

Shawn Bradley Witzemann  
406 4th Street CV  
Mountain View, Missouri  
65548

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Senior Judge Thomas F. Hogan  
District of Columbia  
United States District Court

Honorable Judge Hogan,

First and foremost, I want to express that I write from from a place of humility and remorse in regards to my confessed crime at the United States Capitol on January 6, 2021. I want to be clear that I make no excuses for my behavior that day. My deficiency in decision-making was my fault alone, and nothing I say should be construed as an attempt to deflect blame for my actions. Coming to this understanding was neither easy nor pleasant.

Although I was immediately disturbed and disheartened by what I bore witness to on January 6th, for many months I believed I had acted entirely within the bounds of my intended purpose for being there. Through continued contemplation and reflective analysis of my behavior that day, the last twenty-two months have allowed me the opportunity to understand that I failed to adhere to the journalistic principles by which my work should be conducted. Consequently, the prosecution against me was warranted. It is wholly my fault that I allowed my integrity as a journalist to be compromised by pleading "Brother, stand with us!" to a Capitol Police Officer who was in a precarious situation. In doing so, I mistakenly allowed my purpose to become mixed up with various competing agendas that day; many of which stood in stark contradiction to my own. My words in that moment conceivably could have contributed to actions and behavior that I was not and am not supportive of.

I should have been more cognizant of the effects my own behavior could have on the overall situation as mob mentality took hold of so many. In retrospect, I most certainly should have kept my mouth shut. Any subjective analysis, emotion, and opinion should have been reserved for a different time and place. My failure to completely refrain from subjective activity is immensely regrettable. Although I didn't personally commit or condone any acts of violence or vandalism, I recognize how my words could be interpreted as tacit approval for the many criminal acts that were taking place. Had I refrained from speaking, I am quite confident that I would not have been prosecuted. To paraphrase what Assistant United States Attorney Christopher Amore explained to me during the reverse proffer in Newark, New Jersey last year, the government makes no argument that I am a journalist, but Law and Order is the bedrock of our society. In full consideration of the totality of events which occurred on January 6th, I recognize that my negligence crossed the line.

In light of these facts, I now endeavor to present Your Honor with a clear understanding of the life experiences that shaped who I am, what motivated me to be present at the Capitol Building that day, and what I saw and experienced while there.

My path into journalism was anything but traditional. Much like any of the other endeavors I've undertaken through the years, hard work and perseverance are the virtues I've relied on as I've made my own way through the school of hard knocks. I've never been fond of dishonest or disingenuous conduct, and I've made no secret of my general distrust of politicians, preachers, and nearly every other type of authority figure. My disdain for the hypocrisy I had seen in various institutions while growing up, along with residual anger which was born from observing my maternal grandparents' abusive behavior toward my mother, led to some very bad decision-making in my late teenage years. My parents tried their best to help me by taking me to various therapists and psychiatrists. In retrospect, it's obvious that my problems were only exacerbated by the prescription of various cocktails of psychotropic medications. The continuous and irresponsible tinkering with the chemicals in my brain led to a myriad of side-effects including weight gain, severe depression, mood swings, memory problems, and even a suicide attempt. To this day, much of my late teenage years are difficult to remember. I was in and out of trouble and I eventually dropped out of school. I struggled to determine what to do with my life.

In an effort to break free of the issues which had plagued me for years, I obtained a GED at the age of 17 and enrolled in classes at San Juan College in Farmington, New Mexico. Although I was still unable to find stable direction, my desire to obtain knowledge was insatiable. I read books on every subject imaginable as I navigated my way through various classes. I studied philosophy and science; history and language. I was trying everything — learning through experience. I wrote and recorded music, and played solo gigs at local bars. I explored esoteric concepts and delved deeply into obscure religious studies.

On November 6, 2003 I met the Moon of My Life, Andrea. She and I were immediately bound together and have been ever since.

On March 4, 2004 I lost my paternal grandfather — I was heartbroken. So much of what I had ever aspired to be was built around the example he had set for me. Having served as an Executive Officer in the U.S. Navy during the battle for the Pacific in World War II, his example was that of leadership, honor, and personal responsibility. It was devastating to lose the man I had looked up to as a hero for my entire life. I was not in a good head space and was still taking psychiatric medication for years old misdiagnosis. Less than one month after attending his funeral in Pennsylvania, my maternal grandparents decided to voice their apparent disdain for my relationship with Andrea. I didn't take it well. What started as an emotionally charged argument turned into an extremely volatile domestic dispute, wherein I confronted my maternal grandfather about his abusive behavior toward the people I loved. After years of watching his unapologetic abuse of my mother and others, I was incensed with what I interpreted to be his attempt to control my future, and things quickly got out of hand. I made very loud threats and

refused to provide identification or cooperate when police arrived. Consequently, I was arrested. As I navigated my way through the legal process, I made the decision that I would be cutting my maternal grandparents out of my life forever. I've not spoken to them since. I also made the decision at that time to stop taking psychiatric medications as it became apparent to me that they had contributed greatly to my irrational and impulsive behavior.

These tumultuous changes, paired with the pressures of my legal trouble had taken a toll on my budding relationship with Andrea, and I broke up with her shortly afterward. The universe had other plans, however. I believe it was July of 2004 when she called to tell me she was pregnant. It was at that moment that I knew my life would be taking a different direction and that I would soon be a father. For me, there was never any option. I remember telling her not to worry. "I've got you," I said.

I went to work full time for my father's plumbing company and quickly obtained my Journeyman Plumber's License. I was able to purchase a home and applied my efforts to the task of providing for my new family. We welcomed our son Isaiah into the world in the spring of 2005. His birth was the catalyst for many positive changes in my life and although I relished my new role as a father, my heart was continuously drawn to something greater.

In February 2007 I walked into a Navy recruiting office out of a desire to somehow follow in my paternal grandfather's footsteps. The initial recruiting process went extremely well, and I was excited to see where service would take me. In preparation for my planned entry into the Navy, Andrea and I decided to make things official, so we were married in front of a Judge in March of the same year. Things were looking up and it seemed as though the next chapter of my life was well underway. Unfortunately, I was eventually told that my troubles from years prior prohibited me from following that particular dream. Once again I was left no choice but to dust myself off and work harder.

On April 23, 2008 Andrea and I welcomed our second son, Josiah, into the world. My older brother returned to New Mexico after years on the east coast, and he joined my father and me in continuing to build the family plumbing business.

On February 1, 2009, my brother and I were charged with Negligent Use of a Deadly Weapon after firing some rounds into a bucket at our father's acreage in celebration of the Pittsburgh Steelers Super Bowl victory. We were aware of our target and what we had done was neither negligent nor illegal. The charges against us were appropriately dismissed.

I obtained the four New Mexico Master Mechanical Contractor licenses associated with an MM-98 license in 2010 and through the next three years, our family business took on larger and more complicated projects. I was afforded the ability to take my boys on camping trips to the mountains of Colorado almost every single weekend of the summer. When winter would roll around, we spent our free time at the local ice rink, playing hockey together. It was during those

years that I was able to spend the most time with my children and family, creating pleasant memories that will never fade. As I look back on my life, those were the best of times.

On April 27, 2012 I was planting potatoes with my brother in his garden when I received a distressed call from Andrea. She said that the water meter reader was spraying pepper spray through the fence at our dog while screaming obscenities at her and our children. I told her to call the Sheriff, and that I would be there as soon as possible. My brother and I got into his pickup truck and went to my house as quickly as we could. When we arrived, the meter reader was still screaming. I briskly walked toward him and demanded he tell me what was going on. He began screaming obscenities at me and behaving in an incredibly aggressive manner. He told me that I needed to control my “cunt wife” and my “fucking dog”. I immediately pointed my finger in his face and emphatically informed him that he was not to speak to women and children in this manner. He responded by pepper spraying me. I grabbed him, dragged him across the road in front of my home, and began beating him. My brother intervened and was able to get me to stop, and police arrived a short time later. As they attempted to sort out what had happened, the meter reader sat in his company work truck, and had begun slamming his own head against the windshield until it cracked. Meanwhile, paramedics helped to flush my eyes. There was a strong suspicion that the meter reader had been using some sort of drugs, but I can’t recall if that was ever sorted out. Because Sheriff’s Deputies were uncertain as to how things had started, I was initially charged with Battery but I was not taken into custody. The charge was later dismissed for what I consider to be obvious reasons.

In 2013, some of the less pleasant realities of the contracting industry began to unravel the life I had worked for. While working on simultaneous large commercial plumbing projects, my free time for the family became more and more limited, and my relationship with Andrea began to suffer. She was stressed because of my lack of availability, and unbeknownst to me at the time, she began exhibiting relatively minor symptoms of dissociative identity disorder (formerly known as multiple personality disorder). I had no understanding of what was going on, and it became incredibly difficult to manage. It would be years before she was properly diagnosed and treated. Concurrent to this issue, my family’s company became embroiled in a situation where the developer of a hotel construction project we were working on failed to make payments to local subcontractors in the amount of 1.2 million dollars. Out of simple necessity, following months of dispute, we were forced to settle for 68% of the original contract just so we could pay our bills. We were never paid a dime for the tens of thousands of dollars in extra invoices that had accrued as a result of the developer’s scam. As our business struggled to recover, the local Chamber of Commerce who had facilitated his unscrupulous behavior through nepotism and other unethical activity added insult to injury by naming the developer “Businessman of the Year”. Needless to say, there were at least 30 small businesses who had a different opinion and ours was but one.

I decided to speak to the local newspaper and distinctly remember the conversation I had with the reporter, James Fenton.

After I told him my story, he noted that my original email to him was well written. He asked if I had ever considered going into journalism. I laughed and told him how that was one of the things I talked about doing when I was twelve years old, but I had missed that boat so I would probably be a plumber for the rest of my life.

In early 2014, in the aftermath of those troubles, my brother decided he was going to leave the family business and go to Denver for larger projects. I initially stayed with my father's company as he and I tried to make things work at a smaller scale, but my heart just wasn't in it anymore. Andrea had been experiencing problems with her still improperly diagnosed mental issues, and it became increasingly evident that I needed to make a change.

In January 2015, I applied for a Master Plumber position with another company and an extremely ambitious president. Within two months I had been tasked as General Manager of the branch and I felt like things were once again looking up. I recall sitting in the office and looking at a sign that had been pinned to the wall: " 'The mind, once stretched by a new idea, never returns to its original dimensions.' - Ralph Waldo Emerson".

In early 2016, the president of the company began to discuss the continued frustrations with finding qualified and dedicated employees in the small town of Durango, Colorado where my branch was based. He was involved in widespread operations in Denver (approximately 4000 houses per month) and even though my Durango branch was profitable, he was becoming ever more inclined to shut it down. As a result, he approached me with the idea of having me move to Dallas, Texas to oversee a similar operation to what he had going in Denver. In furtherance of that plan, he sent me to Austin, Texas where I obtained a Texas Master Plumber's license.

As spring gave way to summer, the community my family lived in began to experience a crisis with the water utility company (the same company that employed the unhinged meter reader that attacked me). Thousands of people were subject to regular problems with contamination of the water supply, and nobody seemed to have a good explanation as to why. Given my expertise as a plumber, I called my friend Jordan Brehony (who also worked in the mechanical trades as a fire sprinkler fitter), and asked if he would accompany me to conduct an impromptu inspection and investigation of the water treatment facility. He and I were able to get pictures of dilapidated equipment while speaking with a laborer that had been tasked with maintaining the failing facility. Our pictures, combined with our understanding of the equipment, and our associated investigation of public records would serve to expose just how bad things really were. I worked with community activists to put pressure on the Public Regulatory Commission and eventually, the company was forced to correct the problem. Once again, I found myself disgusted with just how corrupt things really were.

In November, I spent a week in Dallas to speak with subcontract labor and begin to develop pricing models for large contracts which were scheduled to commence in early 2017. Things were going great and my family was excited for the move. We were busy remodeling our house in preparation for the market, and I was working obscene hours to finish contracts in Durango,

while operations there came to an end. Our hockey family even had a going away party for us. Things were going perfect.

It was early in December 2016 when the president of the company called me with bad news. The recent election of Donald Trump had spooked a lot of the immigrant labor in Dallas because they were concerned with the possibility of deportation. As the backbone of the new housing industry, this was incredibly problematic. The turn of events could have conceivably caused a labor shortage which in turn could have caused labor costs to explode. The risk was too much for the company to expose itself to, so I turned the lights off at the Durango branch a few days before Christmas. Rather suddenly, I was without a job.

In an effort to mitigate the uncertainty while I started my own business, Andrea took a job as a cocktail waitress. While working with selected clients leftover from the shutdown, I started taking jobs in Denver to facilitate growth. Her excessive late nights at the bar paired with my lack of stability began to place strains on our relationship like we had never experienced. As the stress mounted, she began switching personalities at an ever increasing rate. Although she had experienced struggles in the management of what would later be diagnosed properly, my frustrations with what I didn't understand at the time became completely insurmountable. I had reached a point where I was no longer capable of continuing with the status-quo, so I made the decision to move out of our home in March 2017. I told her I would continue to pay the bills while she worked to build her own life. I felt she needed to establish a certain amount of independence for her mental stability to improve. We attempted marriage counseling together but it didn't seem to be going anywhere. No matter how much effort I put into trying to fix things, her condition continued to deteriorate. By midsummer, she had become completely irrational and out of control.

With little understanding as to why things had gotten so bad, it became apparent to me that I needed to protect our boys. I moved forward with divorce, and Andrea agreed to grant me full custody of our children. It was almost 9 months later before I began to understand the reality of what had been going on with her. While working late nights at the bar, she had become addicted to methamphetamine which aggravated her dissociative episodes to a level that is hard for many people to even imagine. Some days she would be the woman I fell in love with, and others it was as though she'd been possessed by a demon, and other times it was as though I was dealing with a small child. Her switches between personalities had become both rapid and extreme. Entirely different wardrobes, voice characteristics, and other traits accompanied each separate personality. She wound up facing her own legal problems and a short stint in jail as a result of bad decisions amongst the people she was associating with. It's tough to express the anguish the boys and I experienced as we fought to save her from herself. Nothing was making sense and without my parents' assistance, it would have been impossible for me to juggle the responsibilities I was experiencing as a single father.

I took the boys on a vacation to Moab, Utah in celebration of Isaiah's birthday in late March 2018. I was making attempts to adjust to the latest normality. After we returned, however, it

dawned on me that it had been weeks since either the the boys or myself had heard anything from Andrea.

On April 4, I went to our old home where I assumed she was still living, but she wasn't there. Her cat was incredibly hungry and it appeared as though Andrea had packed up some things and left. As I looked around the home we once shared, I discovered a diary that to this day, I believe was left intentionally for me to find. As I read through the pages, I realized just how bad things had been all along. I had no idea as to where she had gone and she was not answering her phone. I fed her cat and left.

On April 7, I returned and found that the situation hadn't changed. I texted a picture of her cat and asked, "why?" Her response was vague and disturbing but at least I knew she was alive. She refused to tell me where she had gone and said I should act like she was dead. I contacted authorities and asked if they would try to contact her. They were able to do so but declined to discuss any further than that. Frustrated with their inaction, I reached out to some people from the bar where she had recently been fired and they began helping me to track her down. After speaking with nearly every degenerate in the county and threatening to turn them in for all manner of criminal activity if they didn't tell me where she was, I eventually determined she was likely being held captive by an individual who was involved in both drug trafficking and prostitution. On April 10th, I confirmed her location by going to the address and speaking with a woman who answered the door. I again contacted authorities to let them know what was going on but they declined to do anything other than a standard welfare check by calling her cellphone. I spoke with some personal friends in law enforcement who told me that he was being allowed to operate due to some of his connections. There was nothing that anyone would do for me.

Later that day, I made one last ditch effort to speak with the Sheriff's office to beg them to take action. Once again, they refused. I told them that I would be going to the address I had provided them, in order to get Andrea out of there. I told them that if anything bad happened, it would be entirely their fault.

At approximately 9 PM, I arrived at the trailer and I banged on the door. Her captor answered and I aggressively moved into his residence. He seemed somewhat surprised at my lack of concern with his request that I leave. I ordered him to sit down on his couch and shut his mouth. To my left was another female who I also ordered to sit on the couch. I instructed Andrea to get her things and get in my truck. Her captor attempted to stand up and I reminded him in no uncertain manner that it was time for him to stay seated. I left with Andrea and we drove to a Wendy's restaurant. I bought her some food from the drive through and explained that her only option was to check herself into the hospital as quickly as possible. She started telling me to take her back to her captor (Stockholm syndrome is real). I told her that if that's what she chose, she would never see her children again. I made it incredibly clear.

As she realized I wasn't kidding at all, she agreed to check herself into the hospital the next morning, so long as I would allow her to go home with me and allow her to take a bath. I

watched over her as she sat in the bathtub — I knew that she had been through hell. After some hours out of captivity, it was as though she finally felt safe enough to speak truthfully, and she began to open up. She told me everything she had endured in his captivity. She played audio recordings of his threats. He had told her that if she tried to leave, he would slit her throat. She had recorded all manner of atrocities that he committed against her. I resisted an indescribable and immediate urge to go back to his trailer to exact revenge for what he had done to her. I knew nothing would happen to him if I called the cops, but I also knew what would happen if I took matters into my own hands. I knew if I ever saw him again, it would almost certainly end with my own incarceration. My boys needed me. She needed me. Even now, as I write this, my blood begins to boil with righteous indignation.

I took her to the hospital the next morning and she began a very slow and arduous process of cleaning herself up. As a result of the drug abuse and trauma, her mental health was completely wrecked. Although it was difficult beyond measure, she stuck with the treatment program and was able to turn herself around. I won't say it was a perfect process or that there weren't more struggles on her road to recovery, but for the first time in her life she was really trying to understand the early childhood trauma that had splintered her soul. A proper diagnosis can go a long way to healing someone, and I have watched incredible improvement of her symptoms in the years since.

Consequently, I believe it was a cumulative effect of so many observed injustices that finally spurred my decision to find a creative and constructive outlet for the energy I needed to express. Highly influenced by the systemic hypocrisy I had been first-hand witness to through the years, I started Farmington Tribune as a Facebook page and published my first story on June 6, 2018. It was a short satirical blurb that detailed the planning behind the city's decision to construct of a statue of Baphomet in the middle of downtown. The story was completely made up but took some jabs at some of the absurdity in our community. My style was a dry parody of other news publications and it was immediately well received by those who were able to recognize the humor, while appreciating the subtle truths that lay hidden beneath the surface of the copy. Within a matter of weeks I was contacted by numerous individuals who were excited about what I was doing and they asked how they could help. As we went on to further lampoon the hypocrisy around us, our satire served to expose an almost entirely unreported undercurrent of corruption in our local community. Throughout the next year, various articles went viral, our reach extended globally, and our fan base grew at an exponential rate. As the exposure grew, so too did the number of people who would send messages to the publication, asking us to look into some very serious issues in New Mexico and elsewhere. On more than one occasion, we conducted quiet investigations that were ultimately forwarded to others who could take action from an administrative level. What started as a simple satire page quickly morphed into something greater: a platform for the unheard voices of those who'd been victimized by systemic corruption.

With my plumbing business performing better than ever, and my relationship with Andrea continuing to reconcile, I purchased a new home for our family in the spring of 2019. In



furtherance of my aspirations of embarking on a long-sought-after career in multi-media journalism, I decided to form a new LLC and begin new projects with a trip to Armenia. The plan was to lay groundwork for the production of a satirically styled documentary. The basic premise was that my team was to go to Armenia in search of “The Armenian Council for Truth in Journalism”(The fictitious accrediting institution for Farmington Tribune). What actually happened was extraordinary in its own right.

Through a series of random occurrences while there in October 2019, I found myself listening to the story of a woman who had been caught up in the international slave trade. I was heartbroken as she told me the story of how her husband had been murdered in her hometown of Dnipro, Ukraine. She told me how he apparently owed money to the wrong people. They apparently chose to execute him as retribution and she and their son were kidnapped and sent to Tel-Aviv, Israel. Her passport and identifying documents were destroyed and she was forced into slavery. As she was passed between various heads of state and wealthy businessmen, her owners constantly reminded her of what would happen to her son if she were to ever try to escape. As she grew older, her value in Israel was diminished and she was sold off to slave owners in Armenia. To this day I can still remember her description of the life she lived: “Добро пожаловать в ад - Welcome to Hell”, she said. Her story was yet another reminder of how cruel this world is, and I was consumed by an even greater desire to do whatever I could to communicate unfiltered truth to whomever would listen. I wanted to bring justice to the unheard as I returned to America and attempted to process these things I had experienced on the other side of the world.

I spent roughly one month at home before deciding that a trip to the United Kingdom was the next step of my journey. Although that trip in late January and into February was considerably less profound, I used it as an opportunity to further my understanding of the many perspectives and experiences that shape the world we live in. The plumbing business back home continued to function profitably, so I continued to invest in my passion for journalism.

Wanting more perspective on the circumstances that lead to conflict, as with a desire to dig deeper into how the human slave trade worked, I began planning a trip to Ukraine for the summer of 2020. Unfortunately, the world was sent into a tailspin as the result of COVID-19, my plumbing business was impacted negatively, and I was left searching for other ways to continue my journey.

To that end, I started broadcasting daily through various social media outlets and “The Armenian Council for Truth in Journalism” was born. What initially began as a lighthearted and satirical critique of daily news items, began to take a more serious tone as our country experienced widespread riots in the wake of George Floyd’s death. During that time, the idea of livestream journalism began to take hold as the only viable method of covering events that were transpiring. Understanding this paradigm shift in regards to the manner in which breaking news would be covered, I invested time and financial resources toward those individuals who were risking their safety to give the public a nearly unfiltered lens of momentous events.

Concurrent with these developments were changes in the plumbing and mechanical world which continued to impact the way business was conducted. Material shortages and other delays which resulted from the ongoing situation with COVID, led to all manner of novel approaches to try and remain profitable. It was an immense struggle for once well-oiled operation.

Nevertheless, the podcast continued to gain relevance. Through the summer, we engaged with an eclectic variety of guests and contributors including BLM activists, political figures at both the state and national level, and other people from around the globe. We spoke with whistleblowers and confidential insiders in regards to the origin of Covid-19, as well as other matters of public interest and national security. Through dogged determination and painstaking analysis, we reported the facts. On many occasions our assessments were weeks or even months ahead of the mainstream news cycle.

After COVID related delays relented on a large plumbing job in Denver, Colorado, I was finally able to begin work in the first week of November, 2020. The project had originally been slated to start in March. As I and my small crew of essential workers fought through blistering cold to complete the first phase of construction, the unprecedented events surrounding the election weighed heavily on everyone's minds. I saw an announcement that a rally was to be held in Washington, DC. In furtherance of my desire for truth, I felt it was necessary for me to head to our nation's Capital to cover the events as they occurred.

November 14, 2020 started off peaceful. The crowd assembled was absolutely massive. I walked around Freedom Plaza and encountered all manner of Americans who had gathered to support President Donald Trump, as well as those who were actively engaging in counter-protests. As the sun set, the situation became increasingly dangerous. Trump supporters were being accosted and attacked as they returned to their hotels, leading to multiple violent altercations on the streets. DC Metro Police had set up blockades around the city in an apparent attempt to control the situation. In complete contradiction to what I assumed the role of law-enforcement to be, I observed police standing by as ANTIFA burned merchandise they had stolen from a street vendor in the center of Freedom Plaza with impunity. As I attempted to return to my hotel, I (along with many others) began walking north on 14th street. Before I could reach my destination, I encountered a line of police who were directing people to head west toward Lafayette Square (commonly referred to as BLM plaza at the time). If the intent of police was to prevent violent altercations between opposing political movements, it seemed to me that this was an incredibly bad way of doing it. As the crowd moved west, it became obvious that the violence had already started. I observed and documented the chaos unfolding around me.

At one point I walked over to the fence erected just north of the White House and recorded as Trump supporters destroyed flower memorials and other forms of written speech that had been placed on the fence by BLM supporters. As I stood by documenting, I was approached by a man who asked me what was wrong (apparently, I was visibly upset). I explained that I wasn't supportive of destroying people's peaceful expression...I just didn't like what I was seeing. He

said, “Yeah, brother. I get where you’re coming from. Why don’t you take a walk with me.” It took me a minute to recognize him but I realized I was walking and talking to Joey Gibson, the founder of Patriot Prayer; an organization that many mainstream media sources refer to as a “far-right extremist group”. What I encountered in our conversation that evening was far different than what I had read. He was a man of faith, deeply disturbed by the division in our country; apparently dedicated to finding peaceful resolution to the problems we were all experiencing. After walking miles with him and others, including Proud Boys, I was fascinated. I wanted to learn more about these seemingly thoughtful men that the media had labeled as white supremacists. Everything I was experiencing stood in stark contradiction to what I had previously assumed. I now had a real story to follow.

I returned home briefly before going to Atlanta to cover the protest there on November 21, 2020. While there I continued to follow these various right-wing groups and familiarize myself with the different players, while learning a bit about how the different groups were organized. I also attempted to engage in dialogue with left-wing groups with limited success. After finishing what I thought was a productive interview, more militant members of the crowd met me with irrational levels of hostility, and threats of violence that they attempted to justify by my refusal to wear a mask outdoors. Even after backing away to an acceptable distance, a member of Democratic Socialists of America decided to invade my personal space and physically impede my ability to do my job. In order to avoid what I was sure would turn into a violent altercation, I retreated down the street until he finally stopped pursuing me.

I continued to follow the story in Phoenix, AZ in the days surrounding November 30, 2020. It was there that Rudy Giuliani made his presentation before member of the Arizona Legislature. While sitting in the lobby of the Hyatt Regency Hotel, I overheard conversations between Ali Alexander, and others as they discussed various protest strategies. Outside in the street, the situation remained peaceful due to a considerable presence of law enforcement.

I returned to Washington, DC the day before December 12, 2020. By the time of this protest, I had become much more familiar with the right-wing groups and had developed many friendly relationships with Proud Boys and others. I was respected as a journalist because they said I was willing to walk around by myself, and they appreciated my dedication to honesty. As a result of my straightforward approach, I was provided with ease of access, and many expressed willingness to keep an eye out for my safety.

The evening of December 12 deteriorated quickly as BLM/Antifa cells clashed with Proud Boys and others throughout the city. I observed and documented numerous violent altercations, including stabbings. In many instances, it appeared as though the police were being ordered to do things that served to herd opposing sides together. In other instances it seemed as though they only served to protect ANTIFA/BLM from retaliation. As the perception of injustice continued to fester, it was unfortunately becoming apparent to me that there was a very real potential that I might see right-wing protesters turn their frustrations against police. In my opinion, the occurrences that evening contributed greatly to building resentment and hostility between police

and those protesters who'd historically supported them. I left DC with little doubt that the situation had become much more volatile.

I returned home and spent the next month preparing both mentally and spiritually for the next trip I would be taking. The increasing violent rhetoric from all sides, along with the prospect for escalation left me less than thrilled with the idea of once again covering events in Washington, DC. I spoke with friends in both law enforcement and the intelligence community in order to communicate what I was seeing on the ground. There was a general sense of unease and apprehension as I packed my bags on January 3rd and prepared to head to the airport, but I had committed myself to this story, knowing it would need to be told. I watched movies with my boys that evening and tried to explain what was happening in our country. It was all very confusing and upsetting.

I arrived in DC late in the afternoon on January 4, 2021. Shortly after I checked into my hotel room, I received a phone call from a source who told me that Enrique Tarrío had been arrested and taken to jail for Destruction of Private Property associated with the burning of a BLM banner on December 12th, 2020. Around 8 PM, I was sent video of BLM/ANTIFA activists who had assembled at Missouri Senator Josh Hawley's DC residence to bullhorn, beat on his door, and otherwise harass him for his public stance. As I monitored various ANTIFA/BLM Twitter accounts for information, it seemed as though they were not publicly planning any protests at the Capitol the next day. They were mainly expressing interest in intimidating local hotels and restaurants into denying services to anyone whose viewpoints differed from theirs.

At roughly 9PM, I headed out into the streets to see what I could see. I walked around for a bit but all seemed relatively quiet. I returned to my hotel to get some rest.

Around 11 AM on January 5th, I headed to Freedom Plaza where an event had been planned. I found a spot near the stage and began documenting and live-streaming the various speakers and crowd activity. I stood there working through the rain and sleet until around 9PM. I returned to my hotel and rested for about one hour before heading back out into the streets. There had been some reports of altercations near Lafayette Square, so I headed in that direction. A relatively large group of Proud Boys and others had assembled just north of a line of police at 16th and K street. With the exception of screaming and yelling, things were relatively peaceful and I spent some time walking around and talking to various people on my livestream. I returned to my hotel around 1AM and watched from my window as an individual attempted to tear down a road sign on 14th street. Other than that, the city seemed quiet; perhaps too quiet.

I woke up the next morning and started walking toward the Ellipse before 7 AM. I was supposed to meet with a contact in order to get VIP passes for Trump's speech, but she was apparently unavailable. I would later find out that she had a bit too much to drink the night before, and consequently failed to wake up. Not to be deterred from my overall objective, I began walking through the already sizable crowd and engaging with as many people as I could, while working

through technical difficulties in connecting to a new streaming platform that had been made available to me by the CEO of Ops Lens Media, Ron Hammond.

At 9:25 AM, I documented as Park Police escorted a man away from the Washington Monument. I spoke with a Park Police Sergeant and asked what had happened. He said the man had been arrested but declined to say why. Others around the area said it was “for nothing”, and decried what they perceived to be inequality in the application of law enforcement toward “ANTIFA”.

As President Trump finally began speaking, I began to move through the crowd, capturing B-roll and doing short livestreams to get my main audience to subscribe to Ops Lens. Due to the massive number of people present, I continued to experience difficulty with getting a stable connection. At 12:15 PM, President Trump announced that he would be walking to the Capitol with the crowd, so I decided it would be a good time to take a bathroom break. I waited in line for at least 1/2 hour for the only available facility and listened as a man was saying that JFK Jr. would be making an appearance that day. I chuckled in my head; astounded with the absurdity of what I was hearing. The bathrooms were completely over-capacity and raw sewage was pouring out of the doors. It was disgusting. After relieving myself, I made my way back to the Washington Monument before deciding I wasn't getting any particularly valuable content. I knew that “Stop the Steal” had planned some sort of protest at the Capitol Building and even though President Trump was still speaking, a large number of protesters had already started to make their way east.

At 12:56 PM, I started walking east on the National Mall in order to better position myself to cover any of the planned events at the Capitol. Along the way, I encountered an individual who was extremely agitated and screaming threats such as “drag the traitor pence out” at the top of his lungs. He then began threatening me. I responded with something like “you don't wanna fight with me”. His companions encouraged him to knock it off as I continued walking to put distance between us. At 1:06 PM, I reached the halfway point of the National Mall and stopped to take pictures of the crowd while checking my surroundings. It was at this time that I received reports that pipe bombs had been found in the area. Shortly after, I was finally able to establish a stable connection connection through Instagram, but after this point, no live video succeeded in uploading due to the saturation of bandwidth in the area.

As I continued to make my way toward the Capitol, I heard explosions and other noises that suggested to me that the situation had deteriorated. I estimate that I arrived at the base of northwest stairs sometime between 1:15PM and 1:30 PM. As I approached an already tense situation, I positioned myself between protesters and police in the grassy area, just north of the stairway. I engaged in dialogue with police who were present and implored with them to not start shooting lead. My assumption was that if they did so, it would lead to an absolutely horrendous situation where hundreds, including myself, would die. Police at top of the stairs were shooting pepper balls at those who were moving toward them. I specifically remember a female officer with aviator sunglasses taking aim and shooting pepper balls, while simultaneously yelling

indistinguishable commands at the men who were moving up the stairs. Around this time, my camera was pointed in one direction and I was looking in another, when a man, who would later be identified as Derick Vargo, fell from the top of the stairs. I turned my head toward the stairs as he hit the ground, while many of those around me were agitated and yelling that he had been pushed. He was badly hurt, and looked unresponsive. It appeared as though first aid was rendered, and he was removed from the area. Shortly thereafter, I observed as protestors came up from behind the line of police that had been immediately in front of me and their inability to control the situation became extremely obvious. Tear gas canisters were actively being shot from the top of the stairs and into the crowd, while police began to retreat in various directions. A short time after, protestors began moving up the northwest stairway.

I tagged along with a major group of protestors as they ascended the northwest steps alongside the inauguration stage scaffolding. As I got to the upper northwest terrace, police were walking around but not actively engaging with protestors. Most of the group went toward the northwest Senate doorway, while I broke away and ascended the stairs to the top of scaffolding in an attempt to get a shot of the crowd which had amassed all along the mall, up to the west side of Capitol building. After reaching the top, I was ordered by the aforementioned female officer with aviator sunglasses to immediately go back down the stairs. I complied and walked toward the railing on the upper terrace to get more west facing shots of the crowd.

Sometime between 2:00PM and 2:15 PM, I could hear loud banging on the Capitol exterior doorway (Northwest Main Entrance between S-132 and S-143). A short time later, I observed as the crowd began to move into the building. The exterior doorway between S-131 and 132 opened from the inside, and protestors began to enter there as well. I followed along with them and encountered Capitol police near the stairway adjacent to S-133. There was a particular police officer who was remarkably kind as she told me I could not come that way, and directed me to go back the way I came. I explained that I was a journalist but she reiterated that I needed to leave that particular area, so I did as I was instructed and returned to the area just outside of the main exterior doors where I observed protestors as they continued to pour into the main entrance between S-132 and S-143.

A short time later, I followed them into the building, turned to my right, and headed south until encountering a line of police that had formed near the halfway mark of the crypt. I positioned myself near a column on the east side of the room as the crowd continued to pack itself in. Shortly thereafter, a major push came from behind the crowd, crunching the mass of people into the police line. I vaguely remember helping a fallen officer to his feet at that time.

As the police resistance relented and people began to once again move freely, I exited the crypt and moved along with a smaller crowd, west down the hallway to some stairs and handicap ramp adjacent to H-159 where 5 officers were encountered. Officers were not giving commands and the crowd continued to build behind me. At this point, I was extremely stressed, had no real understanding of where I was at in the building and in an ill-conceived attempt to de-escalate the tension I was experiencing I regrettably opened my mouth and implored "Brother, stand with

us!”. Although my words came from a place of genuine love and concern, it was extremely ill advised, as I explained in the introduction to this letter.

For reasons which I couldn't understand at the time, police almost immediately began retreating further to the west, before turning north in the hallway. I stopped at the corner near H-161 and went looking for a directory to try and determine where I was as well as why they might be leading people in that direction. I had a feeling in my gut that didn't sit right with me, so I returned to the smaller, round room, south of the crypt, and took video of a few statues while engaging in light humor with police officers who were also in that area. It was all extremely bizarre to say the least. After observing a man attempt to flush the eyes of another man who had apparently been pepper sprayed at some point, I ascended the circular stairs adjacent to H-161 and made my way to the main floor.

As I reached the top of the stairs, I continued into the National Statuary Hall. At this time, the velvet ropes were still in place. There was a mix of police and protesters walking through, rather gently. Police were asking kindly that everyone stay within the velvet ropes, but no other commands or instruction was being given at that time, so I made my way into the connecting hallway, just south of the statuary and adjacent to H-207. Exhausted and overheated, I stopped near a statue on the west exterior wall of the hallway and drank a bottle of water. I looked out the window to the west while protesters continued to pass me as they moved to the south. The situation was again turning into a bottleneck. I remained off to the west side of the connecting hallway, and then at approximately 2:44 PM I heard what I would later understand to be the gunshot that killed Ashli Babbitt. Minutes later, a group of heavily equipped and armed police officers began moving through the hallway, demanding that everyone get out of the way. I watched as they made their way toward the House of Representatives. Almost immediately, I decided it would be best for me to make my way back to the National Statuary Hall. Shortly afterward, police entered and began ordering everyone to move into the Rotunda, and I once again complied.

I entered the Rotunda and walked around a bit. I took a picture of the Apotheosis of Washington at 3:05 PM and the smell of marijuana became evident with multiple joints being passed around. The general mood amongst the crowd in that moment was strange and almost hippy-like in that people were expressing the intention to have some sort of a peaceful “sit-in”. I sat down on a bench on the southeast side of the Rotunda and without really having any idea of what to do, where to go, or what would happen next, I attempted to contact my mother to let her know I was ok. Unfortunately, there was not nearly enough signal strength to effectively communicate with the outside world.

Some minutes later, a mix of police and protesters began pushing into the Rotunda from the west doorway, and it was apparent that there would be no peaceful sit-in. The smell of marijuana began to be overpowered by the stench of gas, and more and more protesters and police began to pack into the Rotunda. I was unable to stand up or move anywhere. I was trapped. I recorded as much as I could during this time, but the button kept getting bumped. Eventually, I was able to

get on my feet and attempt to get a better understanding of what was happening. I observed a dark haired woman with a black hat and black jacket begin to pass out as we were crushed from all sides. I watched as she went limp and fell to the floor at approximately 3:18 PM. I screamed for everyone to “make some room!” I spread my legs out for stability, held my left arm over her, and prayed that I wouldn’t be pushed forward where it was assured she would have been trampled. Some police also implored their own to stop pushing. After a rather terrifying minute or so, police were able to drag her out from under me, and behind them. I removed my hand from the chest of the officer in front of me and thanked him for getting her out. The crowd continued to push in from the west doorway, as police continued to push east. Police commanded to back up, but I could not. I had nowhere to go. At approximately 3:21 PM, I was asked by a female officer if I was alright, before she and another officer told me that I had to leave. I told them I was trying. I said, “as soon as I can”. At that point, I turned around and was shoved toward the west doorway of the rotunda, but I had nowhere to go as I was being crushed between layers of both Capitol and DC Metro police. At approximately 3:24 there was a major push and the crowd seemed to finally give way to some breathing room. I heard an officer say that “everyone here is under arrest”, and attempted to find a bit more room to breathe, before being shoved back at the crowd by a police officer named “HUFF” who said “nuh uh...over there.” Officer Huff then commanded me to “Sit down”. I told him I could not. I told him that if the crowd from the outside pushed in again, I would be trampled. I told him “that’s a death warrant, and you know it.” I told him “if this crowd moves in, I need my head above water, brother. I can’t sit down. You know that.” He seemed to understand my reasoning and turned his attention to whether or not the Rotunda doors could be locked.

At 3:25, the west doors of the Rotunda were closed and secured, and I awaited commands from police officers. One officer motioned for everyone to move to the south. Another officer pushed me and said “you’re staying here, bud”. Yet another officer said to just stand by until we were given clear direction. Officer “HUFF” who at this point, was identified as the Lieutenant, motioned with his hand and commanded everyone to move out of the Rotunda. I acknowledged every officer along the way as I was directed down the stairway, toward the exit where I left at 3:28 PM.

I walked outside and continued recording as I thanked another Capitol Police officer for good decision making. I walked to the top of the south east side of the east stairs and got a shot of the crowd, looking east towards the Supreme Court, before moving east and away from the building at approximately 3:45 PM. I recorded and posted a video at 4:07 PM to let everyone know I was alive, and then made my way to the Supreme Court where I briefly spoke with two police officers who were stationed near a barricade on the corner of Maryland Ave. NE and First St. NE. From there, I made my way west on Northwest Dr. and at 4:24 PM, I stopped briefly at the northwest steps of the Capitol building where I recorded footage of the giant flag which had been hung from the inauguration scaffolding. By 4:30 PM, I was making my way south on Constitution Avenue, and back to my hotel room.



In the many months that have followed, it has been difficult to adequately express my sorrow concerning the events of January 6th, 2021. I've wept for the lives that were lost, the families that were broken, and the overall detrimental impact to civil discourse. As Your Honor has said, it was one of the worst things that's happened to our democratic way of life. I consistently replay the events that led me to the Rotunda where so many struggled to breathe and remember that day as the near death experience that it was; both for myself, as well as our Republic.

As much as I've wanted to leave January 6th in the past, I feel as though it has been a matter of duty for me to further investigate what went wrong, as well as attempt to determine who was involved in planning such a heinous event. I've spent no shortage of time repeatedly watching the countless hours of available video footage and testimony. I've spoken to witnesses and I've read autopsy reports. I've read multiple intergovernmental investigations, listened to Congressional hearings, and attentively observed the legal proceedings — following closely as each adjudicated case brings more clarity to the confusion that surrounds what exactly happened that day. As truly non-partisan investigation continues to be conducted by the Department of Justice and American citizens alike, my prayer is that one day we will all have the truth, the whole truth, and nothing but the truth.

To that end, I submit this factual accounting of my intentions and failures on January 6th, 2021, while contemplating the words of Ecclesiastes chapter 1, verses 17 and 18: "And I gave my heart to know wisdom, and to know madness and folly: I perceived that this also is vexation of spirit. For in much wisdom is much grief: and he that increaseth knowledge increaseth sorrow."

Thank you for your full consideration as you determine what sentence will best serve the interests of Justice in our beloved Republic.

Respectfully and Faithfully,

A handwritten signature in black ink, appearing to read 'Shawn Witzemann', with a stylized, cursive flourish at the end.

Shawn Bradley Witzemann

Shawn Bradley Witzemann  
406 4th Street CV  
Mountain View, Missouri  
65548

November 1, 2022

Senior Judge Thomas F. Hogan District of Columbia  
United States District Court

Honorable Judge Hogan,

In my initial letter to the Court, my hope was to provide a sincere statement of remorse for my confessed crimes on January 6th, as well as provide specific details in regards to my greater intentions and personal character. While that hope remains unchanged, I have identified multiple inaccuracies and unwarranted assertions in the Government's Sentencing Memorandum that unfortunately must be addressed. To that end, it is with great solemnity that I find myself compelled to provide this addendum to my previous letter.

For clarity I will arrange my rebuttals in chronological order, in tandem with the Government's Sentencing Memorandum.

## **I. Introduction**

1. In paragraph 1 the Government states: "Defendant Shawn Bradley Witzemann, a 40-year-old resident of Missouri, participated in the January 6, 2021 attack on the United States Capitol—a violent attack that forced an interruption of Congress's certification of the 2020 Electoral College vote count, threatened the peaceful transfer of power after the 2020 Presidential election, injured more than one hundred police officers, and resulted in more than 2.8 million dollars in losses."

### **Rebuttal**

As was painstakingly negotiated and agreed to by AUSA Amore on June 11, 2021, I did not have any part in an "attack on the United States Capitol". In good faith as well as in accordance with the signed Statement of Offense, I've admitted my failures and role in the January 6th Capitol Riot. In complete disregard for signed agreements on facts in the Statement of Offense, the Government has made an abhorrent and reprehensible mischaracterization of my actions that day.

I've admitted that I willfully and knowingly entering the Capitol Building without permission to do so, and while there, I willfully and knowingly demonstrated, paraded or picketed. Nowhere in the agreed upon Statement of Offense have I admitted or agreed to what the Government is alleging in this statement.

Furthermore, I have never stated that I played a part in the interruption of Congressional proceedings. In fact, I fully understood that the process of certification would include formal objections and associated debate; a procedure which I would've rather seen carried out without interruption.

The peaceful transfer of power requires that Constitutional procedure be followed and any issues be fully heard and adjudicated before certification. At no point have I expressed interest in threatening this process.

I did not participate in any action that led to officers or others being injured. Any action I took while on Capitol grounds was in fact, opposite in effect. I helped a police officer to his feet as a crowd pushed forward unexpectedly, and I fought to help police make room for a woman who had passed out in the rotunda. As I will further explain, I refrained from giving into provocation from bad actors, and video I captured and turned over to the FBI was employed in the furtherance of their investigation.

I accept the fact that my failures as a journalist have necessitated my acceptance of responsibility in regards to the costs associated with the day. I'm fully prepared to do what I must to appropriately satisfy that debt. Any assertion that I've not taken full responsibility or shown sincere remorse for my mistakes is categorically and demonstrably false. I began plea negotiations immediately after I retained counsel and any associated delays were necessitated only by a dedication to ensuring that a truthful and accurate Statement of Offense would be submitted to this court ahead of sentencing.

2. In paragraph 2 the government states: “ (1) entered the United States Capitol Building through the Senate Wing Doors just six minutes after the initial breach after observing police officers who were protecting the Capitol firing tear gas at rioters; (2) remained in the Capitol Building for nearly an hour and twenty minutes, despite the obvious presence of police; (3) pleaded with a police officer to join the cause of the rioters; and (4) made statements on social media following January 6, 2021 that show a lack of remorse for his actions and support for those who stormed the Capitol that day to disrupt the certification of the 2020 election.”

### **Rebuttal**

1: My role as a journalist and correspondent has many times required me to be in situations where I suppress the need for perfect safety or self-preservation. I've admitted to knowingly and willfully entering the Capitol Building without permission to do so. I am not the only journalist who did so that day, as the large majority lacked Congressional press credentials and also failed to submit to a security screening.

2: I remained in the building due to confusion about where I was allowed to be. Having covered numerous situations with police presence, ahead of January 6, 2021, I have

always depended on police to give clear instruction as to where I can and cannot be. There is no reason to assume that the mere presence of police or altercations with civilians would serve as an adequate reason for me to stop following my objective as a journalist. Whenever I was given orders or instruction by police on January 6, 2021, I complied. This fact is corroborated by video that the government has provided, and it is almost certain that more video exists which would only bolster the truth of this matter.

3: I accept full responsibility for my failure in saying “brother, stand with us!” To a Capitol police officer. I recognize the context of my misdemeanor offense as well as the wider context in which it occurred.

4: At no point have I expressed support for “those who stormed the Capitol”, nor have I expressed support for any disruption of Congressional proceedings. In fact, have repeatedly said that prosecution in many January 6, 2021 cases (including my own) is warranted, and the need to provide Constitutional due-process is of paramount importance. I have accepted that my failures as a journalist constituted a breach of law, and continue to take full responsibility for the misdemeanor offense to which I pleaded guilty.

3. In Paragraph 3 the government states: “The Court must also consider that Witzemann’s conduct on January 6, like the conduct of hundreds of other rioters, took place in the context of a large and violent riot that relied on numbers to overwhelm police officers who were trying to prevent a breach of the Capitol Building, and disrupt the proceedings. As Judge Bates explained at the sentencing hearing in another January 6 case, “The defendant was an active participant in a mob assault on our core democratic values and our cherished institution. And that assault was intended by many and by the mob at large in general to interfere with an important democratic processes of this country. I cannot ignore that, cannot pull this misdemeanor out of that context.” *United States v. Thomas Fee*, 1:21-cr-00131 (JDB), Tr. 04/01/2022 at 17. Weitzmann’s actions and those of his fellow rioters enabled the breach of the Capitol, threatened the lives of the police officers, legislators, and their staffs, and disrupted the certification vote for several hours. See *United States v. Matthew Mazzocco*, 1:21-cr-00054 (TSC), Tr. 10/4/2021 at 25 (“A mob isn’t a mob without the numbers. The people who were committing those violent acts did so because they had the safety of numbers.”) (statement of Judge Chutkan).”

### **Rebuttal**

In referencing *United States v. Thomas Fee*, 1:21-cr-0031 the Government makes speculative statements that intentionally mischaracterize my previously agreed upon purpose for being at the Capitol on January 6, 2021. The government’s statement assigns guilt for crimes I’ve neither been accused nor convicted of and the agreed upon Statement of Facts does not support their assertion.

There is no objective analysis of the preponderance of evidence in my case that would serve to adequately support the false statement that my individual presence at the Capitol “enabled the breach of the Capitol, threatened the lives of police officers, legislators, and their staffs, and disrupted the certification vote for several hours.” For this argument to have merit, every journalist present in the building would also hold culpability in adding to the “numbers to overwhelm police officers who were trying to prevent a breach of the Capitol Building, and disrupt the proceedings.”

Another point of contention in this paragraph is that in their ill-conceived and mostly copy-pasted effort to portray me as a threat to “police officers, legislators, and their staffs”, the Government failed to spell my surname correctly.

## **II. Factual and Procedural Background**

### *The January 6, 2021 Attack on the Capitol*

1. In paragraph 1 the government states: “To avoid unnecessary exposition, the government refers to the general summary of the attack on the U.S. Capitol. See ECF 41 (Statement of Offense), at 1-7. As this Court knows, a riot cannot occur without rioters, and each rioter’s actions—from the most mundane to the most violent— contributed, directly and indirectly, to the violence and destruction of that day. With that backdrop we turn to Witzemann’s conduct and behavior on January 6.”

#### **Rebuttal**

The language here employed as a framework for presenting a Factual and Procedural background is unnecessarily presumptive and excessive. As I’ve explained thoroughly, I do not concede to that characterization. The Government previously agreed to remove such language from the signed Statement of Offense associated with my plea agreement. In direct contradiction to their reasons for omitting referenced statements, the repeated use of this language in their Sentencing Memorandum is an unnecessary exposition in regards to my individual case.

### *Witzemann’s Pre-January 6th and Social Media Statements*

1. In paragraph 1 the government states: “Witzemann made many comments that called into question the 2020 presidential election and addressed the need for action in Washington, D.C. For example, on November 3, 2020, while referring to mail-in ballots, he falsely stated at least twice that ballots were being thrown away.”

#### **Rebuttal**

It is true that I called into question the 2020 presidential election. There is a daunting amount of evidence to support my stated lack of confidence, and provided adequate time to address this falsehood, I would be pleased to present much evidence of this, as well as

other acts of treason to the Court. The Government's claim that my statements on November 3, 2020 are false is woefully under-informed and lacks necessary evidence to support their assertion.

2. In paragraph 2 the government states: "On December 16, 2020, Witzemann increased his rhetoric, stating, "This election was stolen. . . . There is no 2024. . . . I'm not waiting that long. . . . [Trump] won this election. If we let it slide this time, that is the end." On December 20, 2020, while referring to an upcoming trip to Washington, D.C., Witzemann said, "True believers" and "people of action" believe the Constitution "is worth fighting for. . . . The cops are going to have to make a choice."

### **Rebuttal**

As I've previously made clear, I have extremely good reason to report that the 2020 election was fraudulent. When one looks at the condition our country has been placed in the aftermath, it shouldn't be hard to ascertain what I had alluded to when saying, "If we let it slide this time, that is the end." Thankfully, a majority of Americans have no interest in letting the matter rest, and are rightfully concerned about election integrity. In fact, as we move into the 2022 mid-terms, Rasmussen polls show that 61% of Americans consider Election Integrity to be "Very Important". and a large number of Americans continue to work diligently to solve the problems which have been painstakingly identified by multiple government agencies at both the federal and state level. I am personally aware of investigations which are ongoing in both private and government sectors.

The referenced Rasmussen poll can be found here:

[https://www.rasmussenreports.com/public\\_content/politics/general\\_politics/september\\_2022/election\\_integrity\\_61\\_say\\_issue\\_is\\_very\\_important](https://www.rasmussenreports.com/public_content/politics/general_politics/september_2022/election_integrity_61_say_issue_is_very_important)

Out of 92 cases which were filed to challenge different aspects of the 2020 election, 30 of those eventually made their way to an evidentiary hearing to be decided on merit. Of the 30 that were decided on merit, 22 ruled in favor of the plaintiff. It remains the opinion of many that the widely reported issues in the 2020 election have yet to be fully investigated and/or adjudicated through evidentiary hearings.

A link to referenced cases can be found here:

[https://election-integrity.info/2020\\_Election\\_Cases.htm](https://election-integrity.info/2020_Election_Cases.htm)

It is beyond disturbing that the Government would choose to disparage clear expressions of patriotism to the court. To be clear: True believers and people of action believe the Constitution is worth fighting for. As we continue to confront rampant corruption within state and federal government, law enforcement at all levels will certainly be faced with difficult choices in regards to how they will best protect and defend our Constitution. I

have full faith and confidence that all who've committed acts of espionage, fraud, or treason in their efforts to illegally influence our democratic processes will be brought to Justice and the integrity of our elections will be fully secured.

*Defendant Witzemann's Role in the January 6, 2021 Attack on the Capitol*

**Rebuttal**

In regards to what the government characterizes as "Defendant Witzemann's Role in the January 6, 2021 Attack on the Capitol" it must once again be noted that during plea negotiations, the government agreed to remove all language referring to "Attack of the Capitol" from Statement of Facts associated with my confessed misdemeanor. As the Government previously agreed, I had no role in any attack on the Capitol and the signed Statement of Facts does not serve to support this repeated abuse of language.

1. In paragraph 1 The government states: "According to Witzemann, he arrived in Washington, D.C. on January 4, 2021 to attend a security briefing for the Sons of Liberty, a group from New Jersey that was there to support then-President Donald Trump."

**Rebuttal**

It should be noted that even though I had been invited, I never attended the referenced briefing. My interest in such a briefing was motivated by the desire to increase my situational awareness in regards to any potential threats that may have been identified by members of "Sons of Liberty." It is unclear as to why the Government deemed it necessary to selectively mention a briefing that I did not attend.

2. In paragraph 2 the government states: "In the morning of January 6, 2021, Witzemann attended the rally for then-President Trump. At approximately 1:00 p.m., Witzemann started to walk towards the Capitol Building. When he got to the Capitol Building, he could see that a large group of rioters had pushed their way towards the steps of the West Front of the building while Capitol Police fired tear gas to keep them back. He then observed the rioters push towards the door of the Capitol Building."

**Rebuttal**

This statement is appropriately factual even though there continues to be debate and ongoing investigation into the purpose behind the decision to fire tear gas into a crowd that was at the time, predominantly non-confrontational with police. At no point during my time at the Capitol was a clearly audible declaration of a riot made. Furthermore it could be argued that the Capitol Police's use of force was indiscriminate, excessive and unwarranted. It could also be argued that indiscriminate use of force directly and unnecessarily contributed to the agitation of the large crowd that had assembled at the Capitol. In fact, it is publicly alleged with corroborating evidence that the deaths of Benjamin Phillips, Kevin Greeson, Roseanne Boyland, Ashli Babbitt, and Officer Brian Sicknick were caused by indiscriminate use of excessive force, as well as negligence.

More information on all five deaths can be found here:

<https://stophate.com/mash/capitol-offense-the-ugly-truth-behind>

My own first-hand experience near the northwest stairs leads me to understand that the crowd became much more agitated after many witnessed as Derick Vargo was seemingly pushed from the stairs by Capitol Police. Many, including myself, believed him to be dead as he lay motionless and unresponsive in the grass. Eventually, protesters repurposed a bike rack as a makeshift stretcher and carried him away. Shortly after that occurred, the situation became considerably more intense.

Video of the aforementioned incident can be seen here at about the 17 minute mark:  
<https://rumble.com/v18c7ya-righting-history-the-journalistic-battle-of-january-6th.html>

Here is a screen-captured image from Journalist Tayler Hansen's footage in which I can be seen documenting things as they occur in front of me with Derrick Vargo's legs visible near a flag on the ground:



Furthermore, I can be seen in a screen-captured image from January 6th Defendant John Sullivan's video which shows me doing my job as a journalist while conversing with an unidentified female Capitol Police officer. None of the officers present considered me a threat or impediment to their duty as I complied with every command I was given in regards to where I could be while documenting.





A recent lawsuit, won by plaintiffs in Denver, Colorado, bears many similarities to the issues I observed first-hand and as well as those I've discovered through review of the massive amount of video and testimony related to January 6, 2021. I witnessed many similar abuses while covering protests against police brutality in Denver in real time, working as a producer on live-streams that were broadcast through multiple Tribune Media International LLC assets, including "The Armenian Council for Truth in Journalism", "Denver Tribune", and "Farmington Tribune".

Here is a link to an article on the matter:

<https://www.arnoldporter.com/en/perspectives/news/2022/03/racial-justice-advocates-prevail-in-landmark>

3. In paragraph 3 the government states: " Recordings from the U.S. Capitol's closed-circuit video ("CCV") system show that at approximately 2:13 p.m., rioters had breached the Senate Wing Doors by smashing and entering through the windows adjacent to the doors and then kicking the doors open from inside to allow more rioters to enter. As shown in Image 1, below, just six minutes after that initial breach, at approximately 2:19 p.m., Witzemann, circled in red and wearing a Pittsburgh Pirates baseball cap, walked through the Senate Wing Doors and entered the Capitol Building."

### **Rebuttal**

The government has curiously omitted facts which were given to the FBI during my initial interview, regarding my initial entry into the Capitol building. In doing so, they conceal the fact that my initial entry was through a door that was opened from the inside and I observed no windows being broken in the immediate vicinity of that doorway. The female Capitol Police officer I referenced in my original letter clearly stated that those present in the hallway near the stairs would not be "locked up".

Video footage which corroborates my testimony can be seen here:  
<https://www.instagram.com/tv/Cc6grOIAvsK/?igshid=YmMyMTA2M2Y=>

After observing the above mentioned interaction, I explained to that officer that I was there as a journalist and should document things as they happened. She explained that she understood but that I still needed to leave that area. I complied and thanked officers who were present for their professionalism. Specifically, I recall saying in a lighthearted manner, “Thanks for not kicking my ass”.

4. In paragraph 4, the government states: “Shortly after entering the Capitol Building, at approximately 2:28 p.m., Witzemann, along with several other rioters, approached two police officers who were trying to prevent the rioters from walking further down a hallway. Witzemann filmed this incident using his cell phone. In the video, filed with the Court as Government Video Exhibit 1 for sentencing, Witzemann can be heard saying to one of the officers, “Brother, stand with us.”.

#### **Rebuttal**

It is factually inaccurate to state that the officers in question were “trying to prevent the rioters from walking further down a hallway”. In fact, referenced video shows quite the opposite. Although police were initially static, they failed to issue any commands or give clear instruction to those who were present. After a short time, they began leading those present further down the hallway and consequently gave protesters a more direct route to the Rotunda, on their way to the Senate Chamber. Among them was “The New Yorker” journalist Luke Mogelson (who had entered the building by climbing through a broken window) and January 6th defendant U.S. Army Captain Gabriel Garcia. As I’ve previously stated, something about the situation didn’t feel right to me, so I went in another direction.

Further video of one of the officers who is alleged by the Government to have been “trying to prevent the rioters from walking further down the hallway” shows him standing near exterior doors saying, “I don’t agree with it, but I respect it.”; All the while standing by and providing no shortage of tacit approval for protesters to continue moving further into the building.

<https://rumble.com/vjnzml-more-jan.-6-footage-capitol-police-opening-doors-for-rally-goers.html>

I have extensively addressed my heartfelt plea to police in my previous letter.

5. In paragraph 5 the government states: “As shown in the images below, between approximately 2:32 p.m. and 3:28 p.m., Witzemann trespassed through several sections of the Capitol Building,

including the Small House Rotunda, the Rotunda, and Statuary Hall, using his cell phone to record video from inside the Capitol Building.”

### Rebuttal

Per my plea agreement, I agree that the charge of trespassing was indeed based in fact. Nevertheless, nothing in that section of the agreement should be misunderstood as an outright or explicit admission of guilt. It should once again be noted that many journalists (congressionally credentialed or otherwise) went through several sections of the Capitol Building while documenting the events as they unfolded, including the aforementioned Luke Mogelson who after failing to submit to a security screening, crawled through a broken window, rather than using a door as I did. I see no factual inaccuracies in this paragraph but it does serve as yet another example of the Government’s dishonest and selective process in deciding what information they highlight.

As can be seen in this screenshot from the publicly available video I previously provided the Government, I repeatedly engaged in lighthearted conversation with police as I have always done in my coverage of tense altercations.



6. In paragraph 6 the government states: “As can be seen in Image 7, and as discussed further below, the video recorded by Witzemann in the Capitol Building was later posted to the Facebook page of The Armenian Council for Truth in Journalism, where Witzemann would discuss what he observed in a webcast.”

**No Rebuttal Necessary**

This statement is adequately factual.

7. In paragraph 7 the government states: “Shortly after 3:00 p.m., while Witzemann was still loitering in the Rotunda, dozens of Metropolitan Police Department (“MPD”) officers, wearing riot gear, entered the Rotunda and tried to clear the rioters out of that room. At approximately 3:05 p.m., several rioters confronted the MPD officers, and some physically assaulted the officers. Witzemann remained in the Rotunda during this time. As shown in Images 8, 9, 10, and 11, below, between approximately 3:24 p.m. and 3:26 p.m., Witzemann was part of the mob that the MPD had to contain and escort from the Rotunda.”

**Rebuttal**

Publicly available bodycam footage shows that police were unclear as to what their orders were as they entered the rotunda. Therefore: any suggestion that MPD or others had a clear plan when they entered is extremely questionable. As was discussed in my previous letter, I was “loitering” in the rotunda after being commanded by a Capitol Police Officer to do so. Therefore, it is inaccurate to suggest that MPD “had to contain and escort” me from the Rotunda. Had I been ordered and provided clear instruction by law enforcement to leave the building entirely, I would have done so. Unfortunately, no orders were given. Furthermore, as I’ve described in my previous letter, law enforcement’s confusingly sudden and haphazard decision to engage in violence with protesters in order to clear the Rotunda left me pinned against a bench until enough pressure relented, allowing me to stand up and begin recording. During the large majority of the timeframe referenced by the Government, I was unable to move freely, thus rendering any will I may have had to escape to be moot. These demonstrable discrepancies between reality and the Government narrative serve to further illustrate the idea that there was a disturbing absence of clear communication and proper coordination between USCP, MPD, and the many other law enforcement agencies who were present at the Capitol on January 6, 2021.

Corroboration for my testimony can be found in my Rotunda footage previously referenced by the government, as well as this link to above referenced publicly available body-cam footage:

<https://t.me/ShawnBradleyWitzemann/704>

For the Court's further understanding of what happened in the Rotunda as well as the manner in which it is common for journalists to cover "these types of events":  
<https://youtu.be/Aq41CsnwRk8>

8. In paragraph 8 the government states: "At approximately 3:38 p.m., Witzemann exited the Capitol Building through the Memorial Doors, and continued to use his cell phone to record video that would later be posted to a webcast on Facebook. He was inside the Capitol Building for nearly 80 minutes."

**No Rebuttal Necessary**

This statement is adequately factual.

*Witzemann's FBI Interview*

1. In paragraph 1 the Government states: "To his credit, on January 15, 2021, several months before any formal charges were filed against him, Witzemann voluntarily agreed to an interview with the FBI. Witzemann claimed to work as an independent journalist, running a media company called Tribune Media International. He stated that he often travels to demonstrations and protests to livestream video from the events. Although he claimed to remain independent from the groups he has recorded, he admitted that his own views often coincide with those groups. For example, he denied being associated with the Proud Boys or other "Patriot" groups, but he did admit to being sympathetic to their cause. Witzemann stated that both Enrique Tarrío and Joe Biggs, well-known Proud Boys, know him from his coverage of Proud Boys events."

**No Rebuttal Necessary**

2. In paragraph 2 the Government states: "According to Witzemann, on December 12, 2020, he was in Washington, D.C. to record Proud Boys protests. During these protests, he observed violence between "Patriot" groups and other groups he believed to be Black Lives Matter or Antifa. Witzemann stated that he would livestream his videos from these types of events on Facebook until Facebook prevented him from doing so. He claimed Facebook blocked him from doing this because he once posted a flier that set forth the tenets of the Proud Boys. Witzemann believes the Proud Boys are mischaracterized by the media."

**Rebuttal.** Although there are no factual inaccuracies in this section of the Government's Sentencing Memorandum, I would like to elaborate on the matter of "Proud Boys Tenets" and why I believe the organization has been broadly mischaracterized by corporate media. I find it telling that Facebook would actively prevent the dissemination of factual materials such as the flier I posted. Corporate decision making, in cooperation with Federal Law Enforcement Agencies to obstruct the free flow of factual information has had a direct bearing on public understanding of fact. Furthermore, and in support of statements I have made about interference with the 2020 election, documentation was recently leaked which proves the relationship between Department of Homeland Security



Although I have yet to obtain any direct evidence that any federal agencies were actively working to suppress my individual work, as well as the efforts of my team with Tribune Media International LLC, it now seems much more likely. Interestingly enough, I find it to be strangely convenient for the Government that the near entirety of the data associated with my original Facebook and Instagram accounts remains inaccessible to me after my account was permanently deactivated in the aftermath of being charged in relation to January 6, 2021. While meeting with AUSA Amore in Newark, New Jersey for the reverse proffer, I inquired about the possibility of regaining access to my data in order to access potentially exculpatory and other relevant and/or sensitive material. My attorney reminded him of Brady/Giglio rules regarding the Government's obligation to provide exculpatory evidence, and AUSA Amore said he would look into it. I was eventually provided with a hard drive that contained a small amount of the data in question but it was nowhere near complete. My assumption at the time was that the data was in the hands of a private corporation and the Government had no reasonable way to honor my request. Given the recent revelations concerning the relationship between federal agencies and Facebook, it seems plausible that certain parties may have intentionally worked to have my data destroyed. If proven to be true, it would at the very least be a grievous breach of law and a blatant deprivation of Constitutional rights to due process, necessitating a full investigation on the behalf of all who've potentially been affected by what appears to be malicious and unethical prosecution at the hands of the Department of Justice. In fact, the ACLU is already planning to take appropriate legal action in order to ensure the protection of our Constitutionally guaranteed rights.

Regardless, the censorship of a flier that is surprisingly in-line with mainstream American values would lend itself as support for my opinion that Proud Boys are intentionally mischaracterized by the media and other organizations that would seek to demonize their intent, in order to frame those in the organization for crimes they have not committed.

While addressing the recent exposure of the improper and illegal relationship between private corporations and federal law enforcement agencies, it should also be pointed out that NPR and many others have recently reported that "A Washington state judge fined Facebook parent company Meta nearly \$25 million for repeatedly and intentionally violating campaign finance disclosure law, in what is believed to be the largest campaign finance penalty in U.S. history." These developments further support my statements that there was widespread interference, fraud, and treason involved in the 2020 election.

A link the the above mentioned article may be found here:

<https://www.npr.org/2022/10/27/1131907041/facebook-meta-campaign-finance-fine>

3. In paragraph 3 the Government states: "With respect to January 6, 2021, Witzemann admitted to entering the Capitol Building. He stated that he attended the rally for then-President Trump that morning but was too far away to hear anything. At approximately 1:00 p.m., he began walking towards the Capitol Building. He acknowledged that by the time he got to the building,

he saw that a large crowd of protestors had gathered outside and pushed their way towards the steps. He observed Capitol Police firing what appeared to be tear gas at the protestors. He claimed that as a group of protestors pushed towards a door, it appeared as though the police had stood down. Witzemann stated that he climbed a scaffolding to get a better view with his cell phone but got down after a police officer instructed him to do so.”

**Rebuttal**

As was clarified and agreed to by the Government in the Statement of Offense, it should be understood that I ascended stairs to the top of the inauguration stage scaffolding.

4. In paragraph 4 the Government states: “Witzemann recalled the events in the Rotunda described above. He recounted being stuck between a group of rioters pushing towards the police and the police pushing back towards the rioters. He stated he feared for his life and was concerned that if he fell to the ground, he might get trampled. Witzemann recalled exiting the Capitol Building and returning to his hotel room.

**Rebuttal**

The first sentence references the inaccurate and highly subjective version of events in the Rotunda that were proven to be false in my more complete and objective description of what happened before and during my time in the Rotunda, both in this addendum and the letter I previously provided to the Court. The rest of the paragraph is a factual, although it once again selectively omits any information that would serve to provide the Court with a better understanding of what actually happened.

*Post-January 6th and Social Media Statements*

1. In Paragraph 1 the government states: “On January 6, 2021, after Witzemann left the Capitol area and returned to his hotel room, he appeared on an Internet radio show to discuss what he observed at the Capitol. (The video is available here: [https://fb.watch/dlnrxi\\_wJh/](https://fb.watch/dlnrxi_wJh/)). During the interview Witzemann stated that then- President Trump needed “to invoke the Insurrection Act . . . Now more than ever.” He told the interviewer that while inside the Capitol, “I screamed at the cops in the Capitol. And I said, ‘Don’t you realize . . . if they take over, it could be 100 years before the lights come back on.’ . . . The police officer, he looked at me and said, ‘I know.’”

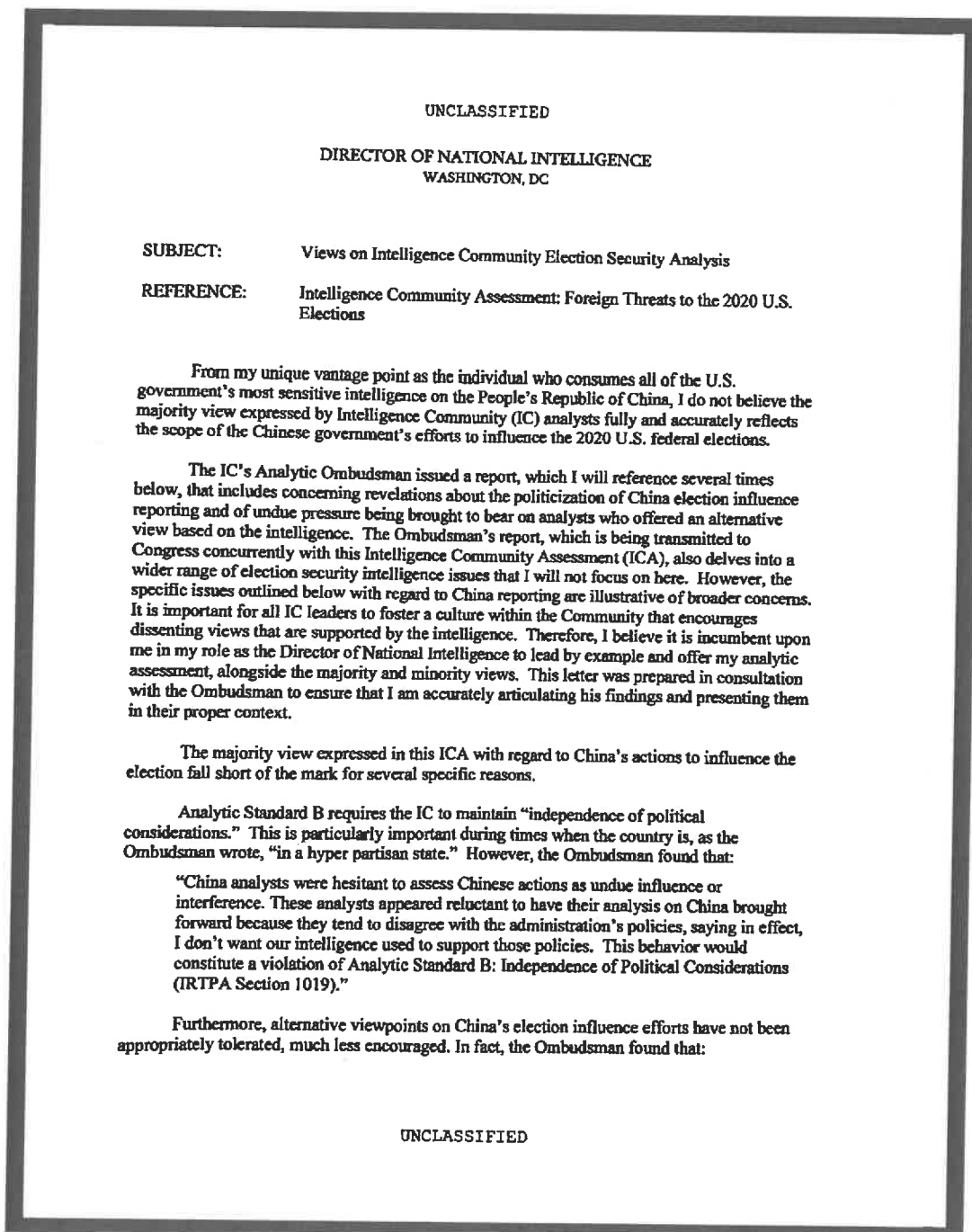
**Rebuttal**

It should be understood that it was my position based on open-source intelligence available to me at the time that then-President Donald Trump should invoke the insurrection act in order to deal with the foreign election interference that had transpired. Many high-level officials were seriously considering this as a potential necessity due to their own analysis of the available intelligence which showed foreign influence in the 2020 election. My own understanding of the situation led me to believe it was the appropriate course of action. In corroboration of my fact-based concerns, on January 7,



2021, Director of National Intelligence Ratcliffe released the following statement: "I am adding my voice in support of the stated minority view - based on all available sources of intelligence, with definitions consistently applied, and reached independent of political considerations or undue pressure -- that the People's Republic of China sought to influence the 2020 U.S. federal elections, and raising the need for the Intelligence Community to address the underlying issues with China reporting outlined above." This statement was in conclusion to many different concerns in regards to politicization of analysis that DNI Ratcliffe laid out as part of the "Intelligence Community Assessment: Foreign Threats to the 2020 U.S. Elections".

The Court can find the full unclassified document below:



UNCLASSIFIED

SUBJECT: Views on Intelligence Community Election Security Analysis

“There were strong efforts to suppress analysis of alternatives (AOA) in the August [National Intelligence Council Assessment on foreign election influence], and associated IC products, which is a violation of Tradecraft Standard 4 and IRTPA Section 1017. National Intelligence Council (NIC) officials reported that Central Intelligence Agency (CIA) officials rejected NIC coordination comments and tried to downplay alternative analyses in their own production during the drafting of the NICA.”

Additionally, the Ombudsman found that CIA Management took actions “pressuring [analysts] to withdraw their support” from the alternative viewpoint on China “in an attempt to suppress it. This was seen by National Intelligence Officers (NIO) as politicization,” and I agree. For example, this ICA gives the false impression that the NIO Cyber is the only analyst who holds the minority view on China. He is not, a fact that the Ombudsman found during his research and interviews with stakeholders. Placing the NIO Cyber on a metaphorical island by attaching his name alone to the minority view is a testament to both his courage and to the effectiveness of the institutional pressures that have been brought to bear on others who agree with him.

Intelligence Reform and Terrorism Prevention Act (IRTPA) Analytic Standard D requires that coordinated analytic products be “based on all available sources of intelligence.” However, because of the highly compartmented nature of some of the relevant intelligence, some analysts’ judgements reflected in the majority view are not based on the full body of reporting. Therefore the majority view falls short of IRTPA Analytic Standard D.

Tradecraft Standard 1 requires the analytic community to be consistent in the definitions applied to certain terminology, and to ensure that the definitions are properly explained. Having consumed election influence intelligence across various analytic communities, it is clear to me that different groups of analysts who focus on election threats from different countries are using different terminology to communicate the same malign actions. Specifically, definitional use of the terms “influence” and “interference” are different between the China and Russia analytic communities. The Analytic Ombudsman found that:

“Terms were applied inconsistently across the analytic community... Given analytic differences in the way Russia and China analysts examined their targets, China analysts appeared hesitant to assess Chinese actions as undue influence or interference.”

As a result, similar actions by Russia and China are assessed and communicated to policymakers differently, potentially leading to the false impression that Russia sought to influence the election but China did not. This is inconsistent with Tradecraft Standard 1.

In the Ombudsman’s report, he accurately acknowledged my commitment “to provide an independent avenue for analysts to pursue unbiased analysis.” My approach here is not without precedent. In 1962, a National Intelligence Estimate stated that the Soviet Union was unlikely to place missiles in Cuba. Then-CIA Director John McCone forcefully disagreed with the analysts,

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**SUBJECT:** Views on Intelligence Community Election Security Analysis

and later ordered the U-2 reconnaissance flights that discovered that missiles had in fact been deployed.

In that same spirit, I am adding my voice in support of the stated minority view -- based on all available sources of intelligence, with definitions consistently applied, and reached independent of political considerations or undue pressure -- that the People's Republic of China sought to influence the 2020 U.S. federal elections, and raising the need for the Intelligence Community to address the underlying issues with China reporting outlined above.

  
\_\_\_\_\_  
John Ratcliffe

January 7, 2021  
Date

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Furthermore, it should be clearly understood that other statements made on the Situation Room with Rocci Stucci, as referenced by the Government, are indeed factual and based on my understanding of available intelligence at that time. It should also be noted and understood that the idea of invoking the Insurrection Act was being discussed at the highest level within the sitting Commander in Chief's advisory apparatus, as well as in senior levels of the intelligence community. President Trump ultimately disagreed with the opinions of those who believed he should invoke the Insurrection Act and decided to address thoroughly identified issues in another manner, as was his prerogative. Executive power was peacefully transferred to President Biden on January 20, 2021.

2. In Paragraph 2, the Government states: "Later that evening, Witzemann appeared in another video webcast, which will be filed with the Court as Government Video Exhibit 2. This one was posted on the Facebook page of The Armenian Council for Truth in Journalism. Before Witzemann appeared, the other participants started the webcast by showing some of the video Witzemann record in the Rotunda that day. As shown in Image 13, below, when Witzemann first appeared, he started by saying, "Let's just get this right out of the way," and flaunted his shirt, which read, 'Enrique Tarrío Did Nothing Wrong!'."

#### **Rebuttal**

This section is factual. However, it should be fully understood by the Court that in their selective choice of statements from the referenced broadcast, the Government is once again attempting to insinuate negative connotation that has been shown to be without merit.

3. In paragraph 3 the government states: "Witzemann appeared clearly agitated by the events of January 6, 2021. He expressed anger towards a politician who spoke out against the riot: "These fucking cocksuckers. So then when they resume their activities up there, there's this fucking guy, and I don't even know his name. I tuned in for a couple of minutes, and he's got this fucking smirk on his face about it. And he's lecturing us about morality, and what it means to be an American, and all this other bullshit, while he was hiding in a fucking tunnel underneath the Capitol."

Video Exhibit 2, at 9:42. As they played the video Witzemann recorded in the Rotunda, Witzemann continued to spread false information about the election: "They stole the election! Let's just clarify that right now. How much more evidence do you need to see?" Video Exhibit 2, at 12:57.

#### **Rebuttal**

I should be clearly understood and taken into consideration that my agitation was influenced by a few too many drinks and consequently, my words were a candid and uncensored expression of my frustration with the false narratives I was beginning to see. I was upset over the violence I had seen, upset that the process of certification had been interrupted, and incensed with the idea that our election had been compromised by foreign adversaries. I was fully aware of the potential consequences our country was

facing as a result and it was heartbreaking to consider that I may have very well been a first-hand witness to the death of democracy. In the face of known government corruption, I remain uninspired by any leadership that would choose to hide from a public redress of grievances. I recognize that my choice in words was both obscene and offensive to some. Regardless, my statements were purely observational, and in no way was I making calls for violence or destruction and they should in no way be construed as an attempt to justify criminal acts that occurred prior to, during, or after January 6, 2020. Once again, it must be pointed out that there is a lack of evidentiary hearings that would support the Government's premise that any statements about a stolen election are false.

4. In paragraph 4 the government states: "Witzemann also falsely claimed during the webcast that "[t]here was no vandalism," Video Exhibit 2, at 16:50, even though he entered through the Senate Wing Doors, where the doors had been breached and the windows had been smashed open by the rioters. Witzemann also cryptically stated, "There were so many times when I wanted to do something besides film." Video Exhibit 2, at 19:14."

#### **Rebuttal**

Although I see no factual inaccuracies in the government's statement, they are once again choosing to be unfairly selective in their choice of reference material. I recognize that I made a false statement when I claimed there was no vandalism but I honestly can't recall seeing broken glass when I entered. Also, I've made many statements in the months that followed that have acknowledged the criminal acts that occurred. In hindsight, it's easy to understand what occurred but I did not personally witness the moment of breach. In fact, as I've previously explained, my initial entry came after doors were opened from the inside.

Also, I want to clarify what was meant when I said, "There were so many times when I wanted to do something besides film." As I explained to Your Honor, my intention that day was to show people the truth, regardless of what happened to me. As a red-blooded American male, it's very difficult to stand by when I see injustice or confrontation. There were times during January 6th when I felt I should've done something to prevent violence from all manner of people who were involved; both rioters and police alike. It doesn't warm my heart to think about the situation with Derick Vargo where so many were claiming that police had intentionally pushed him from the stairs. I watched that man hit the ground right in front of me. Also, when police began haphazardly pushing everyone into a bottleneck in the rotunda, an officer took his baton and intentionally began jamming it into my ribs. In an inescapable position, it was an act of incredible self-control not to give in to reflex action and take physical action to stop the MPD officer who was unnecessarily and maliciously hurting me. In my video, I can be heard asking him kindly to remove it from my ribs and saying thank you afterward. There were many times that day when I could've lost complete control and done things that I would've regretted far more than the misdemeanor to which I've admitted guilt and taken responsibility for.

5. In paragraph 5 the government states: “As Witzemann’s cell phone video continued to play on the webcast, Witzemann continued to provide commentary as to what he saw that day. He acknowledged with respect those police officers that nodded at him as he was exiting the Capitol Building but made disparaging comments about those officers that did not nod towards him. See Video Exhibit 2, at 19:55 (“Ninety percent of them would give you a nod. . . . This guy doesn’t. This guy wants to be a dick, and he could fuck off, that fucking fat pig fuck.”).”

### **Rebuttal**

The government’s statement is factually accurate. This situation and the things I expressed were a furtherance of the situational conditions and associated frustrations which I’ve already discussed in great detail. I make no excuses or apologies. I was respectful to police when the situation demanded respect out of a need for self-preservation. In retrospect, it is quite clear that some were deserving, while others were not. Much like the protesters and rioters, police who were present are not infallible and any assertion made by the Government that they are can easily be proven to be false.

6. In paragraph 6 the government states: “In the weeks and months following January 6, 2021, Witzemann continued to take to social media to express his support for the actions of the rioters and show a lack of remorse for his own actions that day. On March 6, 2021, he stated that he “still think[s] [the election] was fraudulent.” And on August 30, 2021, he stated the following: On January 6th, I witnessed as hundreds of thousands of Americans went to the Capitol to protest the stolen election. I saw years of disillusionment and steady gaslighting come to a head that day, as protestors moved up the stairs on the west side of the inauguration stage. I inhaled tear gas as it was shot into the crowd.

... .

The following week, the FBI came knocking at my door. I agreed to meet with them, to discuss what I had seen. I had nothing to hide. Journalism is a public business.

Later that month, I watched as Biden was installed I watched as the lie unfolded.

On April 1st of this year (a fitting date for this old fool), I too was charged with crimes I did not commit. I was contacted by the FBI and instructed to turn myself in.

Witzemann’s entire statement is available at:”

### **Rebuttal**

The Government is once again mischaracterizing my statements out of a need to support their own false narrative. My fact-based understanding of the fraudulent occurrences in the election of 2020 has absolutely no bearing on my remorse for any individual mistakes I made on January 6th, 2021.

Furthermore: The statements I made in my speech remain accurate, and I will stand by them until I am shown adequate evidence of any alleged inaccuracies.

### ***The Charges and Plea Agreement***

1. In paragraph 1 the government states: “On April 1, 2021, the United States charged Witzemann by criminal complaint with violating 18 U.S.C. §§ 1752(a)(1) and (2), and 40 U.S.C. §§ 5104 (e)(2)(D) and (G). On April 6, 2021, law enforcement officers arrested him in New Mexico. On May 16, 2022, the United States charged Witzemann by a four-count Superseding Information with violating: (1) in Count One, 18 U.S.C. § 1752(a)(1) (Entering and Remaining in a Restricted Building or Grounds); (2) in Count Two, 18 U.S.C. § 1752(a)(2) (Disorderly and Disruptive Conduct in a Restricted Building or Grounds); (3) in Count Three, 40 U.S.C. § 5104(e)(2)(D) (Disorderly Conduct in a Capitol Building); and (4) in Count Four, 40 U.S.C. § 5104(e)(2)(G) (Parading, Demonstrating, or Picketing in a Capitol Building). On July 21, 2022, pursuant to a plea agreement, Witzemann pleaded guilty to Count Four of the Information, charging him with a violation of 40 U.S.C. §5104(e)(2)(G) (Parading, Demonstrating, or Picketing in a Capitol Building). By plea agreement, Witzemann agreed to pay \$500 in restitution to the Department of the Treasury.

#### **Rebuttal**

Because the government has once again chose to omit facts from their statement, It must be pointed out and should consequently be understood that I was contacted by phone and given the opportunity to voluntarily surrender at the FBI Field Office in Farmington, NM. I did so on April 6, 2021.

### **III. Statutory Penalties**

1. In paragraph 1 the government states: “Witzemann now faces a sentencing on a single count of violating 40 U.S.C. § 5104(e)(2)(G). As noted by the plea agreement and the U.S. Probation Office, Witzemann faces up to six months of imprisonment and a fine of up to \$5,000. Witzemann must also pay restitution under the terms of his plea agreement. See 18 U.S.C. § 3663(a)(3); *United States v. Anderson*, 545 F.3d 1072, 1078-79 (D.C. Cir. 2008). As this offense is a Class B Misdemeanor, the Sentencing Guidelines do not apply to it. 18 U.S.C. § 3559; U.S.S.G. §1B1.9.”

#### **No Rebuttal Necessary**

### **IV. Sentencing Factors Under 18 U.S.C. § 3553(a)**

1. In paragraph 1 the government states: “In this misdemeanor case, sentencing is guided by 18 U.S.C. § 3553(a), which identifies the factors a court must consider in formulating the sentence. Some of those factors include: the nature and circumstances of the offense, § 3553(a)(1); the history and characteristics of the defendant, *id.*; the need for the sentence to reflect the seriousness of the offense and promote respect for the law, § 3553(a)(2)(A); the need for the

sentence to afford adequate deterrence, § 3553(a)(2)(B); and the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct. § 3553(a)(6). In this case, as described below, the Section 3553(a) factors weigh in favor of 30 days' imprisonment, 36 months' probation, 60 hours of community service, and \$500 in restitution."

### **No Rebuttal Necessary.**

#### **A. The Nature and Circumstances of the Offense**

1. In paragraph 1 the government states: "The attack on the U.S. Capitol, on January 6, 2021 was a crime unparalleled in American history and defies comparison to other violent riots. It represented a grave threat to our democratic norms and practices. Indeed, it was one of the only times in our history when the building was literally occupied by hostile participants."

#### **Rebuttal**

Once again the Government is flagrantly changing the terms of the original language in our plea agreement by mischaracterizing my misdemeanor offense as being party to "The attack on the U.S. Capitol." In direct contradiction to the spirit and language in our agreement, this unsupported statement unnecessarily serves to mischaracterize my misdemeanor offense as being somehow hostile to democratic norms and practices.

2. In paragraph 2 the government states: "While each defendant must be sentenced based on their own conduct, this Court should take into account that each person who entered the Capitol on January 6 without authorization did so under extreme circumstances. As they entered the Capitol, they very likely crossed through numerous barriers and barricades and heard the violent outcries of a mob. Depending on the timing and location of their approach, they also may have observed extensive fighting between the rioters and police and smelled chemical irritants in the air. No rioter was a mere tourist that day."

#### **Rebuttal**

To their credit, the government begins by recognizing that each defendant "must be sentenced based on their own conduct", but that factual and just recognition is followed by more speculative statements that do not have any bearing in this particular case. At no point have I suggested that I was a "mere tourist". The government has previously agreed that I am a journalist who in the process of doing my job, mistakenly committed a misdemeanor offense.

3. In paragraph 3 the government states: "Additionally, while assessing Witzemann's individual conduct and fashioning a just sentence, this Court should look to a number of critical aggravating and mitigating factors, including: (1) whether, when, and how the defendant entered the Capitol building; (2) whether the defendant encouraged violence; (3) whether the defendant encouraged property destruction; (4) defendant's reaction to acts of violence or destruction; (5) whether,



during or after the riot, the defendant destroyed evidence; (6) the length of the defendant's time inside of the building, and exactly where the defendant traveled; (7) the defendant's statements in person or on social media; (8) whether the defendant cooperated with, or ignored commands from police officers; and (9) whether the defendant demonstrated sincere remorse or contrition. While these factors are not exhaustive, they help to place each defendant on a spectrum as to their fair and just punishment. Had Witzemann personally engaged in violence or destruction, he would be facing additional charges and/or penalties associated with that conduct. The absence of violent or destructive acts on Witzemann's part is therefore not a mitigating factor in misdemeanor cases.

**Rebuttal**

1: I entered the building as a journalist. My misdemeanor offense does not serve to completely negate that fact.

2: I did not encourage violence before, during, or after my time in the Capitol.

3: I did not encourage property destruction before, during, or after my time in the Capitol.

4: My reaction to acts of violence or destruction has been one of consistent sorrow.

5: I've destroyed no evidence.

6: The length and scope of my travel is well documented and fully admitted.

7: My statements while in the building are well documented. My statements on social media are well documented, based in fact, and well within the bounds of my unalienable right to speak freely, which is enshrined in the 1st Amendment to the U.S. Constitution.

8: I cooperated with and complied with all commands from police officers.

9: My remorse for my failures in objectivity as a journalist are of the most sincere nature.

As I've stated clearly, I understand why the absence of violent or destructive behavior is unlikely to be considered as a mitigating factor. I have pleaded guilty to a class B misdemeanor and am fully cognizant of any potentially aggravating factors involved.

4. In paragraph 4 the government states: "Witzemann entered the Capitol Building a mere six minutes after the initial breach at the Senate Wing Door. While no police officers blocked his path into the building, there were clear signs of violent entry. Indeed, he acknowledged to the FBI that he observed officers firing tear gas at the rioters that were approaching the Capitol Building before he entered. Additionally, the window adjacent to the door through which Witzemann passed had just been smashed out and Witzemann would have walked directly by a pile of shattered glass on the ground and heard alarms as he moved into the Capitol Building.

Witzemann did eventually encounter police officers blocking rioters from moving further down a hallway. Rather than retreat, Witzemann attempted to persuade the officers to let them through by stating, "Stand with us." Witzemann was then part of a large crowd that overwhelmed the Rotunda. While there is no evidence that he pushed any officers, his presence alone in the mob created an overwhelming and unmanageable situation for those officers. It took many officers in riot gear to completely clear the mob in the Rotunda, of which Witzemann was a part. Witzemann was inside the Capitol Building for approximately one hour and twenty minutes, a long time relative to the time that most of the rioters spent inside the building."

### **Rebuttal**

Although it is correct that I entered the Capitol Building "a mere six minutes after the initial breach", the government has repeatedly chosen to ignore my recorded testimony to the FBI, and as I've previously explained my initial entry was through a door that had been opened from the inside. Furthermore, my primary objective was the same as every other honest journalist who was present that day. I was there to make sure the truth was told. Throughout months of covering tense conditions between police and protesters from all ideologies, I had become quite accustomed to pepper spray, gas, and violence. At no time have I acted contrary to law enforcement instruction and my time in the Capitol was no different in that regard.

In regards to the encounter with police in the hallway, I've recognized my statement to police as the mistake that it was. Nevertheless, the Government's continued assertion that police were "blocking rioters from moving further down a hallway" is demonstrably false. At no point did they issue clear instruction as to what direction I should go. Furthermore, my retreat from what I innately perceived to be a trap is well documented and supported by the fact that those police seem to have acted in a manner that led others to more sensitive areas in the building.

The government's assertion that I "was part of a large crowd that overwhelmed the Rotunda is false. I was commanded by Capitol Police to go to the Rotunda and I complied with that command until I was issued further instruction, to which I also complied. I take full responsibility for obeying all lawful orders.

Much the same as every other journalist present, my time in the Capitol Building was driven purely by my desire to document historical events as they unfolded before me.

In fact, other journalists have assessed my behavior and in contradiction to my own assessment, have concluded that the Department's of Justice may have made a mistake by charging me.

The following video serves to corroborate:  
<https://youtu.be/uwGJhtbPrV0>

5. In paragraph 5 the government states: “Perhaps most troubling are the statements Witzemann made on the evening of January 6, 2021, and the weeks and months after. Witzemann immediately took to social media to portray the events of that day as a peaceful protest with “no vandalism,” despite the clear signs of violence and property destruction that he observed. He mocked a Congressperson who was forced to hide in the Capitol’s tunnels and disparaged police officers who did not acknowledge him as he was exiting the building. Months after January 6, 2021, Witzemann continued to use social media to promote his belief that the election was stolen and justify the actions of himself and the rioters.”

### **Rebuttal**

In laying out what they believe is “perhaps most troubling” in their statements, the Government serves to illustrate their apparent agenda of silencing free speech and lawful dissent in the United States of America. As anyone with a rudimentary intelligence can understand, and demonstrated by laughable descriptions by government officials in the aftermath of violent riots that occurred throughout 2020, determining what constitutes a “peaceful protest” is an entirely subjective process. To cherry-pick a statement that was made in the aftermath of a near-death-experience at the Capitol is both malicious and irresponsible. In the many months since January 6th, I’ve repeatedly corrected my incorrect statement that there was “no vandalism”. Nevertheless, the large majority of those who were at the Capitol did in fact remain peaceful and there is no shortage of adjudicated cases that serve to support my factual statement.

I will not express remorse for mocking an unnamed and unidentified Congressperson as those statements were made hours afterward and are well within the bounds of my unalienable right to criticize the government in whatever peaceful manner I see fit. Furthermore, any disparaging remarks I made on my broadcast in regards to police are also well within the legal bounds of acceptable criticism.

Months after January 6, 2021, I continue to use whatever means necessary to speak freely as my Creator has intended. Promoting my fact-based understanding that the election was stolen is my natural-born, unalienable right. At no point have I suggested it to be an excuse for my confessed misdemeanor, or a justification for violence. Consequently, I reject the government’s assertion as being categorically false, as well as a politically motivated and malicious, direct threat to the 1st Amendment to the United States Constitution.

## **B. The History and Characteristics of Witzemann**

1. In paragraph 1 the government states: “While Witzemann does not have any criminal history points, the presentence report (“PSR”) shows that this matter is not his first encounter with the criminal justice system. In June 2004, Witzemann was sentenced to 364 days’ imprisonment (suspended) and 544 days’ probation for resisting, evading, and obstructing an officer. PSR ¶ 28. Additional charges of aggravated assault upon a peace officer and assault against a household

member were dismissed. Id. In April 2012, Witzemann was arrested for battery, but that charge was subsequently dismissed.”

**Rebuttal**

The Government’s statements are factual and additional relevant information has been previously provided to Your Honor in my initial letter.

**C. The Need for the Sentence Imposed to Reflect the Seriousness of the Offense and Promote Respect for the Law**

1. In paragraph 1 the Government states: “The attack on the U.S. Capitol building and grounds was an attack on the rule of law. “The violence and destruction of property at the U.S. Capitol on January 6 showed a blatant and appalling disregard for our institutions of government and the orderly administration of the democratic process.”<sup>3</sup> As with the nature and circumstances of the offense, this factor supports a sentence of incarceration, as it will in most cases, including misdemeanor cases, arising out of the January 6 riot. This Court made that very point during the sentencing hearing of another January 6 defendant. “As to probation, I don’t think anyone should start off in these cases with any presumption of probation. I think the presumption should be that these offenses were an attack on our democracy and that jail time is usually -- should be expected.” *United States v. Joshua Bustle and Jessica Bustle*, 21-cr-238-TFH, Tr. 08/24/21 at 3.”

**Rebuttal**

As has been explained ad nauseam, any suggestion that I was part of an “Attack on the U.S Capitol building and grounds” or an “attack on the rule of law” is not in accordance with the agreed upon language in the signed Statement of Offense.

**D. The Need for the Sentence to Afford Adequate Deterrence**

1. In paragraph 1 the government states: “Deterrence encompasses two goals: general deterrence, or the need to deter crime generally, and specific deterrence, or the need to protect the public from further crimes by this defendant. 18 U.S.C. § 3553(a)(2)(B-C), *United States v. Russell*, 600 F.3d 631, 637 (D.C. Cir. 2010).”

**No Rebuttal Necessary**

***General Deterrence***

1. In paragraph 1 the Government states: “The need for general deterrence weighs heavily in favor of incarceration in nearly every case arising out of the violent riot at the Capitol. Indeed, general deterrence may be the most compelling reason to impose a sentence of incarceration. “Future would-be rioters must be deterred.” (statement of Judge Nichols at sentencing, *United States v. Thomas Gallagher*, 1:21- CR-00041 Tr. 10/13/2021 at 37).”

**Rebuttal**

Although it is agreed that there is a need for general deterrence in favor of incarceration in specific cases arising from the events of January 6, 2021, it is likely that unnecessary harshness in sentencing will only serve to increase distrust for the Government, leading to societal fractures which would serve to diminish any intended desire for General Deterrence and the preservation of respect for law and order in our Republic.

2. In paragraph 2 the Government states: “General deterrence is an important consideration because many of the rioters intended that their attack on the Capitol would disrupt, if not prevent, one of the most important democratic processes we have: the peaceful transfer of power to a newly elected President. As noted by Judge Moss during sentencing, in *United States v. Paul Hodgkins*, 21-cr-188-RDM:

[D]emocracy requires the cooperation of the governed. When a mob is prepared to attack the Capitol to prevent our elected officials from both parties from performing their constitutional and statutory duty, democracy is in trouble. The damage that [[Defendant Last Name]] and others caused that day goes way beyond the several- hour delay in the certification. It is a damage that will persist in this country for decades.” Tr. at 69-70. Indeed, the attack on the Capitol means “that it will be harder today than it was seven months ago for the United States and our diplomats to convince other nations to pursue democracy. It means that it will be harder for all of us to convince our children and our grandchildren that democracy stands as the immutable foundation of this nation.” Id. at 70.”

**Rebuttal**

Although it is agreed that certain parties intended to influence, disrupt and prevent the peaceful transfer of power, it should be noted that many investigations are currently underway which could vastly impact public understanding of who was ultimately responsible for such crimes. It is further agreed that like any form of government, democracy requires the cooperation of the governed. As is stated in the Declaration of Independence, “Governments are instituted among Men, deriving their just powers from the consent of the governed”. In consideration of this irrefutable fact, the need for the United States Government to ensure election integrity and Justice to the satisfaction of the governed becomes of the utmost importance to any intended General Deterrence, as well as the overall legitimacy of our Republic.

3. In paragraph 3 the Government states: “The gravity of these offenses demands deterrence. This was not a protest. See *United States v. Paul Hodgkins*, 21-cr-188-RDM, Tr. at 46 (“I don’t think that any plausible argument can be made defending what happened in the Capitol on January 6th as the exercise of First Amendment rights.”) (statement of Judge Moss). And it is important to convey to future potential rioters— especially those who intend to improperly influence the democratic process—that their actions will have consequences. There is possibly no greater factor that this Court must consider.”

**Rebuttal**

It is agreed that the gravity of many offenses demands deterrence. Nevertheless, to cast a blanket assertion that all who were present at the Capitol on January 6th were intent on improperly influencing the democratic process is a dangerous assumption which ignores the many individual motives the people had for being present that day and has already had a chilling effect on 1st Amendment expression. All who have faced prosecution as a result of January 6th have experienced severe consequences. Furthermore, a majority of Americans have an acute understanding of the many abuses of our Constitution that have transpired in our country both before and after January 6, 2021. Many who are inclined to peacefully petition their government for a redress of grievances have been silenced out of fear of reprisal and politically motivated, malicious prosecution. If the governed are afraid to speak their minds, the necessary and appropriate balance of power in our Republic is dangerously compromised. As the stated need for General Deterrence is considered, any adjudicating powers should also consider the strong possibility that a politically motivated and malicious weaponization of the Department of Justice and other law enforcement agencies could very well work to the contrary, further threatening democratic processes in our Republic.

### ***Specific Deterrence***

1. In paragraph 1 the government states: “Witzemann’s conduct on January 6, 2021, and his statements following the attack on the Capitol demonstrate the need for specific deterrence. Witzemann sympathized with the Proud Boys and others protesting against the lawful 2020 election. Despite the police’s attempts to tear gas approaching rioters, Witzemann persisted and entered the Capitol Building a mere six minutes after the initial breach. He tried to persuade police to join the side of the rioters and made insulting comments about the officers that appeared to disapprove of the rioters conduct. Witzemann provided a truthful statement to the FBI, but in that statement acknowledged his sympathy for the Proud Boys movement and seemed to justify his presence in the Capitol Building by asserting his position as a journalist. In the months after January 6, 2021, he continued to promote his belief that the election was stolen and, as recently as August 2021, he described the events of January 6, 2021 a “caricature of the truth” and believes that “hundreds” have been “rounded up and charged with crimes they did not commit.”

### **Rebuttal**

I humbly submit that any specific deterrence has been duly satisfied. I have admitted my misdemeanor and taken corrective action to ensure that a similar mistake is never repeated. Any stated sympathies I have expressed are well within the bounds of my unalienable liberty to speak. The Government’s inaccurate statement that the 2020 election was lawful is entirely subjective and lacks sufficient evidence to be considered as factual. It is well understood through objective analysis, that I entered the Capitol out of a justifiable intent to perform my duty as a journalist, and have accepted responsibility for misdemeanor mistakes that I made while there. I’ve admitted that my statements while in the building were inappropriate and I’ve repeatedly recognized that my failure to strictly

adhere to my intended objective constituted a breach of law. Any potentially offensive comments about police were non-threatening, made hours after I had left the building, and are therefore perfectly legal. The Government's assertion that certain officers "appeared to disapprove of the rioters conduct" is entirely subjective and lacks sufficient evidence to be considered as factual. My statements to the FBI were truthful because I'm a man who stands upon the truth. The Government's veiled and malicious suggestion that in my assertion of my position as a journalist, I've somehow been dishonest, disingenuous, or un-remorseful is entirely subjective and lacks any necessary evidence to consider it as factual. In the months after January 6, 2021, I've done an enormous amount of soul-searching, investigation, and all other manner of work to improve my situation while learning from the mistakes I made on January 6th. My objective description of the prevailing partisan narrative as a "caricature of the truth" remains highly accurate. Among the defendants are many who should be held accountable for crimes they've committed and I have faith that those cases will be appropriately adjudicated. As to the hundreds of Americans who've been rounded up and charged with crimes they did not commit, I will continue to pray that Justice is eventually served. In the interest of the preservation of United States of America it is of the utmost importance that any ongoing investigation of the matter remains dedicated to objective and non-partisan truth.

#### **E. The Need to Avoid Unwarranted Sentencing Disparities**

##### **Rebuttal**

The need for unwarranted sentencing disparities is well understood. I would only ask that my intentions for being at the Capitol, my clear acceptance of responsibility for my confessed crime, and my ongoing service and dedication to the United States of America be properly considered as uniquely mitigating factors which would serve to alleviate any perceived disparities in sentencing.

#### **VI. Conclusion**

##### **Rebuttal**

Should Your Honor have any questions about anything I've stated, I remain humbly at your disposal. As was stated in my initial letter, I trust Your Honor's full consideration as you determine what sentence will best serve the interests of Justice in our beloved Republic.

Respectfully and Faithfully,



Shawn Bradley Witzemann



Science &  
Technology



October 10, 2022

Senior Judge Thomas F. Hogan

District of Columbia

United States District Court

Honorable Judge Hogan,

It is with great reason and solemnity that I write this letter of recommendation for Shawn Witzemann in support of his plea and admission of guilt before the United States Federal Courts, along with his sentencing to be judiciously determined by Your Honor. Having had the opportunity to get to know Mr. Shawn Witzemann for some time now, I ask that you take into consideration the full content of his character. It is with great awareness of his background, tradecrafts, and dedication to teamwork that I understand his great successes, along with his losses; not only due to his interest in life appreciation of journalism, but because of his great appreciation for giving back to society around the globe as a genuine humanitarian.

He is very driven and enthusiastic to learn more and has incredible interest in new discoveries in his Journalism, Public Relations, and ongoing Media Correspondence. I have been continually impressed with Mr. Witzemann's work in ongoing Intelligence Operations and Scientific Support in Frontier Sciences as an Agent of Media Correspondence and Public Relations for the scientific community. Mr. Witzemann has enormous interests and outstanding abilities in discussion of politics, science, law and order, philosophy, and foreign relations at an extremely high level. Mr. Witzemann holds connections that pertain to people of high-caliber positions of government in the United States Intelligence Community, Scientific Community, and hosts a confidential position within the NASA-Pentagon [REDACTED] under the SecDef and Dr. Alex Miller, along with Director Luis Elizondo. Not to forget his fellow team of scientists in an array of ongoing projects as the Public Relations Officer and Media Correspondent within DARPA and Department of Homeland Security as the media advisor.

Mr. Witzemann is, without question, the most outstanding personality and loving father I have ever had the pleasure to know. He has gone to great lengths to stand on principle and personal integrity, even if that meant accepting that he made an error in his decisions. In my own journey of life, I've learned and accepted that everyone is human and we all makes mistakes no matter our origin, sex, gender, age, religion, creed, etc. It is known that the ability to learn from these mistakes is what will ultimately define one's success and life's work. Mr. Witzemann is extremely remorseful for the mistakes he has made, and is working to move forward in a positive and productive manner.

Additionally, I have seen and observed Mr. Witzemann's high level of intellectual curiosity, discipline, independence, and self-motivation throughout my time knowing him both on and off projects and operations. He has a deep passion for understanding his work in media, journalism, correspondence, and political affairs, and remains dedicated to his unwavering desire to be a true humanitarian to the world and patriot of the United States of America to which he swore an oath.

As Mr. Shawn Witzemann's Director and Operations Officer, I would like to submit that he is both trustworthy and remorseful, and is fully aware that he must stand before you for the mistakes he made on January 6<sup>th</sup>, 2021.



Regardless of how slight his infractions were, he understands that he must answer to law and the scales of justice. Though his acceptance of responsibility he has demonstrated to me great fortitude in his desire to overcome what he has done wrong and agrees that he must stand as an individual in order to accept responsibility.

I am in no way requesting leniency, but I respectfully ask that you consider his service, along with his ability to adapt and overcome in his line of work, which is not short of danger, more education of scientific fields, and responding to and abiding by direction from his superiors in his work within the U.S. Government as an Advisor and Public Relations Officer for the Scientific Government Community.

Through our conversations, it is clear that Mr. Witzemann, aspires to become a greatly successful American Journalist, comparable to Anderson Cooper or Tucker Carlson. He is an incredibly compassionate individual with the ability to perform his duties thoroughly, and I believe his intelligence makes him highly recommendable for what he is asking for or to qualify in mitigation.

Mr. Witzemann is truly gifted with a pleasant personality. He is open-minded and very rational, with enormous motivation for anything he does.

I firmly believe that Mr. Witzemann is a perfect candidate for what he is asking for in his request. It is my hope that you will accept his request, as his ongoing work will greatly benefit our nation. We need people with a great heart and mind in our science society.

Very Respectfully,

Michael Moran, Ph. D.

Chief Executive Director

Hudson Alpha Institute of Biotechnology

National Institute of Health

Foresight Corporation

Director of Intelligence

Director of Space and Defense

Administrator of Medical Research and Biotechnology Directorate

601 Genome Road

Huntsville, Alabama

C: 909.331.6717

E: Mike@Foresight-Bio.Com



10/21/2022

Isaiah Andreas Witzemann  
406 4th St. Cove  
Mountain View, MO  
65548

Senior Judge Thomas F. Hogan  
District of Columbia,  
United States District Court

Your Honor,

Shawn Witzemann, my father, has been a massive influence and an integral part of my life. He has always been an efficient and hardworking man who also, instilled his immense work ethic into me. Initially, my father was a successful plumber who always had a steady stream of clients and jobs for his business. As a father, his family was always first and he always provided to ensure that we were fed, clothed, educated, and loved throughout my life.

My father, is a very truthful and meticulous man who always keeps a close eye on minute details, to complete his jobs with near-perfect results. And because of his eye for detail, he started to document political events. This also, led to him becoming a fully-fledged journalist and as a journalist, he would report significant events. This is why he went to the Capitol in the first place, to document, record, and show the truth of an important event. As of now, he understands the mistakes he made and is remorseful for those mistakes.

In conclusion, my father is an honorable man who stands for the truth and doesn't sugar-coat it. He understands what he did and is not ignorant or confused about his mistakes.

Sincerely,

  
Isaiah A. Witzemann

Jordan Brehony

6 Road 3175  
Aztec, New Mexico 87410  
505-209-1402  
JordanBrehony@yahoo.com

October 14, 2022

Senior Judge Thomas F. Hogan  
District of Columbia  
United States District Court

Honorable Judge Hogan,

My name is Jordan Brehony. I am writing to you today on behalf of Shawn Bradley Witzemann. I have known Shawn for the last ten years. I met him shortly after moving to New Mexico and quickly bonded with him. Our relationship grew both socially and professionally as when we met he was a plumber and I was a fire sprinkler fitter. We have shared a lot of time with each other from working, vacations, and even holidays meals with our spouses, parents, children, and extended families.

I would like to give you an idea of who Mr. Witzemann is to his family, friends, and community. Shawn is first and foremost a wonderful father. He has always impressed me with his dedication to his two sons, Isaiah and Josiah. He has nurtured them both with home schooling and teaching them practical life lessons and trade skills. Those two boys will grow up to have a positive work ethic and entrepreneurial spirit thanks to the example set by their father and his encouraging them to believe in themselves. They will have the discipline to do what is right for their families and communities in the same way Shawn does.

I have a quick story I would like to share that highlights Mr. Witzemann's outstanding character being used to benefit our community. We both lived in an area being served water by the same purveyor. Our households were frequently dealing with brown water coming from our taps and boil advisories in the mail. Shawn came to me and suggested that with our professional backgrounds we could go investigate the pumping facility and evaluate the conditions. We went to the plant and the state of things were atrocious. Shawn immediately began questioning the only employee on site, requesting health department records and the like, while I took pictures of cross connections, corrosion, and other deficiencies. After we left Shawn took to the media. Starting with social media he began a public forum for the users of this water purveyor to discuss conditions, share photos and mainly to document potential health threats. He used this collected information to reach out to state health and utility regulations who ultimately stepped in

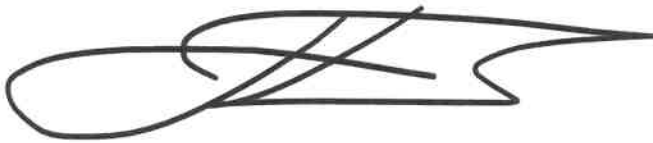
and closed the plant. Now we get our water from a public utility who piped into our network.

This was the start of Mr. Witzemann's venture into journalism. He had become inspired by the change he was able to make. We all were inspired, and grateful. Shawn continued to grow as a journalist, writing articles about our locale at first, and later decided to move on to bigger things. He believed that the main stream media wasn't showing us all sides of the stories being aired, so he decided to go and see for himself. Paying his own way and attempting to build a name for himself, Shawn began attending larger events in big cities, filming and writing about them, and hosting a video podcast interviewing relevant parties. Down this path he found himself in the capitol documenting the events after the presidential election.

It is my belief that Shawn was present on January sixth with the intent to document the events of the day. He is not a violent man. He was not there to incite any kind of disturbance of peace. He had no intent to cause any damage to property or peoples. I believe his sole intent was to show his audience what was happening in its entirety. I have talked to Shawn many times in the aftermath of that day. He regrets having put himself in a position that could be interpreted as alignment with the reasonings of protestors and activists.

I appreciate your taking the time to read my thoughts on this matter and I hope that you come to see Shawn Bradley Witzemann as a man of character and faith. Please contact me if I can be of any other service to you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jordan Brehony'. The signature is stylized with a large loop on the left and a sharp point on the right.

Jordan Brehony

Oct. 21, 2022

Josiah W. Witzemann  
406 4th St. Cove  
Mountain View, MO  
65548

Senior Judge Thomas F. Hogan  
District of Columbia, U.S. District Court.

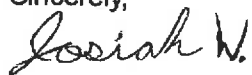
Your Honor,

Shawn Witzemann, my dad, has been a huge influence on me. He has always been efficient in his work and life. When he was a plumber, he always had plenty of clients and jobs to do. As a dad, he puts family first and always thinks about what is good for us and not just for him. He inspires me to grow up and become a father like him. My dad is a very important part of my life, without him I don't know where I would be.

As a journalist, my dad likes to document events and find the truth. So when he went to the Capitol, he was documenting and recording the protest. My dad says he is sorry for saying, "Brother stand with us!" to the policeman. He knows he crossed a boundary and is sorry for that. I know there are consequences for his actions and he would accept his punishment. However, it punishes me and my family too.

I know my dad is an honorable man and he knows what he did was wrong. The last year and half has been hard for him. It has been hard for me and my family too. We are all ready to move on with our lives. I know my dad has to be punished but I hope you will have mercy on him. Thank you for your time.

Sincerely,



Josiah W. Witzemann

October 21, 2022

Honorable Judge Hogan,

My name is Justin Leighton. Shawn Witzemann has been a friend of mine for several years. We originally met on Facebook through a music group. We ended up getting to know each other and he shared with me his passion for journalism and shared some of his work with me which is something I enjoyed and that I continue to follow to this day.

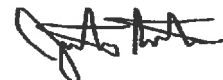
I met Shawn in person at an event he was covering in Washington DC in November of 2020 that my girlfriend and I also attended. While it can be a bit awkward meeting internet friends in real life, this was not the case with Shawn. Shawn was friendly and personable, and I immediately felt comfortable around him. Even though we had just met in person, it felt like we had known each other for years. I could tell through his actions and behavior that if I needed the shirt off his back, he would gladly give it to me. We discussed his career and how his intention with regards to journalism is to have open and honest discussions without shutting those down who have differing opinions or showing hatred towards people who do.

On January 6<sup>th</sup>, 2021, I remember watching the events unfold on TV. I knew that Shawn was going to be there to cover it as well, so I tuned in to his social media to see a first-hand source of what was happening. While there were some people present with malicious intent, from what I saw, Shawn was completely peaceful and law abiding. I clearly remember seeing the Capitol Police allowing him and the people around him further into the building. Shawn was not there to provoke or incite violence or mischief in any way and would not support anyone who would.

In July of this year Shawn happened to be in my area, so we decided to get together. We met up and throughout the day we spent together, we discussed the events of January 6<sup>th</sup>. Shawn showed sincere remorse and regret for what happened and for being a part of it. He did not know what was going to unfold that day going into it and would have never gone there if he knew the events would lead to a stain in our nation's history. He would never want that to be associated with him or his journalism. He has learned a lot from this experience, while taking full responsibility, and growing as a person. Please consider that the events that took place that day do not reflect Shawn's character, as he is a kind and peaceful person.

Sincerely,

Justin Leighton



138 Ball Pond Rd, New Fairfield CT 06812

1 (203) 571-9525 | JustinCLeighton@gmail.com

October 10, 2022

Senior Judge Thomas F. Hogan  
District of Columbia  
United States District Court

Honorable Judge Hogan,

My name is Lily Abramyan, and I am an American-Armenian, currently residing in California. I am one of the founding members of The US Armenian Council for Human Rights, a non-profit human rights organization, whose purpose is to fight against human rights violations and crimes against humanity.

I am writing this letter to provide a more complete picture of who Shawn Witzemann is as a person, which may not be evident in his case file.

I have had the pleasure of knowing Shawn for 7 years. Not only is Shawn a good friend, but he also inspired and helped me both in my professional and personal life.

We met through mutual friends and connected immediately over current events and journalistic integrity. Our conversations spanned from civil rights to politics to the importance of journalism. He's always been the person to advocate for truth and making sure events are properly documented as he's always said: "The truth needs to come out. Not someone's interpretation or biased perspective, but the hard truth documented in video or photographic form as irrefutable evidence of what's taken place." That evidence can't be easily manipulated.

With regards to Shawn's character, I'd like to share my experience with my battle with cancer and Shawn's support through my very difficult ordeal. As I was struggling with treatments and facing my potential end, Shawn spent nights encouraging me not to give up. He was there every step of the way as a positive influence, and gave me the courage to keep fighting. I will never forget his acts of kindness towards me and his empathy. Shawn is a man of integrity and reliability - always there to help those in need. His empathetic nature is evident in his journalistic work as he goes above and beyond to make sure the truth and the multiple perspectives of those involved are captured and expressed.

Shawn is one of the most passionate people I have ever met in the spheres of journalism and always talks about his desires to capture the significant events of the that shape the world in which we live.

We became even closer friends when he expressed interest in making a documentary about Armenia. In October, 2019, he visited Armenia with his friends. That's when the platform "Armenian Council Truth in Journalism" was born, which he founded. The documentary project is still in the works.

In September 2020 when Azerbaijan attacked Armenia and instigated a war, Shawn offered to help in any way he could. Together we have been advocating for and fighting for the release of Armenian prisoners of war and civilian hostages, who are currently being illegally held in violation of international human rights law. Shawn's loyalty and support gave me greater strength to fight even harder, and as a person he's someone I admire and greatly respect. My contact information is provided if it is necessary.

Sincerely:



Lily Abramyán.

13605 Burbank Blvd #3  
Sherman Oaks, CA 91401  
Lilya@usachr.org



Page 1

Pamela S. Witzemann  
406 Fourth Street Cove  
Mountain View, MO 65548

October 10, 2022

Senior Judge Thomas F. Hogan  
District of Columbia, United States  
District Court

Dear Judge Hogan,

My name is Pamela Witzemann and I am Shawn Bradley Witzemann's mother. The purpose of this letter is to share my insights into the character of my son, in light of his upcoming sentencing hearing on November 4, 2022.

My son and I are close and we have a good relationship. He has always been very truthful and open about his life. In fact, he is an open person and doesn't hide any uncomfortable truths about himself or mistakes he has made. He is a good man but even good men make mistakes. Coming to recognize the mistake he made on January 6 was a process because he wants to make sure his plea is an honest plea. His journalistic work is important to him, as is the objectivity that endeavor should include. I know he works hard to maintain that standard of integrity but none of us are totally objective and finding one's self in a frightening situation is enough to cause anyone to lose their objectivity. I believe that is what happened to my son on January 6. I know he very much wanted to cover the truth about the election and he was working hard to get the content he believed necessary to portray that truth to others. That desire put him in the situation he found himself in at the capitol. I know he had no desire to interfere with the legal workings of the United States Government and no desire to overturn the election. His only desire was to find and report truth by live streaming the events of that day. The words he chose however, when addressing the capitol police officer, were a very poor choice of words. My son acknowledges that poor choice of

Page 2

words and understands why he is being charged for speaking them. I know he is ready to take responsibility for his actions and move forward from this event.

My son is very important to me but his real importance is in the lives of his teenaged sons. At their age, they need their father more than any other human being on earth. I, my husband, and their mother are unable to fill the shoes that only Shawn can fill.

My son loves his country and would never do anything purposely to harm it.

Thank you for your time, your Honor. My hope and prayer is that you will consider my words and the needs of Shawn's children as you decide on an appropriate punishment for my son.

Sincerely,

*Pamela Witzemann*  
Pamela Witzemann

Senior Judge Thomas F. Hogan  
District of Columbia, U.S. District Court

10-16-22

Your Honor,

My name is Peter Witzemann and I am Shawn Bradley Witzemann's father. This letter is to share my thoughts and knowledge concerning Shawns character with the court, prior to his sentencing hearing on November 4, 2022.

Shawn has always been honest even to a fault, as it were. That remains a constant in his life, to this day. As his father, past employer, and friend, this trait was always apparent at home and on the job. Thus as a journalist reporting on any story, gathering details and corroborating evidence, was and is his path to finding the truth.

In 2016 he was involved with his local community that was having potable water problems. He acquired information and evidence about how the Morning Star Water Co, serving the Crouch Mesa area in Farmington, NM. was gathering and distributing the system's water. In a very short period of time, that company was persuaded to supply its customers with water from the City of Farmington, NM. and the old system was abandon. Although Shawn had done some writing previously this incident catapulted him into the journalistic investigative reporting arena. In a very short time, Shawn created his own media company and what had been a "hobby" became a necessary career change as his plumbing business in Colorado was forced to shut down as a result of the pandemic lock down.

Throughout his life Shawn has had highs and lows. Acknowledging his mistakes, accepting the consequences, learning from them, and growing to be the good man he is today. January 6<sup>th</sup> 2021 was no exception, and found him live streaming the days events, as he had done in the past. Caught up chasing the story at its heart, Shawn approached the Capitol and as events unfolded, entered the building. Never intending to interfere or disrupt the governments business of the day. He was never destructive or violent, while following every police directive, (bar one, when asked to get down on the Capitol floor as the crowd pushed forward.), and finally exiting the building as ordered by officers.

In considering all that transpired that day Shawn fully understands his mistakes of that day and poor choice of words while covering the story. Months of thought and prayer have led him to the truthful plea that Your Honor is considering for sentencing.

Shawns two teenage sons absolutely understand the gravity of their fathers situation. They are both good young men seeking their own identities and need their father to continue to help and guide them.

Your Honor, I appreciate your taking the time to read my letter in considering a just punishment for my son's plea.

Sincerely,

Peter Witzemann 505-320-5146



**Rachel Burz**  
**2 North Main St. Apt. PA 117**  
**Beacon Falls, CT 06403**  
**(860) 335-9187**  
**rachelburz@gmail.com**

October 17, 2022

Honorable Judge Thomas Hogan,

My name is Rachel Burz. I am a Registered Nurse in Connecticut and am writing on behalf of Shawn Witzemann. Shawn and I first met years ago on social media. Through the years, I became aware of his interest in and practice of independent journalism. I've read numerous articles and watched a multitude of podcasts Shawn has written and broadcasted. I have always respected Shawn for his work, which he prides himself on executing with integrity. He possesses an attribute which many other journalists lack- honesty.

We first met in person in November of 2020 in Washington, D.C., where we mutually attended an event. The few days we were there, Shawn was documenting the events that took place. He stated to me multiple times that he wanted viewers to see true, unaltered footage of the world, and it was his passion to do so. When I finally met Shawn in "real life", he felt like a brother to me. We had been friends for years, communicating electronically, but when I met him in person, I could see he was truly genuine and radiated positive energy.

I watched as Shawn live-streamed the events on January 6<sup>th</sup>. I know Shawn went there with the same commitment to unbiased and unfiltered news coverage, and he was there with the sole intention of being a journalist. I watched as the crowd and events of that day escalated. Through all the chaos, I did not witness him partake in any violence. I heard turmoil in his voice as I, in real time with him, witnessed the tension that occurred. I could feel the confusion and discomfort he harbored, even from behind the screen of my phone. He did not go to D.C. that day knowing what would happen, and if he did, I strongly believe he would not have wanted any part of it.

Since that day, I have seen quite a change in Shawn. I can attest to the fact that he has replayed this event countless times in his mind and can attest to the impact it has had on him. I've witnessed his internal struggle with trying to understand how things escalated around him and how he may have contributed to it, albeit unintentionally. I know it has been extremely hard on him and his family. He is a wonderful father and wants only to set good examples for his children and give them the best lives he could. He has shared remorse and regret regarding that day endlessly and has grown as a person. He takes accountability for his actions. Shawn realizes that his place as a member in the collective crowd was contradictory to his belief system. I believe this shows true character and strength. I ask that you please take this into consideration as you proceed with this matter.

Thank you for your time. Please feel free to contact me with any further questions.

Sincerely,

Rachel Burz

 Recoverable Signature

X *Rachel Burz*

Rachel Burz

Signed by: 2f36c30b-00be-492d-a856-11a03140d2cb

SG Blake A. Heckler (RET)  
419 Sandy Ridge Dr.  
Valparaiso, IN 46383  
219-670-7469

October 18, 2022

Senior Judge Thomas F. Hogan  
District of Columbia  
United States District Court

Honorable Judge Hogan,

I Come to you humbly as not only a citizen of these United States of America, but also as a friend and colleague of Mr. Shawn Bradley Witzemann. While knowing the charges as well as what Mr. Witzemann has pled guilty to, I myself have had a full view of the moments leading up to January 06, his actions during said events; and what has come after.

To speak on Mr. Witzemann's character, one only needs to look at the relationship he has with his sons, parents, siblings, and wife. If I knew nothing of this man but the dedicated love - which I might add, is a far too rare quality at present times. That would be all I needed to know to determine his character. But, I count myself blessed with having known Mr. Witzemann for more than 12 years. First as a pen pal while I was deployed to Afghanistan. And then further as a business partner and team member in a media venture that strove to bring earnest discussions and truth back into the light of Journalism. A thankless, sometimes frustrating road we all chose to go down but, what amazes me still is how Mr. Witzemann was able to make things happen by meeting with, helping, and acknowledging people who have otherwise, felt neglect.

The majority of our costs were almost entirely covered by Mr. Witzemann all while feeding, clothing, and sheltering his family. As a working man in the midwest, Your Honor, I can say this is no easy feat. The work ethic as well as the mind for finances is just a small portion of generating a viable form of media, all while working as a plumber. Mr. Witzemann is a man of conviction, principles, and compassion. As I have said, I feel blessed to have a friend in my life such as the caliber of Mr. Witzemann.

The harshest punishment a man can go through in my opinion, Your Honor, is a man having his children taken from him. I speak from experience, and I write not to persuade you from your course, but to express from a father and combat veteran's perspective. Mr. Witzemann has humbled himself ever more, taken full responsibility for what he did wrong that day, and course corrected. Taking my friend away from his children would destroy the spirit, and the seemingly perpetual light inside the man I've come to know, admire, and call brother.

Respectfully and Humbly,

SG Blake A. Heckler (RET)

A handwritten signature in black ink, appearing to be 'B. Heckler', written over a horizontal line.

10/21/2022

Senior Judge Thomas F. Hogan,

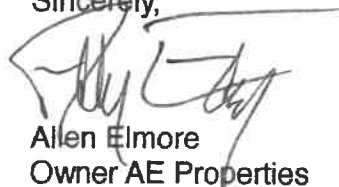
My name is Allen Elmore. I am a realtor from Farmington, NM. Before Covid, I was in the advertising business. I met Shawn Witzemann through a mutual friend at a BBQ 6 years ago or so. Shawn and I hit it off. I appreciated his candor and humor. Fast forward a few years to late 2018 I believe. I read a satirical article online written about our community by a page called the Farmington Tribune. It had hints of the same humor and insight I had witnessed in Shawn. I messaged him and asked if it was him and if it was if I could participate. Shawn agreed to allow me to write for the page. We spent the next couple of years writing about local issues, events, and people.

The thing about satire is it allows you to report on an actual event or person and magnify the absurdity. There is a lot of absurdity in the world today. Shawn remained the moderator, always reigning us in when we said things that might be construed as too mean or offensive. He was always focused on retaining journalistic integrity, despite the fact we were a satirical publication. We refrained from bullying, and we focused on magnifying the unspoken. Shawn always had the hope that we would eventually be able to monetize the publication. He created the Denver Tribune and Tribune International. We were featured in multiple news reports, Snopes, and Politifact. Our articles were obviously satirical, but the tendency of people online is to share articles that fit their paradigm without actually reading them. We both despised that and took advantage of it.

Covid hit and destroyed my business and Shawn's. I started studying real estate, and in wanting to keep a clean public image to have a successful career, I separated myself from Farmington Tribune. Shawn went all in. I believe he started to stray from satire at that point and focused on the absurdity head-on. Shawn had a podcast and traveled to areas where people were rising up, in order to report on the events.

I know Shawn was at the demonstration in DC. My politics don't align with the people there. I don't believe in their purpose. Neither does Shawn. He didn't at least. I find what he said in the video very out of character. For many years we made fun of the politically polarized. That was the fuel for what we wrote. We didn't take sides, especially in something as fervent as that. It has been my opinion that Shawn got caught up in the moment. I thought that even before he was accused of a crime. I hope you'll take this into account in sentencing. Shawn is an excellent writer and a great thinker. He's also not political. Thank you for taking the time to read my letter.

Sincerely,



Allen Elmore  
Owner AE Properties  
4001 Skyline Ct, Farmington, NM 87401

Senior Judge Thomas F. Hogan  
District of Columbia, United States District Court

October 11, 2022

Your Honor,

My name is Stephanie Helfer of 17532 Highway Y, Elk Creek, MO 65464, Accountant. I won't bore you too much with the details of my life. I currently work part-time as a small business accountant and am in the process of building our dream home. My partner and I voluntarily took a sabbatical from work to chase our dreams and build a homestead in the mountains. I am in a long-term relationship with Travis Witzemann who is Shawn Witzemann's brother. We started dating 3 ½ years ago and I met Shawn about 6 months into our relationship. I have known Shawn Witzemann of 406 4<sup>th</sup> Street Cove, Mountain View, MO 65548, Journalist, for 3 years. When I met Shawn, he was living with his family in Farmington, New Mexico and Travis and I were living in Denver, Colorado.

Travis and Shawn were working together on plumbing projects through their own private businesses. They were helping each other out through their various personal struggles. Travis was paying alimony to his ex-wife and needed the extra money and Shawn was struggling to drum up business in New Mexico so he would come to Denver to work on jobs. Shawn would stay with us at our home during his visits to Colorado and I got to know him on a personal level as we spent time together.

My initial impression of Shawn was that he was boisterous and opinionated. If he was passionate about something going on with friends, family, or the world around him, he wanted to talk to you about it. If you disagreed with him, he wanted to discuss it. If you didn't know what he was talking about, he wanted to educate you with the information he had obtained and provide resources for you to investigate it yourself. He is confident and knowledgeable about diverse topics and when he is speaking intensely about a topic it can be intimidating. As someone who also has a bold, loud, and assertive personality, Shawn and I became friends quickly. There were times that we disagreed and debated various subjects regarding life, religion, and politics. Nothing you would want to discuss at the holiday dinner table but important and intimate ideologies that were meaningful to us personally. I always enjoyed my discussions and interactions with Shawn even if it ended that we would agree to disagree. However, I understand that others do not always take this type of interaction positively. Assertiveness can easily be misunderstood for aggression, especially when talking about sensitive subjects.

In addition to running a successful plumbing company on his own, Shawn also got together with his friends and started a fictitious online journal. They would take current events and spin them into whimsical and comical stories for the amusement of their readers. Their apocryphal stories would have ridiculous content like growing marijuana out of cadavers, building mirrors around Farmington Lake to create more rain, tearing down "Blucifer" at Denver International Airport and a whole new line of hard knock Barbies. When reading the article, it was clear that the information was false and was made for the entertainment of others. Any educated and knowledgeable person would know the content was bogus. However, as we all know, many people focus on headlines and do not read the content. This was all going on at the time "fake news" was making its big debut into our society and these types of innocent and quirky articles were being made out to be harmful and damaging. This was all prior to the election and the pandemic.

As tensions started building with the change in leadership at The White House and the beginning of the COVID-19 Pandemic, Shawn started reporting the real stories and events that were happening around him and his friends. There were riots, destruction, and people dying in Shawn's community and he wanted to share what was going on. He veered away from his previous light-hearted editorial and began to communicate the events as they unfolded around him. He felt the story was not adequately reported by reading others experiences, he needed to be there himself. This was when he started his journalism career and began traveling to various events and locations to record and report what happened, conduct interviews, and just simply allow people to see what was happening in real time with live footage. During Shawn's involvement in the stories he reported, he genuinely wanted to communicate the story from multiple viewpoints. He would interview people with opposing views, speak to police and event coordinators, and spoke to members of movements such as BLM, Antifa, Proud Boys, and The Oath Keepers. These circumstances lead to him being in Washington DC on January 6<sup>th</sup> 2021.

I am proud of Shawn for taking responsibility for his actions that day. His ability to recognize that he did something wrong, analyze how that happened and take steps to ensure that it does not happen again is commendable. It is much easier to point fingers at others or to say that this isn't fair. Instead, he is facing this head on and understands there will be punishment for his behavior. Knowing Shawn for the time I have, I can say that he holds himself to a high standard, he wants to be a respectful and equitable member of society, and dreams of being a revered leader in his community and career. The choice he made on January 6<sup>th</sup> 2021 has had huge implications on his life already. He has lost family, friends, his job, his house, and the respect of other correspondents. He is rebuilding his reputation and life so that he may move forward. He wishes to continue in journalism. The plans for his future are overcast by the potential consequences of his sentencing.

Ronald Reagan once said, "I know in my heart that man is good, that what is right will always eventually triumph and there is purpose and worth to each and every life." That is how I feel about Shawn. I believe that he is good. That what is right will triumph by teaching him humility and growth through adversity. I believe he has a purpose in this life that is positive and principled. I am writing to you so that you may understand the framework of his life during the time I have had the privilege of knowing Shawn and the potential for his future greatness.

Please feel free to reach out if you have any questions or would like to discuss anything in further detail. Thank you in advance for your time in reading my letter. We all look forward to your virtuous decision.

Kind regards,

A handwritten signature in black ink, appearing to read 'S. Helfer', written in a cursive style.

Stephanie Helfer  
720-675-2172  
sahelfer@gmail.com



Andrea Micheal Witzemann  
406 W 4th street COVE  
Mountain View, MO, 65548

October 13, 2022

Senior Judge Thomas F. Hogan  
District of Columbia  
United States District Court

To the Honorable Judge Hogan,

I am more than pleased to tell the honorable judge in this letter how Shawn's character is. He is and will always be the most interesting man in my life.

I, Andrea Micheal Witzemann (brooks), met Shawn Witzemann on Nov 6, 2003. As soon as I locked eyes with him I knew he was the greatest guy I would ever meet. I saw a lot of determination and drive in him, I never knew a person like him. He is definitely one of a kind.

I never thought I would be here exactly but we all make choices that make or break you. Shawn was never one to just be your average Joe. His heart is always chasing the truth. I've never seen him more remorseful and upset than he is over his mistakes that day. All he wanted was to document what was going on. He wants the truth, as we all do.

He's always been a hard working individual. Never not tried to provide for his family. He's always helped with me and being a wonderful caring dad to his two wonderful boys. He's someone that prides himself as being a great father and good husband. He took extremely good care of me when I basically broke as a human. He's always trying to help others, while taking good care of his family. We never went without. He will not lie and is very, very loyal. To tear him from his family would devastate both him, and us.

I've known Shawn Witzemann for 19 years. It's been a crazy life but I wouldn't change it for anything. He's a genius and an artist; a musician, and a Master Plumber; a great dad, and a caring man; a provider; full of love and the desire to fix things.

It is my sincere hope the court takes this letter into consideration at the time of sentencing. Despite the current state of the case, I still strongly believe that Shawn Witzemann is an honorable man, a valuable member of the community, and a great loving person.

Sincerely,

Andrea M. Witzemann  
*Andrea Witzemann*  
505-326-2763

21 October 2022

To the Presiding Magistrate  
The Honorable Judge Thomas F. Hogan,

My name is Thaddeus Preston, United States Air Force Veteran, Senior Engineer at Sandia National Laboratories.

I have known and worked with Shawn Bradley Witzemann for nearly 2 years. We first became acquainted during the 2020 pandemic year where we collaborated on a satirical podcast that I would occasionally make guest appearances on. I enjoyed his wit and perspectives on the world and through many a late night in post production we would have deep and engaging conversations about life, family and the cultural environment of (at the time) our home state of New Mexico. This led to our eventual collaboration on a local political and cultural podcast called "New Mexico Rising". It was during this time that I witnessed his burgeoning journalistic instincts as we covered hard-hitting local stories and interviewed political activists. Eventually this led us to interviewing gubernatorial candidates and "everyday" New Mexicans fighting the good fight. It was the highlight of my abbreviated podcasting career. Shawn's humble tradesmen beginnings as a journalist has been something to behold.

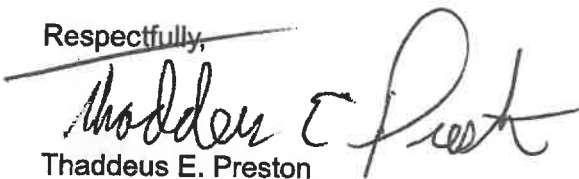
It is my understanding that Shawn has pleaded guilty to Title 40, United States Code, Section 5104(e)(2)(G), Parading, Demonstrating, or Picketing in or on Capitol Grounds. On reflection of his actions that day he is very upset about his actions on that day. He followed the story (as all good journalists do) and got too close and emotionally attached. He is now repentant for his actions and willing to accept the charge(s) that lay before him. I believe he is deeply sorry for his conduct on that emotionally charged day.

This experience has been extremely stressful on his family. So much so that even members of Mr. Witzemann extended family have had to relocate out of State. Shawn's plumbing business never recovered. But out of that unfortunate circumstance has emerged a documentary and journalism career. Once he has paid his debt to society, I hope he returns to this pursuit.

I will attest that in my time knowing and working with Shawn, he is a patriotic, hardworking, trustworthy and passionate truth teller. But most importantly a good father and husband. I pray for him and his family everyday.

I am happy to discuss this reference in more detail if required and can be contacted on 505.916.1194.

Respectfully,



Thaddeus E. Preston  
3071 Wagon Wheel SW  
Los Lunas, New Mexico, 87031



Brett A. Kokinadis  
Chairman of the Board, Southwest Public Policy Institute  
1st Vice-Chair, Republican Party of Santa Fe County, New Mexico  
Former Congressional Candidate for US-NM CD1

October 20, 2022

Senior Judge Thomas F. Hogan  
District of Columbia  
United States District Court

Honorable Judge Hogan,

Mr. Witzemann has been a professional contact since 2018. I first appeared on one of Mr. Witzemann's video podcasts during my efforts in various political campaigns in the 2020 election cycle. Mr. Witzemann conducts his journalistic work in a professional method consistent with primary news outlets. At no time have I seen Mr. Witzemann act in any manner inconsistent with the expectations of a professional journalist who is passionate and eager to expose and report the political events and truth of American politics to the people of our great nation.

In uncertain times where our nation is politically divided and tensions are elevated, Mr. Witzemann has served the citizens of our country by sacrificing his own safety and security in order to report on the complex and polarized issues that many have chosen to ignore or cover with bias. Mr. Witzemann's contributions to social media and American journalism have been and continue to be fair, balanced, professional, and more necessary than ever before.

Though Mr. Witzemann may not be an anchor at a national news agency, independent journalism continues to be a constitutionally protected right and a time-tested contribution to our nation's foundation, evolution, and sustainability, which is a first amendment-protected liberty.

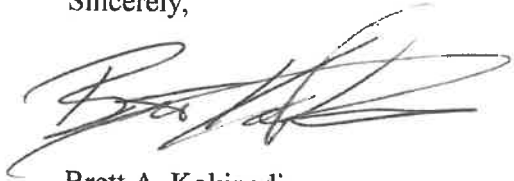
It's gravely disheartening to see such a challenging situation upon Mr. Witzemann, a personal friend, colleague, American, husband, father, journalist, and small business owner. Yet, Mr. Witzemann has and continues to set an exemplary example for his children and others by accepting responsibility for mistakes he has made along the way, while persevering in ongoing efforts to better himself.

In my experience with Mr. Witzemann, I've not witnessed any radical, threatening, violent, unprofessional, or non-journalistic behavior befitting to that of an insurrectionist. Concerning the

court knowing and working closely with Mr. Witzemann for over two years on New Mexico politics, I find his situation unfortunately enshrouded by political narratives that he himself does not personally espouse.

Mr. Witzemann is an honest, patriotic man; a father with a passion and appointed duty through his self-ambition to educate, inform, and distribute our nation's discourse to the American people.

Sincerely,

A handwritten signature in black ink, appearing to read "Brett A. Kokinadis", with a stylized, cursive script.

Brett A. Kokinadis  
Office: 1-855-411-SPPI (7774) Ext. 5002  
Mobile: 1-520.665.1945  
BKokinadis@SouthwestPolicy.com  
4266 River Song Lane  
Santa Fe, NM 87507

## **Senior Judge Thomas F. Hogan**

District of Columbia, United States District Court

Your Honor;

My Name is Rev. Travis Michael Thorpe; I am a Disabled United States Army, Infantry Combat Veteran of the Iraq War, a Former Police Officer of the Junction City Police Dept. (Kansas) and Freemason with MWGLMN AF&AM Senior Warden of Compass Lodge #265 Robbinsdale Mn. Royal Arch Mason, Cryptic Mason, & companion of AMD. High Priest of the Lord of the Temple of Adrastos.

I was initially puzzled by the event where I was made aware that an independent journalist was issued an arrest warrant, RE:(1:21 -mj- 00348) for violations listed when the subject of the arrest warrant (identified as (MR. SHAWN BRADLEY WITZEMANN) was in the performance of his duties as a journalist to capture real time accounts of what we later found to be a world news worthy event.

Upon later review and conversation with Mr. Witzemann I am aware he pled guilty to "On or about January 6, 2021, in the District of Columbia, SHAWN BRADLEY WITZEMANN, willfully and knowingly paraded, demonstrated, and picketed in any United States Capitol Building. (Parading, Demonstrating, or Picketing in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(G))". To which he has taken accountability and has shown me how much this has massively affected himself and others.

I observed Mr. Witzemann's live feeds from said events on his Media channel (the ACTJ) also known as (the Armenian Council for Truth in Journalism). At no time did I observe him do anything other than capture true and accurate depictions, showing live accounts of events as they unfolded. He did not (\*use force) as the warrant suggests in the charges to gain entrance into the building, where law enforcement was present and seen demanding individuals leave, he plead on live stream with officers that he wanted to leave, however was trapped between law enforcements phalanx formation and the ensuing mob of people who were trying to force their way in.

I have had nearly daily conversations with Mr. Witzemann since. Hours of phone calls, messages and even video conferences. He has poured his heart out to me about the remorse and pain that January 6th had not only on him; but thousands of others. The law enforcement officers present having to deal with the chaos, the pain and suffering endured by all involved. As a combat Infantry veteran I recognized the early symptoms of Post Traumatic Stress \*not a diagnosis\* - merely an observation as one who is diagnosed with severe acute PTSD myself. I spent many hours counseling him about

how to emotionally accept the events. And attempt to heal from it thru self accountability and working in the world to correct your actions.

Mr. Witzemann expressed his sincere desire to connect to something greater than himself, and try to do everything within his power to make things right. Countless hours were had re-playing the events, and being honest. Saying "I should have just stayed silent and filmed instead. I got caught up in the chaos the emotions around me I should have stayed true to my intentions as a journalist".

As a Priest I am amazed at the truly transformative experience that Mr. Witzemann has gone thru. When I first met him, he was a bit of an Atheist. And thousands of conversations later, he has seen the divine hands at play in everything around him. And choosing to give himself to something greater than himself. His love of fellow man and his passion to find the divine in our works in the world has become inspiring. I truly hope that soon we will podcast again with a goal of connecting more audience to the divine thru his story of accountability and evolution.

I have been watching the progression of Mr. Witzemann's career as a journalist flourish, what started out as satirical \*(letting off steam) became more passionate about getting to the bottom of the truth, hence names tend to define themselves in truly divine ways. "Truth in journalism" became the bedrock of what he personally has set out to do. I have watched him build relationships, interviewing politicians, scientists, soldiers, people involved in community growth, and have had other media giants in the industry not only on his broadcasts but he has been a contributor on their channels, and shows as well. I have myself appeared on many episodes of the Armenian Council for Truth in Journalism, and am an avid contributor, fan, and friend of the show, and its members of the council. This is one of the rare platforms that does not ask for blind allegiance of opinions or views, however wants to have those uncomfortable conversations, debates, and get to the truth.

I pray not to lose faith in the Justice System of the United States of America; I pray as you consider his mistakes on January 6th, 2021, you will also recognize that Mr. Witzemann was genuinely intent on faithfully discharging his duties as a journalist, and was caught in the chaos while he continued to document. No different than the CNN reporters that came to Iraq with us in 2006 where I served, and watched these reporters, document and, get caught in the same fire fights, explosions, and contact as we did.

Thru countless conversations I've had with Mr. Witzemann, he's sought to understand the charges against him, through endless hours of self-reflection. The defining characteristic has been his understanding that in saying, "Brother, stand with us!", he overstepped his bounds and was indeed guilty.

The loss of his business, home, and financial stability since, would crush most men of great endurance. However Mr. Witzemann has shown incredible fortitude and faith that God will grant favor and show him the path that he is intended to walk as he accepts his role and his actions with humility and grace.

It is my hope that this letter finds your Honor in warm spirits,  
Sincerely,

Rev. Travis Michael Thorpe *Travis Thorpe*

5949 Royal Oaks Dr. Shoreview Mn. 55126

#651-368-4300

travis.thorpe11b@yahoo.com

October 19, 2022

**Senior Judge Thomas F. Hogan**  
United States District Court  
District of Columbia

Your Honor,

My name is Charles Taulbee, I am a sales manager at Westates Supply Inc. in Farmington, NM. I have known Shawn Witzemann for over 20 years. We at Westates Supply have worked with Shawn, his dad Pete and brother Travis in the plumbing business. They have been great customers to work with, paying bills promptly and they are very professional in their work ethic. No problems. I read the letter Shawn emailed me explaining the decisions that he made and his involvement in the events on January 6, 2021. I believe that Shawn truly understands the seriousness of the decisions that he made and the consequences of those decisions. I also believe that he has no intent of ever letting this happen again. I know Shawn has a passion for journalism and I believe his lapse in judgement was prompted by his lack of knowledge and formal training in the field of professional journalism. He had to learn the hard way. And to his credit, the passion hasn't left. Lesson learned. Thank you, your Honor, for your time.

Sincerely,



Charles Taulbee

Charles Taulbee  
701 S Tucker Ave  
Farmington, NM 87401  
505.327.0391



Chelsea Goldsmith  
34 CR 3143  
Aztec, NM 87410

October 16th 2022

Senior Judge Thomas F. Hogan  
District of Columbia  
United States District Court

To the Honorable Judge Hogan,

My name is Chelsea Goldsmith. I'm writing on behalf of Shawn Bradley Witzemann. Let me start off by telling you a little about myself. Most of my life I've worked in the service industry, I'm currently employed with Intermountain Farmers Association. I'm involved with various groups, Trailing Ella Mae, True Consequences and New Mexico Crusaders for Justice. These groups are trying to get justice for the murdered and missing.

I've known the defendant Shawn Witzemann for around 8 years. We met on the internet, he was a journalist for a Facebook satire site. They took real events and poked fun at them. The community loved it and The Farmington Tribune had quite the following. We quickly became internet friends and chatted on the phone regularly, we eventually met in person and I just fell in love with who Shawn is.

Shawn is funny, witty, caring, blunt, thoughtful, he is a musician, a plumber, a writer, hard worker, personable, sometimes he'll sing these songs and record them and send them to his friends. It's always good for the soul to hear Shawn sing.. He is a father & a husband. Shawn has been there for me in my darkest hours, listened to my life story and checks in on me often. Shawn knows some of my most precious secrets. I'm forever indebted to Shawn for his friendship.

It is unfortunate that Shawn has made some different choices and has ended in this situation. during the course of this I've watched Shawn grow as a person. I know he is deeply sorry for his mistakes on January 6th at the Capitol. I do believe Shawn has learned a lot from this experience and has applied it to his life and his life's work of being a journalist. The appropriate ways to do things and have your voice heard. He even dresses in blazers now. He is taking this all very serious, including his own role that day.

I know Shawn's friends were divided over January 6th. He lost long time friends, he also gained new friends. Through it all, he has been open and honest with everyone. He's admitted that he didn't make all the best choices when he was in the Capitol that day. His life is forever changed, some of his relationships forever changed, he's in the history books for that day. There's been a lot a stake for Shawn in all of this and he's stayed strong, thrown himself into his work and family. It's a new and improved Shawn and I adore him even more. So even though something really bad happened, there's also

something beautiful about watching someone grow in the middle of one of the most trying times in their lives.

It's in my sincere hope that at the time of sentencing for Shawn, that this letter be taken into account. Despite the current situation I've always believed in second chances and that Shawn is an upstanding & reliable member of his community. I know Shawn pours himself into everything he does and I know he can do great things given the opportunity.

Sincerely, Chelsea Goldsmith

*Chelsea Goldsmith*

Vladimir Koshevoy  
204 Three Islands Blvd., Apt. 104 Hallandale Beach, FL 33009  
Phone: 786-218-7780  
10/23/22

Senior Judge Thomas F. Hogan  
District of Columbia  
United States District Court

Honorable Judge Hogan,

I would like to speak to the character of Shawn Witzemann who I've known for more than 10 years. I am honored to call him a very close friend and consider him to be a part of my family. From the years when we played hockey on the same team in Durango, Colorado to this day, Shawn had nothing but complete loyalty to his friends, his family and his country all of whom he loves dearly.

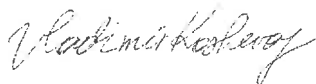
During our numerous discussions about unfairness in this world, we would always come to a mutually agreed upon conclusion that this world does not exist independently from us and is just a mere reflection of our minds. Therefore, the only thing that can save it is love for one another. I truly believe that and so does he. He is a great writer, journalist and thinker.

Knowing Shawn well, I am certain he is fully remorseful and regrets his behavior that brought the charges against him.

As a very giving person, his sons and his wife, his parents, his brother and friends; we all would miss out on the great outpouring of love and care that he offers were he not in our lives.

Thank you for your work and your time. I have complete confidence the right decision will be made.

Sincerely,



Vladimir Koshevoy

October 18, 2022

Christopher J. Baca  
4844 Guadalupe Trl NW  
Albuquerque, NM 87107

Honorable Judge Hogan,

I am writing this letter on behalf of Shawn Bradley Witzemann. I personally know Mr. Witzemann from our work together producing a weekly news show in New Mexico over the course of the last 18 months, and in that time I have known him to be a journalist of the highest integrity. For what it is worth, I majored in Communication at UTEP and then served as a Public Affairs Officer in the United States Army, and in all of the time that I spent training and working with journalists, I never met one that took the job as seriously as Mr. Witzemann does. In short, Shawn is a real journalist, and a consummate professional.

It is my understanding that Mr. Witzemann's involvement at our nation's Capitol on January 6, 2021 was purely of a journalistic nature, and that over the course of that day he conducted himself as an unbiased reporter representing the independent news outlet Tribune Media International. While I cannot say that I was there to confirm that personally, I can say that my personal experience in dealing with the man as a professional journalist has been that Shawn Bradley Witzemann is completely unwavering in his objectivity and impartiality. As such, I can wholeheartedly attest that I have no doubt he acted with honor and integrity.

Please forgive Mr. Witzemann's zeal; the man loves this country and takes his role as an independent journalist very seriously. He is undoubtedly value-added for our society and deserves lenience.

Humbly,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Christopher J. Baca

17 October 2022

The Honorable Thomas F. Hogan  
U.S. District Court for the District of Columbia  
E. Barrett Prettyman U.S. Courthouse  
333 Constitution Avenue, NW  
Washington, DC 20001

Your Honor, for your consideration.

My name is Dan Sledzinski of 47 Road 2581 Aztec, NM . I am employed in the energy sector as an Oil & Gas Lease Operator.

I have known the defendant Shawn Bradley Witzemann on a professional and personal manner for over 8 years.

I am aware of the fact that Shawn has plead guilty to the crime of Picketing/Parading in the Capitol Building on January 6, 2021. As a close personal friend of Shawn, I know that he has expressed remorse to me in both verbal and physical form on more than one occasion for his actions and what he experienced in our nation's capital on the aforementioned day,

Since January 6, 2021 Shawn has endured several life altering events in the aftermath of this day. He spent a night in a Federal Detention Center in Grants, NM. He has lost his plumbing business, he lost his home, and he has had to relocate to Missouri where he currently resides on his parents property in temporary living conditions. The crime that Shawn has plead guilty to has in no way changed the way I view him on a personal or professional basis. I still trust him as I did before that day.

In the time that I have known Shawn Witzemann I can say that he has been a reliable and trustworthy person. He put his family first and made many sacrifices to ensure their stability through these past 21 months. His behavior on that day was not an accurate reflection of the person I know and I believe he was caught up in the energy and the moment that was present in that location on January 6, 2021. His journalistic professionalism was challenged with emotion. If presented with the same circumstances, I know Shawn would use restraint not because of the consequences but because he believes in doing what is right and presenting the truth.

I watched Shawn's live stream video on January 6, 2021 from several hours before President Trump gave his speech until dusk when the curfew was initiated and he retired to his hotel room. I witnessed real live documentary style journalism during this time, I watched him conduct interviews with people from all walks of life and law enforcement officers alike. His sole purpose for making that journey was to report and document the events of the day, good bad or indifferent. In my opinion, he was not there to incite or destroy property. I did not witness him vandalize anything or assault anyone. He was following the story and giving a first-person perspective of the events surrounding the Capitol building. When Shawn received a direct order from Law Enforcement he complied. There was no malice or resistance in his actions. He peacefully documented the day's events and left on his own accord without causing any damage to persons or property.

I am available for consult on this matter if necessary via phone at 505-486-5514

Humbly yours,

Dan Sledzinski



# Zenity Insurance

3832 E. Main St. Ste E, Farmington, NM 87402  
505-910-4177 (Call/Text)  
505-910-4170 (Fax)  
[www.zenityins.com](http://www.zenityins.com)

October 17, 2022

To Whom it may concern,

I have had the pleasure of knowing Shawn Witzemann for over 5 years personally, professionally for 3 years. He is a personal friend and later also a client. It is an HONOR to give him a character reference.

For as long as I have known Shawn, he has been an upstanding person and always true to his word. He has always gone above and beyond for those that he cares for. Shawn is very noble and humble at the same time. He gives back to his community, reaching far and wide. He has since moved due to circumstances and to better himself and his family, but when he did reside in Farmington, NM, he volunteered his time and efforts also extending to the Colorado area. Yes, he can be a little "rough around the edges" but his honesty is what makes him amazing, as we don't have much of that these days. If Shawn says he's going to do something, he will. He has put his heart and soul into his passions, and I truly admire him for that. I also admire his willingness to find the TRUTH in matters, not just to follow the words of others.

Professionally, Shawn has owned and operated a successful plumbing business in New Mexico and Colorado for several years. I have also hired him for work on my personal residence, as well as my office. He was insured and consistent on his payments, without fail. He carried property, general liability and Worker's Compensation insurance, thus also showing care for his business and his employees. Legally he didn't have to provide Worker's Compensation because he didn't have the employee count to require it, but he maintained it regardless, as to provide it for his employees. I've seen sub-par employers in the insurance business, but Shawn has never been in that category.

Personally, I admire Shawn for his drive and motivation, because he has far more than I myself. As a small business owner, I know the hardships that the last few years have caused, and I completely commend him for trying to do more. Things happened that shouldn't have, on all sides. I believe that journalism is a tough path, much like insurance – but regardless, is required. Shawn was doing what many of us weren't brave enough to do and I know he didn't do it with malice, none the less. He's an amazing person and it's a pleasure and an honor to know him and call him my friend.

Please do not hesitate to contact me if further information is needed. It would be my pleasure.

*Edie Crow*

*Owner/Agent*

*Zenity Insurance*

3832 E. Main St. Ste E  
Farmington, NM 87402

505-910-4177 (call/text) – Personal cell (added for this purpose)– 505-793-1478

505-910-4170 (fax)

[www.zenityins.com](http://www.zenityins.com)

Heather Lamprecht  
62 Road 3323  
Aztec New Mexico, 87410  
(505) 386-9608

10/23/22

Senior Judge Thomas F. Hogan  
District of Columbia  
United States District Court

Respectfully to Your Honor Judge Hogan,

My name is Heather Lamprecht and I have known Shawn Witzemann since June of 2016. He became a good friend of mine when our community of Crouch Mesa in Farmington New Mexico was thrust into a crisis involving our water company. Shawn and I spent a lot of time together discussing what could be done and how to request intervention from the New Mexico Public Regulations Commission and get the word out via the media. He spent a lot of time with me helping me to gain the confidence to stand up for my community and use my voice to speak out to help make a positive change. He helped me write several editorials to our local newspaper, The Daily Times. Shawn has endured many ups and downs with me in my personal life as a treasured friend and someone I could confide in and get sound advice from. In turn, I've been there to see him overcome many challenges in his personal life including him raising his sons. I know he's a person who recognizes his shortcomings when he makes mistakes and I also know the mistake he made on January 6th 2021 is one he truly regrets and one he will never again repeat.

He's always taken his work in being an unbiased voice as a journalist seriously, and while I couldn't differ more from him in my personal views of the world religiously, politically etc. he's always been interested in understanding me objectively and honestly. Shawn has never shown himself to be violent or destructive and I know that by placing himself in the situation that occurred that day, his journalistic motive was obscured in a way that painted him in the opposite light. That is something I know he deeply regrets.

Looking back on our water situation, I realize that if it weren't for Shawn I would have never pressed so passionately for transparency and a solution to our problems as a community. We did get clean water and I personally owe Shawn a great debt of gratitude to him for his help in achieving that. I also hope you can see him as I do, as someone who truly cares about others and community. Without him demanding the truth objectively, our community of 6,000 residents would not have clean water today.

Your Honor, please do not hesitate to contact me should you require any further information regarding this letter. It's simply my hope that you'll take even few of my words to heart when you hand down your sentence.

I thank you sincerely for your time,

Heather Lamprecht

A handwritten signature in black ink, appearing to read "Heather Lamprecht", with a long, sweeping flourish extending to the right.