

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

- - - - - x
THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

SIMONE MELISSA GOLD,

Defendant.

- - - - - x

Criminal Action No.
1:21-cr-00085-CRC-2
Thursday, June 16, 2022
10:06 a.m.

TRANSCRIPT OF SENTENCING HEARING
HELD BEFORE THE HONORABLE CHRISTOPHER R. COOPER
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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

2 THE COURTROOM DEPUTY: Your Honor, we're on the
3 record for Criminal Case 21-85. This is Defendant 2.
4 *United States of America vs. Simone Melissa Gold.*

5 Counsel, please approach the lectern and identify
6 yourselves for the record.

7 MS. AYERS-PEREZ: Good morning, Your Honor; April
8 Ayers-Perez and Jason Manning for the government.

9 THE COURT: Good morning, Ms. Ayers-Perez. And if
10 you're addressing the Court, feel free to remove your mask,
11 if you're comfortable doing so. Okay?

12 MS. AYERS-PEREZ: Thank you, Your Honor.

13 MR. YOUNG: Good morning, Your Honor; Dickson
14 Young appearing on behalf of Defendant Gold.

15 THE COURT: Good morning, Mr. Young. Good to meet
16 you in person.

17 MR. YOUNG: Good to see you in person also, sir.

18 Kira West is also here with me. I didn't realize
19 she was behind me.

20 MS. WEST: Good morning, Your Honor, Kira West for
21 Dr. Simone Gold.

22 THE COURT: Dr. Gold, how are you?

23 THE DEFENDANT: Good morning, Your Honor.

24 THE COURT: All right. Are we ready to proceed?

25 MR. YOUNG: Yes, sir.

1 MS. AYERS-PEREZ: Yes, Your Honor.

2 THE COURT: All right. The Court has reviewed the
3 presentence investigation report.

4 And Mr. Walters from probation, is he on Zoom?

5 THE PROBATION OFFICER: Good morning, Your Honor.
6 Yes, sir, I'm here.

7 THE COURT: Good morning, Mr. Walters.

8 The Court has reviewed the presentence
9 investigation report and the memos that have been presented
10 by both sides. There was also a supplemental memo filed by
11 the defense, the video of the defendant entering the Capitol
12 that was filed by the government, and there was also a video
13 presentation featuring Dr. Gold and testimonials from
14 several of her colleagues and acquaintances that the Court
15 has reviewed.

16 The Court has also received a statement from a
17 Ms. Kristina Lawson, who I believe is the former head of the
18 California Medical Board, who has contacted the government,
19 I believe, and I might ask the government to address that
20 issue.

21 Anything else for the Court's consideration?

22 MS. AYERS-PEREZ: No, Your Honor.

23 MR. YOUNG: Judge, we would like to get a copy of
24 what you just referenced from the California Medical Board
25 since that's the first we've heard of it.

1 THE COURT: I'll hand it down to the defense.

2 MR. YOUNG: Thank you.

3 (Pause)

4 MS. WEST: Your Honor, Ms. West for Dr. Gold.

5 Mr. Young just said this is the first we've heard about this
6 letter. It has some serious allegations in it.

7 THE COURT: We'll get there, okay?

8 MS. WEST: Okay.

9 THE COURT: We'll get there. I'll give you an
10 opportunity to address it.

11 MS. WEST: Okay.

12 THE COURT: All right. Just for the record, the
13 Court has also received upwards of perhaps 30 letters in
14 note card format in very similar envelopes from Dr. Gold's
15 supporters, as well as a number of emails that were
16 received -- as well as a number of emails we received from
17 supporters in chambers.

18 First of all, let's start with the factual
19 findings in the presentence investigation report. There
20 were a number of objections that were noted. I'm not sure
21 the Court is in a position to resolve the disputes at this
22 point. The objections are noted in the report. For most of
23 them, Mr. Walters has simply referred to the statement of
24 facts, which speaks for itself.

25 I think the only one that I noticed that calls for

1 some response by the Court is the notation that she did not
2 report once or twice to probation at the appointed time, and
3 there's a dispute as to whether it was because she was
4 caring for her mother or not. I'm not sure that that cuts
5 one way or the other so I'm not inclined to consider that
6 violation, okay?

7 MS. WEST: Yes, Your Honor.

8 THE COURT: All right. Dr. Gold, has Ms. West
9 reviewed the presentence investigation report with you?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: And have you been satisfied with her
12 services in this case?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Very well.

15 All right. Hearing no objection, the Court will
16 accept the factual findings in the presentence investigation
17 report regarding the circumstances of the offense, and those
18 facts as stated are incorporated or adopted by the Court for
19 purposes of this sentencing subject to the objections by the
20 defense noted in the report.

21 All right. Moving to the calculation of the
22 sentencing guidelines range. Dr. Gold pled guilty to
23 entering and remaining in a restricted building in violation
24 of 18 USC 1752(a)(1). I believe that was Count 2 of the
25 indictment.

1 Ms. Ayers-Perez, is that right?

2 MS. AYERS-PEREZ: That is correct, Your Honor.

3 THE COURT: Okay. The statute carries a one-year
4 maximum imprisonment, supervised release of up to one year,
5 up to a \$100,000 fine, and a \$25 special assessment.

6 The base offense level for the offense is 4 under
7 the advisory sentencing guidelines. That was enhanced by
8 two points because the trespass took place in a secured
9 government facility. Dr. Gold was given a two-point
10 reduction for acceptance of responsibility, leading to a
11 total offense level of 4. Dr. Gold had no criminal history,
12 so level 4 at Criminal History Category 1 results in an
13 advisory sentencing range of zero to six months.

14 Pursuant to her plea agreement, Dr. Gold has
15 agreed to pay restitution in the amount of \$500 to the
16 Architect of the Capitol to help compensate for the damage
17 done to the Capitol.

18 Any objections for the record on the guidelines
19 range?

20 MS. AYERS-PEREZ: No, Your Honor.

21 MS. WEST: No, Your Honor.

22 MR. YOUNG: No, sir.

23 THE COURT: All right. The Court has received a
24 recommendation from the probation office of six months
25 incarceration, one year of supervised release, and a \$9,500

1 fine.

2 Mr. Walters, your recommendation is above the
3 government's recommended 90-day period of incarceration. Do
4 you want to address why the probation office has made that
5 recommendation?

6 THE PROBATION OFFICER: Good morning, Your Honor.

7 THE COURT: Good morning.

8 THE PROBATION OFFICER: Yes, I'd be happy to.

9 As outlined in the recommendation, I considered
10 Defendant Gold's conduct on January 6th. I think that is
11 fairly apparent there, regarding what she actually did while
12 in the Capitol with the bullhorn making a speech. She had
13 to be asked several times by officers, law enforcement
14 officers that were present, and ultimately they had to guide
15 her out.

16 I considered other defendants that have been
17 before Your Honor as well as other cases that I've been
18 involved in. In many instances the defendants trespassed.
19 They entered the Capitol. They took pictures even while --
20 even in the Rotunda area. They may not have gone further.
21 They took pictures, and they left.

22 It's my view that Defendant Gold did more than
23 that. She helped add to the chaos of that day with her
24 speech, with her bullhorn, you know, adding to -- you know,
25 kind of promoting what was happening.

1 There was an instance during the presentence
2 investigation -- during the interview it was explained to
3 Ms. Gold that a home assessment had to be conducted. She
4 provided an address. Florida probation was contacted. When
5 they went to that address, it was discovered that it was a
6 UPS store. It wasn't a legitimate address.

7 I subsequently called counsel, called Ms. West,
8 and she knew that the defendant had provided a false
9 address. She had, you know, realized it. And ultimately
10 they later provided the proper address, but it went to just
11 kind of the nature of how Ms. Gold or Defendant Gold is
12 taking these charges, taking the seriousness of this
13 offense.

14 I think on the website, the America's Frontline
15 Doctors website, I think Your Honor's aware that there is a
16 fundraising campaign. There's language in that campaign
17 that could be construed as not accepting responsibility.

18 The probation office considered denying acceptance
19 of responsibility based on the language on the website
20 that's been used to raise over \$430,000 for legal fees, but
21 instead of denying acceptance of responsibility, I think a
22 top of the guidelines sentence would be more appropriate.

23 THE COURT: Okay. Thank you very much.

24 THE PROBATION OFFICER: Thank you.

25 THE COURT: All right. Ms. Ayers-Perez, would you

1 like to first address the sentencing factors.

2 MS. AYERS-PEREZ: Yes, Your Honor.

3 MS. WEST: Your Honor, will I have an opportunity
4 to --

5 THE COURT: You will, Ms. West.

6 MS. WEST: Thank you.

7 MS. AYERS-PEREZ: Your Honor, would you like me to
8 go to --

9 THE COURT: Yes, please come to the podium. Thank
10 you.

11 MS. AYERS-PEREZ: Thank you, Your Honor.

12 In looking at this case, I agree with the
13 probation officer that there has been a lack of acceptance
14 of responsibility. In looking at the sentencing factors,
15 Your Honor, the thing we're most concerned about under 3553
16 is deterrence.

17 The defendant has not shown remorse. She has not
18 accepted responsibility for her conduct in an appropriate
19 manner that has remained consistent over time. She has
20 continued to minimize and diminish her responsibility and
21 her criminal conduct throughout this, and with Your Honor's
22 permission, I'll go through the factors and the facts of
23 this case and what is most concerning to the government,
24 Your Honor.

25 THE COURT: Very well.

1 MS. AYERS-PEREZ: So when Defendant Gold and her
2 Co-Defendant, Strand, first are shown on video at the
3 Capitol, it is outside the East Rotunda doors on the east
4 side of the Capitol. There is a giant mob at that point
5 outside the Capitol and very few Capitol Police officers to
6 guard that door. Strand and Gold are right at the front of
7 that mob, and there is one police officer in particular who
8 you see -- and this is on Government's Exhibit 1, and with
9 the Court's permission I will play it for Your Honor.

10 You'll see this Capitol Police officer wedged
11 against the door, the East Rotunda door, which has already
12 had a window broken out. He is in distress. He is then
13 pulled away from the door, pulled down to the ground, and
14 Defendant Gold is standing right there when it happens.
15 This is made even worse by the fact that she is a medical
16 doctor. She does not stop. She does not help. Others in
17 the mob helped this officer up, who is still in distress.

18 Defendant Gold and Defendant Strand used this as
19 an opportunity to move further in the mob and closer to that
20 East Rotunda door, and they are some of the first who get in
21 through that East Rotunda door that the Capitol Police
22 officers are still trying to maintain leverage over.

23 And with the Court's permission, I do have
24 Government's 1 that I can show Your Honor.

25 THE COURT: Very well.

1 MS. AYERS-PEREZ: Your Honor, this is an open
2 source video taken by somebody else who was there at the
3 riot.

4 (Video playing)

5 MS. AYERS-PEREZ: And I'm pausing the video at
6 time-stamp nine seconds. If you can see in the lower
7 right-hand corner, Your Honor, the top of that head is the
8 U.S. Capitol Police officer who is going to be dragged down
9 right in front of Ms. Gold and Mr. Strand, and you can see
10 there in kind of the middle right-hand side that the window
11 of that East Rotunda door has already been smashed out at
12 that point but that a Capitol Police officer is still trying
13 to hold that door shut.

14 I'm starting it again right at nine seconds.

15 (Video playing)

16 MS. AYERS-PEREZ: And, Your Honor, I'm pausing it
17 at 16 seconds. And there in the left-hand corner, that is
18 the head of Ms. Gold.

19 THE COURT: Okay. Before you move on, what real
20 time was this taken?

21 MS. AYERS-PEREZ: Your Honor, it was right around
22 2:27 p.m., because they actually entered the East Rotunda
23 doors right at 2:27 p.m. So this is within --

24 THE COURT: So that was about 12 minutes or so
25 after the first breach?

1 MS. AYERS-PEREZ: Right. And the first breach
2 occurred on the west side of the Capitol, so this is the
3 east side where the breach occurred later.

4 THE COURT: And this is the first wave of people
5 through the East Rotunda doors?

6 MS. AYERS-PEREZ: That is correct, Your Honor.

7 THE COURT: Okay.

8 MS. AYERS-PEREZ: I'm starting it again at 16
9 seconds.

10 (Video playing)

11 MR. AYERS-PEREZ: And I'm pausing it at 21
12 seconds. And that is Defendant Gold and Defendant -- I
13 apologize -- Defendant Strand next to her in the sunglasses,
14 and the U.S. Capitol Police officer has now been dragged to
15 the ground in the mob. He's clearly in distress, and he's
16 in a very dangerous situation for himself right now.

17 (Video playing)

18 MS. AYERS-PEREZ: I'm pausing it at 27 seconds.
19 And, Your Honor, I see about half a dozen people here who
20 have now bent down to help this Capitol Police officer to
21 his feet and hopefully get him out of this situation.

22 Defendant Gold is right off screen. Defendant
23 Strand is right off screen. They do not help the officer.
24 They do not administer any sort of medical care.

25 THE COURT: So according to the defense memo, she

1 doesn't recall having seen the officer. Is that plausible?

2 MS. AYERS-PEREZ: I don't see how that's
3 plausible, Your Honor. It happens right in front of her,
4 and, as I continue, I will show you that she is going to
5 appear again against the wall and is using this opportunity
6 to move forward into the mob where that officer had been
7 standing prior to being pulled down.

8 Your Honor, I will play again starting at 27
9 seconds.

10 (Video playing)

11 MS. AYERS-PEREZ: I paused it at 40 seconds. I'm
12 playing it again, Your Honor.

13 (Video playing)

14 MS. AYERS-PEREZ: If you see right here in the
15 bottom right-hand side, that's now Defendant Strand and
16 Defendant Gold. They have moved closer to the East Rotunda
17 doors, and they're now standing where that officer had been
18 standing prior to that officer being pulled down into that
19 mob.

20 And I'm starting again at 43 seconds, Your Honor.

21 (Video playing)

22 MS. AYERS-PEREZ: And I'm pausing it at the 1:19
23 mark, Your Honor. And by now Strand and Gold have already
24 entered through the doors. They come in right at the two
25 minute and 27 -- or 2:27 p.m., Your Honor, and they're some

1 of the first ones through those doors into the East Rotunda.

2 The path they take from there, Your Honor, is very
3 interesting. In Gold's sentencing memo, she says she is
4 there to make a speech. Indeed, she was scheduled to make a
5 speech that day and had not done so at that point. Her
6 speech had been cancelled. But instead of immediately
7 giving a speech, Gold and Strand make an almost beeline to
8 the House Chamber.

9 They walk straight through the Rotunda. They
10 don't stop. They don't look around.

11 They walk through Statuary Hall. They don't stop.
12 They don't look around.

13 At about 64 seconds they're part of a group that
14 is being stopped by U.S. Capitol Police near the House
15 Chamber. They stay there for about a minute. They walk
16 away for about a minute and a half. They come back.
17 They're now at the back left-hand side of that group.

18 They move to the right side, and they keep inching
19 forward closer and closer to where U.S. Capitol Police are
20 trying to stop them from getting towards the House Chamber
21 and where congressmen are still in the House Chamber at that
22 moment in time, Your Honor. They are there for
23 approximately five minutes and 35 seconds before that group,
24 which they are near the front of, breaks through the U.S.
25 Capitol Police officers.

1 For the next 18 minutes, they are over by the
2 House Chamber. We don't have surveillance video of them.
3 We just have surveillance video 18 minutes afterwards when
4 they come back through that area where they had originally
5 gone past U.S. Capitol Police. We know that that scene was
6 very chaotic, very dangerous, and it is one of the most
7 recognizable moments from these U.S. Capitol riots.

8 It is only afterwards, after they've spent the
9 majority of their time in the Capitol, that Gold proceeds to
10 make her speech. She stops in Statuary Hall where U.S.
11 Capitol Police are trying to clear Statuary Hall and have an
12 area that is clear, and she proceeds to give a speech with
13 her Co-Defendant Strand recording her. There are up to six
14 Capitol Police officers who are telling her to stop, and she
15 continues to give her speech.

16 Her speech lasts for two minutes and two seconds,
17 Your Honor, and then she walks into the Rotunda directly
18 next to Statuary Hall, and she and Strand look around for a
19 bit. Strand directs her where to go, and then she stands on
20 a statue of Dwight D. Eisenhower. She gets a bullhorn from
21 an unknown subject, and she proceeds to give another speech.
22 This one is four minutes and 57 seconds in length, and a
23 crowd gathers under her to watch this speech.

24 The Rotunda has a number of people inside of it at
25 this point, and she's gathering a group of people around her

1 as she rallies the crowd up with her conversations about
2 COVID and vaccine mandates. This is the picture that is
3 seen widely in the days and weeks after the Capitol riots of
4 Simone Gold standing on a statue in the Rotunda with a
5 bullhorn giving a speech to fellow rioters.

6 In total, of the 48 minutes and 36 seconds that
7 Simone Gold spends inside the Capitol, she only spends six
8 minutes and 59 seconds of that giving a speech. But she
9 spends 23 minutes and 28 seconds of that over by the House
10 Chamber where congressmen were attempting to go through the
11 transfer of -- the peaceful transfer of power in counting
12 the Electoral College votes.

13 So it certainly is confusing to say that she is
14 here to give a speech when that is not what she spent her
15 time inside the Capitol doing. Her time was spent with a
16 mob outside that House Chamber, and on her way out she gave
17 two speeches.

18 What is also extremely concerning is her
19 *Washington Post* interview she gives in the days after the
20 Capitol riot.

21 THE COURT: Before we get there.

22 MS. AYERS-PEREZ: Yes, Your Honor.

23 THE COURT: Any evidence that she went into any
24 otherwise private parts of the Capitol or parts that were
25 not public or would not have been public on any other day?

1 MS. AYERS-PEREZ: No. She took the path of East
2 Rotunda doors through the Rotunda, through Statuary Hall, to
3 the House Chamber, and she went back in the exact same
4 pattern.

5 THE COURT: Okay. So not in the chamber, not in
6 anyone's offices, not in any other sensitive or private
7 areas?

8 MS. AYERS-PEREZ: Not that we know of, Your Honor.

9 THE COURT: Okay.

10 MS. AYERS-PEREZ: She did exit through the same
11 East Rotunda doors that she had entered through.

12 And then, in the days afterwards, she gave an
13 interview to the *Washington Post* where she said, "I can
14 certainly speak to the place that I was, and it most
15 emphatically was not a riot. Where I was was incredibly
16 peaceful." And that is in direct contrast to what we see in
17 Government's Exhibit 1, Your Honor.

18 That police officer went through a very traumatic
19 experience. He was pulled down into a mob. There is --
20 there are police officers trying to block this door that
21 Simone Gold and John Strand managed to make their way
22 through. It is not a peaceful event, and any attempt to
23 diminish and minimize her conduct by calling it that is not
24 remorseful and is not taking responsibility for what she
25 did.

1 She also said she followed a crowd inside and
2 assumed it was legal to do so. And, Your Honor, looking at
3 Government's Exhibit No. 1 it is difficult to see how Simone
4 Gold would think it would be legal to do what she did on
5 that day. There's a mob of people. There are police
6 officers trying to stop them from getting inside, trying to
7 stop them from assaulting them and hurting them, and she is
8 part of that mob.

9 She's near the front of that mob, which is another
10 continuing course of conduct with Simone Gold, is that she's
11 not just a part of it, she manages to make her way to the
12 front, to be in the front, to be one of the first people
13 inside the East Rotunda doors, to be one of the first people
14 to get past U.S. Capitol Police outside the House Chamber.
15 And even if she doesn't start in the front, she makes her
16 way up there with John Strand.

17 The other thing she said in that *Washington Post*
18 interview is that she was only inside for 20 minutes. We
19 know she was inside for 48 minutes and 36 seconds, more than
20 double the time that she said during this interview which
21 she's claiming is her example of being remorseful, but it's
22 actually just a continuing course of conduct with Ms. Gold
23 where she continues to diminish and minimize her conduct on
24 this day, her criminal conduct on this day.

25 And then we have her America's Frontline Doctors

1 website. Simone Gold is the CEO and founder of America's
2 Frontline Doctors from before January 6th, but in the days
3 since then she has been using her website to fundraise based
4 upon her conduct on January 6th. She does it under the
5 guise of a legal defense, although as of June 15th, just
6 yesterday, at 2:58 p.m. Eastern Time she had raised over
7 \$433,000, Your Honor.

8 And she does include a notation on there that the
9 overage fees would go to America's Frontline Doctors. She
10 includes the message in there that this -- this prosecution,
11 the reason we're all here today -- is political persecution
12 of a law-abiding emergency physician designed to threaten
13 and intimidate any American who dares to exercise their
14 First Amendment rights.

15 Simone Gold did not have the First Amendment right
16 to go inside the Capitol the way she did and to do what she
17 did that day, and she still does not understand that, Your
18 Honor.

19 All of her talk about remorse is not shown in her
20 actual actions: in her interview with the *Washington Post*,
21 in the information they put up on America's Frontline
22 Doctors website, in her fundraising and making money off of
23 her criminal actions. And because of that, she needs to
24 reach deterrence, Your Honor, and deterrence for Ms. Gold is
25 coming in the form of incarceration, not probation or home

1 confinement.

2 So, Your Honor, we are asking for 90 days
3 incarceration. We're asking for one year of supervised
4 release when she gets off this. We do feel she needs to
5 continue to be monitored afterwards, and her conduct and her
6 behavior -- as you've heard from the probation officer or
7 the Pretrial Services officer, they're already having issues
8 with her. I expect that those would continue. I see no
9 reason why they wouldn't. 60 hours of community service
10 and, of course, the \$500 in restitution for her part in
11 being part of the mob that damaged our Capitol building.

12 THE COURT: Okay. I handed down the letter from
13 Ms. Wagner. Obviously there seems to be some dispute
14 between at least the organization and -- I'm sorry,
15 Ms. Lawson. Does the government make anything of that or --

16 MS. AYERS-PEREZ: Your Honor, if I could have
17 Mr. Manning come up and address that?

18 THE COURT: Okay.

19 MS. AYERS-PEREZ: Thank you.

20 THE COURT: Should this play any role in the
21 Court's determination today?

22 MR. MANNING: Thank you, Your Honor.

23 We view the letter that was submitted directly to
24 the Court by Ms. Lawson as akin to the letters that the
25 Court has already received from supporters of Ms. Gold; that

1 is to say, Ms. Lawson is not a victim under the terms of the
2 CVRA who has been directly proximately harmed by the conduct
3 at issue here, and so we did not see fit to include her
4 submission as part of the government's submission. But when
5 we had been contacted by her, and she said she had
6 information that she wanted to share in the Court's
7 consideration of Ms. Gold, we told her she could submit it
8 directly to the Court.

9 THE COURT: Okay. Let me just say this on that
10 topic. There is obviously going to be another side of the
11 story, and so the Court is not in a position to make any
12 factual findings regarding the allegations in the letter,
13 and it will not play a role in the sentence that the Court
14 arrives at today. Okay?

15 MR. MANNING: Thank you, Your Honor.

16 THE COURT: All right.

17 MS. AYERS-PEREZ: Yes, Your Honor.

18 THE COURT: Anything else?

19 MS. AYERS-PEREZ: That would be it, Your Honor.
20 We're just asking for that sentence.

21 THE COURT: Okay.

22 Ms. West.

23 MS. WEST: Mr. Young is going to argue first.

24 THE COURT: Okay. Mr. Young.

25 MR. YOUNG: May I remove my mask?

1 THE COURT: You may. Please.

2 MR. YOUNG: Thank you.

3 Judge, thank you for the time that you have spent
4 reviewing the submissions we have given you on behalf of
5 Dr. Gold. It's sort of interesting -- and I have to
6 compliment the government and April for all of the
7 cooperation she has demonstrated to us throughout the case
8 in terms of providing us discovery and cooperating in terms
9 of discussions and the plea in the case. Obviously we're at
10 a point now where we disagree in terms of the case, and what
11 I'd ask the Court to do is look at the facts of the case --
12 all of the facts of the case -- because I think what drives
13 the bus and what drives the decision of this Court should be
14 the facts of this case.

15 So the statement of facts in this case, which we
16 all agreed to and pled guilty to, indicated that the
17 defendant entered the Capitol without permission and
18 remained there after being instructed to leave, akin to a
19 trespassing, and to that she pled guilty. And I submit to
20 the Court the circumstances -- you have had many cases
21 arising out of this incident, and you have seen many videos,
22 and the west side of the Capitol looked like a war zone.
23 We've seen it on TV, the steps, the facades, all the things
24 going on; people climbing the outside of the wall, people
25 bashing windows in and entering the door.

1 Totally different scene on the east side of the
2 Capitol. The east side of the Capitol faces the Supreme
3 Court of the United States.

4 You look at the door that was just shown to you in
5 Government's Exhibit No. 1. It's a big brass door. And the
6 interesting thing about that door -- because the government
7 gave us a tour of the facility and allowed us to know where
8 the defendants were and where they entered -- is that door
9 is dead-bolted in both the ceiling and the floor from the
10 inside. That door can only be opened from the inside, and
11 it can only be opened with a key from the inside.

12 And as you see in this particular video, albeit
13 the window was broken, they would not have gained access.
14 Somebody had to have opened that door from the inside of the
15 Capitol. And whether the police officer --

16 THE COURT: There are at least three or four
17 police officers that are trying to keep people out of the
18 doors, right?

19 MR. YOUNG: There's no suggestion --

20 THE COURT: You're not suggesting that Dr. Gold
21 felt that she was invited in.

22 MR. YOUNG: No.

23 THE COURT: Okay.

24 MR. YOUNG: No, no, but I'm suggesting to you that
25 the way she got in was to walk in through an open door. She

1 was not the person that committed any act of violence to
2 gain access. She did not open the door. She did not break
3 the window. She simply walked into the building.

4 And her purpose in being there was not to Stop the
5 Steal. She was not a supporter of the Stop the Steal. She
6 was not making a speech about the Stop the Steal. She was
7 there to make a speech that she had been given a permit to
8 make on The Ellipse which, for unexplained reasons, was
9 cancelled, and the staff told her to go to the Capitol to
10 make the speech, which she did.

11 THE COURT: Let's stop there. I read that in your
12 memo. Are you taking the position that she thought, based
13 on what she heard from her staff, whoever her staff is, that
14 she was permitted to go in and make the speech?

15 MR. YOUNG: No.

16 THE COURT: Okay.

17 MR. YOUNG: No.

18 I mean, these are -- Judge, we pled guilty because
19 she is guilty. What she did going into the building is a
20 crime, and she pled guilty to that and expressed
21 responsibility for it and accepted a statement of facts.

22 THE COURT: But by saying that someone else told
23 her to go make the speech, that suggests, at least, that
24 she's not taking full responsibility for it.

25 MR. YOUNG: No, no, no, I think that's a

1 circumstance or a fact that you can consider.

2 THE COURT: Very well.

3 MR. YOUNG: That's all.

4 THE COURT: I want to be clear that I understand
5 what your argument is.

6 MR. YOUNG: Yes, okay. Okay.

7 So -- and the reason I say that, Judge, is because
8 we're before this Court today in the midst of the latest
9 congressional inquiry into the incident surrounding January
10 6th, and Neal Katyal had written a letter to the *New York*
11 *Times* recently in this week, which I think is very much
12 applicable to this case and all of these cases, that
13 indicates that the Congress is involved in a very complex
14 dance to determine accountability with the Department of
15 Justice, with the United States -- the public in the United
16 States, and with history to determine accountability.

17 And we're in that same dance today to determine
18 accountability, and I would submit to the Court that what
19 guides us in this case are the facts of the case.

20 So the facts of the case are that the defendant
21 has pled guilty to trespassing in the Capitol. She's
22 accepted responsibility for doing that. The circumstances
23 that the government indicated to measure -- pardon me if I
24 step back and get my notes.

25 Aside from all the 2553 [sic] factors, on Page 16

1 of the government's memorandum, they had a spectrum that
2 they had developed to determine aggravating and mitigating
3 circumstances, which I thought was well done, and I think
4 I'd like to address them, as the government did, and sort of
5 answer at least our perception.

6 One, whether, when, and how the defendant entered
7 the Capitol. She entered the Capitol through the east wing
8 door. She didn't breach the door. She didn't hurt anybody.
9 She didn't incite any violence. She didn't do any
10 destruction. She was there with a crowd of unruly people
11 and went through the door. And it was wrong to do it, and
12 it was a crime, and she's pled guilty to that.

13 Two, whether the defendant encouraged any
14 violence. The answer to that question has to be no. She
15 didn't incite anybody. She didn't incite anybody in the
16 crowd. Her speech was not about the Stop the Steal. It was
17 the masking mandates and about the vaccination mandates and
18 such, which were of concern to her and the organization for
19 whom she works.

20 Three, did the defendant engage in property
21 destruction? The answer to that is no.

22 Four, the defendant's reaction to acts of violence
23 or destruction. There's nothing -- there's no reaction one
24 way or the other. She was never interviewed. She was
25 obligated by the terms of her plea agreement to be debriefed

1 by the government prior to the sentencing today, and I
2 think, if she had been asked, she would tell you today that
3 she was shocked to see people hurt and shocked to see people
4 damaged and shocked to see what was going on inside the
5 Capitol.

6 Five, whether during or after the riot the
7 defendant destroyed any evidence. The answer to that
8 question is no, she did not. In fact, when arrested by the
9 police, she voluntarily gave up her computers, her cell
10 phones, her password-protected information and cooperated in
11 terms of the surrender of that.

12 Defendant's statements in person to a social
13 media. The evidence before the Court is there are no
14 statements post the incident arrest. The statement on the
15 website is a dated statement that I believe happened shortly
16 after her arrest.

17 If the Court recalls, I think we made statements
18 to the Court at the time of her bond being set that she was
19 arrested by the 20 police in her home in California with
20 long guns. She's a person who has no prior criminal record.
21 She was shocked and essentially so traumatized that she
22 moved out of California and has moved out of that
23 neighborhood and has relocated to Florida to continue
24 Frontline Doctors.

25 THE COURT: So you talk about her statements and

1 her statement to the *Post* and to -- otherwise. She's
2 America's Frontline Doctors, right? So when they issue a
3 statement, she -- I can assume that she has seen and
4 consented to --

5 MR. YOUNG: Correct.

6 THE COURT: -- and authorized those statements.

7 MR. YOUNG: Correct.

8 THE COURT: Okay.

9 MR. YOUNG: But I think that the statement that
10 the government was referring to was a statement that
11 happened long before she entered a plea of guilty in this
12 case and is a historical statement that nobody went back and
13 changed, and the circumstances of that statement are, in
14 fact, accurate.

15 I mean, she was arrested by 20 armed police
16 officers for an offense in her home, taken -- handcuffed,
17 taken to prison in front of her neighbors. That, to
18 somebody who has never been in any trouble before and has no
19 criminal record, is a traumatizing event. So what she put
20 in there at least at that point in time was accurate.

21 Certainly, since the passage of time and after her
22 plea of guilty, it would have been smart to go back and
23 maybe redact that and take that out of the website and take
24 that -- but that's not her -- that was not her thinking at
25 the time of her plea before Your Honor where she accepted

1 the statement of facts and pled guilty to trespassing.

2 Whether the defendant cooperated with or ignored
3 commands from law enforcement officials. You know, that's
4 not a statement of just what happened on January 6th.
5 That's a statement of what's happened with her from her
6 involvement with law enforcement officials up and including
7 the present. And when accosted by the police, she
8 cooperated.

9 She did leave the Capitol. She indicated that she
10 was in the Capitol and was not familiar with where she was.
11 She was trying to make a speech to people that were there
12 about something that was important to her, these mask
13 mandates. So I think she was looking to make a speech to
14 people, not to make a speech in an empty room, and she was
15 looking around the Capitol to find other people.

16 Has she demonstrated remorse or contrition? I
17 think it's important that the Court consider that she
18 admitted to the *Washington Post* her involvement prior to
19 being charged in this case and indicated that she regretted
20 being in the building, unlike many other people who on
21 social media and when interviewed didn't regret that and
22 considered themselves to be a patriot and considered
23 themselves emboldened by this whole matter.

24 THE COURT: All right. What the article actually
25 says -- and who knows what she told the reporter, but what

1 the article says is that she was worried that the photos of
2 her inside the Capitol would distract from her advocacy
3 work, and for that reason, she says, I do regret being
4 there. That's different than regretting being there because
5 of what happened, assuming that this is accurately reported.

6 MR. YOUNG: That was not the impression that I got
7 from her in terms of why she regretted being there.

8 THE COURT: I'm just going by what it says in the
9 article.

10 MR. YOUNG: Okay. Okay.

11 So I would submit to the Court, in looking at the
12 facts of this case, that her role in this offense was minor.
13 She was not an instigator. She was not a member of any
14 organization. She was there to make a speech about
15 something totally unrelated to what was actually going on in
16 the Capitol, the certification of the election. She entered
17 the east side of the Capitol and should be punished based
18 upon her individual conduct.

19 And I agree with the government that that's their
20 suggestion. That's my suggestion. That's the Court's
21 obligation. But I would submit to the Court there's no
22 evidence in this case of any extreme entry into this place.
23 There's no suggestion -- although there is a suggestion in
24 the government's memorandum that she crossed barriers and
25 she heard the mobs and there's an extreme entering, it's not

1 in the statement of facts. And with the exception of seeing
2 the broken window and the officer being pulled down by
3 somebody other than her at the east side of the Capitol, she
4 simply walked through the door.

5 The government goes on. She might have observed
6 extensive fighting and chemical irritants in the air and
7 other stuff depending upon the timing and where she
8 approached from. I don't think that's something that should
9 be considered if that, in fact, hasn't been stipulated to in
10 the statement of facts or proven by some other evidence or
11 suggestion. What might have been observed is entirely
12 speculation, and to punish somebody on the basis of
13 speculation would be wrong.

14 The government does, in these factors, indicate
15 what they consider aggravating and mitigating circumstances,
16 and violence is a big component of that. They list violence
17 as a component to that but then suggest that the absence of
18 violence is not a mitigating factor.

19 I mean, I think it cuts both ways. I think if
20 you're in a riotous situation such as this and people are
21 infected by this group mentality, and she is not and is
22 peacefully assembling and talking to people about what her
23 Frontline Doctors is about, the absence of her violence is a
24 factor -- I think a serious mitigating factor -- for the
25 Court to consider.

1 The fundraising that the government makes much
2 about, I hadn't intended on saying anything other than what
3 was in our written submission but feel compelled to say
4 something about it. We are retained by Dr. Gold, and we
5 have been paid by Dr. Gold personally from her funds. We
6 have received no funds from this organization. We have
7 received no funds from what was raised for her legal defense
8 fund. She has taken that entirely out of her pocket, and
9 the combined expenses for this case are nowhere near that.

10 I mean, without getting into a specific number, I
11 just don't want the Court or anybody to think that she has
12 paid that kind of money in this case.

13 THE COURT: So the excess has gone to the
14 organization.

15 MR. YOUNG: Correct.

16 THE COURT: Okay.

17 MR. YOUNG: Correct.

18 THE COURT: All right.

19 MR. YOUNG: As far as I know, the entirety of that
20 money has gone to the organization to pay their expenses,
21 and one of the expenses is the salary that she gets from
22 that. But, I mean, the suggestion in the government's memo
23 is how could you pay somebody hundreds of thousands of
24 dollars in legal fees for a case we haven't had to file
25 motions on, and we pled, and it was a relatively

1 straightforward case? We didn't charge that, anywhere near
2 that.

3 So in looking at the case, Judge, the 18-minute
4 video that you've seen demonstrates who she is and where
5 she's come from. It's pretty impressive to see not only her
6 but her family structure and her inspiration in life being
7 her father, who is a survivor of the Holocaust, who was a
8 physician himself, who encouraged his children to give and
9 to be healers and to be physicians. And both she and other
10 members of her family are all in that role so it's -- she
11 comes from a very, very accomplished background.

12 As the Court knows from the background in the
13 presentence investigation, she is a well-educated person
14 having gone to Stanford Law School, having completed medical
15 school. She's licensed. She's a mother of two children.
16 You know, there's a lot of positive things for her in terms
17 of what she has done with her life for the first 50 years.
18 And the people who are associated with her, the testimonials
19 from the physicians with whom she's worked for many years
20 out in California, speak accolades of who she is in terms of
21 a person, a doctor; wouldn't hurt a fly.

22 And so these are all facts on the train that we're
23 riding today, and what concerned us is, you know, the
24 circumstances of how she's arrested in California. And as
25 the Court might recall throughout the course of this case,

1 there were problems that we were addressing to the Court
2 about her inability to fly.

3 Her business is making speeches for whom Frontline
4 Doctors required her to fly from place to place, and
5 immediately she was on a no-fly list with Homeland Security,
6 and we couldn't find out why. And what we filed with the
7 Court under seal demonstrated why she couldn't fly is the
8 FBI certified to Homeland Security that she was charged with
9 treason, which is a much more serious offense than the
10 charge of trespassing.

11 THE COURT: I'm sorry, I just want to make sure
12 the record's clear.

13 What I recall being filed was a letter from a
14 Florida medical board of some -- which indicated that she
15 was -- had pled guilty to a statute that they labeled as
16 treason. Is that what you're referring to, or are you
17 referring to something else?

18 MR. YOUNG: I thought that the letter -- co-
19 counsel can bring it up. The statute reference was
20 accurate, but the word "treason" was not.

21 THE COURT: But that came from a clerk at a
22 medical board of some sort in Florida.

23 MS. WEST: I'll address that, Your Honor.

24 THE COURT: Okay.

25 MS. WEST: My understanding, Your Honor, is that

1 there was a communication between the FBI, and the FBI from
2 Washington, D.C. is actually here -- from the FBI in
3 Washington, D.C., to the FBI in Florida that she had been
4 charged with treason, and that's how that got to the Florida
5 medical board.

6 That's my understanding. That's what I'm told.

7 THE COURT: Well, obviously the statute referenced
8 is not treason. It's obstruction of a proceeding, correct?

9 MS. WEST: Yes, Your Honor.

10 THE COURT: Okay. Go ahead.

11 MR. YOUNG: But as a result of that allegation,
12 actions were commenced against her in California and in
13 Florida concerning her continued ability to practice
14 medicine. So, I mean, that was obviously a mistake, to
15 include the word "treason."

16 THE COURT: Has she lost any medical license or
17 any other professional license as a result of her
18 involvement in this case?

19 MR. YOUNG: No, but those actions are pending, to
20 suspend her or sanction her. So that's not over with, and I
21 would think that they're waiting to see what the outcome of
22 this proceeding is to make a determination.

23 You know, I might suggest, too --

24 THE COURT: I'm sorry, out of curiosity, is a
25 misdemeanor conviction a grounds to rescind anyone's medical

1 license anywhere in the country?

2 MR. YOUNG: I don't believe it is.

3 THE COURT: If it doesn't involve patient care?

4 MR. YOUNG: Well, we were party to conversations
5 with Dr. Gold's counsel that represents her in these
6 proceedings, and he was extremely concerned that the record
7 in this case not include anything about treason because that
8 is -- my understanding --

9 THE COURT: Well, the statute number speaks for
10 itself. The statement of facts speaks for itself regardless
11 of what label you put on the statute. I don't think anyone
12 could reasonably suggest -- certainly the government doesn't
13 suggest that Ms. Gold has pled guilty to anything
14 approaching treason, okay?

15 MR. YOUNG: But the actions as a result of those
16 allegations are pending against her.

17 THE COURT: Those bodies will now have the benefit
18 of the transcript of this proceeding.

19 MR. YOUNG: Okay. And at least for the last year
20 and a half she's not been able to fly because she's been on
21 a no-fly list as a result of her involvement in this case,
22 which ended up being a misdemeanor that should not
23 disenfranchise --

24 THE COURT: How did she get here?

25 MR. YOUNG: She drove, and -- she drove into

1 Alexandria two days ago and is staying at a hotel. So, you
2 know, those are consequences that befell her in this case.

3 And, you know, at the end of the day, Judge, you
4 have a 50-year-old woman on the date of this offense who is
5 dressed as a civilian. She's in street clothes. She enters
6 a building. She's unarmed. She's in the building. She
7 does not yell at anyone outside the building or inside the
8 building. She does no acts of violence there, does not
9 condone any acts of violence, does not condone any
10 destruction of property. She's simply just there.

11 And her message is something that has offended a
12 lot of people, and I would -- and without getting into the
13 pros or the cons of any particular message, I would say
14 that, you know, after the last year and a half the country
15 is divided probably close to 50/50 on this message of -- we
16 have U.S. senators, we have congressmen, we have governors
17 of many states opposing mask mandates, opposing mandatory
18 vaccinations.

19 So the facts of this case are really not disputed.
20 She did not belong where she was, and she should have left
21 sooner than she did. She indicated that she couldn't get
22 out of the building because people were continuing to pour
23 into the building when she was in the Rotunda. She did want
24 to make the speech. She was prevented from making the
25 speech and didn't make the speech.

1 And I believe, consistent with the submissions
2 that we made to the Court, she's an appropriate candidate
3 for being punished by time served. She has endured a great
4 deal of self-inflicted humiliation by her conduct over the
5 last year and a half. She's been under restraint for the
6 last year and a half and, with the exception of the minor
7 incident involving visiting her mother, has been compliant
8 with all terms of pretrial conditions and supervision. She
9 is certainly a person who, prior to her involvement in this,
10 according to the video that we submitted, has been involved
11 in a lifetime of community service in different hospitals in
12 the inner city. She's got real value that she can give to
13 the community with community service.

14 So the question is is this the kind of person that
15 needs to go to jail? Certainly the message to her has been
16 received. The message to others in terms of deterrence, I
17 would submit to the Court, is not going to be -- I mean, in
18 my opinion, hopefully there's never another January 6th.
19 There's certainly not going to be another Stanford graduate
20 participating in this incident and perhaps not another
21 doctor.

22 So I would ask the Court, consistent with our
23 previous submissions in this case, to sentence her to time
24 served, to sentence her to a portion of community service,
25 to order her to pay restitution and consider a fine in the

1 case consistent with her ability to pay.

2 THE COURT: Okay. Very well.

3 Do you or Ms. West want to address Mr. Walters's
4 comments regarding her cooperation with probation?

5 MR. YOUNG: Ms. West does.

6 THE COURT: Okay.

7 MR. YOUNG: Thank you.

8 MS. WEST: I'll be brief. I'll try, Your Honor.

9 I guess we'll start with what the Court is most
10 interested in.

11 I take serious -- serious -- umbrage with
12 Mr. Walters saying, quote, I called Ms. West, and she knew
13 the defendant had provided a false address, end quote. That
14 is patently false. Untrue.

15 Here's what happened. When I got the presentence
16 report, the draft, as I do with every defendant I have,
17 every client, I Google the address, and I saw that it was
18 not a home. And this is a critical fact because less than
19 two months before Dr. Gold had moved from California to
20 Florida. I don't even know if Dr. Gold knew at that time
21 what her address was, but...

22 THE COURT: What is the address she gave?

23 MS. WEST: She gave an address to a UPS store.

24 THE COURT: Where?

25 MS. WEST: In the same city where she resides

1 currently.

2 THE COURT: In Florida?

3 MS. WEST: Yes, sir.

4 THE COURT: Well --

5 MS. WEST: That's wrong. She shouldn't have done
6 that.

7 So Mr. Walters called me and said, "Hey, I just
8 sent somebody over to a UPS store. What's going on with
9 your client?" I think that's a valid question.

10 And I said, you know, I know that that's wrong. I
11 don't remember if I told him I Googled it and that's how I
12 knew it. But Dr. Gold didn't tell me that she gave a UPS
13 address or else I would have said, "You can't do that,
14 Dr. Gold. You have to give a real address."

15 So I called her immediately. I said --

16 THE COURT: Putting your role out of it.

17 MS. WEST: Yes, all right.

18 THE COURT: She provided an incorrect address to
19 probation.

20 MS. WEST: She did.

21 THE COURT: Okay. That's all I need to know.

22 MS. WEST: And as soon as I explained to her, she
23 corrected that. And I think it's important for the Court to
24 know that Dr. Gold has been threatened with physical harm,
25 travels with a bodyguard, and that is why she gave that

1 address. And as soon as I told her that it would only be
2 given to the Court and to the probation officer and her
3 defense team did she feel that she could give me the -- and
4 I took this so seriously, Your Honor, I personally visited
5 that home myself in Florida to make sure that this was
6 corrected.

7 So with regard to this issue, the probation
8 officer, on ECF 65, filed his recommendation to the Court,
9 which didn't mention this at all, so it came up today for
10 the first time as far as that goes.

11 You asked a very important question, Your Honor,
12 to Mr. Young, when the government played their Exhibit No.
13 1, that she didn't see the officer. You asked, "Is this
14 plausible?" A good question. I think, when you look at the
15 videotape in conjunction with her *Washington Post* interview,
16 which it was five days after that event, she said that she
17 at that time had not seen any violence, and that is
18 completely in line with what she told the *Washington Post*.

19 Also, it shows that -- I should state --

20 THE COURT: Well, she said, "It was most
21 emphatically not a riot. Where I was, it was incredibly
22 peaceful." Would you describe that scene that we just saw
23 in Exhibit 1 as incredibly peaceful?

24 MS. WEST: I'd describe it as just the opposite,
25 Your Honor. I agree.

1 THE COURT: Okay.

2 MS. WEST: There were other areas when Dr. Gold
3 went into the Capitol and on the Capitol grounds that were
4 incredibly peaceful. And I think what's important for the
5 Court is the government's lack of compelling evidence about
6 what Dr. Gold actually did in this case is exemplified by
7 the fact that she spent valuable time talking about Dr. Gold
8 not helping the officer up and, as the government has
9 already described, is already receiving help from a number
10 of people within a two-second time frame. And I think, as I
11 said in the memo, it would be physically impossible for her
12 to do that.

13 Finally, Your Honor, the Court has stated already
14 that the letter from Kristina Lawson, quote, should not play
15 a role with the Court, and you won't make any factual
16 findings with regard to this, and it won't play a role.

17 But then the Court asked -- and is quite right --
18 whether a medical board can take somebody's license away
19 from them about something that doesn't have to do with
20 patient care, and it's really important, I think, as far as
21 punishment in this case, for the Court to know that Kristina
22 Lawson is the head of the California Medical Board and is
23 sponsored in legislation which is currently pending in
24 California simply for that reason, to take someone's medical
25 license away from them. Dr. Gold is the subject. She's

1 been mentioned on the floor of the legislature in California
2 as the reason for this law that they're going to pass.

3 I haven't seen a draft of that law, but it's
4 important for the Court to know that that is exactly what's
5 happening. Not only are they trying to take her license
6 away from her in California -- and I think Mr. Young said,
7 that's what the \$430,000 fees may go to -- but they're also
8 going to -- you know, the transmittal from California,
9 Washington, D.C., to Florida to keep her from getting a
10 medical license there.

11 So she has to, after her criminal case --

12 THE COURT: I'm sorry, but those proceedings have
13 to do with the advice that she is giving patients and
14 potential patients and the general public. Those
15 proceedings have nothing to do with the effect of this
16 misdemeanor charge on her license. You're not telling me
17 that, right?

18 MS. WEST: From what I understand, this
19 misdemeanor, as the Court aptly says, criminal proceeding is
20 playing a role in what's happening in California, with them
21 trying to take her license.

22 And so I would like -- since the Court has --
23 although you're not going to consider this, I would like to
24 make this letter from Kristina Lawson a part of the record
25 as an exhibit for identification.

1 THE COURT: This was submitted to the Court. I've
2 allowed -- because it was given to me and there was a
3 possibility that I might consider it, out of fairness I've
4 given it to both sides, but it's not a part of the
5 sentencing record, okay, except to the extent that we have
6 discussed it today.

7 MS. WEST: So we'll get a copy of it? I didn't
8 want to take the Court's only copy.

9 THE COURT: I'd ask for it back actually.

10 MS. WEST: Yes. May I approach the clerk, Your
11 Honor?

12 THE COURT: Yes.

13 MS. WEST: I guess my point is, Your Honor, after
14 today and the Court's punishment in this case, it's not
15 going to be over no matter what you give Dr. Gold.

16 In our sentencing memorandum, Mr. Young and I
17 have -- I mean, this Court has several of these cases. I
18 have several of these cases. And I pointed out specifically
19 cases that, of course, are yours: Jennifer Ryan, Scirica,
20 and Gracyn Courtright. You know those cases better than I
21 do, and I have total confidence in this Court that you will
22 consider the punishments that you gave in a case -- I guess
23 the one that's I think closest would be Anthony Scirica
24 where you gave him 15 days.

25 There the defendant was not remorseful. That's

1 not the case here. But he was close to the chamber, and
2 Dr. Gold was close to the chamber. He chanted "USA" at
3 police; she did not. He directed the crowd inside the
4 Capitol; she did not. But she was, you know, communicating
5 with the crowd so -- and he also took photos and video of
6 himself, and her co-defendant did. So I felt like that case
7 was more in line with what you had previously seen.

8 Ms. Courtright, she was a real problem. You gave
9 her 30 days. She went onto the Senate floor. How she got a
10 misdemeanor is beyond me because every case where I have or
11 any case that a client went onto the Senate floor they're
12 charged with a felony. She stole a sign, and she returned
13 it only because an officer ordered her to, and she chanted
14 at a line of police officers: "Whose house? Our house."

15 And what's really unique about Dr. Gold is she
16 didn't do any -- she was giving a speech, but she didn't
17 chant the horrible things that were chanted that day; and
18 not only that, she didn't post anything or describe anything
19 that happened in the Capitol that day. She's the only
20 client I have that didn't post anything.

21 So in that sense, Your Honor, I believe that a
22 sentence, as Mr. Young said, of time served is an
23 appropriate punishment considering what her actions were in
24 this case and what's coming for her.

25 THE COURT: Very well. Thank you.

1 MS. WEST: Thank you, Your Honor.

2 THE PROBATION OFFICER: Your Honor, this is
3 Officer Walters with the probation office. Can I have a
4 quick moment to respond?

5 THE COURT: Of course.

6 THE PROBATION OFFICER: I wanted to make sure the
7 timeline was clear. The presentence investigation -- the
8 presentence interview in which the address was -- the
9 initial address was given was held on April the 12th. When
10 I spoke to Ms. West regarding the wrong address, it was on
11 April 22nd. She had advised that she had just visited
12 Ms. Gold over Easter weekend.

13 As soon as I called Ms. West, you know, the first
14 thing she said was, "I know why you're calling me." She
15 acknowledged that it was a wrong address. So on April 22nd
16 is when I received an email from Ms. Gold apologizing and
17 providing the proper address.

18 Contrary to what Ms. West said, as noted on the
19 face page of the presentence report, the draft presentence
20 report was not disclosed until May 12th. So it was not the
21 draft presentence report being disclosed and counsel
22 realizing that the address was wrong. Counsel had gone to
23 Florida, had been to the proper address. It wasn't until I
24 reached out and said this address is wrong that they took
25 it -- that they provided the new address.

1 So that is why I said counsel knew the address was
2 incorrect, and it wasn't until I prompted them that I was
3 provided the proper address.

4 THE COURT: Okay.

5 MS. WEST: I don't disagree with that at all.

6 THE COURT: Counsel -- okay. Fine.

7 Dr. Gold, I've reviewed your video statements. Is
8 there anything that you would like to add before I impose
9 your sentence? And if so, step up to the podium.

10 THE DEFENDANT: May I remove my mask?

11 THE COURT: You may.

12 THE DEFENDANT: I kind of just wanted to speak
13 spontaneous so I'm not really reading from prepared remarks.

14 THE COURT: Just talk to me.

15 THE DEFENDANT: I'm shocked that the government
16 thinks I'm not remorseful. I did everything within my
17 power, as I perceived it, to show that I regretted being
18 inside the Capitol. I gave a single interview. I said I
19 deeply regretted being there, meaning inside the Capitol,
20 and since then I was silent. I don't know what they base
21 their assertion that I'm not remorseful on. I thought I
22 showed the Court great respect by being silent. I felt that
23 was the most I could do.

24 I'd like to just take a moment, though, to say who
25 I am because we've heard a lot about people thinking who I

1 am.

2 I try to do my best to help people in every
3 situation. That's to the best of my ability.

4 I became an emergency doctor, and I'm grateful
5 because it means I can help people in a variety of
6 situations. I'm Jewish, and I was raised by a Holocaust
7 survivor who impressed upon me the Jewish law pikuach
8 nefesh, which is to save a life is the most honorable thing
9 I can do with my life.

10 I'm a mom, which has taught me an even deeper
11 commitment to humanity, that the only thing that really
12 matters is love and being good to people.

13 But I've certainly learned that I'm imperfect. I
14 did not intend to become involved in a situation that is so
15 destructive to our nation. It's the opposite of who I am.
16 I was there, as I always am, trying to do my best. I will
17 always try to help others. Sometimes I don't succeed due to
18 my own imperfections.

19 If I could just say, people have wondered why I
20 was at the front. I was at the front because I was supposed
21 to give a speech that was cancelled, and then I was trying
22 to give the speech. This is all I was there for.

23 It could have -- it was misguided. I should not
24 have entered. Obvious. And as Ms. West has pointed out,
25 the punishments will chase me forever. My reputation has

1 been utterly shredded. What do I have, if not my
2 reputation?

3 I've been called violent. I've been called
4 violent. And I ask you for leniency I think mostly based
5 upon the fact that everything I did on January 6th,
6 misguided or not, was consistent with all of my efforts to
7 try to do my best to help people. I've spent my entire
8 career working in very impoverished states.

9 And I say that just as a continuation of I'm just
10 trying my best, and I was imperfect. I made a mistake. I
11 have consistently said so. I deeply regret going inside the
12 Capitol.

13 Thank you.

14 THE COURT: Okay. Thank you very much. Stay up
15 there, please.

16 We obviously have hundreds of these cases. There
17 have been over 800 defendants charged in our court. I
18 certainly have my fair share. I haven't counted recently,
19 but I have at least 30 defendants, probably more.

20 And each case is different. And Mr. Young is
21 exactly right, that we -- or I -- fashion sentences based on
22 the facts and circumstances of what happened that day and
23 what has happened since. Okay? So I want you to know that
24 I have considered all of the facts. I've read everything
25 that's been submitted.

1 And this is not about what's going on on Capitol
2 Hill. It's not about COVID. It ain't about mask mandates
3 or vaccines or anything else, okay? It's about what
4 happened that day and what's happened since with you
5 individually. All right?

6 The Court starts always with the count of
7 conviction and the sentencing guidelines, all right? You
8 pled to a misdemeanor, as we've discussed, but you pled to
9 the most serious of the misdemeanors that have been charged
10 in this case.

11 That count has a maximum sentence of one year. It
12 is in the nature of trespass, but it's more than just
13 trespass. It's trespass into a restricted and secure
14 building, okay? That's why it's a higher-level misdemeanor.

15 Your guidelines range, as we've said, is zero to
16 six months, and you agreed in your plea that any sentence
17 within that range would be a reasonable one, and I agree
18 with that. My role is to decide where within that range is
19 the most appropriate place to land.

20 Taking your conduct on January 6th, it is true, as
21 Mr. Young has stressed, you were not a leader. You didn't
22 assault anybody. You didn't steal anything. You didn't
23 encourage anyone to commit violence. You didn't enter the
24 Senate floor or any other areas that would have been
25 restricted but for the lockdown and what was going on on

1 January 6th.

2 All of those factors place you on the lower end of
3 the culpability spectrum considering all of the 850 cases
4 that have been charged in this court, and part of that is
5 reflected in the fact that you were offered and pled to a
6 misdemeanor as opposed to a felony.

7 On the other hand, you were not simply a casual
8 bystander like many of the other misdemeanant defendants
9 that we see. It is obvious from the video that we watched
10 today that you were part of an angry and aggressive, I would
11 say, mob, crowd, of people intent on getting past law
12 enforcement and entering the East Rotunda through those
13 doors where the windows had been broken out and where,
14 regardless of how the door got opened, the police were
15 obviously trying to keep people out, unsuccessfully.

16 The Capitol Police officer there was pulled to the
17 ground right in front of you. I find it implausible that
18 you didn't see that, okay? And you used that as an
19 opportunity to get into the building.

20 Given the chaos and the broken glass and the
21 presence of the multiple police officers, it is obvious that
22 you knew it was a very dangerous and potentially violent
23 situation, yet you went in nonetheless.

24 Not only do we assess where folks went but how
25 long they stayed. Ms. Courtright, who your counsel

1 mentioned, was in there for a very short period of time.
2 Others were in for a very short period of time. I'm not
3 sure we ever got an exact accounting, but it seems beyond
4 dispute that it was at least 45 minutes, maybe up to an
5 hour. And you remained, and you continued to give your
6 speeches after multiple officers directed you to leave,
7 which diverted them from doing more important things than
8 dealing with you.

9 And that raises a point that I've mentioned in the
10 past and that many of my colleagues mentioned in the past.
11 Even if you didn't assault anybody or destroy any property,
12 every member of the crowd that breached the Capitol, at
13 least those that were in or among the first wave and that
14 weren't just lookie-loos, you know, an hour later,
15 facilitated the ability of those who did engage in violence
16 to do so because, as we know, there were not a lot of law
17 enforcement there for whatever reason.

18 We talked a lot about acceptance of responsibility
19 and your actions after January 6th. You've been given
20 credit for that. You had a two-point reduction in your
21 guidelines range because the government did not dispute that
22 you accepted responsibility through your guilty plea and
23 your factual admissions.

24 But sitting here today, I don't think that you
25 have truly accepted responsibility, and I'll tell you why.

1 Most importantly, as Mr. Walters noted and Ms. Ayers-Perez
2 noted, your organization has used your notoriety to raise
3 money and garner support for you in connection with this
4 sentencing and for its general operations by
5 mischaracterizing what this proceeding is all about, and
6 it's done so by telling your supporters that, quote, This is
7 a political persecution of a law-abiding physician that is
8 designed to threaten and intimidate any American who dares
9 to exercise their First Amendment rights. And all of the
10 letters that I've read and emails have repeated that exact
11 sentiment. And let me just refer to a few.

12 This is from a gentleman in California. "Dr. Gold
13 did nothing wrong that day except read her speech in regard
14 to safe and effective treatments. She's being suppressed
15 and censored."

16 "She has a right to speak. Americans have a right
17 to hear her. The J6 witch hunt is still raging."

18 This is from -- I'm not sure where this supporter
19 lives, but another supporter writes, "She merely exercised
20 her rights as a concerned citizen."

21 Another, "Dr. Gold did nothing wrong in expressing
22 her medical opinions. Our Constitution proves and provides
23 the right to free speech."

24 "She is only guilty of having compassion and
25 humanity."

1 "All she did was try to get the word out about
2 preventing COVID."

3 "Dr. Gold did nothing wrong that day except
4 reading her speech in regard to safe and effective
5 treatments. She deserves the right to speak, and Americans
6 deserve the right to hear her speak."

7 All of that may be true, all right, but that's not
8 why we're here, all right, and your organization is leading
9 people to the misimpression that this is a political
10 prosecution or is about free speech. It ain't about free
11 speech.

12 I mean, January 6th was about a lot of things, but
13 it was not about the First Amendment, and it was certainly
14 not about COVID treatments or vaccinations. And you have
15 obviously found many platforms from which to share your
16 views about those topics, all right? And you are free to do
17 so so long as you don't violate any laws. And I may have
18 views about that message, but those views are absolutely
19 totally irrelevant to this proceeding.

20 The only reason you're here is where and when and
21 how you chose to express your views, and I want to be very
22 clear about that.

23 And I've read your statements, and I've heard you
24 here today. I've heard a lot about the manner in which you
25 were arrested, about how, again, this is a political

1 persecution, about how you've lost your job, about how you
2 haven't been able to get on a flight. But what I haven't
3 heard is anything about the five people who died that day,
4 the four people who committed suicide because of the trauma
5 that they suffered that day at the hands of the mob, or the
6 members of Congress or the 20-year-old or 25-year-old
7 congressional staffers who were behind some of those doors
8 where chaos was breaking out all around them and not knowing
9 whether they would be able to go home to their families and
10 hearing a bullhorn outside contributing to that, all right?
11 I haven't heard about that.

12 Now, you're obviously very bright. You're
13 professionally accomplished. You clearly take great pride
14 in that, as you rightfully should, but in some ways those
15 factors cut against you because you should have known what
16 you were doing. I think you did know what you were doing,
17 and you're unlike many of the other defendants who I see who
18 were misled and hoodwinked into coming to D.C. that day and
19 have had to pay the price for that. I think you well knew
20 what you were doing.

21 We've talked about -- and the messages that we've
22 heard from your supporters based on the fundraising and the
23 appeals that you've sent out, that's a matter of general
24 deterrence, okay? People need to know that this is not
25 acceptable, and that this is not what this proceeding is all

1 about.

2 As Ms. West said, I've had many of these cases.
3 Every case is different. I do my best to try to slot in
4 people where I think it is appropriate so as not to create
5 disparities in sentencing, and I've done that in this case
6 to the best of my ability.

7 So with that, pursuant to the Sentencing Reform
8 Act of 1984 and in consideration of the provisions of 18 USC
9 3553 as well as the advisory sentencing guidelines, it is
10 the judgment of the Court that you, Simone Gold, are hereby
11 committed to the custody of the Bureau of Prisons for a term
12 of 60 days on Count 2. You are further sentenced to serve a
13 12-month term of supervised release as to Count 2. In
14 addition, you are ordered to pay a special assessment of \$25
15 in accordance with 18 USC 3013.

16 While on supervision, you shall abide by the
17 following mandatory conditions as well as the standard
18 conditions of supervision, which are imposed to establish
19 the basic expectations for your conduct while on
20 supervision. These conditions include you must not commit
21 another local, federal, or state crime. You must not
22 unlawfully possess a controlled substance. You must refrain
23 from any unlawful use of a controlled substance. You must
24 submit to one drug test within 15 days of placement on
25 supervision and at least two periodic drug tests thereafter

1 as determined by the Court.

2 You must make restitution in accordance with 18
3 USC 3663 or any other statute authorizing a sentence of
4 restitution. The restitution payment shall go to the
5 Architect of the Capitol. The Court determines that you do
6 not have the ability to pay interest and, therefore, waives
7 any interest or penalties that may accrue on that balance.

8 You're also ordered to pay a fine in the amount of
9 \$9,500 as recommended by probation. The Court determines
10 that you do not have the ability to pay interest and,
11 therefore, waives interest or penalties.

12 And I will say that -- I've mentioned this in
13 connection with acceptance of responsibility, but I find it
14 unseemly that your organization is raising hundreds of
15 thousands of dollars for its operations, including your
16 salary, based on your participation in January 6th. I think
17 that is a real disservice to the true victims of that day.

18 You shall also comply with the following special
19 conditions.

20 You shall remove all firearms, destructive
21 devices, or other dangerous weapons from areas over which
22 you have access or control until the term of supervision
23 expires. You must pay the financial penalty in accordance
24 with the schedule of payments sheet on the judgment. You
25 must also notify the Court of any changes in economic

1 circumstances that might affect the ability to pay this
2 financial penalty.

3 Having assessed the defendant's ability to pay,
4 payment of the total criminal monetary penalties is due as
5 follows. Payment in equal monthly installments of \$915 over
6 a period of 11 months. Payment during the term of
7 supervised release will commence within 30 days after
8 release from imprisonment.

9 You must provide the probation officer access to
10 any requested financial information and authorize the
11 release of any financial information. The probation office
12 may share financial information with the U.S. Attorney's
13 Office. You must not incur new credit charges or open
14 additional lines of credit without the approval of your
15 probation officer.

16 Restitution shall be made to the Clerk of the
17 Court for the District Court for the District of Columbia
18 for further disbursement to the Architect of the Capitol.

19 Financial obligations are immediately payable to
20 the Clerk of the Court. Within 30 days of any change of
21 address you shall notify the Clerk of Court of the change
22 until such time as the financial obligation is paid in full.

23 The probation office shall release the presentence
24 report to all appropriate agencies, including the probation
25 office in the approved district of residence, in order to

1 execute the sentence of the Court. Treatment agencies shall
2 return the presentence report to the probation office upon
3 the defendant's completion or termination from any
4 treatment.

5 Mr. Walters, you've recommended that I transfer
6 supervision to the Southern District of Florida; is that
7 correct?

8 THE DEFENDANT: Middle. Middle.

9 MS. WEST: I think it's the middle, Your Honor.

10 THE COURT: Middle District of Florida.

11 THE PROBATION OFFICER: Your Honor, she'll be
12 supervised there. I don't think I recommended the transfer
13 of jurisdiction.

14 THE COURT: That's correct. The Court will
15 transfer supervision to the Middle District of Florida --

16 THE PROBATION OFFICER: Yes, sir.

17 THE COURT: -- but will retain jurisdiction over
18 the case, so, Dr. Gold, if there are any violations of
19 supervised release noted by the probation office in Florida,
20 those will come to me, and we'll have to deal with them. I
21 assume that there will not be any.

22 You have the right to appeal the sentence imposed
23 by the Court if the period of imprisonment is longer than
24 the statutory maximum or the sentence departs upward from
25 the applicable guidelines range. If you choose to appeal,

1 you must file any appeal within 14 days after the Court
2 enters judgment.

3 You also have the right to challenge the
4 conviction entered or sentence imposed if new and currently
5 unavailable information becomes available to you or on a
6 claim that you received ineffective assistance of counsel in
7 entering a plea of guilty or in connection with this
8 sentencing. If you are unable to afford the cost of an
9 appeal, you must request permission from the Court to file
10 an appeal without cost to you.

11 Any other objections for the record, Counsel?

12 MS. AYERS-PEREZ: No, Your Honor.

13 THE COURT: Ms. Ayers-Perez, would you like to
14 move to dismiss the other charges in the indictment?

15 MS. AYERS-PEREZ: Yes. Pursuant to the plea
16 agreement, the government would move to dismiss the
17 remaining counts of the indictment.

18 THE COURT: So moved.

19 All right. Ms. Gold, good luck to you. As I
20 said, any violations will come to me, but I don't expect
21 that there will be, and if -- I sometimes schedule reentry
22 hearings in this these matters, but I don't feel a need to
23 do that in this case.

24 So good luck, and hopefully you can put this past
25 you and get on with your life, okay?

1 MS. WEST: Your Honor, can we ask for self-
2 surrender in this case? I believe it wasn't opposed by the
3 probation office.

4 THE COURT: The defendant will be allowed to self-
5 surrender.

6 You will get notice from the Bureau of Prisons as
7 to a report date and as to a facility. For this short of a
8 sentence, BOP usually will contract with a local facility,
9 but I don't know whether that will be the case here or not.

10 MS. WEST: And can we ask that you make a
11 recommendation, then, if there is such a thing, for it to be
12 close to her home?

13 THE COURT: The Court will recommend that she be
14 placed in proximity to her home in -- what city is she in?

15 MS. WEST: Naples.

16 THE COURT: -- Naples, Florida.

17 All right. Unless there's anything else, we're
18 adjourned.

19 MS. WEST: Thank you, Your Honor.

20 (Whereupon the hearing was
21 concluded at 11:33 a.m.)
22
23
24
25

CERTIFICATE OF OFFICIAL COURT REPORTER

I, LISA A. MOREIRA, RDR, CRR, do hereby
certify that the above and foregoing constitutes a true and
accurate transcript of my stenographic notes and is a full,
true and complete transcript of the proceedings to the best
of my ability.

Dated this 18th day of June, 2022.

/s/Lisa A. Moreira, RDR, CRR
Official Court Reporter
United States Courthouse
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