



I. Introduction

Comes now Defendants Linwood Robinson Sr., Linwood Robinson II, Benjamin Robinson, and Brittany Robinson (“Defendants”) by and through their undersigned counsel of record, William L. Shipley Esq., and respectfully submits to this Court this combined Sentencing Statement in advance of the Sentencing Hearings on August 2 and 3, 2023.

Defendants appear for sentencing before this Court having pled guilty to Count Four of the Information, a violation of 40 U.S.C. §5104(e)(2)(G) – Parading, Demonstrating, or Picketing in a Capitol Building.

Defendants face a statutory maximum penalty of up to 6 months imprisonment and a fine up to \$5,000.

II. Sentencing Guidelines Calculation

A violation of 40 U.S.C. §5104(e)(2)(G) – Parading, Demonstrating, or Picketing in a Capitol Building -- is a Class B misdemeanor, with a maximum term of imprisonment of up to 6 months.

The Sentencing Guidelines do not apply.

III. The Offense Conduct.

The written plea agreements were entered into based upon a written “Statement of Offense” that outlined the factual basis to support the guilty plea of each defendant. The Probation Officer has accurately set forth in the Presentence Report the relevant facts based upon the information in that Statement of Offense. Additional information regarding the factual conduct of each defendant is set forth below, but the additional information only supplements and provides some context with regard to mitigating

circumstances, a is not intended to contradict the Offense Conduct portion of the Presentence Report.

IV. Sentencing Factors Under Sec. 3553(a)

Pursuant to 18 U.S.C. § 3553(a) factors that must be taken into account by the Court in formulating an appropriate sentence in this case, the facts of this case, including the facts of the offense, as backgrounds and personal histories of the Defendants should inform this Court with respect to the following issues for purposes of sentencing.

1. Nature and circumstances of the offense and the history and personal characteristics of the defendant.
  - a. The Nature and Circumstances of the Offense.

For the most part the actions of the Defendant's on January 6 are not in dispute. As Judges in this District have recognized after reviewing hundreds of cases involving the events of January 6 in great detail, the crowd at the Capitol that day can be generally categorized as having three distinct groups:

1) a relatively small group of individuals who came to the Capitol for the purpose and with the intent to engage in violence to disrupt the certification of the 2020 Electoral Vote.

2) a larger number of individuals who intended to protest in a loud and disruptive manner as a manifestation of their unhappiness and distrust with regard to the outcome of the election -- but without a predetermined intention of engaging in violence. Some individuals in this group committed obstructive acts and/or acts of violence in a mostly spontaneous manner as events of the day unfolded; and

3) an even larger group of persons who were present to protest but remained primarily as spectators to what developed into a riot by members of the first two groups. Some members of this third group entered into the Capitol for period of time, walked around, and then exited – thereby violating various federal laws.

Based on their actions as described in the offense conduct, the members of the Robinson family in this case fall within this third group of protestors. They traveled to Washington, D.C., to attend the planned and advertised “Stop the Steal” rally at the invitation of rally organizers and then President Donald Trump. Their reason for attending the rally was to express their unhappiness and concerns over perceived irregularities of the 2020 presidential election as widely debated in the media for nearly two months at that point. The plan to attend the rally did not include any intention of visiting the Capitol.

Linwood Robinson Sr., the patriarch of the family, had owned and operated a business that was being adversely impacted by state and federal policies implemented by in response to the COVID 19 pandemic, and the economic hardship created for his family by those policies influenced the decisions of all four family members to attend the protest.

Each Robinson family member has a recollection of events from their personal conduct, experiences, and observations during the course of the events of the day, that more fully informed their decision-making to enter the Capitol, their conduct inside the Capitol, and the course of action in trying to find an exit from the building. These individual recollections, as well as

personal biographical information concerning each family member is set forth below:

i. Linwood Robinson Sr.

Linwood Robinson Sr. was born in Lancaster, New Hampshire, and moved to Greenville, New Hampshire when he 6 months old.

Linwood Sr. was raised in a lower socioeconomic household, and for much of his time in school he was the victim of bullying and harassment until he simply quit. His father was emotionally distant and did not have much social interaction with his children. He father worked in agricultural fields and the children, including Linwood Sr., were all aware that his father was not faithful to their mother for the entirety of the 60 years of their marriage. The combination of the two factors led Linwood Sr., and his siblings to believe that their father was unhappy in the life he created, and there was a lack of any true loving family environment during his upbringing.

Linwood Sr. believed that if he went to work and provided financial assistance to the family this would win him favor from his father, and with the permission of his mother he dropped out of high school to go to work. This was not thought by Linwood Sr. to be much of a sacrifice as he was not an eager student due to his own difficulties with classmates. The pervasive use of drugs in his school, and his decision to not become involved with that, led him to have few friends.

At the age of 19 he met married his first wife, and not long after they had a daughter, Lindsey. Around this time, Linwood also became involved in his local church. His first marriage ended in divorce after two years, and Linwood

Sr., sought and received full custody of Lindsey. For a period of time Linwood raised Lindsey as a single-father with the help of his parents, and relied upon the strength of the of the relationships he formed with members of his church to assist him to raise his daughter. In this time he came to better understand the traumas of his own upbringing as a child, and how to avoid having the cycle repeat itself in his life.

In 1988, Linwood met Kathleen his wife, and they were married in April of 1989. Their first son, co-defendant Linwood II was born in May 1993. Following that, Linwood and Kathleen had their daughter Summer Rose in 1995, Benjamin Scott in 1997 and Nehemiah Brentley in 1999. Along with Lindsey from his first marriage, Linwood Sr. and Kathleen have raised 5 children together in their 34 years of a marriage.

In 2004 Linwood Sr. and Kathleen bought the family's first home, and they decided to homeschool their children. Linwood Sr. operated an automotive mechanic business, and as part of that he developed a towing business that has expanded over time to serve communities in both North and South Carolina.

With respect to the events leading up to of January 6 and the Robinson family's trip to Washington D.C., many individuals among Linwood Sr.'s friends, customers, and business associates were discussing what they all believed to be problems with the outcome of 2020 Presidential election. There was discussion about the need to go to Washington D.C. and participate in the planned protests, as it was believed there would be "strength in numbers." With no expectation other than to be a member of a large crowd at the "Stop

The Steal” rally at the Ellipse, Linwood Sr., and members of his family decided to make the trip in order to attend the rally. No consideration was given to the idea of a political rally devolving into a riot that would extend to the interior of the Capitol and include violence directed at elected officials and law enforcement officers present.

But the motivations of Linwood Sr., were not simply about the outcome of the election. Linwood Sr.’s business, which provided the financial support for not just him and his wife, but for four of his adult children and their families as well who rely on the business for their jobs and income, had been negatively impacted by various state and federal policies put in place because of the COVID-19 pandemic, and Linwood Sr.’s decision to attend the protest rally was because of actions taken to combat Covid that had negatively affected the family’s business.

The Robinsons traveled from South Carolina to Washington D.C., on January 5, spending the night with a family friend in Virginia. The group included the four defendants one minor – the teenage grandson of Linwood Sr. The trip was not coordinated with any other person or group.

On January 6 the family drove into the Capital and attended the “Stop the Steal” rally as planned. At the conclusion of the speech by former President Trump, the family moved with the massive crowd to the Capitol building. The movement of the crowd was never halted even as it closed in on the entrances to the building itself – although the large crowd did not move fast. Once they were at the building, information being passed around among the crowd members – and communicated to Linwood Sr. by members of his

family -- was that either US Capitol police or some other law enforcement agency was telling the crowd it was okay to enter the building as long as they did not damage anything. At no time was Linwood Sr. directly told by any one in an official capacity that he could, in fact, enter the Capitol building. He followed the movement of the large crowd as people in front of them entered the building.

Once inside, Linwood Sr. asked an individual he thought appeared to be a US Capitol employee -- based on his attire — for directions on where to go and the man directed him to the front of the crowd which had paused. At that location Linwood Sr. met a woman who instructed the family on which direction to take inside the building.

Linwood Sr. did not have any understanding of the interior layout of the Capitol and had no idea where inside the complex of the Capitol building they had entered, or what parts of the Capitol were in the direction they were moving. After walking down a hallway and reaching an area he later learned was on the House of Representatives side of the building, Linwood Sr. witnessed others damaging property. He instructed the family members with him to not engage in that kind of conduct as that was not their reason for being there.

At the end of the hall, Linwood Sr. was among the crowd at the front of the House Chamber doors, at almost the exact time that Ashli Babbitt was shot by a Capitol Police Officer in that location. This event caused the crowd in that location to become chaotic, and Linwood Sr. and his family followed directions to go up a set of nearby stairs to an exit, as it was not possible them to turn



around and go back the way they had come due to the size of the crowd behind them.

After leaving that area, Linwood and his family stopped near “David’s Camp” and prayed. Linwood and his entire family were disturbed and outraged by the protestors they saw causing damage and the unruliness of the crowd that led to the shooting of Ms. Babbit.

After exiting the Capitol, he and his family walked to a nearby Metro station and went back to a location near where they had parked their car. They left Washington D.C. and returned home to South Carolina that night.

ii. Linwood Robinson II.

Linwood II was born and raised in Indian Land, South Carolina. He was home schooled his entire life. He grew up attending church and working in his father’s mechanics shop from the time he was 6 years old, where he continues to work to this day.

He joined Boy Scouts at age 11 and achieved the rank of Eagle Scout. After high school he attended community college focusing on automotive repair, but dropped out and did not finish his degree because of an addiction to controlled substances. Linwood II’s life was heavily influenced by drug use from ages 18 to 21, but he used the assistance of addiction counseling, his family, and his church to overcome his addiction.

Linwood II took dance lessons for more than 11 years while growing up and became an accomplished young male dancer. But beginning around the age of 14, his dance instructor introduced him to controlled substances and

then began to sexually abuse him. This sexual abuse continued until Linwood II was 18 years old, and rampant drug abuse by him continued thereafter.

When he turned 21, Linwood II realized the path his life was on would lead to disaster and made a decision to get help to straighten his life out. For the first time he told his parents about the abuse he had suffered over several years at the hands of his dance instructor. Local law enforcement was contacted. Linwood II participated in police investigation to gather evidence against the dance instructor, including Linwood II wearing a recording device and obtaining a confession and apology from the instructor which was used by the police in the case against him.

Linwood II was able to end his addiction and began working with a therapist to deal with the years of mental and emotional turmoil he had gone through. In the aftermath he has become an advocate for sexual abuse victims in his community, and this advocacy and assistance has become a big part of his life as a young adult.

He and his wife, co-defendant Brittany Robinson, met when they were 24 and have been married for 3 years. They just recently purchased their first home and have plans to start a family.

Linwood II went to Washington D.C., with other members of his family because he believed there were issues with the outcome of the election that required further investigation, and he wanted to be part of a demonstration and protest that might cause such an investigation to take place. As someone who had benefitted from the process of the criminal justice system in his community, he believed the process should be honored, and in this instance

part of that process should have involved an investigation of the widespread allegations regarding voting irregularity in the weeks following the 2020 election.

Linwood II grew up as an observer of politics and had watched all the Presidential Inaugurations for 20 years on television. He would have shown up to protest regardless of the political party because he was not there to protest on behalf of former President Trump. He was there to protest on behalf of those, like him, who thought questions regarding the integrity of the voting process were being brushed aside without meaningful inquiry.

On January 5, 2021, Linwood II traveled to and stayed at a family member's home in Virginia along with his father, wife, brother, and nephew.

On January 6, 2021, the group entered Washington D.C. to attend Trump's "Stop the Steal" rally, and then along with his family he followed the crowd to the Capitol Building.

Linwood II entered the building through doors after watching two or three officers inside enter into a small room and shut the doors, seemingly unconcerned about the crowd. He then exited the building and located his family. Together they entered the building again following along with the crowd. His understanding was that people in the crowd were saying Police had given the crowd permission to enter as long as they didn't break anything. It seemed like this was part of a crowd-management decision.

Once inside, Linwood II followed the crowd until the group they were in arrived in front of Speaker Pelosi's office. At this location he saw other protestors begin to act in violent and destructive ways, including seeing one

young man smash a glass-top table with an object that looked like a “fire poker.” At that point his father told the group to get involved with any of the violent actions of others.

One member of their group needed to use a restroom, and they were given directions on where to go by someone who seemed to work in the building. But as the crowd grew larger, and he saw indications of others wanting to exit the building, he developed a suspicion that they were misled about entering and they were not permitted to be inside. At that point, he and his family were looking for a way to exit the building.

Following the directions they were given, the family ended up in front of House Chamber doors. Linwood II heard the gunshot that killed Ashli Babbit but did not see the event happen. But at that moment he decided that it was time for the group to leave before anything other shootings occurred. The group found their way to an exit, and then immediately to a nearby Metro station.

iii. Benjamin Robinson

Benjamin Robinson was born and raised in South Carolina. He is 25 years old, and married with two young daughters. He works as an automotive mechanic in his family’s business and has worked in his father’s automotive repair shop since he was a young boy.

He grew up with two brothers and two sisters in a household with both parents present and attentive to the needs of their children. He was homeschooled and continued his education in the art of metal fabrication and welding.

His parents enrolled him in many youth sports and other activities while growing up, right to the point of his high school graduation. He was a member of his high school swim team and also a Boy Scout along with his older brother Linwood II. Like his older brother, Benjamin Robinson attained the rank of Eagle Scout, the highest achievement level in the Boy Scouts.

He spent his free time in the garage with his father, learning to work on small engines first, and eventually advancing his knowledge to the point where he was working on vehicles from small cars to large trucks in their home community of Fort Mill, South Carolina. He also works in the family towing business throughout South Carolina and North Carolina

At the age of 16, he met my now wife, Erika Robinson. Their first daughter, Isabella Robinson, was born one year later. Their second daughter, Haven Robinson, was born one year after Isabella. After renting homes in North Carolina for five years, Benjamin and his wife recently purchased their first home in South Carolina, and he continues to work as mechanic in the family business.

Benjamin traveled to Virginia with his father, brother, sister-in-law, and nephew on January 5, 2021, and then into Washington D.C. on January 6, 2021 to attend the "Stop the Steal" Rally.

At the conclusion of the rally, Benjamin accompanied the rest of his family and the crowd to the United States Capitol Building. The decision to do so came after hearing former President Trump invite all of the attendees at the rally to walk down to the Capitol with him to allow their voices to be heard.

Prior to entering the Capitol building, Benjamin was separated in the crowd from some of his family members. He first entered the building alone, going inside behind individuals who he believed to be police officers. He then exited, found his family, and the group entered into the building following the crowd. He believed officers were instructing the crowd they could enter as long as they didn't damage anything, but no officer made that representation to him directly.

After entering the building, Benjamin and his family followed the crowd that was given directions on which way to go individuals inside the building he believed were U.S. Capital Police. As the crowd moved through the building they ended up at Speaker Pelosi's office. There he witnessed other protestors entering her office and doing damage to items inside. He went inside briefly and yelled for them to stop. He then turned around and exit the office to rejoin his family.

Still moving along with the crowd, the group came to the set of doors outside the House Chambers. Other members of his family went to a nearby restroom.

At this point, CCTV video shows Benjamin kicking at the bottom of the House Chambers door, as if trying to cause them to open. Benjamin has watched the video and can see his conduct, but he is unable to remember that moment in time or explain what his thinking was other than he recalls looking for doors that might lead to an exit from the building.

It was shortly after this that Ashli Babbit was shot very close to this location, the crowd turned chaotic, and Benjamin and his family hastened their search for an exit.

iv. Brittany Robinson

Brittany Robinson, the wife of Linwood Robinson II, is the daughter of an active-duty combat infantry Marine with 24 years of active-duty service. This led Brittany through a childhood of constant upheaval and relocation as her father's duty assignments changed.

When Brittany was 9 years old her mother passed away suddenly, and her father moved the family to Northern Virginia to be closer to his extended family in order to find support in raising his children when he was deployed.

Her father eventually remarried, and Brittany grew up in Culpeper, Virginia, raised by her father and stepmother along with her 5 siblings. Brittany was too young when her mother died to fully understand how that event would alter her life, but as she has become older she continues to cope with the grief from that void in her life. Each milestone in her life serves to remind her of her mother's absence.

Brittany became attached to her oldest sister who took on a mother-figure role in Brittany's life through her teenage years. However, when Brittany was 17 her sister overdosed and it was uncertain whether she would survive.

Her sister did survive, but she never managed to free herself from her addiction, and Brittany ended up having to move in with another family member. The loss of this relationship with her older sister continues to be a

source of unhappiness in her life, but her separation from her sister likely prevented her from following in the footsteps of her sister's lifestyle.

Brittany began working part time at 16 and started taking classes at the community college, after receiving generally good grades in high school. Brittany has worked full time since she was 18 years old. She became employed in the dental field for the first time at age 20, and has made successful career as an office manager for corporate dental services provider.

Brittany still has close relationships with her parents, grandparents, siblings, nieces and nephews. Brittany was raised in a conservative household with a strong military presence. She attended the Jan 6th rally to hear former President Trump's speech. She had never been to a political rally before, and was not originally planning to join her in-laws on the trip. But the day before she changed her mind and decided to attend as well.

Brittany had grown up northern Virginia, and her mother is buried in an Arlington cemetery so she has visited the area many times in her life. She did not consider the trip to Washington D.C., to listen to Trump to be an "unusual" undertaking for her, having been many times in the past and not expecting anything to happen other than attend the rally, listen to the former President's speech, and then leave.

After the rally ended Brittany along with her husband and his family followed the crowd to the United States Capitol Building.

Brittany first entered the building in a small doorway behind two or three police officers and then immediately exited. She and the rest of the family then entered the building following the direction the crowd was moving as the crowd



was being based on the belief that this was being done pursuant to instructions that the crowd could enter the building as long as they did not cause any damage. That condition was being discussed among the crowd members and the family.

Once inside the building, Brittany asked people she believed worked there where they could go. She was instructed on what direction they should take and was told that no one should touch anything while they were inside.

Following along in the crowd she reached the House Chamber doors. She then left the other family members and asked an individual for directions to a bathroom – which she was directed to. While she was in the bathroom, the shooting of Ashli Babbit took place. After the shooting, she exited the bathroom and found her family. She watched her brother-in-law Benjamin then usher her and the rest of the family towards a stairway, eventually finding an exit.

Once outside the building, she along with the rest of the family made their way to nearest Metro station and left the city.

2. The Remaining 3553(a) Factors Applicable Here.

This Court, as a matter of justice and equity, should treat the Robinson family no different than other misdemeanor offenders convicted in connection with the riot at the Capitol on January 6. They entered the building without express authorization at a time they were not lawfully permitted to do so, and during a time when United States Capitol building and surrounding grounds were closed to the public.

Linwood Robinson Sr., along with his sons, owns and operates a business that the entire family relies on. Both Linwood Robinson II., and Benjamin Robinson work full-time at the family-owned business and have been working there since they were knee-high to their father. While the PSRs show that the men of the Robinson family have had encounters with law enforcement, most if not all of those encounters are from years ago, or had significant extenuating circumstances as chronicled above. As for Linwood II, and Benjamin, most of their past legal issues were a result of their admitted addictions to controlled substances. Both sought help for their recovery, and there have been no issues with their pretrial release in this case.

Given their actual conduct on January 6, sentences of probation for each of the Defendants would be the most reasonable response from this Court to address the nature of the nature of their criminal acts. Anything beyond that is unnecessary and does not advance the public policy interests set forth in Sec. 3553(a).

This Court itself has acknowledged that such sentences are appropriate in substantially similar cases. United States v. Wiesmar, 21-cr-00592-1, United States v. Frankowski, 21-cr-00592-2, United States v. Cronin, 21-cr-00233. In each of those cases the Government asked for a term of incarceration, but the Court determined that such a sentence was not warranted by the facts and that a sentence of probation was sufficient detention to accomplish the Sec. 3553(a) policy goals.

The Defendants in Wiesmar and Frankowski are similar to the Robinson family – and may have even done more while within the Capitol. They entered

the Capitol building following the crowd just as the Robinsons, but then traveled to different locations while inside the building and spent more time inside. Wieseemar and Frankowski both entered two Senate offices and spent several minutes inside each. Similar to the Robinsons, they caused no damage to the building nor engaged in any violence.

Cronin is also similarly situated to the Robinsons. He entered the building and met up with his codefendants, and the group made its way towards the Senate side of the Capitol. After being in the building for a short time, Cronin exited the building the same route he entered. Again, like the Robinsons, Cronin entered the building, spent some time traveling through the halls, then exited the building causing no damage nor engage in violence.

Further, this Court should also recognize the sentence handed down by District Judge Mehta in United States v. Greene, 21-cr-00028. Defendant Greene went to trial, was acquitted of four felonies but found guilty by a jury on a Class “A” misdemeanor – he did not plead guilty and maintained his innocence even at sentencing. Nevertheless, Judge Mehta found it proper to sentence Greene to only two years of probation based on the totality of the evidence heard at trial.

#### DEFENDANT’S SENTENCING RECOMMENDATION

Based on specific offense conduct here, and taking into consideration all the factors set forth by Congress in Section 3553(a), a sentence of probation lasting the number of years considered most appropriate by the Court for each defendant accomplishes the purposes of Section 3553(a) and is a sentence with respect to each of the Robinson family members that adequately addresses the

seriousness of the offense involved, and promotes future respect for and adherence to the law not only by them but by the public at large as well.

Date: July 24, 2023

Respectfully Submitted,

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