

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	CASE NO. 1:21-CR-216 (JDB)
	:	
LEO BRENT BOZELL IV,	:	
	:	
Defendant.	:	

GOVERNMENT’S SENTENCING MEMORANDUM SUPPLEMENT

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits this supplemental sentencing memorandum in connection with the above-captioned matter. As noted in the Court’s May 8, 2024 Minute Order, the Court requested that the government submit a list of January 6 cases:

1. In which the government sought to apply the terrorism enhancement itself, U.S.S.G. § 3A1.4 (as opposed to a departure pursuant to Application Note 4), and when it was in fact applied; and
2. In which the government sought to apply U.S.S.G. § 2B1.5 to a destruction of government property count (in violation of 18 U.S.C. § 1361), and when it was in fact applied.

In response to the first question, the government has sought to apply the adjustment under U.S.S.G. § 3A1.4(a) and (b) for at least six January 6 defendants:

Defendant	Docket Number	Applied by the Court?
Joseph Randall Biggs	21-cr-175 (TJK)	Yes. Sentencing Tr. at 32-33 (Aug. 31, 2023).
Shane Jenkins	21-cr-245 (APM)	No. ¹ Sentencing Tr. at 15-16 (Oct. 6, 2023).
Ethan Nordean	21-cr-175 (TJK)	Yes. Sentencing Tr. at 38-41 (Sept. 1, 2023).
Zachary Rehl	21-cr-175 (TJK)	Yes. Sentencing Tr. at 24-25 (Aug. 31, 2023).

¹ The government has noticed its intent to appeal the district court’s denial of the adjustment under U.S.S.G. § 3A1.4. *See United States v. Jenkins*, No. 23-3223, Doc. 2042014 (D.C. Cir. Feb. 23, 2024).

Dominic Pezzola	21-cr-175 (TJK)	Yes. Sentencing Tr. at 41-42 (Sept. 1, 2023).
Henry “Enrique” Tarrío	21-cr-175 (TJK)	Yes. Sentencing Tr. at 35-37 (Sept. 5, 2023).

In response to the second question, the government has sought to apply the U.S.S.G.

§ 2B1.5 guideline in at least three felony January 6 cases² with 18 U.S.C. § 1361 convictions:

Defendant	Docket Number	Applied by the Court?
Shane Jenkins	21-cr-245 (APM)	Not addressed by the Court. Sentencing Tr. at 23 (Oct. 6, 2023).
Dominic Pezzola	21-cr-175 (TJK)	Yes. Sentencing Tr. at 37 (Sept. 1, 2023).
Nicholas Rodean	21-cr-57 (TNM)	Yes. Sentencing Tr. at 10 (Oct. 26, 2022).

Respectfully submitted,

DATED: May 14, 2024

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² The government has not tracked guidelines calculations for violations of 18 U.S.C. § 1361 in cases with only misdemeanor convictions, and the government less frequently purchases transcripts for the high-volume of January 6 misdemeanor cases.

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