to 36 months probation, we would request that  
12 he complete those hours within 30 months so that they're  
13 completed well before probation expires so that there's no  
14 concerns.

15 **THE COURT:** Mr. Corlija, any objection to that?

16 **MR. CORLIJA:** No objection, Your Honor.

17 **THE COURT:** Then I will order that the 60 hours of  
18 community service be completed within 30 months.

19 **PROBATION OFFICER FIELD:** And just two last  
20 questions, Your Honor. I didn't hear if the Court ordered a  
21 fine in this case?

22 **THE COURT:** No, I did not order the imposition of  
23 a fine, no.

24 **PROBATION OFFICER FIELD:** Okay. And then Your  
25 Honor mentioned that jurisdiction was to be transferred to

1 the Eastern District of Missouri. Would the Court -- does  
2 the Court want me to provide the transfer of jurisdiction  
3 paperwork to your CRD, would that be the best way to get  
4 that for your signature?

5 **THE COURT:** That's perfect, thank you.

6 **PROBATION OFFICER FIELD:** Okay. Thank you very  
7 much, Your Honor.

8 **THE COURT:** Well, thank you for your questions,  
9 they were all helpful. Give me a moment here, I'm going to  
10 put you all on mute just for a second while I talk to the  
11 Deputy Clerk.

12 (Discussion off the record)

13 **THE COURT:** So the Deputy Clerk reminded me that I  
14 think we need a motion from the Government with respect to  
15 the remaining counts.

16 **MS. IYENGAR:** Yes, Your Honor, I'm sorry. The  
17 Government would be moving to dismiss all of the remaining  
18 counts except for I believe count three of the information,  
19 which the defendant pled guilty to.

20 **THE COURT:** Without objection, the remaining  
21 counts, which are counts one and two, are dismissed.

22 Anything further, Ms. Iyengar?

23 **MS. IYENGAR:** Nothing further from the Government,  
24 Your Honor.

25 **THE COURT:** Mr. Corlija?

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**MR. CORLIJA:** No, Your Honor. Thank you.

**THE COURT:** Well, Mr. Reimler, I wish you well. I know this is an unpleasant aspect in your life, but I wish you well in moving on past this. I'm confident that you will move past this, and you will have a productive life in which this is just a small blip. So good luck to you.

**THE DEFENDANT:** Thank you, Your Honor.

**THE COURT:** Thank you.

(Proceedings adjourned at 2:58 p.m.)

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C E R T I F I C A T E

I, Jeff Hook, Official Court Reporter,  
certify that the foregoing is a true and correct transcript  
of the remotely reported proceedings in the above-entitled  
matter.

**PLEASE NOTE:** This hearing occurred during  
the COVID-19 pandemic and is therefore subject to the  
technological limitations of court reporting remotely.

January 10, 2022

DATE



Jeff M. Hook

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