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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PAUL ALLARD HODGKINS,

Defendant.

Criminal Action
No. 1:21-cr-0188

Washington, DC
June 2, 2021

11:01 a.m.

TRANSCRIPT OF VIDEO PLEA AGREEMENT HEARING
BEFORE THE HONORABLE RANDOLPH D. MOSS
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government:

MONA SEDKY

U.S. Department of Justice
1400 New York Ave, Room 7113
Washington, DC 20530

For the Defendant:

PATRICK LEDUC

Law Offices of Patrick Leduc
4809 E. Busch Blvd, Suite 204
Tampa, FL 33647

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 21-188, the
3 United States of America v. Paul Allard Hodgkins. The
4 defendant is appearing by video. Also by video for the
5 Government, Mona Sedky; and for defendant, Patrick Leduc.

6 **THE COURT:** Well, thank you everybody. Before we
7 get going, I just want to remind you that it's not permitted
8 to record or to rebroadcast today's proceedings, and I'll
9 order that nobody do so. I guess the first order of
10 business is just to make sure that it's appropriate for us
11 to be taking a plea by videoconference instead of in person.
12 As you know, under the CARES Act, in order to take a plea by
13 videoconference, the Court must find that the plea and the
14 particular circumstances of this case cannot be further
15 delayed without serious harm to the interests of justice.

16 So let me start by asking Mr. Leduc whether you've
17 conferred with Mr. Hodgkins about taking the plea by
18 videoconference, and what Mr. Hodgkins' view is with respect
19 to that?

20 **MR. LEDUC:** I have, your Honor, and we very much
21 want to continue by video today. And we are prepared to go
22 forward today, and are -- for lack of a better adjective,
23 excited to do so.

24 **THE COURT:** And tell me, what is the basis for the
25 Court concluding that the case cannot be further delayed

1 without serious harm to the interests of justice?

2 **MR. LEDUC:** Well, I think probably the strongest
3 one would be to tell you, your Honor, for non-attribution
4 purposes that I'm deploying non voluntarily, involuntarily
5 being mob'd and deployed on 21 July. And so expediting this
6 way right now is definitely in the interests of justice so
7 that we can get to a conclusion in the case before I find
8 myself in the Middle East for 10 months or more.

9 **THE COURT:** Okay, thank you. And Ms. Sedky,
10 what's your view?

11 **MS. SEDKY:** Thank you, your Honor. In light of
12 the fact that many of the courtrooms in the District of
13 Columbia and around the country are still closed due to the
14 pandemic, particularly for sentencing hearings and things
15 like that, and the fact that Washington, D.C. is still
16 heavily masked and travel is still fairly restricted, I
17 think the parties agree that it's in the best interests of
18 justice under the conditions of the ongoing pandemic to
19 proceed by videoconference.

20 **THE COURT:** Okay. Well, I agree -- if everyone
21 can mute your microphones, please. I agree that it's
22 appropriate for us to proceed by videoconference in light of
23 the defendant's not just consent, but request that we do so
24 in light of the continuity of availability of his counsel in
25 this case in that his counsel is deploying overseas and will

1 not be available. And in light of the ongoing pandemic, and
2 the fact that Mr. Hodgkins is located in Florida, the Court
3 concludes that it is appropriate for us to proceed by
4 videoconference.

5 Before we proceed further, let me ask the Deputy
6 Clerk to administer the oath to the defendant.

7 **DEPUTY CLERK:** Yes, your Honor. Mr. Hodgkins,
8 please raise your right hand. Do you solemnly swear or
9 affirm that you will well and truly answer all questions
10 propounded to you by the Court, so help you God?

11 **THE DEFENDANT:** Yes.

12 **THE COURT:** Mr. Hodgkins, do you understand that
13 you're under oath now, and that if you don't answer my
14 questions truthfully, that you can be prosecuted for perjury
15 or for making false statements?

16 **THE DEFENDANT:** Yes, your Honor, I do.

17 **THE COURT:** So Mr. Hodgkins, the proceeding today
18 is going to take a number of steps. Most importantly,
19 though, I want to make sure you understand all of your
20 rights; that you understand the charges against you; that
21 you understand the plea and the consequences of the plea
22 before you make a decision about how you want to proceed.
23 So if there's anything that you don't understand at any
24 point during today's proceeding, I urge you to ask me; I'm
25 happy to clarify anything. And if there's any point in time

1 in which you'd like to step into the next room with
2 Mr. Leduc and ask him a question or confer with him, you're
3 welcome to do so.

4 So our goal, by the time we get to the end of
5 today's proceeding, is just to make sure that you fully
6 understand all of your rights, fully understand everything
7 that's going on and that you're making an informed decision,
8 okay?

9 **THE DEFENDANT:** Yes, your Honor. Thank you.

10 **THE COURT:** So let me start by asking Ms. Sedky to
11 state the original charges in the case, and what, if any,
12 charges would be dropped as a provision of the plea
13 agreement.

14 **MS. SEDKY:** Thank you, your Honor. So the
15 original five counts included the count one to which the
16 defendant is pleading guilty, which is 18 U.S.C. 1512(c)(2).
17 And there were four felonies that were also charged that
18 will be dismissed at the time of the indictment pursuant --
19 I mean, at the time of sentencing pursuant to the plea
20 agreement. And those include 18 U.S.C. 1752(a)(1), which is
21 entering and remaining in a restricted building or grounds;
22 18 U.S.C. 1752(a)(2), which is disorderly and disruptive
23 conduct in a restricted building or grounds; 40 U.S.C.
24 5104(e)(2)(D) which is disorderly conduct in a Capitol
25 building; and lastly, count five is 40 U.S.C. 5104(e)(2)(G),

1 which is parading, demonstrating or picketing in a Capitol
2 building.

3 **THE COURT:** All right, thank you. Mr. Hodgkins,
4 how old are you?

5 **THE DEFENDANT:** I am 38 years old, your Honor.

6 **THE COURT:** How far did you go in school?

7 **THE DEFENDANT:** I was a three-year high school
8 diploma, completing all of my credits required within three
9 years instead of four.

10 **THE COURT:** So you have a high school diploma?

11 **THE DEFENDANT:** Yes.

12 **THE COURT:** Okay, thank you. And were you born in
13 the United States?

14 **THE DEFENDANT:** Yes, your Honor, I was.

15 **THE COURT:** And are you a U.S. citizen?

16 **THE DEFENDANT:** Yes, your Honor, I am.

17 **THE COURT:** In the last 48 hours, have you taken
18 any alcohol, drugs or medicine that could affect your
19 ability to understand what you're doing by pleading guilty?

20 **THE DEFENDANT:** None whatsoever, your Honor.

21 **THE COURT:** Have you ever received any treatment
22 for any type of mental illness or emotional disturbance?

23 **THE DEFENDANT:** No, your Honor. As a child, I did
24 have some guidance counselors during school, but in my adult
25 life, none whatsoever.

1 **THE COURT:** Anything --

2 **THE DEFENDANT:** I was about to say, by my own
3 accord, since my arrest, I have enrolled in my employer's
4 employee assistance program where I have had virtual
5 sessions with a behavioral health therapist.

6 **THE COURT:** Anything relating to your mental or
7 emotional health that could in any way affect your ability
8 to make a knowing and informed and voluntary decision about
9 whether to plead guilty or not?

10 **THE DEFENDANT:** No, your Honor.

11 **THE COURT:** Have you received a copy of the
12 indictment pending in this case? Those are the charges
13 against you.

14 **THE DEFENDANT:** Yes, your Honor.

15 **THE COURT:** And have you had an opportunity to
16 fully discuss those charges with Mr. Leduc?

17 **THE DEFENDANT:** Yes, we have, your Honor.

18 **THE COURT:** Do you feel as though you understand
19 those charges?

20 **THE DEFENDANT:** I do understand the charges, your
21 Honor, yes.

22 **THE COURT:** Are you fully satisfied with the
23 services of your lawyer in this case?

24 **THE DEFENDANT:** I am satisfied with his services,
25 your Honor.

1 **THE COURT:** Have you had enough time to talk with
2 him about your case?

3 **THE DEFENDANT:** I believe that I have, yes, your
4 Honor.

5 **THE COURT:** Have you had enough time to talk with
6 him about the plea offer and whether you should accept it?

7 **THE DEFENDANT:** Yes, I believe that I have, your
8 Honor.

9 **THE COURT:** So Mr. Hodgkins, I'm going to explain
10 to you now certain rights that you have, and listen
11 carefully. Again, as I said before, if you have any
12 questions, just let me know and I'm happy to clarify. Or if
13 you want to talk to Mr. Leduc at any time, you're welcome to
14 do so.

15 **THE DEFENDANT:** Okay.

16 **THE COURT:** Do you understand that you have a
17 right to plead not guilty and to have a trial in this case?

18 **THE DEFENDANT:** Yes, your Honor.

19 **THE COURT:** And do you understand that if you do
20 plead not guilty, that you would have a right to a jury
21 trial; and that would mean that 12 citizens from the
22 District of Columbia would decide your guilt or innocence
23 based solely on the evidence presented in the courtroom?

24 **THE DEFENDANT:** Yes, your Honor.

25 **THE COURT:** And do you understand that if there

1 were a trial, you'd have a right to be represented by your
2 lawyer at that trial and at every other stage of the
3 proceeding?

4 **THE DEFENDANT:** Yes, your Honor.

5 **THE COURT:** And do you understand that at trial,
6 you'd have a right through your lawyer to confront and
7 cross-examine any witnesses against you?

8 **THE DEFENDANT:** Yes, your Honor.

9 **THE COURT:** And do you understand that at trial,
10 you'd have a right to present your own witnesses, and that
11 you could make them, or compel them, to come to court to
12 testify?

13 **THE DEFENDANT:** Yes, your Honor.

14 **THE COURT:** And do you understand that if there
15 were a trial, you'd have a right to testify and to present
16 your own evidence if you want to do so; but you wouldn't
17 have to testify or present any evidence if you didn't want
18 to, because it's the Government that bears the burden of
19 proof beyond a reasonable doubt?

20 **THE DEFENDANT:** Yes, your Honor, I understand.

21 **THE COURT:** And do you understand that if you made
22 a decision not to testify, you could request that I instruct
23 the jury, and I would instruct the jury, that the jury could
24 not hold that against you in any way?

25 **THE DEFENDANT:** Yes, your Honor.

1 **THE COURT:** Do you understand that unless and
2 until I accept your guilty plea, you're presumed by the law
3 to be innocent; because it's the Government's burden to
4 prove your guilt beyond a reasonable doubt, and unless it
5 does so you cannot be convicted at trial?

6 **THE DEFENDANT:** Yes, your Honor, I understand.

7 **THE COURT:** And do you understand that if you
8 plead guilty in this case and I accept your plea, there
9 won't be a trial in this case and therefore there won't be
10 any of those rights?

11 **THE DEFENDANT:** Yes, your Honor, I understand.

12 **THE COURT:** And do you understand that if you
13 decided not to plead guilty and instead went to trial and
14 were convicted, you'd have a right to appeal your conviction
15 to the court of appeals?

16 **THE DEFENDANT:** Yes, your Honor.

17 **THE COURT:** And do you understand that you'd also
18 have a right to have a lawyer help you prepare your appeal?

19 **THE DEFENDANT:** Yes, your Honor, I do.

20 **THE COURT:** And do you understand that by pleading
21 guilty, you're giving up your right to appeal except for the
22 following: You can appeal your conviction if you believe
23 that your guilty plea was somehow unlawful or involuntary,
24 or if there was some other fundamental defect in the
25 proceeding that was not waived by your plea agreement?

1 **THE DEFENDANT:** I do understand this, your Honor,
2 yes.

3 **THE COURT:** And do you also understand that under
4 the terms of the plea agreement, that you may appeal your
5 sentence in the case; but only if I sentence you above the
6 statutory maximum or guidelines range or if you assert that
7 you received ineffective assistance of counsel, in which
8 case you could appeal, but only on those issues?

9 **THE DEFENDANT:** Yes, your Honor.

10 **THE COURT:** And do you understand that if you're
11 unable to pay the cost of an appeal, you can apply to appeal
12 in forma pauperis -- that means without paying the filing
13 fee; and if you do so, then the Clerk of the Court would
14 prepare and file a notice of appeal on your behalf?

15 **THE DEFENDANT:** Yes, your Honor.

16 **THE COURT:** And do you understand that by pleading
17 guilty today, that you are waiving your right to bring a
18 collateral attack on your conviction? And by that what I
19 mean is a separate action or a separate motion that would be
20 brought after you're sentenced in the case. You're giving
21 up your right to bring that type of collateral attack except
22 to the extent that such a motion or case is based on newly
23 discovered evidence or on a claim that you received
24 ineffective assistance of counsel, but otherwise you're
25 waiving that right?

1 **THE DEFENDANT:** Yes, your Honor.

2 **THE COURT:** And do you also understand that you
3 are reserving your right to seek a reduction in your
4 sentence if the U.S. Sentencing Commission lowers the
5 applicable sentencing range at a later date; but what you're
6 doing is you're waiving your right to appeal any denial of
7 such a motion or request for reduction?

8 **THE DEFENDANT:** Just so I am certain, I am waiving
9 my right to appeal, but you're explaining that if some sort
10 of changes in the sentencing comes about leading to or then
11 after to a certain time, that there is certain action that I
12 can take?

13 **THE COURT:** Yeah, so that's a good question and a
14 good clarification. What I'm saying is that there's a rule
15 that says if the sentencing commission -- and we'll talk
16 about the guidelines a little bit more later. But the
17 sentencing commission, which promulgates the guidelines, if
18 they were to reduce the guidelines range for your offense at
19 some later time, that you can come back to me and you can
20 say: "Judge, they've now reduced the guidelines and I want
21 you to reduce my sentence." And if I say no or if I say,
22 "Well, I'll agree with you, but only a little bit or in
23 part," you can't -- you're waiving your right to appeal my
24 decision about that.

25 **THE DEFENDANT:** Okay, yes, I do understand, your

1 Honor.

2 **THE COURT:** So Mr. Hodgkins, what I'm going to do
3 now is I'm going to ask Ms. Sedky to tell us what the
4 Government submits happened, what the Government says it
5 would be able to prove beyond a reasonable doubt if the case
6 went to trial. I'm going to ask you to listen very
7 carefully to what she says, because when she's done I'm
8 going to come back to you and I'm going to ask you whether
9 every word that she said is true or whether there's anything
10 at all that needs to be clarified, modified or is just
11 incorrect, okay?

12 **THE DEFENDANT:** Okay.

13 **THE COURT:** Ms. Sedky.

14 **MS. SEDKY:** Thank you, your Honor. And with the
15 Court's indulgence, my plan here was to read verbatim the
16 agreed upon statement of offense, if that's okay with the
17 Court, rather than try to summarize it myself?

18 **THE COURT:** That's fine, it's short enough.

19 **MS. SEDKY:** Okay, thank you. If this Court -- if
20 this case were to proceed to trial, the parties agree that
21 the Government would be able to prove beyond a reasonable
22 doubt the following facts. The U.S. Capitol, which is
23 located at -- which is located at First Street, SE in
24 Washington, D.C., is secured 24 hours a day by U.S. Capitol
25 Police. Restrictions around the U.S. Capitol include

1 permanent and temporary security barriers, and posts manned
2 by the U.S. Capitol Police. Only authorized people with
3 appropriate identification are allowed access inside the
4 Capitol, the U.S. Capitol.

5 On January 6th, 2021, the exterior plaza of the
6 U.S. Capitol was closed to members of the public. On
7 January 6th, 2021, a joint session of the United States
8 Congress convened at the United States Capitol, which is
9 located at First Street, SE in Washington, D.C. During the
10 joint session, elected members of the United States House of
11 Representatives and the United States Senate were meeting in
12 separate chambers of the United States Capitol to certify
13 the vote count of the electoral college of the 2020
14 presidential election which had taken place on November 3rd,
15 2020.

16 The joint session began at approximately 1:00
17 o'clock p.m. Shortly thereafter, by approximately
18 1:30 p.m., the House and Senate adjourned to separate
19 chambers to resolve a particular objection. Vice President
20 Mike Pence was present and presiding, first in the joint
21 session, and then in the Senate chamber. As the proceedings
22 continued in both the House and the Senate, and with Vice
23 President Pence present and presiding over the Senate, a
24 large crowd gathered outside the U.S. Capitol. As noted
25 above, temporary and permanent barricades were in place

1 around the exterior of the U.S. Capitol building. And U.S.
2 Capitol Police were present and attempting to keep the crowd
3 away from the Capitol building and the proceedings underway
4 inside.

5 At approximately 2:00 o'clock p.m., certain
6 individuals in the crowd forced their way through, up and
7 over the barricades and officers of the U.S. Capitol Police,
8 and the crowd advanced to the exterior facade of the
9 building. The crowd was not lawfully authorized to enter or
10 remain in the building; and prior to entering the building,
11 no member of the crowd submitted to security screenings or
12 weapons checks by U.S. Capitol Police officers or other
13 authorized security officials. At such time, the
14 certification procedures were still underway, and the
15 exterior doors and windows of the U.S. Capitol were locked
16 or otherwise secured.

17 Members of the U.S. Capitol Police attempted to
18 maintain order and keep the crowd from entering the Capitol.
19 However, shortly after 2:00 o'clock p.m., individuals in the
20 crowd forced entry into the U.S. Capitol, including by
21 breaking windows and by assaulting members of law
22 enforcement, as others in the crowd encouraged and assisted
23 those acts. The riot resulted in substantial damage to the
24 U.S. Capitol requiring the expenditure of more than
25 \$1.4 million for repairs.

1 Shortly thereafter, at approximately 2:20 p.m.,
2 members of the United States House of Representatives and
3 United States Senate, including the President of the Senate,
4 Vice President Pence, were instructed to and did evacuate
5 the chamber. Accordingly, all proceedings of the United
6 States Congress, including the joint session, were
7 effectively suspended until shortly after 8:00 o'clock p.m.
8 the same day.

9 In light of the dangerous circumstances caused by
10 the unlawful entry to the U.S. Capitol, including the danger
11 posed by individuals who had entered the U.S. Capitol
12 without any security screening or weapons check,
13 congressional proceedings could not resume until after every
14 authorized occupant had left the U.S. Capitol and the
15 building had been confirmed secured. The proceedings
16 resumed at approximately 8:00 o'clock p.m. after the
17 building had been secured. Vice President Pence remained in
18 the United States Capitol from the time he was evacuated
19 from the Senate chamber until the session resumed.

20 Defendant Paul Hodgkins traveled to Washington,
21 D.C. by bus from Tampa, Florida. And on January 6th, 2021,
22 at approximately 2:50 p.m. he entered the U.S. Capitol
23 building. He wore a dark T-shirt with the word Trump in
24 white letters. He carried a red flag with Trump 2020 in
25 white letters. Hodgkins also carried a backpack that had,

1 among other items, protective eye goggles and white latex
2 gloves.

3 At approximately 3:00 o'clock p.m., Hodgkins
4 entered the Senate chamber. As he walked among the desks in
5 the Senate chamber, Hodgkins put on and then removed
6 protective eye goggles, took selfie style photographs with
7 his cell phone, and put on and then removed white latex
8 gloves. Hodgkins walked down to the Senate well where he
9 stood adjacent to an elevated desk and platform. A few feet
10 away, several other individuals were shouting, praying and
11 commanding the attention of others in the Senate chamber.
12 One of those individuals was shirtless, wearing face paint
13 and using a bullhorn to speak. Hodgkins walked towards
14 those individuals and remained standing with them while they
15 continued to shout, cheer and say prayers using the
16 bullhorn. Hodgkins is depicted below -- in his statement of
17 offense, as the Court may recall, is a photograph -- is a
18 screenshot that I'm referencing now.

19 **THE COURT:** Just for the record to clarify, am I
20 correct that Mr. Hodgkins is the individual in the photo who
21 has the flag over his shoulder and is wearing a black
22 T-shirt that says Trump on the front of it?

23 **THE DEFENDANT:** Yes, your Honor.

24 **THE COURT:** Okay, thank you.

25 **MS. SEDKY:** Toward the end, Hodgkins raised his

1 flag in salute. At approximately 3:15 p.m., Hodgkins exited
2 the Senate chamber and the U.S. Capitol building. Hodgkins
3 knew at the time he entered the U.S. Capitol building that
4 he did not have permission to enter the building. And the
5 defendant did so with the intent to corruptly obstruct,
6 influence and impede an official proceeding; that is, a
7 proceeding before Congress, specifically Congress'
8 certification of the electoral college vote as set out in
9 the 12th Amendment of the Constitution of the United States,
10 and in 3 U.S.C. sections 15 to 18.

11 **THE COURT:** Okay, thank you. Mr. Hodgkins, is
12 everything that Ms. Sedky just said true?

13 **THE DEFENDANT:** Yes, your Honor. The only very
14 minor thing I might dispute is where it described putting on
15 and taking off goggles. I believe at the time when I
16 entered the Senate chamber, I had already had the goggles
17 on. And then shortly after inside is when I took them off.
18 I don't recall putting them back on a second time after
19 that, for whatever that...

20 **THE COURT:** I appreciate that clarification.
21 You're doing exactly what I want you to do, which is think
22 about this carefully and make sure everything she said is
23 true. I appreciate that modification.

24 **THE DEFENDANT:** To my recollection, I had worn the
25 goggles prior to before entering the Senate. And then very

1 shortly thereafter, probably within 30 seconds or so,
2 removed them from my face and just let them drape down over
3 my neck. I don't recall using the goggles again afterwards.

4 **MR. LEDUC:** And your Honor, the only other thing
5 we might add is -- everything else is true. He did put on
6 latex gloves and took them off. There was a guy who was --
7 I guess he had gotten hurt or was bleeding -- and I think
8 the video all shows this. He was going to render some aid,
9 but the guy didn't want anything so he took the gloves off.

10 **THE DEFENDANT:** Offering just a brief explanation
11 to that, there was some confusion and wondering why I had
12 used the gloves. The latex gloves were part of a first aid
13 kit which I always carry in my backpack. Upon seeing one of
14 the other protesters -- who I didn't know personally, was
15 very wounded -- you know, shot with a rubber bullet through
16 the face, I put on the rubber gloves and grabbed a small
17 piece of gauze trying to administer some first aid to help
18 him. He backed off, he didn't want my help, so I just then
19 took the gloves off and said okay.

20 **MR. LEDUC:** But what was written there is
21 accurate, your Honor, we're not disputing any of that.

22 **THE COURT:** All right. Ms. Sedky, anything else
23 you want to follow up on in light of what Mr. Leduc and
24 Mr. Hodgkins has said?

25 **MS. SEDKY:** No, your Honor.

1 **THE COURT:** Okay. But everything else,
2 Mr. Hodgkins, in the statement of offense is true and
3 accurate?

4 **THE DEFENDANT:** Yes, your Honor.

5 **THE COURT:** Okay. Is that your signature on the
6 final page of that document?

7 **THE DEFENDANT:** The defendant's acknowledgement?

8 **MR. LEDUC:** No, no, this right here. This is it.

9 **THE COURT:** The defendant's acknowledgement,
10 that's correct.

11 **MR. LEDUC:** That's you right there.

12 **THE DEFENDANT:** Yes, defendant's acknowledgement.
13 Yes, it is, your Honor.

14 **THE COURT:** Okay, thank you. And I also, by the
15 way, have in front of me the waiver of trial by jury. Is
16 that your signature on that document too?

17 **THE DEFENDANT:** Yes, that is my signature, your
18 Honor.

19 **THE COURT:** I've signed that as well. So
20 Mr. Leduc, do you agree that the Government can prove all
21 the essential elements of the charge to which Mr. Hodgkins
22 is pleading guilty beyond a reasonable doubt if the case
23 were to proceed to trial?

24 **MR. LEDUC:** Yes, your Honor.

25 **THE COURT:** Let me ask Mr. Hodgkins, do you have a

1 copy of the plea agreement in front of you?

2 **THE DEFENDANT:** Yes, we do have a copy right here,
3 your Honor.

4 **THE COURT:** Is that your signature under the
5 defendant's acceptance on the final page?

6 **THE DEFENDANT:** Yes, it is, your Honor.

7 **THE COURT:** And did you read that document
8 carefully?

9 **THE DEFENDANT:** I have read -- thoroughly gone
10 over this document with Attorney Leduc, yes, I have.

11 **THE COURT:** Do you feel as though you understand
12 everything that's in the plea agreement?

13 **THE DEFENDANT:** I do understand, your Honor.

14 **THE COURT:** So we'll spend a little bit of time
15 going through this as well. Let me ask you, do you
16 understand that you're agreeing to plead guilty to one count
17 of obstruction of an official proceeding in violation of 18
18 U.S.C. section 1512(c)(2)?

19 **THE DEFENDANT:** Yes, I do, your Honor.

20 **THE COURT:** And do you understand that that
21 offense carries a maximum statutory sentence of 20 years
22 imprisonment?

23 **THE DEFENDANT:** Yes, I do, your Honor.

24 **THE COURT:** And do you understand that in addition
25 to your sentence of imprisonment, I may impose a sentence of

1 up to three years of supervised release? And that means
2 that after you're released from prison, that you would be on
3 supervision under conditions and rules which would apply;
4 and if you didn't comply with those, then you could be sent
5 back to prison.

6 Do you understand that?

7 **THE DEFENDANT:** Yes, I understand, your Honor.

8 **THE COURT:** Do you understand that in addition to
9 or in place of a sentence of incarceration that I may
10 impose, this count also carries a maximum statutory fine of
11 \$250,000 or twice the pecuniary loss caused by the offense?

12 **THE DEFENDANT:** Yes, I do, your Honor.

13 **THE COURT:** Do you understand that if you plead
14 guilty, you'll be required to pay a special assessment of
15 \$100?

16 **THE DEFENDANT:** Yes, your Honor, I understand.

17 **THE COURT:** So as you probably know, Mr. Hodgkins,
18 Congress has created something called the United States
19 Sentencing Commission which has issued this big book here
20 which is full of guidelines for judges to consider in
21 sentencing. They're not binding on the Court, but I am
22 required to figure out what the relevant guidelines are in
23 your case, and I'm required to consider them in imposing my
24 sentence.

25 Have you had a chance to confer and talk to

1 Mr. Leduc about the guidelines and how they apply in your
2 case?

3 **THE DEFENDANT:** Yes, we have covered that, your
4 Honor.

5 **THE COURT:** Do you feel as though you understand
6 that?

7 **THE DEFENDANT:** To the best of my ability, yes,
8 your Honor.

9 **MR. LEDUC:** Your Honor, I think he speaks for all
10 of us when he says to the best of his ability.

11 **THE COURT:** I realize that they're complicated. I
12 want to spend a few minutes going through them to make sure
13 that Mr. Hodgkins understands them; not as they apply to
14 every person in every situation, but at least as they apply
15 in his case.

16 So one of things I want you to understand is I'm
17 required to consider them. The second thing is that I'm
18 not -- the Court is not bound by the guidelines. And then
19 the final thing is that I don't know with any certainty what
20 your guidelines range is going to be as I sit here today,
21 because I'm not going to know that until the probation
22 office has prepared its report, until I've heard from your
23 lawyer, I've heard from the Government lawyer. And at the
24 end of the day, I'm the one -- the plea agreement is not
25 probation, I'm the one who is going to decide what the

1 correct calculation is under the guidelines. So today I can
2 give you my best estimate or understanding of what the
3 guidelines range might be, but I just want to make sure you
4 understand that I'm not going to know that for sure until
5 sentencing.

6 Have you got that?

7 **THE DEFENDANT:** I understand that. I'm a little
8 bit confused on what bearing it could have on --

9 **MR. LEDUC:** Well, he's going to make the decision
10 is what he's saying.

11 **THE DEFENDANT:** Right, right.

12 **MR. LEDUC:** And that's what we talked about.

13 Ultimately the Judge makes the decision.

14 **THE DEFENDANT:** Okay, yes, I understand.

15 **THE COURT:** And what the bearing is is that the
16 Court is required to consider the guidelines as part of the
17 sentencing process. It's one of multiple important factors
18 the Court has to consider in imposing sentence. I can vary
19 upward and downward from the guidelines, but it is an
20 important consideration for the Court in sentencing.

21 Do you understand that?

22 **THE DEFENDANT:** Yes.

23 **THE COURT:** Mr. Leduc, do you feel as though
24 Mr. Hodgkins understands the guidelines as they apply in his
25 case?

1 **MR. LEDUC:** He does, your Honor. We've spent a
2 lot of time discussing it. And he also understands, your
3 Honor, that ultimately you're going to make the final
4 determination.

5 **THE COURT:** Okay. So here's our best estimate --
6 or the estimate that's set forth in the plea agreement of
7 how the guidelines might apply in your case. The parties
8 have agreed that the base offense level for obstruction of
9 an official proceeding in violation of 18 U.S.C. section
10 1512(c)(2) is 14. And according to the plea agreement,
11 there should be a three-level enhancement because your
12 conduct resulted in substantial interference with the
13 administration of justice. The Government has agreed that
14 you will be entitled to a two-level reduction if you
15 continue to show acceptance of responsibility, adhere to the
16 plea agreement and display acceptable conduct between now
17 and sentencing. The Government agrees that you would also
18 be entitled to a one-level reduction, because you have
19 assisted authorities by providing timely notice of your
20 intent to enter a plea of guilty. So that all leads to an
21 offense level of 14.

22 The plea agreement indicates that you have no
23 prior criminal convictions, and therefore you're in category
24 one for criminal history purposes. The probation office is
25 going to do an investigation. By the time we get to

1 sentencing, if I learn either from probation or anywhere
2 else that you do have any criminal history or prior
3 convictions, that could result in a higher criminal history
4 category which could result in a higher sentencing range.
5 But based on what I know today, your guidelines offense
6 level would be 14 and your criminal history category would
7 be one. That means that under the guidelines, the
8 recommended range would be between 15 and 21 months of
9 imprisonment.

10 Mr. Hodgkins, do you understand all of that?

11 **THE DEFENDANT:** Yes, your Honor, I do.

12 **THE COURT:** Mr. Leduc, is there anything that you
13 would clarify or change with respect to that?

14 **MR. LEDUC:** No, your Honor. Everything you've
15 said is exactly what I've talked about.

16 **THE COURT:** So in the plea agreement, I think it
17 indicates that the fine range under the guidelines would be
18 between \$4,000 and \$40,000. I think if you look at the
19 guidelines, it actually is between \$7,500 and \$75,000. I
20 don't know if you have your guidelines with you there.

21 **MS. SEDKY:** I don't. I thought -- stand by one
22 second.

23 **THE COURT:** If you're an offense level 14 -- and
24 this is at 5E1.2 of the guidelines.

25 **MS. SEDKY:** Hold on one second. I thought I even

1 calculated --

2 **MR. LEDUC:** Your Honor, I wasn't -- while she's
3 looking that up, I'll confess, I wasn't really sure on that
4 number as well. But I also understood that that also is a
5 factor of your ultimate determination as to whether you vary
6 downward or wherever you go, but that's also a moving
7 target.

8 And you'll so note here in the plea agreement that
9 he's agreed to pay \$2,000 in restitution. And probably one
10 of the things I was probably going to argue to you -- well,
11 I am going to argue to you at sentencing, I'm still going to
12 ask you to waive the fine in light of the fact that we're
13 agreeing in this plea agreement to pay \$2,000 in
14 restitution. But again, that's for later.

15 **THE COURT:** Yeah, that's for another day. I just
16 want to make sure we're in agreement as to what the
17 guidelines provide.

18 **MR. LEDUC:** We will adhere to the Court, your
19 Honor. It's a moving target depending on where you end up.

20 **THE COURT:** Of course. Ms. Sedky, do you want
21 to --

22 **MS. SEDKY:** Yeah, I'm trying -- I apologize, I'm
23 trying to -- a level 14 --

24 **THE COURT:** Go to 5E1.2.

25 **MS. SEDKY:** 5E1.2, okay. And I am looking at --

1 you're right, it's \$7,500 to \$75,000.

2 **THE COURT:** So let me just clarify then,
3 Mr. Hodgkins. The Court might decide -- it will be the
4 Court's discretion to decide whether to impose a fine, and
5 if so, how much the fine would be. But do you understand
6 that the recommended fine under the guidelines is not
7 between \$4,000 and \$40,000 as set forth in the plea
8 agreement, but is between \$7,500 and \$75,000; do you
9 understand that?

10 **THE DEFENDANT:** Okay, yes, I understand, your
11 Honor.

12 **THE COURT:** Okay, thank you. Do you understand
13 that after I've decided what guidelines apply in your case,
14 I may conclude that a departure from the guidelines is
15 appropriate which could make the guidelines range higher or
16 lower?

17 **THE DEFENDANT:** Yes, your Honor.

18 **THE COURT:** Okay. And do you understand that if I
19 sentence you to a term of imprisonment, you'll serve the
20 full amount of time for which I sentence you to with some
21 possible small reduction for good time, but that there's no
22 such thing as early release or parole; do you understand
23 that?

24 **THE DEFENDANT:** Yes, your Honor.

25 **THE COURT:** And do you understand that under the

1 plea agreement, you are agreeing to pay \$2,000 in
2 restitution?

3 **THE DEFENDANT:** Yes, your Honor, I realize this.

4 **THE COURT:** And that's because under the plea
5 agreement, the Government has represented that the damage to
6 the Capitol caused by the events that occurred on
7 January 6th, 2021, at least as of May 17th, 2021, were
8 estimated to be almost \$1.5 million of damage to the
9 Capitol?

10 **THE DEFENDANT:** Yes, your Honor.

11 **THE COURT:** And you're agreeing to pay a share of
12 that damage, do you understand that?

13 **THE DEFENDANT:** Yes, your Honor.

14 **THE COURT:** And do you understand that the offense
15 to which you're pleading guilty is a felony, and that if
16 your plea is accepted and you're found guilty of the
17 offense, then that may deprive you of certain valuable civil
18 rights such as the right to vote; the right to hold public
19 office; the right to serve on a jury; and the right to
20 possess any kind of firearm or ammunition?

21 **THE DEFENDANT:** Yes, your Honor.

22 **THE COURT:** Has anyone, including your attorney,
23 the police, the prosecutor, the FBI, any person you've come
24 into contact with since you were arrested promised or
25 suggested to you that merely because you are pleading guilty

1 you'll be guaranteed a lighter sentence?

2 **THE DEFENDANT:** Not specifically, your Honor, no.

3 **THE COURT:** Has anyone made any promise to you
4 with respect to how your guilty plea could affect your
5 sentence other than what's set forth in the plea agreement
6 today -- in the plea agreement or what we've discussed
7 today?

8 **THE DEFENDANT:** No type of promises made, your
9 Honor.

10 **THE COURT:** And when you say not specifically, do
11 you just mean by that that in discussions with the
12 prosecutor or your counsel or others, that it's your
13 understanding that you would get credit for purposes of the
14 guidelines calculation based on acceptance of your
15 responsibility?

16 **THE DEFENDANT:** Yes, that's correct, your Honor.

17 **THE COURT:** Is that what you meant when you said
18 not specifically?

19 **THE DEFENDANT:** I believe -- yes.

20 **MR. LEDUC:** Well, your Honor, I explained to him
21 that one of the things allowed after you get that report is
22 I'm going to be able to address it through a sentencing
23 memorandum and offer matters of mitigation for your
24 consideration. In talking about how the whole thing works,
25 I said hey, we're going to get a chance to try and persuade

1 you to vary downward. I think that's partly where he -- his
2 mind was.

3 **THE DEFENDANT:** Yes.

4 **THE COURT:** And did you have anything in mind
5 other than that or was that what you were talking about?

6 **THE DEFENDANT:** No, that's basically what I was
7 referring to.

8 **THE COURT:** Okay. If there's anything else, I
9 just want to make sure I know about it. I don't want to
10 learn later that someone made any sort of promise or
11 representation to you that I'm not aware of.

12 So is there anything else?

13 **THE DEFENDANT:** No, your Honor.

14 **THE COURT:** Has anyone forced, threatened or
15 coerced you in any way to enter into a plea of guilty?

16 **THE DEFENDANT:** Has anyone forced or?

17 **THE COURT:** Forced, threatened or coerced you in
18 any way to enter into a plea of guilty?

19 **THE DEFENDANT:** No, they have not, your Honor.

20 **THE COURT:** Do you understand that the agreement
21 reached in this case was the result of a negotiation between
22 your attorney and the attorney for the Government?

23 **THE DEFENDANT:** Yes, your Honor.

24 **THE COURT:** Has anyone made any promise to you in
25 connection with your guilty plea other than what's in the

1 plea agreement itself or that was stated here in open court?

2 **THE DEFENDANT:** No, your Honor.

3 **THE COURT:** Do you understand that at this time I
4 don't know what sentence I'll impose in your case, because I
5 haven't heard from your lawyer, from the Government's
6 lawyer, from probation, from you if you want to be heard, or
7 anyone else you want me to hear from; so I don't really know
8 today -- in fact, I have no idea today what sentence I would
9 impose; do you understand that?

10 **THE DEFENDANT:** Yes, I understand that, your
11 Honor.

12 **THE COURT:** Is there anything that you don't
13 understand about this proceeding or about your plea in this
14 case?

15 **THE DEFENDANT:** Everything to the best of my
16 knowledge about it I do understand, your Honor.

17 **THE COURT:** Anything you want to ask Mr. Leduc or
18 me before you make a final decision about what you want to
19 do?

20 **THE DEFENDANT:** If I could be allowed, I would
21 like maybe just a few minutes to speak with my attorney.

22 **THE COURT:** You're more than welcome to do that.
23 You can either mute the phone -- and you can probably even
24 turn off the camera, or you can step into other room,
25 whichever makes you more comfortable.

1 **MR. LEDUC:** Just one moment, your Honor, we'll be
2 just a second.

3 **THE COURT:** Take your time, I would encourage you
4 to do it.

5 (Defendant and counsel confer off the record)

6 **MR. LEDUC:** He had a small little confusion on the
7 issue of -- I handled it, your Honor. He just had a
8 question or two. It's nothing that you went over, he just
9 paused and wanted to ask. We're good, your Honor.

10 **THE COURT:** Okay. That's what I welcome, I want
11 you to do that. So Mr. Hodgkins, anything else you don't
12 understand, any other questions you want to ask me or
13 Mr. Leduc?

14 **THE DEFENDANT:** I believe -- no, your Honor, I
15 believe I fully understand.

16 **THE COURT:** Are you ready to make a decision about
17 whether you want to enter a plea of guilty or whether you
18 want to go to trial in this case?

19 **THE DEFENDANT:** Yes, I do, your Honor.

20 **THE COURT:** And what's your decision?

21 **THE DEFENDANT:** I have decided that I will accept
22 this plea offer, and I will plead guilty to charge one.

23 **THE COURT:** Okay. And are you entering the plea
24 of guilty voluntarily, of your own free will, because you
25 are guilty and for no other reason?

1 **THE DEFENDANT:** Yes, your Honor.

2 **THE COURT:** It's the finding of the Court in the
3 case of the United States of America v. Paul Allard
4 Hodgkins, 21-cr-188, the defendant is fully competent and
5 capable of entering an informed plea; the defendant is aware
6 of the nature of the charges and the consequences of the
7 plea; and the plea of guilty is a knowing and voluntary plea
8 supported by an independent basis in fact containing each of
9 the essential elements of the offense. The plea is
10 therefore accepted, and the defendant is now adjudged guilty
11 of count one of the indictment, obstruction of an official
12 proceeding in violation of 18 U.S.C. section 1512(c)(2).

13 I take it from the plea agreement that the
14 Government -- neither the Government nor the defendant at
15 this point is seeking any change in Mr. Hodgkins' status
16 pending sentencing, is that right, Ms. Sedky?

17 **MR. LEDUC:** Yeah, that's -- oh, I'm sorry. Yes,
18 go ahead, Mona.

19 **MS. SEDKY:** So before the Court began the
20 proceeding, Mr. Leduc asked me whether we would consider
21 making a slight modification to Mr. Hodgkins wearing an
22 ankle monitor. And I said that the conditions of release
23 will remain in place, and we can deal with that after the
24 fact. And if we talk to probation and I talk to my team and
25 we all agree with it, then there will be an assented to

1 motion to modify. But we're not doing that at this
2 juncture, your Honor.

3 Is that fair to say, Mr. Leduc?

4 **MR. LEDUC:** It is fair, your Honor. Ms. Sedky
5 wants to just make sure everything's copacetic with the
6 folks down here. She'll get back to me, your Honor, and
7 then we can just do something joint and just file it with
8 the Court.

9 **THE COURT:** Well, I will leave it to the parties
10 to discuss this in the first instance. If there's a motion
11 you want to file, unopposed or otherwise, you're welcome to
12 do so.

13 And then did the parties confer with the Deputy
14 Clerk about a sentencing date?

15 **MR. LEDUC:** I did not, your Honor. But if I could
16 propose one, I would be grateful. I was looking at -- and
17 I'm being considerate of obviously the folks who have to do
18 the presentence report. I leave probably late in the day on
19 Wednesday the 21st. I'm heading up to Chattanooga on my way
20 to Fort Bliss. Monday the 19th, if the Court is available,
21 or Tuesday the 20th. I am assuming that you're going to
22 want us both there in person. My plan would be to fly to
23 Reagan the night before, probably stay at Fort Belvoir or
24 Fort Myer, and then come on over. If I'm familiar, I think
25 you guys are near a Metrorail stop, and we'll just come on

1 up and do the hearing, if the Court would so allow.

2 **THE COURT:** Let me ask the Deputy Clerk whether
3 that works.

4 **MS. SEDKY:** Can I ask, which month are we talking
5 about, July or August?

6 **MR. LEDUC:** July.

7 **THE COURT:** Oh, I though it was August.

8 **MR. LEDUC:** It has to be July, your Honor, because
9 I leave on July 21st. The Army is taking me over to the
10 Middle East. I'm going to be between Afghanistan and Egypt
11 and all places in between, unfortunately or fortunately.

12 **THE COURT:** I'm just not sure that our probation
13 office can prepare the PSR by then.

14 **MR. LEDUC:** Could I ask them to maybe cut -- you
15 know, maybe they'd expedite this in light of my
16 circumstance, your Honor?

17 **THE COURT:** Let me ask, Kristin, is that something
18 you can check with probation about or do you think that's
19 just a non-starter from their perspective?

20 **DEPUTY CLERK:** I think the latter, your Honor.
21 They're pretty overwhelmed right now already. I mean,
22 unless it were to come from you possibly. But I know they
23 need that 70 days, because they're doing criminal history
24 and --

25 **MR. LEDUC:** I'm sorry to interrupt --

1 **DEPUTY CLERK:** Perhaps may I make a suggestion. I
2 don't know if you're going to be proceeding with sentencing
3 in person, and I'm not sure if Mr. Leduc would be able to
4 appear by video possibly.

5 **MR. LEDUC:** When I'm on -- the judge at -- my
6 boss, the judge advocate general, but they're also DoD sort
7 of, I'm not allowed to practice law while I'm wearing that
8 uniform full-time. To make an appearance, your Honor,
9 before you until I return -- and my expected return date
10 would be this time next year, and so -- and I apologize. I
11 got the orders March 2nd, sort of outside my control. This
12 is not a voluntary mob., your Honor, this is involuntary.
13 I'm in command, and my command got tagged and off we're
14 rolling.

15 **THE COURT:** Well, let me do this: Why don't we --
16 I understand your concern, and I respect your service and
17 appreciate that. Let me do this: Why don't we -- Kristin,
18 if we can try and schedule something for the 19th. I'm
19 going to have to call our chief probation officer and talk
20 to him about whether it can be done or not. I don't know
21 frankly whether it can be done. And it may be, Mr. Leduc,
22 that with all respect, it would be necessary to substitute
23 someone else in to represent Mr. Hodgkins at sentencing.
24 And you could obviously spend some time with that person and
25 get that person up to speed.

1 But I'm happy, in light of these unusual
2 circumstances, to at least personally talk to the probation
3 office and see if there's something that they can do in
4 light of the circumstances.

5 **MR. LEDUC:** Your Honor, I'm personally grateful.
6 If you could tell the gentleman that you'll speak to that
7 this is one colonel who would be very grateful, and I will
8 do everything that they ask. We'll make this happen rocket
9 docket. I know that we're putting a burden on them, but
10 it's a very unique circumstance. If there was ever an
11 exception to the rule, I think I might have presented one to
12 you. So I would be personally grateful. And we will plan
13 on being there on the 19th. I'll fly up Sunday, Paul and I
14 on the 18th, and we'll be in person at whatever time you
15 tell us.

16 **THE COURT:** Kristin, do we have time to put
17 something down ourselves on the 19th, and then I can just
18 talk to probation and see if this is possible?

19 **DEPUTY CLERK:** Sure, yes, your Honor. For July
20 19th, you're wide open. So 10:00 a.m. would be better, but
21 we'll defer to probation.

22 **THE COURT:** Okay. So why don't we put it down now
23 for 10:00 a.m. on August 19th. You may see an order,
24 though --

25 **MR. LEDUC:** I'm sorry, your Honor, July.

1 **THE COURT:** I'm sorry, I apologize, July.
2 July 19th at 10:00 a.m. You may see an order which
3 reschedules. And if that's where we are, you'll know that
4 there's nothing that I can do about it and that's just the
5 circumstance. In which case, Mr. Leduc, hopefully you can
6 help Mr. Hodgkins find a lawyer who has the right skill set
7 for this and who you can work with to get that person up to
8 speed for the sentencing.

9 **MR. LEDUC:** Yes, your Honor. I'll be sending some
10 intercessions upward, your Honor, on your behalf.

11 **THE COURT:** Well, I will do my best in talking to
12 probation about this. But as the Deputy Clerk said, this is
13 not just shorter than their usual, it's an order of
14 magnitude shorter than their usual. So I don't know if they
15 can do it, it's really a quick turnaround for them, but I
16 will talk to them.

17 **MR. LEDUC:** Thank you, your Honor.

18 **THE COURT:** All right. Assuming that we proceed
19 on the 19th, Mr. Leduc, when do you want to file your
20 sentencing memorandum?

21 **MR. LEDUC:** I will file it whenever you tell me,
22 your Honor. I'm working on it as we speak.

23 **THE COURT:** So I think given that short
24 turnaround, it probably makes sense just to do a
25 simultaneous filing of the sentencing memoranda with the

1 Government. Obviously if you need to respond to something
2 that comes up, you can do that.

3 So I will direct that both sides file their
4 sentencing memoranda by July 14th.

5 **MR. LEDUC:** Very good, your Honor. I'll have it
6 to Ms. Sedky a day or two early so she's able -- they
7 usually respond to what we write. So out of respect to her,
8 your Honor, I'll plan on getting it to her by the 12th.

9 **THE COURT:** Okay. And I also want to make sure
10 that you have a chance to respond to anything that she may
11 assert. This is all tentative, we'll put it down for this.
12 And as I said, if it turns out that the PSR can't be done in
13 that period of time, then I'm just going to have to issue an
14 order scheduling it for a different time.

15 **MR. LEDUC:** Yes, sir.

16 **THE COURT:** All right, thank you.

17 Kristin, anything else that we should address?

18 **DEPUTY CLERK:** No, your Honor. I'm sorry, I lost
19 connection there briefly, but I think you covered
20 everything.

21 **THE COURT:** Okay. Mr. Leduc, anything else you
22 want to raise?

23 **MR. LEDUC:** No, sir. Thank you, your Honor. I
24 look forward to seeing you in person.

25 **THE COURT:** Well, likewise. I hope we can arrange

1 that. Ms. Sedky, anything further?

2 **MS. SEDKY:** Nothing from the Government. Thank
3 you, your Honor.

4 **THE COURT:** Well, thank you all. Have a good day.

5 (Proceedings adjourned at 11:53 a.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.

August 26, 2021

DATE



Jeff M. Hook

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