

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CR No. 22-15-2
)	Washington, D.C.
vs.)	May 25, 2023
)	1:53 p.m.
KELLY MEGGS,)	
)	
Defendant.)	
_____)	

TRANSCRIPT OF SENTENCING PROCEEDINGS
BEFORE THE HONORABLE AMIT P. MEHTA
UNITED STATES DISTRICT JUDGE

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1 P R O C E E D I N G S

2 COURTROOM DEPUTY: All rise. The Court is now in
3 session; the Honorable Amit P. Mehta now presiding.

4 THE COURT: Please be seated, everyone.

5 COURTROOM DEPUTY: Good afternoon, Your Honor.
6 This is Criminal Case No. 22-15-2, United States of America
7 versus Kelly Meggs.

8 Kathryn Rakoczy, Jeffrey Nestler,
9 Alexandra Hughes, Troy Edwards, and Louis Manzo for the
10 government.

11 Stanley Woodward for the defense.

12 We also have Crystal Lustig on behalf of the
13 probation office.

14 The defendant is appearing in person for these
15 proceedings.

16 THE COURT: All right. Good afternoon, everyone.

17 Mr. Meggs, good afternoon to you, sir.

18 All right. So we are here for sentencing this
19 afternoon. Everybody is ready to proceed?

20 Okay. So for -- primarily for Mr. Meggs' benefit,
21 let me just explain how we'll proceed this afternoon.

22 So we'll go through what I've received and
23 reviewed in connection with sentencing, I'll ask counsel to
24 confirm that Mr. Meggs has read the Presentence
25 Investigation Report. And then we'll talk about some of

1 the factual disputes that have been raised with respect to
2 the PSR.

3 I'll then hear argument from counsel about both
4 scope of conspiracy or offense conduct, I should say, and
5 then applications for enhancements and then provide my
6 Guidelines determination. And then we'll move into the
7 allocutions from there. And then, of course, Mr. Meggs will
8 have the opportunity to be heard, if he wishes.

9 So with that, let me just begin with what I've
10 received and reviewed with respect to Mr. Meggs. There's
11 the Presentence Investigation Report at 542 and the
12 Probation Office's recommendation at 543; the government's
13 memorandum in aid of sentencing at 565 and its reply at 580;
14 Mr. Meggs' memorandum in aid of sentencing at 569, which
15 included, I believe it was four letters, perhaps a few more
16 in the reply brief that was submitted at 581; and then there
17 was an under-seal filing made this morning at 600, which
18 I have had the opportunity to look at as well.

19 Is there anything I'm missing?

20 And I should add, of course, I've reviewed the
21 government's exhibits in connection with their submission
22 regarding Mr. Meggs.

23 MR. WOODWARD: No. The motion addresses the
24 redacted exhibit that we also filed this morning.

25 THE COURT: Okay.

1 All right. So with that, Mr. Woodward, could I
2 have you please confirm that Mr. Meggs has had an
3 opportunity to review the PSR?

4 MR. WOODWARD: Your Honor, just a -- "yes" is the
5 answer, with the only caveat that I was not able to get him
6 a physical copy. We've mailed a copy to Lewisburg. After
7 we mailed the copy, he was transferred to D.C. So the way
8 that we reviewed the final PSR was on a Webex where he could
9 see my screen.

10 THE COURT: Okay.

11 MR. WOODWARD: And I'll let Mr. Meggs speak up
12 if he has concerns about his knowledge or understanding of
13 the PSR.

14 THE COURT: Okay.

15 Well, let me ask you through -- does Mr. Meggs --
16 is he requesting additional time to look at the hard copy?
17 Or are you satisfied with what you've seen and had the
18 opportunity to review, Mr. Meggs?

19 MR. WOODWARD: No. He's satisfied that he's had
20 an opportunity to see and review the PSR.

21 THE COURT: All right. Great.

22 All right. Well, let's just start with some of
23 the factual disputes with the PSR.

24 You know, as I go through this, I don't plan to
25 sort of take this paragraph by paragraph. Mr. Woodward,

1 I'll sort of identify some of the objections you've raised.

2 At the end of the day, my sentence is not being
3 largely -- or is really not at all being driven by the PSR's
4 characterization of the facts as to which you've raised some
5 concerns. I've obviously had the opportunity to sit through
6 the trials and consider the evidence for myself. So let me
7 just go ahead and just respond to some of the factual
8 disputes that are raised.

9 One is that the contention is that Mr. Meggs "did
10 not interfere with officers trying to protect the building."

11 I think there certainly is evidence that he did,
12 if not directly, then certainly through co-conspirators.
13 Notably, Mr. Isaacs was the first one through, and he
14 certainly was very on the hip pocket of Officer Salke as he
15 was going through the door.

16 And then, of course, there's Officer Dunn's
17 testimony that, while perhaps there may not have been
18 interference in the sense of physical force used upon
19 Officer Dunn, he certainly testified and expressed his view
20 that the Oath Keepers' presence there was interfering with
21 his ability to do his job that day and control the crowd.
22 Further contention is that Mr. Meggs "did not enter into a
23 conspiracy in the days and weeks after the election."

24 As I held yesterday, the early communications
25 starting after the election established a foundation for the

1 conspiracy and the understanding among the co-conspirators
2 that violence might be used or needed to keep the President
3 out of office -- excuse me, keep President Trump in office
4 and keep President-elect Biden out, and that those
5 statements and early communications laid the groundwork and
6 foundation for the ultimate object of the conspiracy, which
7 was to interfere with the transfer of power through
8 resisting the authority of the government by force and, as
9 I will find and do find now, through a preponderance of the
10 evidence, to prevent the execution of the laws by force.

11 The contention is that Mr. Meggs "did not agree
12 with the call to action." I certainly think a reasonable
13 juror and I would contend otherwise. He was not merely
14 communicating what Mr. Rhodes was saying when he was
15 repeating the term "call to action" in his post, I think
16 either the next day or two days later. He certainly agreed
17 with it, both by his own words and by his actions that
18 followed in the weeks and months thereafter.

19 Notably, for example, you know, his communications
20 with Mr. Berry in late November demonstrate someone who's
21 encouraging someone to join the Oath Keepers, to assure him
22 that the cause is worthy. And when Mr. Berry says something
23 like, "I'm going to be honest. With the dishonesty in this
24 election, we need to reach further and further to the brink
25 of no return. I'm fighting for the future of my family and

1 my children, for their children. I'll die for it,"
2 Mr. Meggs does not suggest that he should be thinking
3 otherwise.

4 "Million MAGA March did not lay the groundwork for
5 their criminal objectives." I agree in a sense with that;
6 however, the Million MAGA March did -- was further evidence
7 of this conspiracy that was alleged in terms of establishing
8 the connective thread among the various co-conspirators and,
9 importantly, was an early indication of the group's
10 willingness to bring arms to the District of Columbia and
11 employ those arms, if needed, to resist the transfer of
12 power, including if the President were to invoke the
13 Insurrection Act. And as I said, I think that the
14 co-conspirators were prepared to do more than simply
15 encircle the White House in defense of the President but
16 also prepared to and have committed to engaging with
17 government forces with their rifles if it came to that.

18 There's a contention that Mr. Meggs did not
19 coordinate with other militia groups. You know, it's
20 probably fair. I mean, there is some minimal communication
21 with one of the Three Percenters and some reference to the
22 Proud Boys. But, you know, ultimately, when we look at the
23 evidence of January 6th, there was not, at least not to my
24 knowledge, any clear coordination among militia groups in
25 the conduct of that day. So I'm not -- I'm not going to

1 hold against Mr. Meggs or -- I'm not going to come to a
2 conclusion that part of his conduct involved close
3 coordination with other militia members and other militia
4 groups.

5 There's further contest about the characterization
6 of the QRF and other statements that Mr. Meggs has made.
7 Again, these are simply inferences that can be drawn and
8 that are different and that were put to the jury and that
9 the jury ultimately rejected.

10 There is the statement of -- concerning
11 Speaker of the House Pelosi that was made after -- or on the
12 evening of January 6th. The statement is what it is, and
13 the jury certainly considered it. And I think, frankly, it
14 was ultimately a pretty key piece of evidence against
15 Mr. Meggs.

16 And then there's the issue of whether he disposed
17 the guns or not that he brought to the District or brought
18 to the outskirts of the district. I am ultimately not going
19 to make a finding about that. I don't think I need to,
20 particularly for the obstruction enhancement. There
21 certainly is some circumstantial evidence to suggest that
22 Mr. Meggs disposed of guns that he may have brought, but I
23 ultimately don't need to resolve that dispute. It's not
24 ultimately going to be material to the Guidelines
25 calculation, in my view.

1 So with that, let's turn to discussions or
2 arguments about scope of related conduct, that is, scope of
3 conspiracy, and any enhancements.

4 Mr. Nestler.

5 MR. NESTLER: Yes, Your Honor.

6 The government submits that Mr. Meggs' offense
7 conduct is coterminous with the conspiracy. And I don't
8 believe we need to even delve into as much detail here as we
9 did with Mr. Rhodes this morning, considering Mr. Meggs'
10 conduct both before January 6th and on January 6th itself in
11 terms of organizing and, by the admission of several people
12 who testified here, leading the group, and Mr. Meggs' own
13 admission, leading this group.

14 He was appointed by Stewart Rhodes to be the
15 leader of the Florida group and took that role on and ran
16 with it. He -- other people in the group looked up to him
17 and looked to him for the guidance. He was indisputably the
18 person in charge of that group. And not only that but he
19 then coordinated with other groups outside of Florida,
20 including, notably, in Ohio, which is that Jessica Watkins
21 coordinated both directly with Stewart Rhodes but also
22 through Kelly Meggs.

23 And when we get to the Capitol itself on
24 January 6th, it's Kelly Meggs who was in charge of the group
25 as they go from The Ellipse to the Capitol. It's

1 Kelly Meggs who was telling the group what to do. Everyone,
2 including Caleb Berry especially, who testified about this
3 said it was Kelly Meggs who was in charge, told us what we
4 were doing. And it was Kelly Meggs who said, "We're going
5 to go in that building and stop the vote or try to stop the
6 vote count." And everyone else in that group agreed and
7 followed Kelly Meggs. They got to the top of the steps, and
8 it was Kelly Meggs who waved people forward. And it was
9 Kelly Meggs who was in charge, who everyone else looked to.

10 We can talk about the leadership enhancement now
11 if Your Honor would like or -- in a minute. But if we're
12 just getting to the relevant conduct under 1B1.3, we do
13 believe that Meggs' conduct in light of the jury's
14 convictions of him for the different conspiracy counts, as
15 well as 1512(c)(2) count, makes his relevant conduct
16 coterminous with the conspiracy itself and, therefore, makes
17 it fairly straightforward to apply all the different
18 enhancements that we've asked for application of in our memo
19 and that the probation department suggested.

20 THE COURT: Okay. Thank you, Mr. Nestler.

21 Mr. Woodward, do you wish to be heard?

22 MR. WOODWARD: Your Honor, my objections to the
23 government's characterization of Mr. Meggs' conduct,
24 I think, ultimately are not going to be material. We
25 acknowledge the jury's verdict, and we acknowledge the

1 jury's verdict for the conduct that it heard here in this
2 courtroom.

3 The problem that we have is that the continued
4 characterization of what Mr. Meggs is responsible for, and
5 given that we're here for sentencing, we want to make sure
6 that the Court understands very clearly what our position is
7 on what the jury ultimately found.

8 And so when the government references "coterminous
9 with the conspiracy," there can be no mistaking the fact
10 that the conspiracy as alleged in the various indictments in
11 this case was broad and overreaching.

12 We appreciate the Court's finding that some of the
13 words and actions of the co-conspirators on November 3rd and
14 thereafter can be perceived and perhaps were perceived by
15 the jury as building up to some crescendo.

16 But as the Court is aware, a significant theme in
17 this trial is that there was no plan. There was not a plan
18 to go into the building. There is not a single text
19 message, Signal message, Facebook, whatever, about going
20 into the building.

21 Again, we respect that the jury found that when
22 Mr. Meggs ultimately did go into the building, that the
23 purpose for going into the building was criminal. But that
24 doesn't change the fact that there wasn't evidence of that
25 kind of a plan.

1 With respect to Mr. Meggs "leadership of the
2 Florida chapter of the Oath Keepers" and his "appointment,"
3 is the word the government used, as the leader of the
4 Florida chapter of the Oath Keepers, I mean, with all due
5 respect to the government, that gives Stewart Rhodes and the
6 Oath Keepers a lot more credibility for the organization
7 that was being run than actually existed.

8 There was no formal appointment. The prior leader
9 of the Oath Keepers -- of the Florida chapter of the
10 Oath Keepers resigned insofar as he told Mr. Rhodes that he
11 didn't want to participate in the events of January 6th but
12 continued to host calls.

13 And so I could not in good conscience stand here
14 and say that Mr. Meggs did not acknowledge himself as the
15 leader of the Florida chapter of the Oath Keepers, as the
16 messages make clear, but what that actually means I think is
17 a subject of debate. And let's also not forget that his
18 "leadership" of the Florida chapter of the Oath Keepers was
19 short-lived, barely a month before he resigned from the
20 Oath Keepers.

21 Now, yes, we also appreciate the Court can easily
22 observe that it was convenient for him to resign after the
23 events of January 6th; nevertheless, he did resign. He does
24 not maintain any affiliation or any -- any affiliation with
25 the Oath Keepers.

1 With respect to Mr. Meggs telling the group what
2 to do, we think that that evidence is belayed by the fact
3 that not everybody went in the building on January 6th. Not
4 all the Oath Keepers that were with Mr. Meggs went into the
5 building.

6 You heard Mr. Cummings testify that he went to the
7 bathroom; and when he got back, the group was back. You
8 heard Mr. Morelock testify that he chose not to go into the
9 building because he was continuing on with his security
10 detail that day. And, Your Honor, you heard Caleb Berry
11 testify twice, and that testimony speaks for itself.

12 Suffice it to say that, as Mr. Meggs' counsel, we
13 disagree vehemently with the veracity of that testimony.
14 We'll never know what credit the jury ultimately gave to
15 that testimony in the second and third trial. But isn't it
16 awfully coincidental that he didn't testify in the first
17 trial as against Mr. Meggs when it was Mr. Meggs, he said,
18 instructed the group to go into the building?

19 So for purposes of what conduct the Court can
20 consider, the Court has a lot of information that was heard
21 by the jury in these cases, that's been heard by the Court
22 to consider, but for purposes of sentencing, Your Honor, the
23 government's continued characterization of what actually
24 happened that day is something we take issue with.

25 THE COURT: Okay.

1 MR. WOODWARD: Thank you.

2 THE COURT: Thank you, Mr. Woodward.

3 Okay. Let me just turn to what I'm required to
4 do, both under the Guidelines and under Circuit law, which
5 is to make factual findings regarding the jointly undertaken
6 criminal activity for which Mr. Meggs will be held
7 responsible as related conduct in determining his Guidelines
8 and for purposes of sentencing overall.

9 This, of course, happens against the background of
10 Mr. Meggs actually having been convicted of multiple
11 conspiracies, including seditious conspiracy, as well as my
12 findings yesterday, which although in the Rule 29 context
13 for present purposes, I will ask that the record reflect
14 that those findings, I do now make with respect to specific
15 evidence and the inferences that I drew therefrom by a
16 preponderance of the evidence.

17 So I'm not planning to go through in detail the
18 same kind of evidence I did yesterday. I will simply hit
19 the highlights that I think are necessary to establish the
20 factual findings I need to make.

21 First and foremost, I think the evidence showed
22 that Mr. Meggs was effectively Mr. Rhodes' first deputy, if
23 you will, with respect to the charged conspiracy. Perhaps
24 not with respect to the Oath Keepers overall, but that's not
25 what this is about. It's with respect to the charged

1 conspiracy itself, which was to oppose the lawful transfer
2 of power following the 2020 Presidential election.

3 The jury found, and I agree, that the objectives
4 of that conspiracy were to resist the authority of the
5 United States Government with force. And I also find by a
6 preponderance of the evidence to interfere with the
7 execution of the laws governing the transfer of power as
8 alleged, although the jury did not ultimately need to reach
9 that conclusion.

10 I do think it is appropriate that, given
11 Mr. Meggs' position and his role in the offense to ascribe
12 all of the actions of the other co-conspirators through the
13 evidence that's presented at trial with perhaps some
14 reservation that's not ultimately material, and that is the
15 question as to whether Josh James' behavior inside the
16 Capitol was truly foreseeable by Mr. James. But I don't
17 know how material that is.

18 But in any event, most of it, if not all of it,
19 were acts within the scope of his fellow conspirators, was
20 within the scope of the jointly undertaken criminal
21 activity, was in furtherance of that criminal act of
22 conspiracy, and it was reasonably foreseeable in connection
23 with that criminal activity.

24 Specifically, and most critically, the
25 direct evidence and other evidence showed that Mr. Meggs

1 agreed early on that violence might be required to prevent
2 President-Elect Biden from taking office and in order to
3 keep President Trump in office.

4 He participated in the GoToMeeting call, as I
5 discussed yesterday, and Mr. Rhodes called, in that
6 GoToMeeting, called for violence.

7 Importantly, as I said yesterday, Mr. Meggs didn't
8 then leave the Oath Keepers. In fact, the next day he
9 touted what Mr. Rhodes had to say as a call to action and
10 not merely a call to action to come do security. He then
11 says, "This is the moment we signed up for." I doubt that
12 kind of enthusiasm is directed at a security detail.

13 Later, Signal messages and other means of
14 communications and the actions of his fellow conspirators
15 show that they had a mutual understanding that violence,
16 including the taking up of arms, might be required, as I
17 said, to keep the President in office.

18 It also shows that Mr. Meggs knew and understood
19 that January 6th was likely their last chance to take a
20 stand and that, whether or not President Trump invoked the
21 Insurrection Act, he and his co-conspirators had a common
22 understanding that force might be used as opposed -- to
23 oppose the transfer of power on January 6th, including
24 directed at Congress.

25 Mr. Meggs' Signal communications from December 19

1 forward are particularly indicative of that knowledge and
2 intent. For example, he says at one point, "It is easy to
3 chat here. The real question is: Who's willing to die?
4 That's what patriots did by the thousands."

5 He has another point: "We need to surround the
6 Capitol all the way around with patriots screaming so they
7 hear us inside. Scare the hell out of them. With about a
8 million surrounding them should do the trick. These will be
9 flying on January 6th in front of the Capitol," referencing
10 Oath Keeper flags. He also said, "We need Trump because it
11 will make our job easier. There's going to be blood in the
12 streets, no matter what."

13 The suggestion was made during trial or the
14 defense was that this was no more than hyperbole and
15 rhetoric and boasting. The truth of the matter is it
16 wasn't. The actions of the co-defendants in bringing
17 weapons to the District of Columbia and their words, the
18 jury took it -- did not view as boasting, did not view as
19 hyperbole or rhetoric, and took them seriously, and I do as
20 well.

21 Mr. Meggs was a key organizer, of course, in the
22 op that was coming to D.C. He was the Florida lead. And he
23 actively planned with others in Florida, as well as in Ohio
24 and for transportation, the hotels, and the bringing of
25 weapons. In particular, he coordinated with, I believe it

1 was Paul Stamey of the North Carolina group with respect to
2 a QRF hotel, QRF at the Comfort Inn.

3 And we know that Mr. Meggs brought numerous
4 weapons to the Comfort Inn in the bed of his truck on the
5 way to the Comfort Inn. And we know that from Caleb Berry,
6 who testified that I believe he said that there were at
7 least ten long-gun cases in Mr. Meggs' truck when it came to
8 Virginia.

9 He was, by virtue of that testimony and other
10 evidence, a key organizer and contributor of weapons to the
11 QRF. Communicated with a host of others about the hotel
12 location, including Jessica Watkins and where to bring the
13 weapons to the Comfort Inn. So Mr. Meggs' role in that
14 respect can't really be disputed.

15 There's also plenty of evidence from which to
16 conclude that he and his co-conspirators brought weapons to
17 the area to be used if needed to carry out their objectives.
18 The fact that those weapons were never brought into the city
19 does not defeat the conspiratorial agreement to use those
20 weapons for violence if needed.

21 Just by way of example, Mr. Meggs tells a friend
22 that "The natives are restless. Tell your friends this
23 isn't a rally." Mr. Meggs sends a, what can only be
24 described as a, at least bizarre, if not disturbing, hyped
25 video featuring assault weapons, violence, or image --

1 violent imagery and essentially urging his cohorts to be
2 prepared for violence.

3 And then, of course, there's Mr. Dolan's testimony
4 in which he said that the guns, in his view, and that he
5 understood this from others as well, they had all agreed
6 that the guns would be used even if the Insurrection Act had
7 been invoked, to prepare for essentially
8 government-on-government violence -- that is, pro-Trump,
9 pro-Biden factions within the government essentially, it
10 seems, engaging in street warfare.

11 On January 6th itself, Mr. Meggs was the
12 undisputed leader of the line of Oath Keepers that he led
13 into the Capitol building. Although he wasn't physically at
14 the top of the steps and although he wasn't physically the
15 first one in, there's going to be little doubt that he was
16 the leader of that group. And that is clear from the
17 testimony that was given during the trial, from the video
18 evidence -- this is not at his trial, of course, but
19 Mr. Berry's testimony -- that Mr. Meggs was the leader of
20 that group.

21 There was testimony -- I can't remember who it was
22 from -- that Mr. Meggs on the way to the Capitol building
23 was attempting to reach Stewart Rhodes, and so his
24 leadership role of that group of people really can't be
25 disputed and is easily established by a preponderance of the

1 evidence.

2 The scope of that joint conduct, certainly at
3 minimum, included Ms. Watkins' conduct and her group's
4 actions as they all entered the Capitol together. As I said
5 yesterday, Mr. Meggs, although he was not the first one
6 through the door -- Mr. Isaacs was -- you know, Mr. Meggs,
7 it looks like from the video, did motion that group forward,
8 through the crowd, and into the door -- through the doorway.

9 The point was made either this morning or
10 yesterday that the door was closed; there was nowhere for
11 the Oath Keepers to go. I suppose that's accurate at some
12 level, but it's not as if they were waiting for a security
13 detail at the top of the steps, they were waiting for
14 something to happen.

15 Mr. Meggs, given his height and his position, was
16 clearly in a position to see the officers struggling with
17 others, trying to keep people at bay, and, nevertheless,
18 moved forward when the crowd moved forward. And there's
19 certainly no indication that he was making an effort to
20 attempt to assist Officer Salke or Officer Carrion, who were
21 doing their best to guard the doors and keep people out.

22 Of course, once he was inside the
23 Capitol building, Mr. Meggs led a group, a smaller
24 contingent of Oath Keepers, into the area outside the
25 Speaker's office where staffers were already huddled in

1 fear.

2 It is true that there's no evidence that Mr. Meggs
3 and his cohorts went down into the hallway, into the
4 Speaker's suite to bang on doors or anything of that
5 quality.

6 I know the contention is that they assisted
7 Officer Dunn. He certainly denied it, and I think his
8 testimony was credible and as did the jury apparently.

9 And critically, Mr. Meggs in the evening hours of
10 January 6th, in response to a message about the events of
11 that day, a friend says he was "hoping to see Nancy's head
12 rolling down the stairs." And his response was, "We looked
13 for her."

14 And insofar as the intent to go into the Capitol
15 building in order to stop the vote count, we obviously have
16 Caleb Berry's testimony. It wasn't at Mr. Meggs' trial;
17 but, nevertheless, I'm aware of it and can consider it.

18 But, importantly, there was the message that
19 Ms. Meggs sent -- I think it was either that night or the
20 night after -- to one of her friends in which she said,
21 "We marched to the Capitol," or words to that effect, "to
22 stop the vote," simply corroborating what Mr. Berry said and
23 what was the clear intent of those who went into the
24 building that day.

25 And then, of course, there is the evidence that

1 Mr. Meggs continued to believe in the conspiratorial
2 objective and participate in it after January 6th, as the
3 jury found, since the scope of the conspiracy -- the
4 seditious conspiracy extended beyond January 6th. And
5 I think that's best exemplified by his response to the
6 question of whether he was going to join Rhodes and James in
7 Texas. And his response, even after watching what happened
8 on January 6th, was to say, "Florida won't leave until shots
9 fired."

10 And then, of course, there is the consciousness of
11 guilt conduct. As I said, I don't need to make any factual
12 findings with respect to the question of whether he hid guns
13 or not, or got rid of the guns, I should say.

14 But there's no question and the jury so found that
15 Mr. Meggs had deleted his Signal app from the phone and that
16 he did so following learning that Jessica Watkins,
17 Donovan Crowl and can Mr. -- I don't know why I'm forgetting
18 his name -- were indicted and certainly repeated statements
19 in the indictment to make clear --

20 MR. WOODWARD: Mr. Caldwell.

21 THE COURT: Mr. Caldwell. Sorry. Mr. Caldwell.

22 That certainly showed his knowledge and that he
23 and Mr. Harrelson then consulted with one another and
24 discussed with one another about deleting the Signal app,
25 which certainly suggests that he had a guilty conscience,

1 guilty mind, and certainly knew that his conduct in the
2 months leading up to January 6th, on January 6th itself, and
3 after was wrongful.

4 So those are the general fact-findings I'm making
5 to support the scope of the jointly undertaken criminal
6 activity that will be attributable to Mr. Meggs. Insofar as
7 how that translates to the Guidelines, it does all go for
8 the eight-level enhancement for the interference with the
9 due administration -- or for the administration of justice.

10 As I held earlier, the administration of justice
11 includes the certification proceedings and that there was a
12 threat of physical force and violence to individuals,
13 specifically the scheme to bring weapons to the
14 District of Columbia to have -- excuse me -- to the
15 outskirts of the District of Columbia to have them on ready
16 to bring into the district certainly posed a threat to
17 members of Congress and others had that decision been made.

18 Additionally, of course, there was the threatened
19 injury to the officers as Mr. Meggs and his cohorts came
20 through the door.

21 And then there was the threatened injury, although
22 at some distance, the mere fact of his presence in those
23 circumstances constituted some form of threat to members of
24 Speaker Pelosi's staff.

25 And, of course, there -- Mr. Meggs, is responsible

1 for the destruction of property to the east -- to the
2 Columbus Doors as to which the jury made guilty
3 determinations in the third trial as to other
4 co-conspirators. And so there's at least a preponderance of
5 the evidence to establish liability on an
6 aiding-and-abetting basis for that destruction of property
7 as well.

8 The additional three levels for substantial
9 interference with the administration of justice, I did put
10 on the record -- Mr. Woodward, I think you were here -- that
11 the causal standard doesn't necessarily need to be
12 "but-for," and a more relaxed standard would be appropriate
13 in this circumstance. And so I don't need to make a
14 strictly but-for analysis.

15 And so I do think Mr. Meggs and the conduct for
16 which he's responsible, including his co-conspirators, their
17 conduct did substantially interfere with the administration
18 of justice and, at a minimum, that includes the adjournment
19 of the session and for the length of time it was recessed,
20 as well as the additional expenses that were incurred by the
21 government to remove people from the Capitol building,
22 including the Oath Keepers that day, as well as clean up the
23 premises in order to re-start the proceedings.

24 The two-level enhancement for extensive scope and
25 planning plainly applies, given the extent to which there

1 was planning and preparation to bring multiple individuals
2 from multiple locations throughout the country to
3 Washington, D.C., on January 6th and the organizing and
4 bringing of weapons by multiple people and multiple groups
5 to Virginia on January 6th.

6 And then, of course, there is the evidence of
7 organization on January 6th itself with Mr. Meggs clearly
8 leading a group of people and staying in communication with
9 Stewart Rhodes.

10 I did not make this finding explicitly yet. I did
11 make it in Mr. Rhodes' sentencing. I'll do so here again
12 today and state it for the reasons I did during his
13 sentencing.

14 Mr. Meggs, I do believe you were, by a
15 preponderance of the evidence, that you were directed to go
16 into that building by Mr. Rhodes. You've never testified,
17 you've never made any statements, I don't know whether you
18 agree with that or not, but I don't believe for a moment
19 that you would have walked in there without his green light.

20 And so those communications with Mr. Rhodes also
21 are evidence of extensive scope, preparation, and planning.
22 The mere fact that these discussions may have just happened
23 about going into the building only moments before entry,
24 I don't think negates the extensive scope and planning,
25 particularly since discussions about the need for force were

1 ongoing, certainly, and pre-dated January 6th by months
2 and, undoubtedly, contributed to the intent and agreement to
3 go in.

4 In terms of organizer, leader enhancement,
5 Mr. Meggs objects to that. I do think, however, that the
6 four-level enhancement is applicable. There's ample
7 evidence from which to find that Mr. Meggs was an organizer
8 or leader of criminal activity that involved five or more
9 participants or was otherwise extensive. The "five or more
10 participants" or "otherwise extensive" element is easily
11 satisfied here, and there's ample evidence of his
12 leadership.

13 There is, of course, where he rests on the
14 hierarchy of those who were involved in the conspiracy that
15 day. It's not just about his title as the leader of the
16 Florida Oath Keepers. He actually led in a meaningful way,
17 organizing people.

18 There's evidence of his communications, for
19 example, the communication with Mr. Berry that I identified
20 earlier in which he's encouraging his members. There are
21 the communications in late December in which he's also
22 encouraging members and focusing them on the importance of
23 the Capitol and on January 6th and the potential need to
24 direct violence and action at Congress itself in late
25 December. That certainly sharpened everybody's views and

1 understanding and intentions about what their actions would
2 be that day.

3 Mr. Meggs, of course, organized travel to D.C. He
4 participated in organizing the QRF at the Comfort Inn. And
5 he reported that fact of the QRF to Mr. Rhodes, as the text
6 messages showed. And he, in fact, of course, contributed to
7 the QRF himself.

8 In terms of the element of control, which I've
9 said is necessary, all of what I've described is evidence of
10 control to some degree. But there's certainly sufficient
11 evidence of control just by his direction of people in
12 Line 1. Those people do not go into the Capitol unless
13 Mr. Meggs orders them or tells them to do so, until he leads
14 them into the Capitol.

15 He is attempting to contact Mr. Rhodes. And as I
16 said, I think Mr. Rhodes gave Mr. Meggs the order. But
17 Mr. Meggs did carry it out; and others did follow him, as is
18 clear, not only from the fact of the video, but also from
19 the fact of the testimony at trial from others.

20 Now, yes, it is true that not all went in. But
21 that doesn't negate the fact that Mr. Meggs did lead a
22 number of others in that day, into the Rotunda -- into the
23 Capitol building and into the Rotunda and then over toward
24 the House Speaker's Suite. All right. So that four-level
25 enhancement will apply.

1 I've already ruled that given the conviction for
2 seditious conspiracy as well as, in Mr. Meggs' case, the
3 1512(k) conspiracy, it does meet the definition under 3A1.4,
4 Note 4, for a terrorism departure. These are crimes and
5 offenses -- and the conduct bears it out -- that was
6 calculated to influence or affect the conduct of the
7 government by intimidation or coercion; the finding by the
8 jury of intended use of force; and then the evidence of
9 actual use of force certainly establishes the requisite
10 facts to meet that definition.

11 And there's ample evidence from which I conclude
12 that Mr. Meggs' conduct was calculated to influence or
13 affect the conduct, his individual conduct. As I said, he
14 did lead the first group of individuals into the building,
15 led individuals towards the Speaker's Suite. And among
16 those facts and others, including his various
17 communications, both before and after, I think it's quite
18 evident by a preponderance of the evidence that his conduct
19 was calculated to influence or affect the conduct of the
20 government by intimidation or coercion.

21 With respect to the number of levels, I've given
22 Mr. Rhodes a six-level departure. The government has asked
23 for four for Mr. Meggs. I'm going to give him three. And
24 the reason for that is I think it is important to make clear
25 that I think Mr. Rhodes is in a very different category than

1 Mr. Meggs. He stands apart -- that is, Mr. Rhodes. He
2 stands apart. Not only in terms of his leadership, he
3 stands apart because he was both the intellectual and
4 spiritual leader of the Oath Keepers. It is because of
5 Mr. Rhodes, frankly, that Mr. Meggs is sitting -- in part,
6 because of Mr. Rhodes, that Mr. Meggs is sitting here today.

7 That doesn't mean to suggest that I'm absolving
8 him of responsibility, that he didn't act of his own free
9 will; but, nevertheless, Mr. Rhodes' influence on not only
10 Mr. Meggs, but dozens of other people who came to Washington
11 that day, many of whom ultimately broke the law, I think,
12 requires that the Court make clear that his culpability and
13 his conduct is warranting of a greater enhancement under
14 3A1.4, Note 4, than Mr. Meggs, which is why I have halved
15 the number of levels for Mr. Meggs. I think that reflects
16 both his difference in culpability from Mr. Rhodes, however,
17 also reflects his own conduct, his own leadership.

18 And fact is, Mr. Rhodes -- perhaps not as much as
19 Mr. Rhodes, but there are ample messages from Mr. Meggs,
20 particularly in that late-December period, in which he is
21 clearly providing encouragement, direction, and --
22 encouragement, direction, and support, emotionally and
23 otherwise, to others. Perhaps not to the same extent as
24 Mr. Rhodes, but he certainly was doing some of that.

25 I also neglected to mention there is, of course,

1 the video of the urban warfare training. You know, look,
2 I understand it was legal when done, Mr. Meggs. But given
3 what happened later, it may put it in a different light.
4 But nevertheless, I've considered that as part of the
5 departure too, that you have -- that you were prepared to
6 use a long gun in an urban center. The instructor, his
7 words were unmistakable on that video that long guns are
8 offensive weapons, and you and your cohorts brought a lot of
9 offensive weapons to the outskirts of the
10 District of Columbia.

11 Mr. Meggs has requested a departure for acceptance
12 of responsibility. It is not applicable. He argues that he
13 never received any plea offer in this case and, therefore,
14 never had the opportunity to accept a plea prior to trial
15 and that all he did was hold the government to its burden of
16 proof. That very well may be true, but nevertheless, does
17 not qualify for the acceptance of responsibility exception
18 in the rare circumstances where if somebody does go to trial
19 and where that acceptance might apply, those circumstances
20 are not present here.

21 So with all of that said, the Guidelines
22 calculations will be as follows:

23 So on Count 1 of seditious conspiracy, again,
24 2X5.1 cross-references the treason Guideline. But under
25 2M1.1 and because the conduct was not tantamount to waging

1 war against the United States, the obstruction Guidelines
2 are the next closest analogue, and we're all in agreement on
3 that.

4 The same is true with respect to Count 2. That is
5 the 1512(k) count. That also is a 2J1.2.

6 Same with Count 3. That is the substantive
7 1512(c) (2) count.

8 And Count 8, which is 1512(c) (1).

9 Count 4 is also 2J1.2; that is, with respect to
10 the members of Congress.

11 Counts 1, 2, 3, and 4, they group because they all
12 involve the same victim and two or more acts connected by a
13 common criminal objective or constituting part of a common
14 scheme or plan.

15 I recognize that I am supposed to ordinarily
16 consider the Guidelines for each individual count and then
17 do all the grouping afterwards. But given that all of the
18 same Guideline is applicable here and all the same
19 enhancements are applicable here, that seems to be
20 unnecessary.

21 Count 8, which is for obstruction under
22 1512(c) (1), that groups with Counts 1 through 4 because the
23 obstruction conduct -- obstructive conduct is a specific
24 offense characteristic of the first group.

25 So as a consequence, the Base Offense Level is a

1 14, an eight-level enhancement for causing or threatening
2 physical injury to a person or property damage in order to
3 obstruct the administration of justice.

4 Substantial interference with the administration
5 of justice is an additional three levels.

6 The offense was extensive in scope, planning, or
7 preparation, two levels.

8 Role in the offense is four levels.

9 Obstruction -- and that is based upon Mr. Meggs'
10 deletion of the Signal application and basis of the count of
11 conviction -- that is an additional two levels.

12 That gets us to a total offense level of 33.

13 There is -- excuse me.

14 An adjusted offense level of 33.

15 There's a three-level departure of three levels
16 under 3A1.4, Note 4, for a total level 36, which brings us,
17 with a Criminal History Category I, to a Guidelines Range of
18 188 months to 238 months and a fine of 40,000 to \$400,000.

19 Okay. Before we proceed with the parties'
20 allocutions, which I suspect will take a little time, why
21 don't we just take a quick break and then we'll come back.

22 Mr. Woodward.

23 MR. WOODWARD: Can I say one thing?

24 THE COURT: Yes, of course.

25 MR. WOODWARD: I don't think it's material, but

1 I want to make sure there's a clear record on a position
2 with respect to the verdict form. I think Your Honor
3 understood our argument that because the jury did not check
4 the box for the second theory, our position would be that
5 they did not find that Mr. Meggs was guilty of seditious
6 conspiracy for that second box. I heard the Court to say
7 yesterday, "Well, we didn't ask them to affirmatively
8 conclude. We said they could check one or more."

9 Now, we read the jury verdict form slightly
10 differently. It says -- I think there's an "s" in
11 parentheses after that we had certainly intended to mean
12 that they would select all of the theories of the conspiracy
13 that they intended or that they found each defendant to have
14 participated in.

15 And I think the Court made that clear yesterday.
16 I think the Court has taken that into consideration today
17 and rejects our argument, but I just want to make sure that
18 it's clear for the record that our position is that the jury
19 did not find Mr. Meggs guilty of that second theory of the
20 conspiracy.

21 THE COURT: All right.

22 MR. WOODWARD: Thank you, Your Honor.

23 THE COURT: Certainly your position is noted.

24 I disagree with it because the verdict form is not the jury
25 instructions. And the jury was clearly instructed that the

1 verdict form didn't alter the instructions in any way,
2 shape, or form.

3 The instructions are quite clear that the jury
4 only needed to reach unanimity as to one of the two objects;
5 and if they found unanimity as to one object, they would
6 then enter a verdict of guilty. In order to enter a verdict
7 of not guilty, they needed to be unanimous that the
8 government had failed at the burden of proof as to both
9 options.

10 So the fact that the jury did not check the second
11 box I don't think can lead to a reasonable inference that
12 they acquitted Mr. Meggs of that conduct. And for purposes
13 of sentencing, I have found, based upon all of the evidence
14 I described yesterday, as well as discussed today by a
15 preponderance of the evidence, that I find the evidence
16 would support that object as well, all right?

17 So let's take about 15 minutes, and we will
18 resume, let's say, just at about five of or so, all right?

19 Thank you, everyone.

20 COURTROOM DEPUTY: All rise.

21 This Court stands in recess.

22 (Recess from 2:40 p.m. to 2:57 p.m.)

23 COURTROOM DEPUTY: All rise. The Court is again
24 in session; the Honorable Amit P. Mehta presiding.

25 Be seated and come to order.

1 THE COURT: All right. Let us begin with the
2 government's allocution.

3 Mr. Nestler.

4 MR. NESTLER: With the possible exception of
5 Stewart Rhodes, Kelly Meggs was the intellectual and moral
6 leader of this conspiracy in November and December, coming
7 into January of 2021.

8 In message after message, and as we heard from
9 witness after witness, it was Kelly Meggs predominantly
10 telling people they had to do this. It was, do this, fight
11 against the government, or die. Nothing else was important
12 to them, and they had to do it.

13 And you heard from witness after witness,
14 Your Honor, who talked about the importance to them,
15 especially young impressionable people like Caleb Berry.

16 When Kelly Meggs was lauding him and holding him
17 up and saying, "You are a true patriot. Welcome to our
18 ranks," it meant something to Caleb Berry.

19 That's what Kelly Meggs was doing, was taking
20 advantage of people like that and telling them and people
21 like Jason Dolan they needed the numbers. They needed
22 enough people. They needed -- because one person or a dozen
23 people or 100 people might get arrested, might get
24 convicted; but if they had sufficient numbers with them and
25 their group and others as part of the mob, they could

1 actually violently accomplish what they wanted to
2 accomplish, and that was to stop Congress from certifying
3 the vote, ultimately.

4 It was Kelly Meggs who was pushing that message
5 amongst the Florida group, and that is like his intellectual
6 and his rhetoric and his leadership there in terms of
7 gathering the group together.

8 But as we get closer to January 6th and we get
9 into Washington, D.C., it was Kelly Meggs who was physically
10 leading this group. There were 14 members of Stack 1,
11 including Kelly Meggs. And he physically led that group up
12 the steps of the Capitol building, and then violently
13 through the door of the Capitol itself.

14 It was Kelly Meggs who arranged for that firearms
15 training and then boasted about the firearms training and
16 the offensive use of weapons and rifles when he talked on
17 January 5th about what his group was prepared to do as they
18 came to D.C.

19 It was Kelly Meggs who arranged, amongst all the
20 Florida group, to have that armed QRF at the hotel.
21 Kelly Meggs was the one who was quarterbacking that entire
22 operation.

23 You heard from Caleb Berry and from Jason Dolan
24 that it would be Kelly Meggs who would be the one
25 coordinating with Kenneth Bittner at the QRF hotel to get

1 access to those guns. It was Kelly Meggs' decision, and it
2 was Kelly Meggs who was doing that work. Kelly Meggs even
3 told Graydon Young that Kelly Meggs would have an extra
4 AR-15 with Young's name on it for use as necessary.

5 We talk about what Kelly Meggs wanted to
6 accomplish within the Capitol building on the night of
7 election night. He told his family that if they went on a
8 shooting spree, Pelosi would be first. And then on the
9 evening of January 6th, he confirmed with somebody else that
10 he looked -- he and his group looked for Speaker Pelosi.

11 Meggs said to the group what he actually intended,
12 which was for that group to wait patiently and then be the
13 leaders. And we saw that actually play itself out on
14 January 6th at the Capitol building.

15 And Your Honor heard testimony from Caleb Berry
16 about what the crowd was like when the Oath Keepers were
17 there as Kelly Meggs was leading them up the stairs. The
18 crowd parted out of the way for the Oath Keepers to march up
19 those stairs, chanting, "Oath Keepers, Oath Keepers."

20 And what Caleb Berry told Your Honor and told the
21 jury, it was his feeling that the crowd wanted to use the
22 Oath Keepers as the battering ram to get in the building and
23 that he felt what they were doing at that point was
24 justified. They had what he thought was justification based
25 on what Kelly Meggs was telling him, that they were in the

1 right because they could take into their own hands the law.
2 They did not agree with what Congress was doing, and they
3 thought that they could do it better and that they had the
4 moral high ground in order to use violence to do their own
5 will.

6 Kelly Meggs was wearing on his vest that day a
7 patch that said, "I'm just here for the violence," a patch,
8 by the way, that the FBI never located at his house or from
9 his lawyers. He was just there for the violence because he
10 wanted that violence to be inflicted upon, not just the
11 building and the law enforcement officers, but on the
12 institution itself.

13 After leaving the building, Kelly Meggs' comments
14 later that night confirmed exactly what it is that he
15 intended to do and accomplished. He told somebody else, "We
16 busted in."

17 He sent Kenneth Harrelson's video of the whole
18 group literally busting in, past Officer Salke, past
19 Officer Carrion, with the caption, "Florida Oath Keepers
20 takes the Capitol." That was what he intended to do and
21 what he actually was able to help accomplish.

22 When someone asked later that night on the evening
23 of January 6th, "What happens if the House resumes tonight?"

24 And we do know the House was trying to resume, and
25 they did resume later that evening.

1 It was Kelly Meggs who responded, "We're
2 going back."

3 He told the rest of the Oath Keeper group, "We're
4 not quitting. We're reloading."

5 He was not done, and he did not want his group to
6 be done after what they had accomplished on that afternoon
7 of January 6th. They needed more.

8 Kelly Meggs, if we get into the statutory factors
9 under 3553(a), Your Honor, is not remorseful and has never
10 expressed remorse for what he has done.

11 He appeared on that same Freedom Corner rally
12 recording that Ms. Rakoczy brought to Your Honor's attention
13 earlier this morning for Stewart Rhodes. It was Kelly Meggs
14 who passed the phone to Stewart Rhodes in order to talk to
15 that rally.

16 Kelly Meggs, four days ago, claiming he's
17 innocent, that the jury and the system were rigged against
18 him, and he couldn't get a fair trial.

19 He has no remorse for what he has accomplished.
20 We understand that he does not have the same military
21 background as Stewart Rhodes. But Stewart Rhodes put him in
22 this position to be the head of Florida Oath Keepers. And
23 he took on that role willingly, even before he was formally
24 appointed when Mike Adams refused to do what Stewart Rhodes
25 wanted and Kelly Meggs willingly stepped into that void.

1 Kelly Meggs was agitating and advocating for what he
2 ultimately was able to accomplish with this group.

3 We believe that an incredibly significant sentence
4 of incarceration is warranted, both to punish Kelly Meggs
5 and for the general deterrence factor that is necessary here
6 based on what some average citizen in this country could do.
7 Look at what Kelly Meggs was able to accomplish from where
8 he was in Florida.

9 Mr. Woodward talked about how Kelly Meggs was only
10 the leader in the Florida chapter for a month. Look what
11 Kelly Meggs accomplished in that one month of leadership of
12 the Florida Oath Keepers because of what he was able to
13 accomplish, because of what he was able to do with the rest
14 of the Oath Keepers group. Your Honor has already found the
15 three-level upward departure would be warranted under -- for
16 terrorism. And we do believe what Kelly Meggs was convicted
17 of and what he did is terrorism.

18 We do believe additional bases for upward
19 departure would be warranted. We listed some of those other
20 bases in our memo, including 5K2.7 for destruction of
21 governmental function and 5K2.6, weapons, especially for
22 Kelly Meggs in terms of his use of the weapons in order to
23 further the seditious conspiracy here.

24 We, therefore, ask Your Honor to either vary
25 upward or depart upward from the Guideline Range, which is

1 from 188 months to 235 months, slightly upwards, to sentence
2 Kelly Meggs to a sentence of 21 years of incarceration.

3 THE COURT: Okay. Thank you, Mr. Nestler.

4 MR. NESTLER: Thank you, Your Honor.

5 THE COURT: Mr. Woodward.

6 MR. WOODWARD: Your Honor, on behalf of Mr. Meggs,
7 there are several members of the Meggs family who are here
8 today, sitting in the gallery. His sister, Crystal; his
9 brother, Marty; his son, Zack.

10 His sister, Crystal, would like to share a few
11 words with the Court.

12 THE COURT: Okay. Welcome to everyone.

13 Come on up, ma'am.

14 CRYSTAL MEGGS STEJSKAL: Good afternoon,
15 Your Honor.

16 THE COURT: Good afternoon.

17 CRYSTAL MEGGS STEJSKAL: Thank you for giving me
18 the chance to stand here, and it's obviously very difficult
19 to be here. It's very difficult and very intimidating to be
20 in this room with all of these people.

21 But I got on a plane and came up here because
22 I know that there are -- what things have been said and what
23 things are on pieces of paper and text messages and things
24 like that. But I wanted to just have a chance to tell you
25 about that man right there that I know, that I've known for

1 almost 50 years.

2 He has always been someone I looked up to my
3 entire life. I'm his little sister. I always will call him
4 for advice, and he would give it. Never didn't answer the
5 phone for me. Never didn't answer the phone for my other
6 brother, Marty, for anyone else in my family, my parents,
7 who he relied on -- who relied on him a lot.

8 My mom was diagnosed with a brain tumor five years
9 ago, and it changed our family quite a bit. My parents live
10 near me, and so I was the one that was doing a lot of the
11 caretaking. But my brother was my support during that time.

12 We spoke daily, and he was absolutely tireless in
13 doing everything for our family that he could to get help
14 for my mom above and beyond, like, amazing. I couldn't even
15 do the things that he -- he was calling trials, trying to
16 get her into a brain cancer trial, all kinds of things.

17 But the most important thing that he did was be
18 there. He would drive after working all day an hour and a
19 half to spend with -- some time with my mom, my parents, and
20 me to be able to be there for us.

21 And I understand that it's easy to focus on things
22 that have been said in this court. But I just -- like I
23 said, I appreciate the time that I can be here and tell you
24 about the man that I know.

25 I feel that I can speak very honestly to his

1 character. I've known him for almost 50 years. He is an
2 extremely hardworking, dependable, smart, unselfish man.
3 That's who I know. That's who I've seen. That's who I've
4 talked to.

5 He is the first person that would pull over and
6 help a complete stranger on the side of the road. And
7 I know that because I've seen him do it many times. I'm
8 embarrassed to say I'm not that person. I keep going
9 because I am not as unselfish as he is.

10 But most of all, I just want to remind you and
11 everyone in this courtroom that he's a person. He has a
12 family. We have missed him terribly. He has a huge love
13 for his family and friends. He is a giving person. He's
14 always thinking of others, and he has been an amazing
15 provider for his family. He has always been very generous
16 and taken very good care of his wife and his children and
17 his grandchildren.

18 He is sorely missed by each one of us, and he has
19 a granddaughter that he hasn't been even able to know. This
20 has been devastating for our family, and I just wanted to
21 come here today to ask and just to let you know that we love
22 him and we miss him. And I wanted to just give you a little
23 bit of insight into the man that I know.

24 THE COURT: Thank you for your remarks.

25 CRYSTAL MEGGS STEJSKAL: Thank you for your time.

1 THE COURT: Of course.

2 MR. WOODWARD: Your Honor, Mr. Zackry Meggs has
3 also written a letter to the Court. And with the Court's
4 permission, he'd like to read that.

5 THE COURT: Okay.

6 Mr. Meggs.

7 ZACKRY MEGGS: Hello, Your Honor.

8 THE COURT: Hello.

9 ZACKRY MEGGS: My name is Zack Meggs, and I am the
10 son of Kelly Meggs and Connie Meggs. I'm 24 years old. And
11 I'm currently staying home with my mother and the rest of my
12 family in our home in Dunnellon.

13 My father has been an honorable man his entire
14 life, and he's given me all the help I've ever needed. And
15 has set me on the path for success in my life. He put me
16 through college and employed me at his car dealership during
17 my college years.

18 I've known my father in both a professional and a
19 personal realm, and I have only ever heard positive things
20 about my father. And I've only ever experienced positive
21 things. Many are quoted as saying my dad is their best boss
22 they've ever worked for, things like that.

23 My father held charity events and community events
24 when he ran Honda. My father took us on vacation and made
25 sure we always had food on the table. I could not have

1 asked for any better role model in my life.

2 But it has been over two years without my father,
3 and he was a crucial part of this family unit as I now
4 realize without him.

5 We have been blessed by so many around us, as well
6 as my dad's good financial choices that we have had enough
7 money to survive for this long and keep our house. But I do
8 not think we can afford to keep it much longer without my
9 father.

10 He is a loving man who has done everything to
11 provide for us, and I wish I could find a way to afford the
12 home that he gave us. But, unfortunately, I am not my
13 father, and I cannot afford to keep or maintain it.

14 One of the biggest things that the events of the
15 past two years have taught me is how important my father was
16 in my life. Without him, it's been quite difficult and
17 troublesome. There's been little to no guidance outside of
18 the 15-minute phone calls that I've been allotted.

19 He was not just a financial guide to us, but he
20 also provided me guidance to -- to me and to my sister on
21 how to properly raise a family and how to live a fulfilling
22 and fruitful life.

23 That is why my father is so important and such a
24 crucial part of this entire family unit to me.

25 I am engaged right now, and I would really love to

1 have my father at the wedding.

2 Thank you, Your Honor.

3 THE COURT: Thank you, Mr. Meggs.

4 MR. WOODWARD: As Your Honor knows, Mr. Meggs is
5 also married. And for reasons I hope Your Honor will
6 appreciate, his wife could not be here today.

7 She also wrote a fairly lengthy letter to the
8 Court, which I'm not going to read because, as her counsel,
9 I think that it's not prudent for me to do that.

10 What I will point out is -- just read just the
11 introduction, Your Honor.

12 "It is with deep regret that I cannot attend my
13 husband's sentencing. We have been married for 25 years,
14 and he has been absent from our lives for over two and a
15 half years. He's the head of our family, acting as provider
16 and protector."

17 She goes on to talk at length about her
18 frustrations about January 6 and the events of that day.
19 But her -- what comes through in Mrs. Meggs' letter about
20 her husband is that, despite all that has happened, the love
21 that she feels for her husband has not diminished in any
22 way, and so it's just that which I would share with the
23 Court.

24 Mr. Meggs also would like to share a few words
25 with the Court. And I will simply caveat that with the fact

1 that I have again instructed him that it is my advice that
2 he not speak about the specific events in question, and so
3 I hoped you would not hold that against him.

4 THE COURT: Of course not.

5 But, Mr. Woodward, did you want to be heard?

6 MR. WOODWARD: I will ask to be heard after
7 Mr. Meggs speaks.

8 THE COURT: Okay.

9 Mr. Meggs, why don't you come on up, sir.
10 Why don't you come on up to the lectern, sir.

11 THE DEFENDANT: Thank you, Your Honor.

12 Thank you for the opportunity to talk to you.
13 I truly apologize for being here.

14 I've spent just two and a half years incarcerated
15 for my participation in January 6th. It has not only
16 destroyed by life but the life of my entire family, even my
17 extended family, that's had to deal with constant death
18 threats, hate mail, and ridicule from many.

19 When I was originally arrested, I told the FBI
20 agents what exactly happened that day. They said, "If
21 you're telling the truth, this will be a short trip and
22 you'll be laughing about this in no time."

23 Your Honor, I did tell the truth. And I've
24 continued to tell the truth, and I will continue to tell the
25 truth.

1 But my life has been no laughing matter. I've
2 lost my retirement accounts. I've lost everything I've had
3 in my life, cars, vehicles, everything. And I haven't lied
4 at all.

5 I've been torn away from my family for over 830
6 days.

7 Your Honor, I know every time you come in this
8 courtroom, you seek the truth. And I can assure you that
9 I've been telling the truth and that I will continue to tell
10 you the truth.

11 And I want to discuss the truth. But, first,
12 I want to apologize to those that I've disappointed and let
13 down.

14 My deepest regret is the pain and suffering I've
15 caused my family, most importantly, my wife of 24 years ago
16 trusted me to be her protector and provider, always putting
17 her needs first. And I have failed her. I've caused her
18 more pain than she should ever deserve, suffering
19 incarceration and then home confinement for over years all
20 because of me. Not being there to support her as she went
21 through her father's death.

22 The prosecution in their trial tried to make it
23 seem that she had to know and basically called her extremely
24 naive if she didn't know about my phone calls, although they
25 clearly displayed in my trial that these phone calls were

1 done at night as I drove home the hour and a half from work.
2 The prosecution knew this, and they still persecuted her
3 unnecessarily.

4 She spent her whole life volunteering to help
5 homeless people and the church. She's a ray of light in an
6 increasingly dark world. And she does not deserve any of
7 this. She's the single greatest thing that ever happened to
8 me in my life. I love her, and I'm sorry.

9 My son Zack, who gave up his life at college to
10 come home and run the family farm and take over all the
11 financial responsibility, I can never show you enough
12 gratitude. You and your efforts are the only reason we
13 still have a home today.

14 I took away the greatest years of your life where
15 you should be living happy and care-free, and I turned them
16 into a massive pile of stress, aggravation, and
17 responsibility. You have risen to the occasion greater than
18 I could have ever imagined. And I love you and I'm sorry.

19 To my beautiful daughter Danielle, I regret taking
20 away your mother and best friend. I regret taking away the
21 one who provided you with childcare and helped you be the
22 awesome mother that you continue to be.

23 I also regret deeply that I'm not there for the
24 birth of my newest granddaughter, Ava, and I did not get to
25 see her except briefly when she was one year old.

1 I am sorry I'm not there giving you the support a
2 father and a grandfather should always provide. I love you,
3 and I'm not only sorry to you but also my beautiful Ava.

4 And to my grandchildren, Carson and Jenna, who God
5 entrusted me to be their father figure, to them I apologize
6 for failing them. I never close my eyes at night without
7 feeling their heads upon my shoulders as they usually fell
8 asleep in my arms.

9 To my sister, my brother, my mother, and my
10 father, whose name I have worn with honor for 54 years, I've
11 brought it nothing but ridicule and shame. I could not
12 reverse this damage, but I can assure you going forward
13 I will never do it harm again. To you all, I apologize.

14 Your Honor, I've often compared my scenario to a
15 bank robbery. Kind of make, in my mind, my evidence fit the
16 crime.

17 I was online and I was saying bad things. I wrote
18 about how much I dislike my bank, how I hope they would go
19 under one day. I even stated that I hoped that they would
20 get robbed. I was even in line at the bank that day, mad
21 about how bad they are, talking and complaining to other
22 patrons.

23 Suddenly, the bank was robbed.

24 The FBI opened their investigation. They looked
25 at my social media, and they immediately put me as

1 Suspect No. 1. I disliked my bank, and you can tell
2 vehemently online.

3 Even the fact that I wished for the very robbery,
4 but then they would pull the video and they would see that
5 it was not me who robbed the bank; I was merely standing in
6 line.

7 Would I be charged with a conspiracy to commit
8 bank robbery even though I knew none of the actual robbers
9 never had contact with those who literally perpetrated the
10 crime? No, I would not be.

11 They would see the evidence. And even though my
12 disdain was apparent, they would determine that indeed I did
13 not rob the bank. I was an innocent man.

14 Your Honor, I told you I'd tell the truth, so here
15 it is: I had no knowledge of any plan to go into the
16 Capitol and to stop the certification of the
17 Electoral College on January 6th. The entire case the
18 government has built was on presumption of such a plan,
19 purported to have been hatched on or around the election and
20 executed on January 6th.

21 Just as every single government witness declared
22 under oath, there was no plan. Even our lead prosecutor,
23 Kate Rakoczy herself, sent an email to our attorneys stating
24 plainly that the Oath Keepers chats showed no plan to enter
25 the Capitol. Why is this the case, Your Honor? Because

1 there simply was no plan.

2 The government actually changed their version of
3 the plan multiple times during the trial itself. If you
4 remember originally, it was the November 9th call when no
5 one actually knew that the January 6th rally was going to
6 occur. That call was about us doing security in D.C.

7 Their witness admittedly had 20 aliases, including
8 something about being a Russian spy, I believe he said. And
9 then once that version of their plan fell apart, they
10 changed the plan this time -- next time to, we were trying
11 to take the entire City of D.C. hostage, I believe one of
12 the agents described it.

13 And, finally, after every single government
14 witness, upon cross-examination, was caught and had to admit
15 that there was no plan, the government changed its theory
16 again to an instantaneous mental plan hatched on the steps.

17 These differences and the fact that their claims
18 that we joined a mob battling police and pushing past
19 barricades were never shown at trial. Why were they not
20 shown? Because they never happened.

21 Well, I'm here to confirm that there actually was
22 a plan in place that day, one described by thousands and
23 thousands of text messages that the government knew about
24 and read. Many people in our trial testified about this
25 plan in detail.

1 This plan was a security detail, just like I had
2 done four previous times with the Oath Keepers, including
3 the November event in D.C., nothing more. The government
4 admitted it in the aforementioned email.

5 I have been here incarcerated for over two years
6 in some of the worst jails in the country, spending up to
7 32 hours at a time in solitary confinement for 280 days.
8 27 of those days, the doors were not even opened for a
9 shower.

10 Even in these conditions and the stress of not
11 knowing if one of those threats I mentioned before would be
12 carried out against my family that night, I managed to come
13 through it all without one disciplinary report, lowered my
14 overall classification, and I served as a trustee for almost
15 two years. I did what I had done my whole life. I caused
16 no problems, and I committed no crimes.

17 I am not here today to argue the facts of the
18 case. Those will be debated at a different time. I'm here
19 today to be sentenced for some crimes I did not commit and
20 others that I admit I did.

21 I went to D.C. that day for one reason: To
22 protect people, Your Honor. My mistake was when the event
23 went off track, I did not stick to the plan. I reacted and
24 I went towards the building instead of staying out near the
25 staging area as I should have.

1 I went up the stairs. And when someone asked for
2 help, we moved up near the door. Unlike the prosecution's
3 version of the story, we never saw officers being assaulted
4 in any way. We got swept inside. As I entered the building
5 in front of me, there was an officer fist-bumping people as
6 we went into the Rotunda area. No one asked me to leave.

7 Once inside, I once reacted again to what I do
8 naturally. I tried to help people. I tried to assist
9 officers, primarily Officer Harry Dunn, and then another
10 officer by the door.

11 You'll see in the videos and the photos and even
12 though the prosecution claims that I was yelling at
13 Officer Dunn, they can show you no evidence of this.

14 Your Honor, I have watched hours, hours of footage
15 of that gentleman right there, Officer Harry Dunn. He was
16 relentless in his efforts that day. He was downstairs. He
17 was blocking a stairwell downstairs so people couldn't go
18 down there.

19 And once his fellow officers cleared that area, he
20 moved up to the upper level, which was where we encountered
21 him just outside of the Rotunda. When we approached him, he
22 was out of breath, obviously from what he had been dealing
23 with all day. And he had fear that had taken him over
24 because he wasn't sure -- as he stated in his own 302, he
25 was in fear of his life, and he did not know if he was going

1 to go home that day. In that same 302, he also admitted
2 that we stood in front of him, keeping the crowd away.

3 Officer Dunn, if my presence that day in any way
4 affected you or prevented you from doing your job,
5 I apologize to you, sir.

6 I do apologize, sir.

7 When the officer by the door had a traffic jam, I
8 tried my best to assist for four or five minutes, trying to
9 get people out of the building, I was speaking to him the
10 whole time. I believe common sense would say someone trying
11 to assist police, getting people out of the building, I was
12 not there with an intent of committing a crime.

13 Video shows, as you've seen, that I didn't look
14 for anyone in the building. I simply walked just outside of
15 the Rotunda and then right back into the Rotunda. My entire
16 time was spent in that Rotunda area.

17 I am not claiming to be an innocent man,
18 Your Honor. I fully accept responsibility that I should not
19 have been on Capitol Grounds that day. I never should have
20 put myself anywhere near those doors. And for that, I am
21 sorry. And I've thought about how stupid I was every day
22 since I have been in jail.

23 I am sorry to be involved in an event that put
24 such a black eye on our country. I never want to be
25 associated with any event where any officers are injured or

1 people killed.

2 Your Honor, that's why I was there that day, just
3 like the patch says that you saw so many times and that the
4 prosecution just referred to. I was just there for the
5 violence.

6 But that patch means something totally different
7 to me than it does to them. I was not there to cause
8 violence. I was not there to instigate violence. I was
9 there to try to keep the violence from happening to anyone.
10 It's what I had done so many times before, and it's what
11 I was doing that day.

12 I also realize, most importantly, my vile and
13 hateful language is the main reason that I am standing here
14 today. When the government found no plan, they just pieced
15 together my messages and made them say whatever they wanted.

16 Even considering the fact that they were taken out
17 of complete context, I fully accept responsibility that what
18 I wrote was not fitting to the person I really am and not
19 really what my actions were. But those actions were
20 overshadowed by this language.

21 I also know that she's not listening to this and
22 not present. But on election night 2020, I made a hateful
23 comment about Nancy Pelosi. And I understand in today's
24 political climate, many people have made angry and vile
25 comments online and in texts. Mine was just that, a vile

1 comment. I would never have it in my heart to harm another
2 person.

3 Your Honor, yesterday you made a statement that on
4 January 3rd I posted a comment that about a million of us
5 should surround the Capitol so they could hear us inside.
6 That was not a plan to go into the Capitol. That was the
7 plan to be at a stage and cheering with the crowd.

8 I also understand my comments about the juries in
9 this town. And I say this in an understanding fashion.
10 I don't blame them for having bias because I, too, would if
11 my town was literally locked down for months on end because
12 of some violent event at the Capitol. I didn't blame them
13 for it, but I still think it was present.

14 Every officer that spoke yesterday spoke of
15 violence. I do not disagree with them. It was a disgusting
16 display. I do not in any way support those that did it.
17 And if my presence assisted them in doing that in any way,
18 I apologize.

19 Your Honor, I know you have tremendous pressure on
20 you from multiple fronts. But as I stand before you, I ask
21 you to have compassion and mercy on me. Compare my actions
22 that day, not to what you're told but what you saw with your
23 own eyes through the pictures and the CCTV cameras, no
24 assaults, no destructions. I wasn't even there until two
25 hours after it started.

1 I promise you I am not what they say I am. I know
2 you have multiple options when it comes to my
3 sentencing: prison time, home confinement, or some
4 combination of the two.

5 I would only ask that you have mercy on me and
6 give me back to the thing that is most important to me, that
7 I clearly know now is most important to me: my wife, my
8 children, and my grandchildren.

9 Thank you, Your Honor.

10 THE COURT: Thank you, Mr. Meggs.

11 Mr. Woodward.

12 MR. WOODWARD: Well, I think it's worth observing,
13 Your Honor, that today brings to a close a chapter that has
14 long affected all of us.

15 I would be remiss were I not to thank your staff,
16 Mr. Douyon, Mr. Zaremba, the courthouse staff, the marshals,
17 who have assisted me in a variety of ways, both related to
18 this trial and to some of the other work that I do while
19 we've been in trial.

20 I would be remiss not to thank the government with
21 whom I almost always disagree and yet, to quote the late
22 Justice Ginsburg, I hope they will agree that we disagree
23 without being disagreeable.

24 To you, Your Honor, your tireless efforts have
25 gone unnoticed by no one. But as a former law clerk, I also

1 know that perhaps more noteworthy are the work of your
2 clerks. And I will confess that there have been many nights
3 as I've wanted to put the pen down and submit a brief that
4 I've expected or suspected that you and your clerks
5 continued working and that that motivated me on behalf of
6 Mr. Meggs.

7 I had prepared remarks about the facts in this
8 case, but I don't think that appropriate anymore,
9 Your Honor.

10 Instead, what I will observe is that this is the
11 culmination of a process that our founders very much
12 anticipated. We're here today for the first convictions of
13 seditious conspiracy in decades because the Department of
14 Justice decided to label these defendants with that scarlet
15 letter.

16 Now, I very much respect that we have vested them
17 with this prosecutorial discretion. It is a huge burden
18 that they bear. And in this case I respect that those are
19 the charges that they brought against Mr. Meggs.

20 Nevertheless, I will observe that there's a reason
21 that the Department does not reach a sentence in these
22 cases.

23 There's a reason that the judiciary, that you,
24 Your Honor, have been entrusted with being that last check
25 in our system of balances, a tripart system of government.

1 The law is written by legislature, prosecuted by the
2 Department, and the trial is overseen by you.

3 Your Honor, you will no doubt appreciate that when
4 one takes on the role of defense counsel in a case like
5 this, one gets to know their client.

6 And I stand before you as an officer of the court
7 and will observe that I don't believe Mr. Meggs is a
8 terrorist. I don't condone any of the actions of the
9 members of the riot that day. And I certainly assure you
10 that as I watched the events unfold, I never thought that I
11 would stand before you as defense counsel for a defendant
12 charged with among the most serious conduct that day.

13 But in exercising the discretion that you have as
14 a member of the judiciary, I will join Mr. Meggs and his
15 family in imploring for leniency. You are permitted to find
16 that Mr. Meggs is responsible for the actions of his
17 co-conspirators, but you're not required to do so. As we
18 look through the various sentencing factors that apply here,
19 we can't -- I can't reasonably dispute the seriousness of
20 the offense. I can't dispute the evidence.

21 Your Honor will, no doubt, agree that I did my
22 best to show evidence of the security plan that was there
23 that day. Twice, in fact. What we can and what I implore
24 us to ask ourselves is: To what end?

25 Mr. Meggs is not Stewart Rhodes. He is not a

1 risk, continuing risk to our society. He is a father, a
2 grandfather, a husband, someone who got wrapped up in and
3 carried away in the events of January 6th. And the
4 punishment that you levy as against Mr. Meggs will, no
5 doubt, be severe. It's my duty to advocate zealously on his
6 behalf and ask for a minimum sentence, but I'm realistic.

7 However, 15 years, 10 years even of imprisonment,
8 that's not necessary in Mr. Meggs' case. I'm certain he is
9 not a recidivist. He has no prior criminal record. I'm
10 certain that the days, nights, hours in solitary confinement
11 that he's had already have given him an opportunity to
12 reflect on his conduct that day.

13 And we've seen in the records that we submitted
14 earlier today that he's used that time as best he's able.
15 He's had no disciplinary infractions. He was entrusted by
16 the D.C. jail to be a warden. Candidly, I don't know what
17 that means, but they don't ask inmates to do much.

18 He's endeavored to complete college courses to the
19 best of his ability. All we had was that letter that said
20 that he was invited to do the course. But he did, in fact,
21 do the course. We don't have -- the documentation of that
22 has been lost in his various transitions. And however long
23 Your Honor asks him to serve, directs him to serve, I'm
24 confident that he will make good use of that time for the
25 betterment of society, not worse.

1 And so, Your Honor, I'm reminded of the movie
2 *Amadeus* in which Mozart goes to the emperor and pleads his
3 case for why -- I forget what the symphony was to be
4 conducted, in Italian or Spanish. I can't remember which.
5 And the emperor says to Mozart, "Sir, you are passionate but
6 not persuadable." And as lawyers, it's our job to be
7 persuadable, not passionate. I can't help it today,
8 Your Honor. I'm passionate for Mr. Meggs.

9 We appreciate the due consideration that you will,
10 no doubt, give to all of the arguments that we've presented
11 to you today.

12 THE COURT: Mr. Woodward, thank you. I appreciate
13 your remarks.

14 Let's take a break. I'd like to collect my
15 thoughts, and I will be back with everyone shortly.

16 Thank you.

17 COURTROOM DEPUTY: All rise.

18 This Court stands in recess.

19 (Recess from 3:43 p.m. to 3:58 p.m.)

20 THE COURT: Please be seated.

21 Thank you, everyone.

22 (Pause)

23 THE COURT: Sorry about that, everyone. Thank you
24 for your patience.

25 So, again, once more, just beginning with the

1 Guidelines, they are 188 to 235 months.

2 In addition, I must consider all the factors that
3 are set forth in 18 U.S.C. 3553(a) and impose a sentence
4 that is sufficient but not greater than necessary to achieve
5 the objectives of sentencing set forth in the statute.

6 The factors I must consider are the nature and
7 circumstances of the offense and the history and
8 characteristics of the defendant, the need for the sentence
9 imposed to reflect the seriousness of the offense, to
10 promote respect for the law, and to provide just punishment
11 for the offense, to afford adequate deterrence, to protect
12 the public, and to provide the defense -- defendant with
13 needed educational or vocational training, medical care, the
14 kinds of sentences available, and the need to avoid
15 unwarranted disparities.

16 Let me just begin with the issue of disparities.
17 And the defense has pointed out some other sentences that
18 have been imposed in January 6th cases. And as I said
19 earlier today, I don't think those other sentences are
20 terribly useful as comparators because, A, none of them
21 involved conspiracies, and none of them, as in Mr. Meggs'
22 case, involved seditious conspiracy. It is a unique charge,
23 it is a unique conviction, and so I think it stands apart
24 from other cases that's may have actually involved more
25 actual violence.

1 I have, however, considered other sentences that
2 have been handed down in seditious conspiracy cases. And I,
3 of course, have considered not only Mr. Rhodes' sentence
4 that I handed down this morning but also my thinking about
5 other sentences that are coming down the road to ensure
6 proportionality with others.

7 Let me just start with the nature and
8 circumstances of the offense. Or at least let me first
9 state the obvious, which is that the need to reflect the
10 seriousness of the offense and to promote respect for the
11 law and to provide just punishment, all of that favors a
12 substantial sentence in this case.

13 And the nature and circumstances have been
14 discussed a fair amount. And I want to just note the
15 defense has emphasized that Mr. Meggs was part of a security
16 detail. He was, in part.

17 That he led a prayer once he was inside the
18 Rotunda, was only in the building for 20 minutes, and
19 appeared to assist in ushering people out. I think that's
20 accurate as well.

21 There's a contest about whether he, in fact,
22 looked for Nancy Pelosi or not, calling it unfortunate, but
23 hyperbolic. If that's unfortunate and hyperbolic, there's a
24 fair amount of it.

25 Conspiracy to obstruct an official proceeding that

1 began in the days following the election. That is true.
2 But, of course, Mr. Meggs was convicted of seditious
3 conspiracy, the foundational elements of which, as I said,
4 did begin in the aftermath of the November election.

5 Also true that Mr. Meggs was not directly involved
6 in any kind of physical altercation with police, but some of
7 his cohorts were. And he will bear responsibility for that.

8 In terms of destruction of property, he bears some
9 responsibility for the damage to those doors, as jury found
10 his co-conspirators were as well, at least as an aider and
11 abettor.

12 And then the defense emphasizes that Mr. Meggs did
13 resign shortly after January 6th.

14 I want to step back, as I did this morning, and
15 this is primarily for Mr. Meggs' benefit, to just pause and
16 reflect on two words. The first is "sedition." The second
17 is "conspiracy."

18 I want to quote what the Supreme Court said in
19 1961 about conspiracy. It's a case called *Callanan*,
20 C-a-l-l-a-n-a-n.

21 "Collective criminal agreement. Partnership in
22 crime presents a greater potential threat to the public than
23 individual delicts. Considered action both increases the
24 likelihood that the criminal object will be successfully
25 attained and decreases the possibility that the individuals

1 involved would depart from their path of criminality. Group
2 association for criminal purposes often, if not normally,
3 makes possible the attainment of ends more complex than
4 those which one criminal could accomplish. Nor is the
5 danger of a conspiratorial group limited to the particular
6 end toward which it has embarked. Combination in crime
7 makes more likely the commission of crimes unrelated to the
8 original purpose for which the group was formed. In sum,
9 the danger which a conspiracy generates is not confined to
10 the substantive offense which is the immediate aim of the
11 enterprise." That is the law of the land.

12 The term "sedition," as I reflected upon in the
13 seditious conspiracy statute, was passed at the start of the
14 Civil War when the national government had limited authority
15 under the federal criminal law to detain and punish those
16 who supported the rebellion. The charge of treason, which
17 carried the death penalty, was the primary tool available.
18 But the Constitution defined that offense strictly, and
19 judicial opinions impose rigorous proof elements.

20 As part of the effort to meet the emergency war
21 posed, Congress enacted statutes to define crimes less than
22 treason. Congressmen believed these measures were necessary
23 since no statute on the subject existed and the common law
24 was not applicable.

25 So, Mr. Meggs, what you stand here today convicted

1 of is one of the most serious offenses an individual
2 American can be accused of, period, full stop. A jury found
3 that you were prepared to take up arms against your
4 government in order to prevent the lawful transfer of power.

5 I'll talk about the evidence in a moment but --
6 I'll talk about the jury in a moment, too. But I also want
7 to repeat what I said earlier, which is that, in my view,
8 there are sort of two enduring legacies, Mr. Meggs, of
9 January 6th; and that is the impact it's had on our
10 democracy, our politics, our elections. We now, if we
11 didn't before, but we certainly do now, hold our collective
12 breath in the hope that the next election won't see such
13 kind of violence, that we will not have members of our
14 community resorting to violence if they disagree with the
15 outcome of an election.

16 And a second important enduring legacy of that day
17 is the heroism of the police officers, the courage, their
18 bravery, their stamina. Some of those police officers
19 endured hours' and hours' worth of assaultive contact. The
20 fact that they were standing at the end of the day in an of
21 itself is nothing short of a miracle.

22 Officers Carrion and Salke, as they stood by those
23 doors, the only two officers standing between the
24 United States Capitol and a throng of thousands trying to
25 get through a door. Two. Two men. That's it. Two men and

1 a flagpole tried to keep thousands at bay. They were not
2 successful.

3 Officer Owens, along with his MPD colleagues in
4 that center hallway, thankfully, were more successful. But
5 nevertheless, the scars remain for them.

6 Officer Dunn, who's here and who talked about,
7 obviously, his -- discussed the pain he's endured. And I --
8 frankly, I appreciate, and I suspect he does as well, your
9 acknowledgement what he did that day, because I think that's
10 important for you to recognize. And I appreciate that you
11 have.

12 But, Mr. Meggs, I daresay that your view of your
13 actions and your conduct is at odds with what the undisputed
14 evidence really was.

15 This was one of these cases that the actual
16 evidence, for the most part, was not in dispute. The
17 messages were the messages. The things that were done were
18 the things that were done.

19 This wasn't a case where somebody had to come in
20 and say, "I saw John shoot someone." No. It was all on
21 video. It was recorded. We knew what you did. We knew
22 what you said. The only question was why you did what you
23 did.

24 Sure, there were some questions in the other trial
25 about Caleb Berry's truthfulness. The jury apparently

1 accepted it in that trial.

2 But there were people who testified that you were
3 looking for Stewart Rhodes and contemplating going into the
4 building during the first trial, and the jury evidently
5 accepted their testimony as well.

6 The GoToMeeting call, Mr. Meggs, yes, it was, in
7 part, about organizing for that next op. But I don't know
8 what anything like the following had to do with organizing
9 an op:

10 "We have an armed QRF outside the city awaiting
11 the President's orders to come in. That's our official
12 position. And the reason why you have to do it that way is
13 because that gives you legal cover.

14 "We very much in exactly the same spot that the
15 founders were in in March of 1777. Nothing left to do but
16 fight. We're not getting out of this without a fight. It's
17 going to be just like in Serbia. Go watch the videos.
18 You've got to build it up, basically. It's our own version
19 of the color revolution."

20 Those aren't your words. I understand those are
21 Mr. Rhodes' words. But you were on that call. You heard
22 them. And you walked away from that call thinking this is
23 just going to be about a security detail.

24 Mr. Rasheed, who we can all agree is a troubled
25 individual, he had the foresight and the clarity to know

1 that something is amiss here.

2 The months went on, Mr. Meggs, and your role in
3 this plan -- and we can talk for a moment about whether
4 there was a plan -- was as the government showed. You were
5 the leader of the group of Florida Oath Keepers who came to
6 Washington, D.C., with a cache of weapons, many of which
7 were stored in your truck. And you deposited them across
8 the river at the Comfort Inn.

9 The contention at trial was that they were there
10 for emergency purposes. Somebody will need to explain to me
11 some day why you need dozen of weapons for emergency
12 purposes if all you're there to do is a security detail, why
13 you need AR-15s if you're there for a security detail. I
14 suspect the jury had the same questions.

15 But your words, Mr. Meggs, weren't just bombasts.
16 You believe this. I mean, there's no other way to read
17 this. When you read -- if it's one message, great. I get
18 it. Two messages, three messages, you got carried away.

19 But I don't understand how anybody can stand here
20 today and say that this was just bombastic, that this was
21 not what I really meant.

22 "It's easy to chat here. The real question is:
23 Who's willing to die?"

24 To die? You were telling others on this
25 "OK FL Hangout" chat, "You need to prepare to die, and

1 that's what patriots did by the thousands." Again, it
2 doesn't sound like planning for a security detail.

3 You spoke to Mr. Liggett or emailed Mr. Liggett a
4 few days later or texted him from another militia group:
5 "We are thinking that this is the plan. He wants us to get
6 this shit kicked off," talking about how many men you're
7 going to have, how many Proud Boys are coming as a force
8 multiplier. Doesn't seem to have anything to do with a
9 security detail.

10 December 24th, Christmas Eve, you are writing the
11 "OK Florida Hangout": "We have then 10 to 12 staying there,
12 so it's going to be a wild time in D.C. We've got to get
13 the crowd going during the day. I think we get everybody up
14 good and close to the Capitol building so they can hear us
15 inside. Then at night, well, whatever happens, happens."
16 Again, it doesn't sound like a security detail.

17 "Need to make those Senators feel very
18 uncomfortable with all of us being a few hundred feet away.
19 Our peaceful protests need to have a little more teeth.
20 They aren't listening.

21 "Yes, but like we've said a million times here,"
22 reemphasizing what the message has been for weeks, "that the
23 tree of liberty must be refreshed from time to time with the
24 blood of patriots and tyrants. There will be blood in the
25 streets, no matter what."

1 So, Mr. Meggs, I understand that when you look at
2 the evidence and you look deep into your heart, that you see
3 a different set of facts and different set of inferences to
4 draw from those facts. You see different conduct than what
5 the jury saw. That's okay. That's fair.

6 But we have a process, like the one that you've
7 been subjected to, for a reason. We asked 12 people to get
8 in that jury box, spend two months of their lives here to
9 determine what the evidence showed. Not what one
10 subjectively believes they did. What the evidence showed.
11 And in the minds of 12 people, beyond a reasonable doubt,
12 you committed offenses, conspiracy offenses, in multiple
13 ways that day.

14 They rejected the idea that you were going in just
15 to help police officers. They rejected the idea that you
16 were there just to do security that day. They rejected the
17 notion that you were trying to get your folks up there to go
18 to Area 8 when you never stepped on that part of the Capitol
19 complex. You never even moved toward it, from what the
20 video showed. They rejected the idea that you and
21 Stewart Rhodes did not in some way, I think, coordinate
22 before you went in that building.

23 And they certainly did not think you were just
24 hanging out idly as you stood in front of the Speaker of the
25 House's office suite. I trust the thoughtfulness, the

1 diligence, and the ultimate conclusions of those 12 people.

2 Mr. Meggs, I am -- I don't for a moment want to --
3 for you to think that what occurred in those weeks and
4 months sort of defines who you are. I don't think that.
5 I actually -- you know, I've read your background. Your
6 family is here.

7 You seem to have led, up until the months before
8 January 6th, a life that any one of us would say is a life
9 well led and a life worth living. I am very impressed at
10 how you have taken yourself from fairly modest beginnings to
11 where you have become professionally and the standing that
12 you achieved in your line of work. It is a testament to who
13 you are. You don't get to that point in any line of work
14 without hard work, dedication, diligence, all of the kind of
15 attributes that we want people to have.

16 Your family, your son, your wife, grandchildren
17 obviously care a great deal about you. People in your
18 community care a great deal about you. I don't discount any
19 of that, Mr. Meggs, and I feel your pain today. I do.
20 I feel it deeply. I feel it deeply for every single person
21 I've had to sentence in connection with these cases.

22 I'll say it once more. I've said it dozens of
23 times, and I'll say it again: It is astonishing to me how
24 average Americans somehow transformed into criminals in the
25 weeks and on January 6th.

1 Regrettably, Mr. Meggs, everything you worked for,
2 everything you built, everything you did in your life
3 vanished in a matter of a couple months. For reasons that
4 are unclear to me, planning and scheming with others to
5 bring rifles to Washington, D.C., maybe became more
6 important than family.

7 Contemplating violence on the streets of
8 Washington, D.C., to prevent the transition of power, maybe
9 you were just under the spell of Mr. Rhodes. I don't know.

10 But even today, Mr. Meggs -- and I get it
11 I understand. And I don't really blame you for it, unlike
12 Mr. Rhodes, who I think continues to pose a real threat to
13 the Republic. You're not in the same category.

14 But you do continue to say things that are just
15 not consistent with reality. You know, back in January, you
16 told a Fox TV station that police did not prevent you from
17 coming in. I don't know how anybody can watch that video of
18 the entry and think that you were invited in; that the
19 police just thought it was okay for you to walk through that
20 door; that somehow if there was more CCTV footage out in the
21 world, that the real truth would be revealed for the world
22 to see and that you would be acquitted and exonerated. Your
23 lawyers had access to every single hour of video coverage
24 that covered your conduct that day.

25 And most recently calling what happened here in

1 this courtroom "a BS trial."

2 Okay. I understand the sentiment.

3 But in the end, Mr. Meggs, there are factors that
4 are weighty here that are beyond the remorse that you now
5 have. They are factors to ensure that people in this
6 country understand that violence is not the answer; violence
7 cannot be resorted to simply because you disagree with who
8 got elected.

9 We have a process. It's called an election. And
10 if your guy or gal loses, you hope it turns out better next
11 time. You don't take to the streets with rifles. You don't
12 hope that the President invokes the Insurrection Act so you
13 can start a war in the streets or join him for a war in the
14 streets.

15 You don't rush into the U.S. Capitol with the hope
16 of trying to stop the electoral count. If we allow that to
17 happen, if we don't stand for the rule of law, if we don't
18 make sure that people understand that that kind of conduct
19 has consequences, we will slowly but surely descend into
20 chaos. And that's why we're here today, and the sentence
21 will reflect that.

22 It's the judgment of the Court, Mr. Meggs, that
23 you will be committed to the custody of the
24 Bureau of Prisons for concurrent terms on Counts 1, 2, 3,
25 and 8 of 144 months. 72-month count to run concurrently on

1 Count 4.

2 You will be sentenced to serve 36 months of
3 supervised release as to each of the counts, 1, 2, 3, 4, and
4 8, to run concurrently.

5 In addition, you are ordered to pay a special
6 assessment of \$100 per count, for a total of \$500.

7 While on supervision, you shall abide by the
8 following mandatory conditions, as well as all the
9 discretionary conditions recommended by the Probation Office
10 in Part D of the sentencing options of the Presentence
11 Report. They include not committing another federal, state,
12 or local crime; not controlling an unlawful -- excuse me.

13 You must not unlawfully possess a controlled
14 substance. You must refrain from unlawful use of a
15 controlled substance. You must submit to one drug test
16 within 15 days of placement on supervision and at least two
17 periodic drug tests thereafter. You must cooperate in the
18 collection of DNA, and you must make restitution as I order
19 it.

20 Substance abuse testing.

21 You must submit to it if it is determined that you
22 have used a prohibited substance.

23 You must not associate, communicate, or otherwise
24 interact with any known or unknown member of a terrorist
25 organization or any other known or unknown criminal

1 extremist group or individual. This includes persons who
2 are or claim to be involved with violent acts or advocating
3 for acts of violence and any persons who are located outside
4 the United States without the approval of the probation
5 officer.

6 If you are inadvertently -- if you inadvertently
7 associate, communicate, or otherwise interact with a known
8 terrorist or extremist group or individual, you must
9 immediately report this to the probation officer.

10 You must seek the approval of the probation
11 officer if you wish to access, view, or use any online
12 social media. You must not download any social media apps
13 to your phone or your computer. You must not access social
14 media or any other device not approved by the Probation
15 Office. Social media includes social media sites, chat
16 services, blogs, and the like.

17 You also must not access, view, or use any -- or
18 possess any extremist media. This includes materials such
19 as literature, video, photos, social media, et cetera, that
20 promote the use of violence to further an ideological or
21 religious cause. If you inadvertently access, view, or use
22 or possess such material, you must immediately report this
23 to the probation officer.

24 To ensure compliance with these conditions, I will
25 authorize that your computer and other devices be monitored.

1 You must allow the probation officer to conduct an initial
2 and periodic unannounced searches of any computers subject
3 to the computer-monitoring condition. That includes any
4 desktops, laptops, mobile devices, smart watches, et cetera.
5 These searches shall be conducted to determine whether the
6 computer contains any prohibited data prior to installation
7 of the monitoring software, whether the monitoring software
8 is functioning effectively after its installation, and
9 whether there have been attempts to circumvent the
10 monitoring software after its installation.

11 You must warn any other people who use these
12 computers that the computers may be subject to searches
13 pursuant to this condition. A probation officer may conduct
14 a search pursuant to this condition only when reasonable
15 suspicion exists, if there's a violation of a condition of
16 supervision, and that the computer or device contains
17 evidence of this violation. Any search will be conducted at
18 a reasonable time in a reasonable manner.

19 You must not use any devices designed to encrypt,
20 disguise, mask, or anonymize your online activity. And you
21 shall not use any online gaming services or systems,
22 including mobile device applications without the consent of
23 the Probation Office.

24 You shall not use any telecommunications
25 applications software product, such as Skype, Discord, and

1 the like or any other software that specializes in providing
2 chat and voice calls between computers, tablets, mobile
3 devices, and the like, again, without the consent of
4 probation.

5 You must provide the probation officer access to
6 any requested financial information and authorize the
7 release of any financial information. The probation office
8 may share financial information with the
9 U.S. Attorney's Office.

10 I will authorize the transfer of supervision to
11 the jurisdiction to which Mr. Meggs is released, but I will
12 maintain jurisdiction over his supervision.

13 The Court is not going to impose a recommended
14 fine, given the financial circumstances you and your family
15 find yourselves in. Restitution payments, however, whatever
16 they may be, will need to be made to the Architect of the
17 Capitol at a time to be determined.

18 The financial obligation to this court is
19 immediately payable to the Clerk of the Court of the
20 U.S. District Court for the U.S. District Court for the
21 District of Columbia. Within 30 days of any change of
22 address, you shall notify the Clerk of the Court of the
23 change until such time as the financial obligation is paid
24 in full.

25 The probation office is authorized to release the

1 Presentence Investigation Report to all appropriate
2 agencies, including the probation office in the approved
3 district of residence, in order to execute the sentence of
4 the Court. Any treatment agencies shall return the
5 Presentence Report to the probation office.

6 You do have the right to appeal your convictions
7 and your sentence, Mr. Meggs. You shall do that within
8 14 days after the Court enters judgment. If you cannot
9 afford the cost of an appeal, the Court can waive the costs
10 of an appeal. And if you cannot afford counsel for purposes
11 of such an appeal, you can request court-appointed counsel
12 for such purpose.

13 Let me just add one more footnote here, and that
14 is the explanation of why I ended up where I did with
15 Mr. Meggs.

16 He's not Mr. Rhodes. He's just not. He doesn't
17 pose the kind of threat and concerns that I have of
18 Mr. Rhodes. He wasn't the intellectual and spiritual leader
19 of this outfit. But I thought the record -- excuse me --
20 the evidence and this ultimate sentence was proportionate
21 with what his responsibility was for the conduct over that
22 period of time and for his acts on that day. So I just want
23 that to be clear on the record.

24 Are there any objections, Mr. Woodward, you'd like
25 to place on the record at this time?

1 MR. WOODWARD: No, Your Honor.

2 THE COURT: Any requests, Mr. Woodward, for
3 placement?

4 MR. WOODWARD: Yes, Your Honor. Actually, that's
5 what he was asking me.

6 THE COURT: All right.

7 MR. WOODWARD: We would request placement at the
8 Coleman facility, which is in South Florida --

9 THE COURT: Okay.

10 MR. WOODWARD: -- Central Florida.

11 THE COURT: All right.

12 So the judgment and commitment will reflect that
13 recommendation.

14 All right. With that -- yes, Mr. Nestler.

15 MR. NESTLER: Just a technical matter, Your Honor,
16 for restitution. I know you went over it this morning for
17 Mr. Rhodes, but you didn't do it again for Mr. Meggs's
18 benefit.

19 For the record, the government would request under
20 18 U.S.C. 3664(d)(5) the opportunity to provide the Court
21 with additional information about restitution to be handled
22 at a later date.

23 Thank you.

24 THE COURT: And just for your benefit, Mr. Meggs,
25 I deferred on the issue of restitution because I've raised

1 some legal questions about the amount and the proportions
2 and individual responsibility. The law allows me 90 days
3 after either today or the sentence is imposed to deal with
4 the restitution, and so that will be coming in short order.

5 Anything else, Counsel?

6 MR. NESTLER: No, Your Honor. Thank you.

7 THE COURT: All right. Mr. Woodward?

8 MR. WOODWARD: No. Thank you, Your Honor.

9 THE COURT: All right. Thank you, all, very much.
10 Mr. Meggs, best of luck to you, sir.

11 COURTROOM DEPUTY: All rise.

12 This Court stands in recess.

13 (Proceedings concluded at 4:31 p.m.)

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C E R T I F I C A T E

I, William P. Zaremba, RMR, CRR, certify that the foregoing is a correct transcript from the record of proceedings in the above-titled matter.

Date: June 1, 2023



William P. Zaremba, RMR, CRR

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