

The Capitol Riot Cases

Dennis Boyle's Statement Before the D.C. District Court

On September 23, 2022, Dennis Boyle presented the following argument during a sentencing hearing on behalf of his client. This client accepted responsibility and pleaded guilty to the offenses he was charged with for his actions on January 6th. During a federal sentencing hearing, the Assistant United States Attorneys, the defendant as well as his attorney are permitted to address the court and argue for a recommended sentence. The judge imposes the sentence; he or she is not required to follow any recommendation from the government or the defense. In this case, the judge imposed a sentence of 41 months' imprisonment, an excellent sentence under the circumstances.

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There are evil and malevolent forces at work in our country, evil men around the world from Moscow to Mar-a-Lago who would destroy this great country. The United States stands as a firm bulkhead against authoritarianism and totalitarianism internationally and as a shining example of the power of democracy in every country.

But this democratic ideal threatens the existence of totalitarian regimes that fear the power of democracy in their own countries. The rule of law that flows from these democratic ideals and our Constitution threaten those who engage in criminal conduct, including the former president and high-ranking officials in this country. The very concept of the United States presents an existential threat to these evils.

If we are to understand what happened on January 6th, if we are to understand the Government's video in context -- and the Government's presentation was a fair and accurate representation of what happened -- but if we are to put it in context, then it's necessary to confront an inconvenient truth about January 6th: The truth is that it was orchestrated by people at the very highest levels of the

U.S. Government, people like the former president, malevolent actors in Congress and within the Department of Justice and other federal agencies.

Even to this day, we hear our elected representative--senators and representatives perpetuate a false narrative that nothing bad happened on January 6th, that it was no different than any other protest. We know this is false, but the poison continues to spread through the body of politics of this nation.

The flames of hatred and division that sparked the attack were fanned by leaders in the media, who continue to fan those same flames of hatred. They refer to [redacted] as a political prisoner or as a patriot or as a hero.

When I first met [redacted] nearly a year ago, even at that time, he hung his head in shame as he acknowledged what he did and how wrong it was. [redacted] knows that these characterizations of him and others at the Capitol were a lie. His life has been changed forever because he believed the lies he heard. He will face the consequences of this action, of his actions, actions that were motivated by the lies of others, for the rest of his life. He has already suffered severely. He's lost his longtime girlfriend, his family. His relationship with his son has been impacted. He's lost the house that he lived in and the job and the steady way of living that he had.

As Edward Buhler Lytton wrote two centuries ago, the pen is mightier than the sword. And that's what I think of in this case. I think that quote is often used to reflect the sentiment that truth as expressed in the pen will overcome violence. It was actually from the play *Richelieu*, however.

The words uttered by Cardinal Richelieu in the play expressed his belief that words can be used to manipulate people and to cause violence. And that's what happened in this case.

That is what we see now: Leaders in the media use written words to undermine the truth and to mobilize people, often good people, to take actions they never would have otherwise taken on their own. Prior to January 6th, these media stars, an army of radio talk show personalities and podcasters who profit from chaos and disorder, beat a steady drumbeat, a drumbeat that still can be heard across this country today:

"President Trump won the election. The election was stolen. There was massive voter fraud."

These are all lies, and the people that perpetuate them at the highest levels know they're lies. The people who hear these lies on TV and radio and over the internet, however, don't know they're lies. They believe or in many cases believed that they were the truth.

For the most part, these folks are good people. But they're unsophisticated and not highly educated. They never learned of concepts like confirmation bias. They had always been taught to be respectful of authority; and to them, unfortunately, that authority was Donald Trump. And if they did have any question about Trump's authority and whether what Trump said was true, the Trump propaganda machine and its associated grifters and sycophants were there to reinforce the lie.

To use a Napoleonic war analogy, people like [redacted] are like the people who were in the front lines of combat. They marched forward as their generals watched from telescopes far away.

They suffered the enemy's musket balls and cannon fire, and in the end they died. They were merely cannon fodder. The people who watched from afar from a safe distance would quickly abandon them if they lost or swoop in to take credit if they won.

And that's the way it still is, your Honor.

So who bears greater responsibility: the people who orchestrated the attack on the Capitol, people like Steve Bannon, who called on people to come to the Capitol, people like Rudy Giuliani, who called for trial by combat, people like Donald Trump, who said they needed to fight like hell, or people like [redacted], who, more idiot than criminal, believed the lies he was told? I would suggest, your Honor, the answer is obvious. But as with battles, it's people like [redacted] that are going to suffer the most.

The evil forces are still out there no matter how much time [redacted] spends in prison. After the search of the former president's residence in Mar-a-Lago, a man from Ohio attempted to enter an FBI office in Cincinnati and was ultimately killed and paid a heavy price. But the people who sent the false message continue to call for violence.

All this is not to suggest, your Honor, that people who believed the great lies of the former president and his minions and have not committed illegal actions or not be punished. [redacted] committed illegal acts. He said vile things on the internet. He responded voluntarily to the lies of evil men.

But as the Government shows in this video, his attack, his involvement with the sign, lasted less than ten seconds. He entered the Capitol. He admitted he was wrong. But he did not engage in acts of violence in the Capitol. When it was over, after some unfortunate comments, he went back to try and to lead a law-abiding life. Even before the FBI had shown up, he realized what he did was wrong.

Life for [redacted] was based on religion, family and hard work. He had no understanding of or interest in politics. In fact, he has never been registered to vote and continues not to be registered to vote. He was interested in his son, his parents, his family and his God. He has no criminal record. And as the character references demonstrate, he is liked and respected by his employer and his co-workers. We would submit, your Honor, that there is no risk of recidivism.

Since he has been arrested, [redacted] has come to terms with his drug addiction or with his drug use. He's already served 12 months in the less-than-ideal conditions of the D.C. city jail. He's been separated from his family and friends. He's already been punished severely for what happened on January 6th.

In an ideal word world, your Honor, we would ask that [redacted] be treated no more harshly than those that instigated, planned and encouraged the attack on the Capitol at the highest level, that his sentence be no greater than that of those who profited from the attack at the Capitol. We know that's not possible. In the world in which we live, these individuals will continue to spread anarchy with impunity. Only people like [redacted] will be punished.

We would ask your Honor to consider these factors, specifically [redacted] prior record of no criminal conduct, his offers to cooperate with the Government afterwards, his acknowledgement and very sincere belief that everything that he did was a lie. We would ask the Court to fashion a punishment that is sufficient to serve the ends of justice.

Thank you, your Honor.