

P R O C E E D I N G S

(REPORTER'S NOTE: This hearing was held during the COVID-19 pandemic restrictions and is subject to the limitations of technology associated with the use of technology, including but not limited to telephone and video signal interference, static, signal interruptions, and other restrictions and limitations associated with remote court reporting via telephone, speakerphone, and/or videoconferencing.)

THE COURTROOM DEPUTY: Judge, this is Criminal Action 21-388, United States v. Vic Williams.

For the United States, I have Laura E. Hill. For Vic Williams, I have Chip Lewis. The probation officer today is Aidee Gavito for Crystal Lustig, and our court reporter today, again, is Nancy Meyer.

All parties are present.

THE COURT: Good afternoon, everybody. Are we ready to get started?

MS. HILL: Good afternoon.

MR. LEWIS: Yes, Your Honor.

THE COURT: Okay. So let's start with the colloquy for the -- under the CARES Act for the videoconferencing. The Chief Judge in this district has authorized the use of videoconferencing for sentencings because they cannot be conducted in person without seriously jeopardizing public health and safety. We're prepared to proceed today by videoconferencing if the defendant consents.

Do the parties believe that proceeding today via

1 videoconference rather than waiting until a hearing can be held
2 in person is in the interests of justice? Mr. Lewis?

3 MR. LEWIS: We do, Your Honor.

4 THE COURT: Okay. If you could just make a short
5 record as to why it makes sense to go forward today by video
6 rather than waiting until we can do it in person when -- who
7 knows when.

8 MR. LEWIS: Your Honor, I would take that entreaty
9 as -- as to who knows when as a very good reason. Mr. Williams
10 is very eager to move forward with his life and put this very
11 poor decision behind him.

12 THE COURT: All right. Does -- Ms. Hill, do you have
13 a contrary view of things?

14 MS. HILL: No, Your Honor. We agree with the
15 defendant.

16 THE COURT: All right. And, Mr. Williams, I gather
17 that you're comfortable with the videoconferencing equipment
18 made available to you?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: And after having consulted with your
21 counsel, you agree to participate in today's sentencing hearing
22 using videoconferencing rather than being physically present in
23 the courtroom?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: All right. The Court finds that the use

1 of the VTC is necessary because it is not practical to appear
2 in person. Proceeding by VTC today is justified because the
3 interests of justice will be harmed without a prompt hearing.
4 And the defendant, after consultation with counsel, has
5 consented to proceeding in this fashion.

6 I normally ask a question as well about whether the
7 parties can talk in private, if necessary, but I'll state for
8 the record that from what I see on the videoconferencing,
9 counsel and defendant are sitting right next to each other so
10 they can clearly discuss something in private, if necessary.

11 All right. All right. Mr. Williams and defense
12 counsel, have you reviewed the presentence report as revised
13 following the defense and the government's submissions?

14 MR. LEWIS: We have, Your Honor.

15 THE COURT: Any additional objections?

16 MR. LEWIS: None, Your Honor.

17 THE COURT: All right. Under Federal Rule of
18 Criminal Procedure 32(i)(3)(A), the Court will accept the
19 presentence report as its findings of fact on issues not in
20 dispute.

21 Defendant has pleaded guilty to a Class B misdemeanor to
22 which the sentencing guidelines do not apply. Therefore, I
23 will assess and determine the proper sentence in this case by
24 reference to and in consideration of all the relevant factors
25 pursuant to the sentencing statute found at 18 U.S.C. 3553(a).

1 Defendant has pled guilty to Count 4, parading,
2 demonstrating, or picketing, in a Capitol Building, in
3 violation of 40 U.S.C. § 5104(e)(2)(G). Defendant has no
4 criminal history. The maximum term of imprisonment for this
5 offense is six months, and the maximum fine is \$5,000.

6 Would the government like to address the Court regarding
7 sentencing, Ms. Hill?

8 MS. HILL: Yes, Your Honor.

9 The events of January 6th are -- are unprecedented. A
10 mob attacked the Capitol, causing a delay in the certification
11 of the Electoral College votes; countless injuries, including
12 to law enforcement officers; and about \$1.5 million in property
13 damage.

14 This broader context of January 6th is important. The
15 riot would not have been successful without its numbers, but I
16 will focus today on Mr. Williams' actions on January 6th and
17 the reason the government is requesting a sentence of 14 days
18 of incarceration, followed by 3 years of probation, 60 hours of
19 community service, and \$500 in restitution.

20 On January 3rd, leading up to his trip to
21 Washington, D.C., Mr. Williams posted to Facebook, quote, don't
22 be fooled that you are not at war and take lightly just what is
23 at stake. I am going to D.C. tomorrow to voice my concern. If
24 we do not win this battle, we may need more than our voice to
25 keep our freedom, close quote. By posting "we may need more

1 than our voice," Williams acknowledged that violence may be
2 needed and that he may participate in that violence. Also, he
3 posted this message on a public forum; so he's sharing his view
4 that violence may be needed with others on social media.

5 On January 4th, Williams flew to Washington, D.C., where
6 he met up with a friend. And on January 5th, Williams appeared
7 to have gone to an event with a crowd of President Trump
8 supporters. After attending the event, Williams posted to
9 Facebook about a part of the crowd that, quote, looks like they
10 just rappelled from a helicopter. Williams said of this group,
11 they are pissed and now they realize our freedom is being
12 attacked, and they're ready to fight as they were trained by
13 the same government now trying to steal their freedom. He
14 further states they did not come for violence, but if pushed,
15 violence will ensue and the violence will take it by force.

16 On January 6th, Williams attended President Trump's
17 "Stop the Steal" rally. He then walked to the Capitol with his
18 friend. While he was en route to the Capitol, his friend
19 received a video showing smoke and violence at the Capitol. In
20 the video posted to Facebook, Williams described what he saw in
21 the video as, quote, smoke flying everywhere. They were
22 fighting them. They were putting smoke on them. Everything.
23 Trying to get them out of there, close quote.

24 Instead of deterring Williams, he marched forward to the
25 grounds. To get to the building itself, Williams was required

1 to climb a wall and scaffolding, and then he entered the
2 building through the Senate wing door and remained inside for
3 about a minute and a half.

4 After the riot on January 6th -- so the evening of
5 January 6th -- and on January 7th, Williams posted to Facebook
6 that he was intending to return to the Capitol on January 7th,
7 the day after the Capitol riot. He posted, "See you patriots
8 tomorrow at the Capitol" and "Go stand at the Capitol and be
9 counted." So not only was he intending to return to the
10 Capitol, but he was encouraging others on social media to
11 attend as well.

12 About a month after that, in February of 2021, Williams
13 was interviewed by the FBI. During that interview, he lied to
14 the FBI. He unequivocally stated that he did not enter the
15 Capitol Building. Williams also appears to have deleted
16 several social media posts about his participation in the
17 events on January 6th. While I don't know the specifics of why
18 Mr. Williams deleted these posts, here's what I do know.

19 On January 17th, Williams told a third party that his
20 friend received a visit from the FBI. He told that third
21 party, quote, he says I'm next, close quote. Meaning, he would
22 soon receive a visit from the FBI himself. On March 25th, the
23 FBI sent Facebook a preservation letter; on April 20th, a
24 search warrant. Some of the social media posts related to
25 January 6th that the FBI received from tipsters were then not

1 recovered in the Facebook search warrant return. That includes
2 the 17-minute Facebook live photo -- post -- excuse me -- a
3 photo from the Capitol with the caption, I said I wasn't going
4 in, but then I couldn't help myself, and a selfie in front of
5 the Capitol.

6 So in thinking of the nature and circumstances of the
7 offense, four aggravating factors affected the government's
8 sentencing recommendation. First, that Williams saw smoke and
9 violence, yet he continued moving forward toward the Capitol
10 and, ultimately, joined the mob that entered the Capitol
11 Building.

12 Second, his social media posts. He posted on
13 January 3rd and 5th about potential violence on January 6th.
14 He posted on January 6th about his actions on the 6th, and then
15 on the 6th and 7th, he talked about returning to the Capitol on
16 the 7th.

17 Third, that Williams lied to the FBI. He told the FBI
18 that he was not in the building on January 6th, but he,
19 clearly, was.

20 Fourth, that he seemingly deleted Facebook posts
21 discussing his involvement in the Capitol riot.

22 While Williams has no criminal history, he's also shown
23 little remorse for his actions on January 6th. Williams
24 alleges in his sentencing memorandum that he was caught up in
25 the moment and now regrets his decision. But his actions here

1 speak louder than his words, and his actions contradict his
2 statement of remorse. Williams' actions before and on
3 January 6th show that he acted deliberately. He posted again
4 to social media on January 3rd about using more than his voice.
5 On January 5th, he talked about individuals being prepared for
6 violence. On the 6th, before walking onto Capitol Grounds, he
7 saw smoke and violence at the Capitol. He heard explosions,
8 yet he continued marching forward. He climbed a wall, he
9 climbed scaffolding, ultimately, to enter the building.

10 And Williams' actions after the riot show his lack of
11 remorse. He posted about returning to the Capitol on the 7th,
12 and he encouraged others to return with him. And over a month
13 after the riot, he lied to the FBI about entering the Capitol.
14 Then he, seemingly, deleted Facebook posts.

15 So to ensure specific deterrence here, incarceration is
16 warranted.

17 The last thing I'd like to address is the need to avoid
18 unwarranted sentencing disparities. In the defendant's
19 sentencing memorandum, they point to the case of Sean Cordon as
20 being similar to Mr. Williams' case, but there are major
21 distinctions with Williams' case and Cordon's case. Cordon saw
22 violence before entering, but he was already on Capitol Grounds
23 when he saw that violence. Also, there's no evidence that
24 Cordon posted anything to social media about January 6th,
25 unlike Mr. Williams. Cordon did not talk about violence prior

1 to January 6th or advocate that anyone return to the Capitol
2 after January 6th.

3 Also, when interviewed by the FBI, Cordon told the
4 truth. He immediately told the FBI that he had entered the
5 building. And, finally, he was immediately remorseful about
6 his actions. At the time of his arrest and, to my knowledge,
7 the first time he spoke with the FBI, Cordon told the FBI that
8 he knew what he did was wrong. So all of that is contrary to
9 Mr. Williams' case.

10 Instead, the government would point the Court to the
11 cases that the government outlines in its sentencing
12 memorandum, and I'd be happy to answer questions about those.

13 But, in conclusion, Williams recognized the possibility
14 for violence on January 6th, and then he saw with his own eyes
15 smoke and violence on the 6th, yet he continued to move forward
16 to join the mob on Capitol Grounds. After the riot, he
17 encouraged others to return with him the next day, and then he
18 explicitly lied to the FBI and, seemingly, deleted Facebook
19 posts related to January 6th.

20 And so for these reasons, the government recommends a
21 sentence of 14 days in custody, followed by 3 years of
22 probation, and 60 hours of community service.

23 Thank you.

24 THE COURT: Thank you.

25 Mr. Lewis.

1 MR. LEWIS: Thank you, Your Honor.

2 As His Honor is acutely aware, we have focused in our
3 papers on the measure of this man. I chose to do so after
4 reviewing -- if not dozens -- hundreds of similar folks and the
5 outcomes of their cases.

6 Having learned about this Court and the very
7 hard-working nature of this Court, I have no doubt the Court
8 has looked at the contrast of cases, given this Court's track
9 record of making sure there are not disparate sentences with
10 similarly situated fact patterns and defendants. Therefore, I
11 have slated the one case.

12 But most tellingly, Your Honor, in this regard, my
13 choice to focus on the measure of the man was an easy choice,
14 having gotten to know Mr. Williams. As -- the Court may not be
15 familiar with this, but Ms. Hill and I entered along this
16 course early on about my desire to see Mr. Williams be
17 considered for a diverted sentence in this case, given his
18 remarkable background and what the government has conceded was
19 on the spectrum of the most benign facts of those charged with
20 similar offenses. And I'll emphasize that. The most benign
21 facts.

22 The Court knows what the spectrum of the hundreds of the
23 defendants in this case looks like, and I have no doubt the
24 Court recognizes where Mr. Williams falls on this spectrum.
25 Therefore, unless the Court asks me to further contrast the

1 circumstances factually of his conduct, I will choose to focus
2 on the man with my brief remaining remarks.

3 As a prosecutor and a defense lawyer going on close to
4 30 years, Your Honor, I have seen, heard, and done everything
5 possible in the name of the defense of our Constitution. Both
6 as a prosecutor and a defense attorney, I have worked very,
7 very hard to make sure all those constitutional freedoms, all
8 the guarantees that our forefathers shed their blood for,
9 remain sacrosanct.

10 While I could probably not be further left on the
11 political spectrum -- in fact, I started a grassroots effort to
12 abolish the 22nd Amendment in favor of President Obama -- I
13 have come to know Vic Williams not for his political
14 viewpoints, I've come to know him as a man. And I will tell
15 this Court, without hesitation, as I have defended and
16 prosecuted the most reprehensible of criminals throughout my
17 career, Vic Williams is the furthest thing from a criminal I've
18 ever seen.

19 His respect for the law, his loyalty, his dedication,
20 and service to not only his country, but those worldwide, as
21 the Court is aware from our sentencing memorandum, is
22 breathtakingly refreshing.

23 I do not have to agree with the politics of a man to
24 recognize the measure of that man. And there's an old saying
25 that has stood the test of time, Your Honor, and it's because

1 it could be no more apropos, and that is through our deeds we
2 are known. We're not talking about the deeds of January 4th
3 through 7th. We're talking about almost 50 years on this
4 earth.

5 And I know the Court has studied our papers and has a
6 very good hold on the measure of this man, what he's done in
7 life, what he's overcome, and his dedication to the fellow man
8 and others. It was remarkable when I read the letters. Like
9 the Court, I've read thousands of letters of support, but
10 rarely have I ever encountered such a quality of letter in the
11 actual substantive comments these folks had to make about this
12 man and his life's work.

13 THE COURT: If there's a silver lining here, it's
14 that he doesn't have to wait until he's in a casket to hear
15 those things about himself.

16 MR. LEWIS: That is -- that is very true. We often
17 don't get to hear those things about ourselves. Unfortunately,
18 Mr. Williams' sole lack of good judgment that he's displayed
19 for 50 years has -- has led us to this point where you do hear
20 these things. The last place he wanted to hear it, sitting in
21 front of an honorable jurist seated in the District of
22 Columbia.

23 As I have gained respect for Vic Williams as a man, I
24 also do not quarrel with his principles. And while I invite
25 the Court to actually watch the entire narration that

1 Mr. Williams posted on his social media, I will highlight even
2 Ms. Hill's words. And there were three words that were very
3 telling: Voice your concerns. It's voice your concerns,
4 narrate -- it's really what he was doing throughout the video.
5 If you watch it, Your Honor, he's narrating what he's seeing
6 and what's going on. You can hear in his voice, you can see in
7 his eyes a sense of disbelief, a bit of awe. I don't think
8 many of the folks like Vic Williams who went to D.C. as a
9 peaceful demonstrator could ever have imagined what was going
10 to unfold because of some very, very reprehensible folks who
11 had much different motives than Vic Williams.

12 And I've enjoined working with Ms. Hill. She's a -- her
13 integrity, her honesty. She's a very good lawyer, but we all
14 understand the DOJ's position here is one of an unfortunate
15 cookie-cutter mechanism. It is very difficult -- and I am very
16 thankful that we have Your Honor to hear this -- in that the
17 cookie-cutter and mixing everybody into this crowd of
18 wrongdoers doesn't fit Vic Williams.

19 Vic has waited for this day to address His Honor. And
20 without further ado, I'm going to close here and let him do so
21 because I think his words are much more important than mine.

22 He has --

23 THE COURT: All right. Let me ask you -- before you
24 turn it over --

25 MR. LEWIS: Yes, Your Honor.

1 THE COURT: -- just -- I want to focus in on two
2 issues, and one --

3 MR. LEWIS: Yes, Your Honor.

4 THE COURT: -- is the apparent deletion of the
5 electronic evidence, and two is the deception to the FBI during
6 that first interview. Do you have anything to add on those
7 issues?

8 MR. LEWIS: I will defer to Mr. Williams. I would
9 add this, Your Honor: Relative to the FBI, the exact quote
10 from discovery is that he said he went to the door and he
11 stopped short. He will address that directly with Your Honor,
12 because that's what I asked him, quite frankly. As -- as a
13 former prosecutor in making an argument such that Ms. Hill
14 made, I would have asked that very question. Well, why didn't
15 you just tell the FBI from the jump? And I will let him
16 address that.

17 As far as the deletion of his Facebook posts, I have
18 the -- I don't know if it's the pleasure, privilege, or what it
19 is, but I have a handful of other January 6th defendants. And
20 in talking to all of them, I have seen a common thread. And I
21 said the privilege or the good luck. All of these folks are
22 charged with similar offenses. There's no violence with any of
23 the defendants that chose to hire me.

24 However, I have seen a common thread that runs through
25 them of realizing very soon after the events, the despicable

1 events of January 6th, that there was -- and how do I say this
2 in PG terms? There was one of those, oh, shucks moments. This
3 is a lot bigger and a lot more serious than I thought it was.
4 And in that panic, without consulting counsel, without really
5 thinking it through, many folks decided it would be better not
6 to have any of their discussions about that event online.

7 I won't speak for Mr. Williams since he's right here and
8 he's very capable of addressing the Court, but I have seen that
9 run through the tenor of several of my own personal clients;
10 the decision that, uh-oh, I've participated in something that's
11 gotten way out of hand. I don't want anything to do with it.
12 I'm going to get rid of any of the chats or my posts or my
13 comments.

14 And I will close as follows: Over my almost
15 three decades immersed in the criminal justice system,
16 Your Honor, I've gotten to know a lot of people. And as I said
17 a few minutes ago, I've represented -- I have defended some of
18 the most reprehensible criminals. Vic Williams is about as far
19 from that as I have ever in my life encountered. I've spent a
20 lot of time with him over the last several months. I have met
21 family. I have heard from a number of friends, coworkers, and
22 folks.

23 And as I see the Court, I know the Court has heard
24 plenty of these cases, has many more on its docket. And while
25 I do not struggle with the Department of Justice's method of

1 prosecution here, it's an unprecedented behemoth of a task, but
2 this case and this man really cries for a unique set of
3 circumstances, not the broader context that the government
4 wants to paint some folks into, but the specific context of not
5 only his actions --

6 And one thing I would be remiss if I did not talk about
7 very quickly from a factual standpoint. In that minute and few
8 seconds that Mr. Williams was actually in the Capitol taking a
9 photo, as he goes to leave, without any violence, without
10 incurring any violence, without seeing anything, there is a
11 lady who had gotten knocked down or fallen down. He took the
12 time to help her up. That's the measure of the man that he is.

13 This isn't a violent man who went to D.C. to further any
14 despicable agendas. He went as a supporter of this country, of
15 the freedoms that we so covet and we so treasure, to see what
16 was going on. And as -- as I referenced, the proof is in the
17 pudding. If you listen to the video that Ms. Hill described,
18 he -- he sounds almost like a lay journalist narrating the
19 events, and the words he used are very important. Voice my
20 concerns. Stand and be counted. Narrating the events.

21 Therefore, I'm going to defer to the Court. We will
22 answer any questions. I will let Mr. Williams answer the
23 direct questions His Honor has posed, but I respectfully
24 request this Court to fashion an appropriate sentence. And I
25 would submit given this man and the 49 years of his conduct,

1 impeccable, that this Court can fashion a sentence somewhere
2 between time served and a very benign probation as I referenced
3 in our pleadings.

4 Mr. Williams does not at all struggle with the
5 court-ordered restitution. He is by nature, as the Court
6 knows, a community servant. So additional community service is
7 in his blood. It's not something the Court has to order, but
8 he will gladly discharge anything this Court finds appropriate.

9 I thank the Court for the patience. It has been an
10 absolute pleasure practicing in front of you, and I look
11 forward to the opportunity someday down the road when we get
12 on the other side of this to practicing in front of you in
13 person.

14 Thank you, Your Honor, and I will now turn to
15 Mr. Williams.

16 THE COURT: Thank you. Go ahead, Mr. Williams.

17 THE DEFENDANT: If I can use my notes, Your Honor.
18 Should I answer the questions, first?

19 MR. LEWIS: Please.

20 THE COURT: If you could -- Mr. Williams, if you
21 could get a little closer to the microphone because it's a
22 little bit low.

23 THE DEFENDANT: Is that better?

24 THE COURT: That is better. Thank you.

25 THE DEFENDANT: Okay. Yes. Before I kind of go on

1 my notes, I'll answer -- the two questions, sir, the -- what
2 was the first one? About the -- the videos.

3 MR. LEWIS: The videos. The deletion of the videos.

4 THE DEFENDANT: Well, there's a couple different
5 stories to that. One of them is my -- my wife, who just,
6 obviously, practiced her whole life more sense than me,
7 immediately on the 6th -- I think on the 6th, and maybe into
8 the 7th -- she was deleting them. And, in fact, on my video
9 when you see me in the deal, you know, she's calling me. "What
10 are you doing? You know, are you at the Capitol?"

11 "I'm, you know, on the steps." She's just -- and I
12 laugh. And so she deleted some out of just -- she's seen
13 what's going on. We're not seeing --

14 I know because I've seen the videos since of a lot of
15 crazy stuff that went on, but just the side I went in, we
16 didn't see the violence and, you know, the things that were
17 going on there. So she deleted some of those. Later, yes,
18 sir, exactly right, as Mr. Lewis said, just deleted them out of
19 oh my, you know. Some of it was just talking by then.

20 But as far as the FBI, they came to my house, I think,
21 in February to pay me a visit. My wife and I invited them in.
22 I'll just -- I have that part here. We answered truthfully to
23 the questions they asked because they were there almost
24 two hours. It was a very pleasant visit, honestly. They were
25 very respectful. We were respectful. I -- I was honest as far

1 as telling them I had not heard of Oath Keepers, Proud Boys,
2 Q some -- a Q movement or group. I had never heard of them in
3 my life until the 6th.

4 On the 6th, I did hear of them. Actually, the 5th I
5 heard of one group, and on the 6th I heard of the other two.
6 One of them was just because -- at the Capitol there was a
7 bunch of green smoke, and I'd asked somebody next to me,
8 "What's the green smoke all about?" And in a brief ten
9 minutes, they explained the Q thing. I was -- all that part
10 was new to me.

11 But when they came back for the arrest -- I think that
12 was May 20th. When they came back for the arrest, I was
13 asked -- oh, and I was asked -- I'm sorry. Excuse me. I was
14 asked if I entered the building when they visited in February.
15 And -- and, I mean, I was scared to death. By the time I
16 answered all those questions, I thought, you know, do I deny
17 this one? Do I not tell them? Do I ask for an attorney? Can
18 I -- what do I do?

19 I did not want to lie to the FBI, but I sure didn't want
20 to admit to going in the building. I was scared to death. And
21 so I only told them I went to the door. I was misleading, of
22 course, a hundred percent. I -- I was. But I will say when
23 they came back -- they arrested me -- I apologized to
24 Agent Fields. They were -- I know I've heard stories about
25 some of these arrests, but they were very, very courteous,

1 professional, and they were -- the whole time they were. They
2 even allowed my wife to grab extra clothes for me to appear
3 before the judge. And I apologized to them for lying to them.
4 I had -- there was a lady -- and I can't remember her name --
5 and there was Agent Fields.

6 And I told them everything. They asked for my phone. I
7 gave it to them immediately. I told them where my videos were.

8 MR. LEWIS: Passwords.

9 THE DEFENDANT: Passwords on the phone. Everything I
10 could, I gave to them. And, I mean, in fact, at one point of
11 talking, they reminded me I had the right to an attorney, but I
12 had told them everything already except for -- the only thing I
13 had not been honest with them about was going into the
14 building.

15 And so on those two questions, that's where I am, sir.

16 MR. LEWIS: Do you have anything else you want to
17 tell the Court?

18 THE DEFENDANT: If I go on, is that all right?

19 MR. LEWIS: Sure.

20 THE DEFENDANT: Up until that point, you know, I've
21 always had a great deal of respect for authority. I've never
22 condoned any kind of violence, any behavior. To the contrary.
23 My daughters can attest to this. They've had endless speeches
24 about respecting authority, from elementary school.

25 Like many others on the 6th, I was confused. There was

1 curiosity. There was a lot of emotions going on. I had every
2 intention to go to a peaceful rally, hear what was going on,
3 even do some sightseeing with my friend at the nation's
4 capital, and then return home. I didn't. I swear I did not
5 have any prior intention to go to the Capitol Building to be a
6 part of any type of riot, violence, or anything else.

7 I've spent much of my life in service to people. I've
8 worked hard my entire life. I've always been active in church,
9 the community, along with communities around the different
10 parts of the world. I've lived a very fulfilling life. I
11 don't want this one careless act to overshadow decades of
12 service and work, and I do apologize for it. If I could take
13 back the things at the Capitol that day, you know, I,
14 obviously, promise that I would, but that's not possible. So
15 all I can do is apologize to the Court now.

16 Another person I talked to is -- I had just got a new
17 job at the time of the arrest, very -- the CEO is a NASA
18 engineer. They were all very, very high up in NASA as
19 engineers, and they had invented some very new technology in
20 the field I work in, very sophisticated. They hired me to come
21 on and help them. When I got arrested on May 20th, on
22 May 21st -- because I was going to start June 1st -- I called
23 them all, had a meeting, and I told them the situation. I
24 apologized. I gave them the opportunity -- because some of
25 these had their own money involved in this to make this company

1 go forward. And I gave them the opportunity to let me go, get
2 rid of me, not hire me. I was just sick. I didn't want to do
3 that to the company, knowing my name was going to be in this.

4 They kept me on. I'm a hard worker and they knew that.
5 I -- they kept me on without health benefits. They made me
6 contract. But even then, they gave me enough that I could go
7 get my own insurance, take care of myself. They just wanted to
8 keep me as a contract employee. And I've always been very
9 appreciative of that -- of them for that.

10 I also appreciate the Court for allowing me to travel
11 for work because I've been able to travel freely. Staying
12 employed, keeping my family afloat, you know, and doing what we
13 need to do, I appreciate it.

14 All I can do now is apologize to the Court, and I can
15 say that if I -- if I -- if an officer would have just snapped
16 at me, yelled at me, anything, told me to leave, I would have,
17 but that doesn't take the fact that common sense that's ruled
18 me my whole life should not have jumped in and used it to just
19 leave anyway, you know. I went to the rally. It was enough.

20 Unfortunately, like I keep saying, I can't take that
21 back. I regret it. I apologize to my wife and kids. That was
22 another reason for taking some of the posts down. My kids are
23 both professionals, have their degrees, very good jobs, and
24 they've had to suffer because of my actions. Just, you know,
25 comments and that and some pressure from that.

1 I've apologized to the FBI agents. Many of the TSA
2 agents, who -- they're already shorthanded, you know -- have to
3 be tied up when I fly. The pretrial service employees I've
4 apologized to. And, again, I apologize to the Court today for
5 all the hours they've had to spend on my case and dealing with
6 this.

7 Lastly, just in conclusion, my wife and I, we recently
8 moved to our final -- hopefully, our final house. It's the
9 last home. And I -- hopefully, it's our last home. It's in a
10 small, quiet community. We hope to be able to put it behind
11 us, retire one day, enjoy our grandchildren, teach them golf,
12 baseball, and continue the life of service that we've always
13 had.

14 Thank you, Your Honor. I appreciate it.

15 THE COURT: As I reviewed your background and all the
16 work you've done in Africa and elsewhere, literally the most
17 letters I've ever gotten from any -- maybe any defendant ever,
18 everyone is saying you're the greatest thing since sliced
19 bread. The one piece of the puzzle that didn't make sense to
20 me is did I read that you're estranged from your mother?

21 THE DEFENDANT: Yes, sir. Yes.

22 THE COURT: Yes? That --

23 (Indiscernible simultaneous cross-talk.)

24 THE COURT: You're just a little bit younger than me,
25 that -- you know, every year may be her last. That may be

1 something you want to work on.

2 THE DEFENDANT: Absolutely, Your Honor.

3 THE COURT: All those people think you're great.
4 You've got to make an effort.

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All right. That has nothing to do with
7 this case, but I -- that was the one piece of the puzzle that
8 just jumped out at me. I couldn't figure that one out. So
9 good luck on that. Those -- family's always complicated, but
10 you've got to make an effort as people get older.

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right. So we'll start out with the
13 financial issues, which is the \$500 for the restitution to be
14 paid to the Clerk to be forwarded to the Architect of the
15 Capitol. That's -- everyone's in agreement on that.

16 The maximum fine is \$5,000. Although probation
17 indicated that he has an ability to pay, noting ownership of
18 several rental properties, I believe only a modest fine is in
19 order to help compensate the government for a portion of its
20 supervision of defendant for the past year and the upcoming
21 year. So I'm going to impose a fine of \$1500.

22 The Court is to impose a sentence sufficient but not
23 greater than necessary to comply with the purposes set forth in
24 the subsection, and I'm to consider the nature and
25 circumstances of the offense and the history and

1 characteristics of the defendant, impose a sentence that
2 reflects the seriousness of the offense, promotes respect for
3 the law, and provides just punishment for the offense.

4 Of course, the offense is serious. A number of my
5 colleagues have spoken eloquently about this. Defendant took
6 part in a mob riot that took place at the Capitol on
7 January 6th, 2021. Many of the rioters engaged in violence and
8 some destroyed property. I have watched numerous videos of
9 rioters engaging in hand-to-hand combat with police officials.
10 It was not a peaceful event. More than a hundred law
11 enforcement officers were injured on that day; moreover, the
12 Capitol sustained almost \$1.5 million in property damage.

13 Many of the rioters intended to block the certification
14 of the votes for President Joe Biden, and although the rioters
15 failed to block that certification, they delayed it for several
16 hours. The security breach forced lawmakers to hide inside the
17 House gallery until they could be evacuated to undisclosed
18 locations. In short, the rioters' actions threatened the
19 peaceful transfer of power, a direct attack on our nation's
20 democracy.

21 With that said, no evidence has been presented that
22 shows defendant assaulting law enforcement or destroying
23 property. After entering the Capitol Building through an
24 entrance at which law enforcement had been overwhelmed a short
25 time beforehand, defendant entered the Capitol Building for

1 less than two minutes. Although he entered the building
2 through an open door, he scaled the wall and scaffolding to
3 access a higher level of the grounds to get to that door.

4 The riot was successful in delaying the certification,
5 in large part, because of the larger number of participants,
6 which simply overwhelmed the outnumbered law enforcement
7 officers present. Regardless of his intentions, because
8 defendant contributed to these numbers, he must be held
9 accountable for his actions and the results to which his
10 actions contributed.

11 The defendant also appears to have deleted some
12 electronic evidence on his social media accounts and, most
13 concerning, lied to the FBI during his first interview. But to
14 his credit, he pleaded guilty at an early juncture and
15 cooperated with the investigation in other respects.

16 Otherwise, defendant has no criminal history. He's a
17 49-year-old man with a college degree. He served in the
18 United States Navy Reserves for several months before a severe
19 injury resulted in a medical discharge. He appears to have
20 been gainfully employed for the majority of his adult life,
21 earning a good salary for several years in the oil and gas
22 industry.

23 However, defendant's upbringing was not ideal. His
24 parents divorced when he was about 7. His father, who abused
25 drugs and alcohol during that time, did not play much of a role

1 in his life subsequently, either emotionally or financially.
2 His mother supported him on his -- on her modest wages. When
3 she remarried to a man with which defendant did not bond, they
4 both regularly disciplined him using corporal punishment.

5 On the brighter side, Mr. Williams has been married for
6 27 years, has 2 adult daughters, 1 grandchild, and another one
7 on the way. He, thus, appears to have a strong family support
8 system in place.

9 One thing that stands out about the defendant are his
10 charitable activities. He founded a nonprofit organization
11 called the Green Foundation that has engaged in charitable work
12 in several countries, most notably building wells for fresh
13 water and subsidizing education in Kenya. Mr. Williams
14 provides most of the funding for this endeavor. He also owns a
15 craft coffee company with proceeds used to provide high-quality
16 coffee to members of the armed forces. The Court received and
17 read an unusually large number of letters in support of the
18 defendant.

19 The Court is to impose a sentence that affords adequate
20 deterrence to criminal conduct, protects the public from
21 further crimes of the defendant. The events of January 6th
22 involved a rather unprecedented confluence of events spurred by
23 then-President Trump and a number of his prominent allies who
24 bear much of the responsibility of what occurred on that day.

25 Since his arrest, defendant seems to have done well

1 while on release status. The Court is confident that given his
2 prior lack of criminal history and a lack of violent past,
3 Mr. Williams is unlikely to reoffend. He will not be
4 emotionally swept up in irrational actions and will not be a
5 risk to the public.

6 With respect to general deterrence, the Court does not
7 believe that incarceration is necessary to deter other
8 nonviolent protesters from crossing the line into lawbreaking.
9 The defendant's ordeal through the criminal justice system,
10 fines, restitution, community service, and probation with some
11 level of confinement, should serve as an adequate deterrent to
12 those who can be deterred.

13 The Court is to provide the defendant with needed
14 educational or vocational training, medical care, or other
15 correctional treatment in the most effective manner. Nothing
16 has been brought to my attention in this respect.

17 The Court is to consider the kinds of sentences
18 available. Given the nature of the crime and the defendant's
19 lack of criminal history, the Court is considering a period of
20 probation that contains restrictions and imposes home
21 confinement for a short period of time with some leeway given
22 for the out-of-town travel that his job sometimes requires.
23 Even if the Court were inclined to consider a short term of
24 incarceration, it would not be prudent to impose one given the
25 COVID pandemic.

1 The Court is to impose a sentence that takes into
2 consideration the kinds of sentence and the sentencing range
3 established for the applicable category of offense committed by
4 the applicable category of defendant as set forth in the
5 guidelines, but the Court is cognizant that the guidelines
6 don't apply here. And no pertinent policy statements issued by
7 the Sentencing Commission have been brought to my attention.

8 The Court is to impose a sentence that avoids
9 unwarranted sentence disparities among defendants with similar
10 records who have been found guilty of similar conduct. The
11 problem with this case is that there are a number of judges
12 deciding literally hundreds of cases. So one could probably
13 point to any single case to support their argument. But the
14 government has provided a chart that lists a number of
15 January 6th defendant sentencings. There's not enough granular
16 information in that chart to make apt comparisons. However,
17 the list does make it clear that the government has recommended
18 noncustodial home confinement probation sentences in a number
19 of these cases. And the Court finds it hard to distinguish
20 this case from those.

21 We already dealt with the restitution of \$500 for the
22 Architect of the Capitol.

23 I will now indicate the sentence to be imposed, but
24 counsel will have one opportunity to make any legal objection
25 before the sentence is actually imposed.

1 Mr. Lewis, do you have any objections to any of the
2 factors I'm considering?

3 MR. LEWIS: None, Your Honor.

4 THE COURT: Ms. Hill?

5 MS. HILL: No, none, Your Honor.

6 THE COURT: It is the judgment of the Court that you,
7 Vic Williams, are hereby sentenced to serve a 12-month term of
8 probation on Count 4. This term of probation shall include a
9 2-month term of home confinement, location monitoring with
10 flexibility to allow out-of-town work travel with preapproval
11 from the probation office.

12 You're further ordered to pay a special assessment of
13 \$10, as per statute, and a fine of \$1500 as to Count 4. You
14 are ordered to make the restitution to the Architect of the
15 Capitol in the amount of \$500. And these financial obligations
16 in the aggregate are to be paid at a rate of \$170 per month.
17 The special assessment and fine are payable to the Clerk of the
18 Court. Within 30 days of any change of address, you shall
19 notify the Clerk of the Court of the change until such time as
20 financial obligations are paid in full.

21 While on supervision, you shall not use or possess an
22 illegal controlled substance; and you shall not commit another
23 federal, state, or local crime. The mandatory drug testing
24 condition is suspended based on the Court's determination that
25 you pose a low risk of future substance abuse.

1 You shall also abide by the general conditions of
2 supervision adopted by the U.S. Probation Office, which will be
3 set forth in the judgment and commitment order, as well as the
4 following special conditions: As I indicated, the location
5 monitoring to monitor the home confinement, which will either
6 be radiofrequency or GPS, depending on what the probation
7 office there uses, and will last for the amount -- the period
8 of time for the home confinement.

9 There's also, because of the financial requirements, a
10 financial information disclosure requirement that you need to
11 provide probation with financial information; but if you pay
12 everything up-front, that may be unnecessary.

13 And then community service. You must complete 60 hours
14 of community service within 6 months, which, as Mr. Lewis
15 indicated, is in your nature anyway.

16 Counsel, any reason other than those previously stated
17 and argued why the sentence should not be imposed as just
18 stated?

19 MR. LEWIS: None, Your Honor.

20 MS. HILL: No, Your Honor.

21 THE COURT: The sentence is as stated.

22 I gather, Ms. Hill, that there's a -- he pleaded to
23 Count 4 of the information. So Counts 1, 2, and 3 need to be
24 dismissed; is that right?

25 MS. HILL: Yes, Your Honor. I so move.

1 THE COURT REPORTER: Sorry, Judge. We couldn't hear
2 your last sentence.

3 THE COURT: I'll go ahead and dismiss those: Counts
4 1, 2, and 3.

5 All right. Mr. Williams, you were convicted by a plea
6 of guilty. You can appeal your conviction if you believe that
7 your guilty plea was somehow involuntary or if there's some
8 other fundamental defect in the proceedings that was not waived
9 by your guilty plea, although I note that your guilty plea did
10 have a pretty substantial waiver of appellate rights and
11 collateral attack rights. But if you're inclined to appeal,
12 discuss it with your very able counsel.

13 You may also have a statutory right to appeal under
14 certain circumstances, and you can consult with your counsel
15 about those as well. If you decide to appeal, you have the
16 right to apply for leave to appeal in forma pauperis. That
17 means without the payment of costs. And if you request and
18 qualify, the Clerk of the Court will prepare and file a notice
19 of appeal on your behalf, although I note that you're
20 represented by very able counsel who can assist you in that
21 process.

22 But, most importantly, with very few exceptions, any
23 notice of appeal must be filed within 14 days of the entry of
24 the judgment. It's going to take a couple days to get that
25 judgment entered on the docket, and then it's 14 days after

1 that.

2 Probation has asked me that I transfer jurisdiction of
3 the supervision to the Eastern District of Arkansas. Does --
4 Mr. Lewis, do you have any objection to that?

5 MR. LEWIS: None whatsoever, Your Honor.

6 THE COURT: Okay. Ms. Hill?

7 MS. HILL: No objection, Your Honor.

8 THE COURT: Okay. As soon as probation gives me the
9 paperwork for that transfer, I'll go ahead and enter that on
10 the docket as well.

11 Anything else we need to cover today, Mr. Lewis?

12 MR. LEWIS: No, Your Honor.

13 THE COURT: Ms. Hill?

14 MS. HILL: Not from the government, Your Honor.

15 THE COURT: All right. Mr. Williams, good luck to
16 you, sir. I hope you continue the good works you've done in
17 the past and that this is just a blip in an otherwise
18 commendable life.

19 THE DEFENDANT: I appreciate it, Your Honor.

20 THE COURT: All right. Good luck. You're excused.

21 (Proceedings were concluded at 2:48 p.m.)
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CERTIFICATE OF OFFICIAL COURT REPORTER

I, Nancy J. Meyer, Registered Diplomate Reporter,
Certified Realtime Reporter, do hereby certify that the above
and foregoing constitutes a true and accurate transcript of my
stenograph notes and is a full, true, and complete transcript
of the proceedings to the best of my ability.

Dated this 3rd day of April, 2022.

/s/ Nancy J. Meyer
Nancy J. Meyer
Official Court Reporter
Registered Diplomate Reporter
Certified Realtime Reporter
333 Constitution Avenue Northwest
Washington, D.C. 20001