

Defendants agree with the summary as presented in the Presentence Investigation Reports of their participation at the United States Capitol on January 6, 2021. Making no effort to hide their involvement, Defendant(s) posted pictures from that day on social media and spoke freely about being at the Capitol on January 6th. Later, Defendants cooperated with investigators sent to interview them on January 20, 2021 admitting without hesitation their presence inside the Capitol on January 6,th describing then leaving after reaching a corridor where police blocked protestors from passing further into the building.

More than two years later, the government charged defendants by information and almost immediately the Attorney for the Government and undersigned counsel reached a proposed partial plea agreement. That agreement then led to the Defendants pleading guilty on August 11, 2023 to the single count before the Court. In the nearly three years since the incident, Defendants have lived at home and avoided engaging in criminal conduct, nor any conduct whatsoever that would constitute a violation of the conditions of their release leading up to sentencing. They have appeared each time the government or the Court has required them to do so, including traveling from their home near Kansas City, Missouri for the guilty pleas on August 11th and are scheduled to do so again for sentencing on December 1, 2023.

III. Argument

Defendants do not make excuses to this Honorable Court for their conduct on January 6, 2021. When viewed in their entirety, Defendants recognize the actions of the persons responsible for initiating a breach on the United States Capitol are objectively reprehensible. Those persons with violence on their minds and destruction (both physically and to the welfare of the nation) in their hearts deserve the indignation and contempt of their fellow citizens. Mr. and Mrs. Dragoo, however, are not among those malevolent souls seeking to do the United States wrong.

While they certainly have learned the lesson of their lifetimes, Defendants did not, and indeed could not, know the severity of their actions taken in conjunction with others pulled into the web of violence by those truly seeking harm against the foundations of America. The Dragoos did not perceive the totality of the events of which they formed a part. Their perceptions were limited to themselves and what they saw, heard, and thought they “knew” to be true. Their actions after the event demonstrate the opposite of “consciousness of guilt.” Rather, their behavior reflects their failure previously to understand the magnitude of the damage from that day on the psyche of the Nation. Having seen the events of January 6, 2021 in filmed renditions from multiple angles and vantage points showing breaches at other points from where the Dragoos entered the Capitol, Defendants after the fact can see themselves as part of the whole. This, as opposed to an independent pair of actors not part of the mass. Defendants now recognize that they should have known their participation that day would add to American’s collective

sense of insecurity, fear, and divisiveness. Defendants are good people who acted myopically and foolishly.

Give the recent decision in *United States v. Little*, 78 F.th 453 (DC Cir. 2023). Defendants recognize that the Court is likely faced with weighing the relative benefits of sentences¹ involving up to six (6) months in jail, or up to five (5) years' probation, but the imposition of both a jail term and probation is no longer an available option.²

A pair of one year probation terms for each defendant under the conditions articulated in the Presentence Investigation Report, Defendants urge, is sufficient sanction for the present violation.³ Defendants' offenses were serious (engaging in prohibited conduct under circumstances when tensions were running high and the Congress was on business of the utmost importance to the United States), Defendants' participation was, relative to the actions of some of the group, minor and neither Mr. nor Mrs. Dragoo is alleged to have caused damage to the Capitol building nor engaged in violence against police or anyone else. Neither has any criminal history, and each are citizens held in high regard by their community as evidenced by the attached character letters (see **Exhibit "A"** collectively). Focusing on these individual Defendants, the nature and circumstances of the offenses, and the history and their

¹ Defendants have similar backgrounds and lack of criminal history. They were together throughout their involvement on January 6, 2021, though they recognize the Court will consider their cases individually.

² Under 18 C.S.A. sec. 3551(b)(2), the Court *could* determine that Defendants have, effectively, been under supervision since January 20, 2021 when first they admitted their involvement and impose a fine only.

³ The Presentence Investigation Reports do not recommend the Court impose jail terms for either Defendant.

characteristics, Defendants respectfully suggest the crimes do not warrant incarceration.

While the specter of punishment for their activities of January 6, 2021 has hung over Defendants' heads for going-on three years, they have done all that was asked of them. Defendants cooperated with investigators, reached the decision to pled guilty very shortly after informations were filed, appeared wherever and whenever required including traveling from Missouri to DC (soon to be twice), pled guilty, spoke candidly with the Probation Department, suffered the indignity of being handcuffed and held outside their home during a search warrant, and have otherwise led law-abiding lives. They admit what they did was "way out of bounds," and exactly what they taught their children *not* to do: "just because everyone else was doing it..., etc." Defendants have taken responsibility for their foolish behavior and admitted their culpability. They have shown their respect for the law by their actions upon understanding what they did was wrong and unacceptable. Given these affirmative steps to demonstrate their respect for the law, Defendants respectfully suggest that a probationary sentence strikes the proper balance between the severity of the Defendant's conduct and their rehabilitative needs.

For people who have never been arrested in their lives, to have undergone the ordeal of being subjects of a federal criminal investigation, hiring private counsel, possible indictment, arrest, pre-trial release conditions, presentence investigations, guilty pleas, and pending sentencings, these things were and are shocks to Defendants. Everything involving the investigation and

prosecution of these defendants has served to deter them from ever again committing another crime, much less a crime against the United States. Perhaps of equal significance, all that has happened to them has made them wary of being in a position where they could be accused of a crime because of the company they keep. Defendants (and their counsel) observe the deterrent aspect of the criminal justice system has worked extremely well.

Similarly, because of the profound effect their arrest and prosecution has had upon them (and in their community) the public need have no fear from the Dragoos ever again. A necessary ancillary effect of “overwhelming deterrence,” that the Government has achieved here with the Dragoos, is that not only are the Dragoos deterred for committing another crime, anyone looking at their plight sees and thus knows that the same punishing investigation and prosecution awaits such other persons if they think they can “get away with” committing a crime against the United States. Defendants suggest no further deterrence (such as a jail term) is necessary to achieve maximum deterrent value.

IV. Conclusion

Wherefore, Defendants respectfully request this Court conclude that a term of imprisonment is unnecessary for the reasons stated above (and the evidence of record) and impose such non-custodial sentences as are consistent with the interests of justice and the rehabilitative needs of the Defendants. The aforementioned terms of one-year probations, Defendants suggest, along with

such fiscal penalties the Court might concurrently order would accomplish the goals imposed at 18 U.S.C. sec.53553.

Respectfully Submitted,

/s/Bruce L. Castor, Jr.

Bruce L. Castor, Jr.
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Date: November 21, 2023

Exhibit “A”

Letters

Date: 10/6/2023

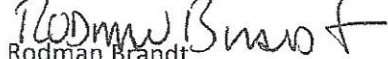
To: Citizens of the United States

Re: Steven Dragoo Character letter

From: Rodman Brandt

I would like to express my opinion on the the character of Steven Dragoo. I have know Steven since the late 1990's. He is a local businessman that runs a union electrical contractor company that employs 20-30 people at any given time. Steven will always go out of his way to help out someone in need. With the tools and knowlege he has been blessed with over the years he often will go out of his way to make sure whomever is taken care of. If someone is without heat or AC in there house he will make sure that it gets fixed and they are comfortable, many times at his own expense. Ive never known Steve to break the law or be a problem maker but do recognize him as a strong law abiding leader in our community. Many freinds,family and employees count on Steve every day to get through life.

thanks


Rodman Brandt

I have known Steve Dragoo since the late 1970's and he has been a customer of mine since 1981. Steve is always a pleasure to work with and very honest and fair in working with our company. I know him to also be a great family man, husband, and father and is a great asset to our community. There are people in my life who always make you feel good and pick you up by just being with them. Steve is one of those people.

Dan Humphreys

St. Joseph, Mo.

From: Mr. Jerry Gentry

To Whom it may concern,

I am submitting this letter as a character witness and reference for Mr. Steve Dragoo.

I have known Mr. Dragoo for almost forty (40) years. We worked together in the IBEW as Licensed Electricians starting back in 1984. Over the past 40 years I have known Steve on a personal and professional level. I have always known him to be an Honest, Hard Working, Professional, Upstanding and Moral Member of our community. He is solid in his faith as a Christian and has been a dedicated Husband and Father. I have never seen or heard of any instance where he has broken the laws of our society or been dishonest or corrupt in any way. Steve is a successful Business Owner and is well known and respected amongst his peers and clients. He has always displayed stellar Business Ethics and has contributed in many ways to our local community. Steve volunteers regularly at his Church and has served on local community betterment teams. I have been a Business Professional in the St. Joseph, MO area myself for 40 years and have interacted with Mr. Dragoo and his Business on multiple occasions.

He has always been a consummate professional and someone I would trust wholeheartedly.

I would like to let this letter serve as my personal and professional recommendation for Mr. Steve Dragoo and his character as a Law-Abiding Citizen.

Respectfully submitted,

Jerry P. Gentry



E-Mail: jerryg@rensenhouse.com

Mobile: (816)-344-1763

Office: 816-364-6031 ext 111

October 5, 2023

To the Honorable Bruce Castor/Court:

It has been our privilege to know Steve and Kim Dragoo and their families since childhood. We can attest to the fact that from their younger years to the present, they have always conducted themselves in an upright manner, well within all legal boundaries established by law. Steve is the owner and operator of a union electrical company with a stellar reputation in our community and is well respected for his extensive knowledge and prompt attention to all the mechanical and financial aspects of this business. Steve is well known for helping those in need with an attitude of allowing people to pay him when they are financially able.

For many years, Kim operated an independent hair salon and tanning business. She is active in community affairs and is a staunch supporter of St. Joseph, Mo. The Dragoos are also actively involved in their local church and Steve continues to teach a Men's Sunday School class to the present. We are privileged to call them friends and they have always been good examples for all within their sphere of business associations, family, and friends.

Respectfully submitted,

Bob & Michele Beamon



October 13, 2023

To Whom it May Concern,

My name is Kenneth C. Borden, and I am the Executive Director of the Kansas City Chapter of the National Electrical Contractors Association. I know Steve Dragoo from his participation in my organization and as a friend. Steve has served as our St. Joseph Division Chairman and as a Board of Director for over fifteen (15) years and has done so honorably.

In my experience, Steve has always conducted himself in a professional manner. I have witnessed him manage situations that required understanding, compassion, empathy, and strong moral character. The one thing I have never witnessed is behavior that would lead me to believe Steve would do anything unlawful or immoral. I can attest to Steve's faith in God, his knowledge of good from bad and right from wrong. I cannot fathom why he would be judged as something other than an upstanding, law-abiding citizen.

I am available to discuss my opinion further should anyone wish to do so.

Respectfully,



Kenneth C. Borden
Executive Director
Kansas City Chapter, NECA
816.645.1565

JOPLIN



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October 17, 2023

LETTER OF CREDIBILITY RE STEVEN DRAGOO

Dear Bruce L. Castor Jr.,

I am writing this letter in reference to my life long friend and business associate Steven (Buck) Drago. I've known Buck for 55 plus years, growing up 4 blocks away from each other, going to the same high school, and both of us working together on various Construction and Engineering projects. I feel that it is an easy task to vouch for his credibility. I've watched my friend develop through life from a Union Electrician, to Job Superintendent, to Business Owner, but most importantly a genuine good person and a Christian man. Buck and his wife is respected by our Community, and have been a positive influence to those surrounded by them.

If there is any discussion needed regarding the above, feel free to call me at 816.596.0513.

Sincerely,



Edward Helsel

Buck Drago

From: Mike Kovac <mikekovacmail@gmail.com>
Sent: Thursday, October 5, 2023 4:56 PM
To: Buck Drago
Subject: Great person

I'm Mike Kovac, I've known Steve Drago practically my whole life he is a great friend and a fine citizen never know Steve to break the law I would trust him with my life . Thank you for accepting this opportunity to speak about Steve .
Mike K

Buck Drago

Subject: FW: Fw: Kim Drago

From: Kimberly Drago <kimdragoospa@gmail.com>
Sent: Tuesday, October 17, 2023 3:34 PM
To: Buck Drago <buck@actionelectricstjoe.com>
Subject: Fwd: Fw: Kim Drago

----- Forwarded message -----

From: janelle embrey <janelleembrey@yahoo.com>
Date: Tue, Oct 17, 2023, 3:24 PM
Subject: Fw: Kim Drago
To: <kimdragoospa@gmail.com>
Sent from Yahoo Mail for iPhone
Begin forwarded message:

On Tuesday, October 17, 2023, 3:02 PM, janelle embrey <janelleembrey@yahoo.com> wrote:

Hello,

First, let me start this off by saying it is my pleasure to share with you what I know of Kim.

No, I don't attend church with her, nor was I her teacher and I am not a lifelong friend unfortunately. What I am is a member of the community she lives in and have had the pleasure of witnessing all of the things she has done to help make this community a better place.

About nine years ago I had a serious life-threatening issue that needed fundraising, I had to travel to receive the care. The funds were desperately needed. I had no idea who Kim was, but without hesitation, Kim donated generously to my cause, you don't get people like that often.

Then, when the powers that be wanted to eliminate our three high school city, to gobtoba mega school Kim single-handedly organize a group that got through to the community and the Board of Education just how important this city felt about keeping its neighborhood schools and the history that went hand-in-hand with them.

But Kim's service to the community didn't stop there. Our south end of town was devastated by a flood waters. While help with slow to come from the city or county officials, Kim took it upon herself to go deliver pizzas to the many neighborhoods, who were full of people trying to salvage homes and belongings. It was nothing to see Kim get out and help these people move or clean up their belongings while delivering the pizzas.,

When our city shut down the city pools, it was Kim who opened up her own pool in the backyard to any, and every child who wanted to come cool off.

With these examples, it's just the tip of the iceberg who Kim is. Kim is a prime example of what it is to be a good neighbor, community member and friend.

Like I said in the beginning, I don't have a fancy title or a high-level job. I'm just a member of a community who has seen Kim go out of her way to make the place I live a better place. I'm thankful that she is part of my community.

Sincerely
Janelle Embrey