

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) 1:17CR34
)
REALITY LEIGH WINNER,)
)
 Defendant.)
-----))

SENTENCING HEARING
BEFORE THE HONORABLE J. RANDAL HALL
THURSDAY, AUGUST 23, 2018; 10:00 A.M.
AUGUSTA, GEORGIA

FOR THE GOVERNMENT:

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1 (Call to Order at 10:00 a.m.)

2 THE CLERK: The court calls case number 1:17CR34.
3 United States of America v Realty Leigh Winner. Bobby
4 Christine, Jennifer Solari, Julie Edelstein, David Aaron for
5 the Government. Joe Whitley, Matthew Chester, John Bell, Titus
6 Nichols, Brett Switzer and Thomas Barnard for the Defendant.
7 Here for sentencing.

8 THE COURT: Good morning.

9 (Group responds simultaneously.)

10 THE COURT: Is the Government ready to proceed with
11 sentencing?

12 MR. CHRISTINE: The Government is ready, Your Honor.

13 THE COURT: Is the Defense ready?

14 MR. WHITLEY: Yes, sir, Your Honor.

15 THE COURT: Realty Leigh Winner appeared before this
16 Court on June 26, 2018, accompanied by several of her attorneys
17 for a Rule 11 proceeding. Pursuant to a Plea Agreement
18 Ms. Winner plead guilty and was adjudged guilty of count one of
19 the Indictment charging her with willful retention and
20 transmission of national defense information in violation of
21 18, United States Code, Section 793(e). Upon completion of
22 that Rule 11 proceeding and this Court's acceptance of her
23 guilty plea, the Court then directed the probation office to
24 prepare a Presentence Report and to disclose the report to the
25 Government and to the Defendant.

1 Has the Government seen the report and had an opportunity
2 to read it and do you have any objections to its contents?

3 MS. EDELSTEIN: Yes, Your Honor. The Government has
4 no objections.

5 THE COURT: Thank you.

6 Now the Defense -- have you gone through the report with
7 Ms. Winner?

8 MR. WHITLEY: Yes, sir, Your Honor. We have.

9 THE COURT: And I note that you have a single
10 objection to paragraph 81 which is a potential ground for
11 departure under Guideline Section 5K2.14. Reviewing your
12 Sentencing Memorandum and the addendum to the agreement it
13 appears that that is still an outstanding objection that needs
14 to be addressed; is that correct?

15 MR. WHITLEY: Your Honor, we would like to make a
16 statement as to that objection, if I might.

17 THE COURT: Sure. Go right ahead.

18 MR. WHITLEY: Your Honor, we believe that it's within
19 the Court's discretion to sentence this defendant under Rule 32
20 without addressing that issue. We believe that we've
21 adequately addressed it, we hope, for the Court's benefit in
22 our pleadings that we filed with the court. We read the
23 Presentencing Report and there is something -- some authority
24 in the Circuit that would support saying this would be double
25 counting in this particular situation. However, we believe

1 we've adequately addressed it and we would defer further
2 discussion of it and we would rest with the Court's decision on
3 acceptance of the 11(c)(1)(C) plea in the situation as opposed
4 to going into an extended presentation with the Court this
5 morning.

6 THE COURT: Any thoughts from the Government on that
7 objection?

8 MS. EDELSTEIN: Your Honor, the Government agrees
9 with the Defense that the objection need not be resolved in
10 this case. The Government thinks that this is a
11 potentially-applicable policy statement in the sentencing
12 guidelines. However, the Government is not in this case
13 seeking an upward departure or a sentence above the sentencing
14 guidelines; therefore, the Government agrees with the Defense
15 that this objection need not be addressed.

16 THE COURT: Very well. With the parties consenting,
17 I'll move forward then.

18 MR. WHITLEY: Yes, sir.

19 THE COURT: All right. The Court will adopt the
20 factual statements in the advisory guidelines that are
21 contained in the report and in doing so the Court will now
22 announce that the applicable advisory guidelines for purposes
23 of this morning's sentencing are total offense level 29,
24 criminal history category I, 87 to 108 months of imprisonment,
25 one to three years of supervised release, \$30,000 to \$250,000

1 fine, and a \$100 special assessment.

2 All right. With that, obviously, we all recognize we have
3 an 11(c)(1)(C) Plea Agreement here which is really our focus
4 this morning, but I'll be glad to hear from -- Mr. Whitley,
5 from you or whoever else you'd like to address any information
6 in mitigation or more likely, I guess, in support of the Plea
7 Agreement.

8 Ms. Winner, as with every defendant in a sentencing
9 hearing, the law gives you the right to make a personal
10 statement to the Court. If that is a right that you wish to
11 exercise and make a statement, I'll be glad to hear from you,
12 but I'll leave that up to you and your counsel.

13 So, Mr. Whitley, the floor is yours, sir.

14 MR. WHITLEY: Yes, sir, Your Honor. Thank you for
15 that. I would defer to my co-counsel, John Bell, to speak
16 first --

17 THE COURT: All right.

18 MR. WHITLEY: -- and then I'll speak second, Your
19 Honor.

20 THE COURT: Very well.

21 MR. WHITLEY: And then after that, Your Honor, our
22 client will make an allocution to the Court. Is that
23 acceptable, Your Honor?

24 THE COURT: Yes, sir.

25 MR. WHITLEY: Thank you.

1 THE COURT: Mr. Bell?

2 MR. BELL: Yes, Your Honor, and I will try not to
3 speak at length and I am not here to reargue the underlying
4 facts. They are set up. I think the Court is quite familiar
5 with the legal issues and the factual basis. What I do want to
6 state -- and I take seriously anything I say in a court and I
7 try to take seriously what I say outside of a court for I
8 believe the candor -- not just honesty, but candor of a lawyer
9 is essential to the functioning of our system of justice.

10 Over a little more than a year I spent a good bit of time
11 with this young lady. I am the father of four very interesting
12 daughters and each very different in their own way. I have
13 been very extremely impressed with her as a person and I'm
14 quite familiar with the imperfectibility of mankind for we have
15 all seen folks including lawyers and bank presidents and
16 politicians and even judges do things that they have to have
17 known that they should not have done, and in some cases it
18 reflects an evil and defective heart and sometimes it's just
19 the imperfectibility of mankind.

20 She's a really good person. I never -- I have not heard
21 any expressions of meanness, anger. I had talked with her at
22 length independently on this Plea Agreement -- I didn't want
23 anybody else around -- to make sure this is really what she
24 wants to do and fully accepts that and she does. I believe
25 that her acceptance of responsibility, including responsibility

1 that necessarily even under the Plea Agreement involves the
2 loss of her freedom for a good portion of her life,
3 particularly in her youth years when people are getting on with
4 life, it's real, but she's never told me anything that I had
5 reason to doubt as being truthful.

6 She's never expressed anything to me that would reflect
7 disloyalty to the United States outside of how one might view
8 what she's charged with. She is an honorably-discharged
9 veteran. She is a person coming before this Court with no
10 criminal history. She is a person who did amazingly well in
11 school, received honors from the Air Force, who has shown a lot
12 of humanity and interest in -- not in gaining wealth, but in
13 serving others, trying to get jobs with non-profits and such.

14 We are here asking the Court to go with the plea bargain,
15 but I say these words because the person before you is a very
16 good person who has done something that she should not have
17 done and she knew she shouldn't have done it and it is
18 something that our federal laws do not concur, but she is not
19 an evil person. I have no doubt that she will never again see
20 the inside of a courtroom in a similar position and I give you
21 those assurances from the bottom of my heart.

22 THE COURT: Thank you, Mr. Bell.

23 MR. WHITLEY: Your Honor, I'll say a few words.

24 There is an expression -- maybe Benjamin Franklin said it -- "I
25 would have written you a shorter letter but I didn't have

1 time." You may have heard it and today what I want to do is
2 keep brief and succinct in my remarks.

3 We have spent a good bit of time in this case over many,
4 many months and I really thank the Court for the opportunity
5 this morning to say a few words. It is part of our system and
6 it's what makes our country exceptional and I have been working
7 with exceptionally-great lawyers here in Augusta for many
8 months -- John Bell and Titus Nichols -- two great lawyers here
9 in this city.

10 I want to thank you again for the opportunity to speak on
11 behalf of Reality. On behalf of her entire family, her defense
12 team, I want to thank the Court, the prosecutors who sit back
13 to my left here, the investigators who are back there -- there
14 are people here from the intelligence community -- for the
15 courtesy they've shown our client in this matter. There is
16 something to be said for our adversarial system under our
17 Constitution and Bill of Rights that protects a defendant's
18 rights even if those to which she committed wrongful conduct
19 that was controversial and arguably provocative. I believe our
20 client is deeply remorseful as John said and apologetic for her
21 actions and any harm that she may have caused the United States
22 and the intelligence community.

23 The Court has earlier indicated that it will support a
24 recommendation for a BOP facility requested by Ms. Winner which
25 is FMC Carswell facility in Fort Worth, Texas. We thank the

1 Government also for not opposing this request. To that end for
2 the reasons set forth in the declaration of Joel Sickler, an
3 expert in correctional facilities, Mr. Sickler believes that
4 FMC Carswell is the best facility for our client based on, Your
5 Honor, three things: Location, safety, and available programs.
6 And I won't go into all the details.

7 Now what is this case about? Not to minimize it, but this
8 is a case that's unique in that every case is unique, but it is
9 about one single document, Your Honor, on one single occasion
10 that was shared with one media outlet sent by what is called
11 "snail mail" today, but old fashioned mail. There were no --
12 fortunately, there were no foreign governments involved.

13 Reality Winner in this case acted alone, Your Honor, on
14 naive political impulse. This was a poorly-considered act of
15 political passion and protest with no financial benefit
16 received by her. This was not a cyber crime that involved the
17 use of cyber-related resources, Your Honor, or advanced
18 technology of any kind. As to harm, Reality has admitted that
19 she knew that the release of the information could potentially
20 harm the United States. However, at the time I believe Reality
21 never intended, Your Honor, to harm the United States.

22 There are a few key facts about Reality, the person, and
23 John has touched on those. Reality is just 26 years old, Your
24 Honor. She has had no prior criminal history. Again, as John
25 suggested, her background is, indeed, exceptional. She was an

1 accomplished scholar in high school. She was offered a
2 scholarship, Your Honor, to attend college at Texas A&M, but
3 she turned that down to serve her country in the United States
4 Air Force.

5 Reality excelled, Your Honor, in the Air Force. Colonel
6 Ricky Mills, her commanding officer, said in 2016 in a
7 commendation letter that Reality was selected over 60 of her
8 peers to serve as a subject matter expert. Colonel Mills cited
9 that she facilitated 816 intelligence missions, 3236
10 time-sensitive reports, and removed 100 enemies from the
11 battlefield as well as aided in 650 enemy captures and 600
12 enemies killed in action.

13 There are some other personal circumstances worthy of
14 consideration. Despite her laudable military service, Reality
15 has faced personal family adversity all recounted quite well in
16 Officer Chris Ingall's PSR. Specifically, there was a loss of
17 her father in December of 2016 just months before her arrest.
18 Dr. Adrian Davis, a clinical psychologist, has noted that
19 Reality suffers from longstanding depression and she suffers
20 and struggles with an eating disorder called bulimia. Dr. Davis
21 said in the months leading up to the offense it was a time in
22 Reality's life when she was "both depressed and suffering from
23 bulimia." This contributed to her poor decision making in this
24 situation when the situation required really clear thinking and
25 sound judgment.

1 I want to briefly touch on the letters of support because
2 we're not calling any witnesses, Your Honor, this morning to
3 talk about Reality Winner. I believe the Court probably has
4 had the opportunity to read those letters written by friends
5 and family members. I wanted to highlight a few points about
6 those letters. Really, it deals with the types of people who
7 wrote those letters and they range from neighbors, people who
8 served with her in the military, a friend in dog rescue, a
9 fitness instructor, her aunt, her mother, stepfather, sister,
10 adults in the small rural Texas town she grew up in. They're
11 all supportive of the Reality Winner -- the Reality Winner that
12 they know. These letters suggest that Reality has a high
13 potential for rehabilitation and reentry into society.

14 Taken together with Reality's personal statement which you
15 have heard or read in the materials and her allocution in a few
16 moments, I believe it will suggest that Reality will in the
17 next few years return to her freedom as a law-abiding citizen.
18 During the last year of her confinement in Lincoln County
19 Reality has acknowledged in my conversations with her
20 repeatedly the mistakes she made and the regrets that she
21 feels.

22 In summing up, I would remind the Court of a few points.
23 The charged offense in this case is non-violent. There was no
24 profit received and it was not cyber related. Reality is a
25 first-time offender who has a strong potential for

1 rehabilitation, Your Honor. Accordingly, we respectfully ask
2 the Court to accept the 63-month plea deal and endorse our
3 request that she be designated to FMC Carswell in Fort Worth,
4 Texas and be offered the opportunity to participate in the
5 prison's inmate helper program for other inmates.

6 This institution is also proximate to her family's home in
7 Texas. It is a suitable location for her health to be
8 monitored, Your Honor, and, in particular, we would ask if
9 she's not designated to that facility that she be designated to
10 a low-security facility if not FMC Carswell.

11 I want to conclude by saying that this has been a real
12 long journey for all of us working on this case. For most of
13 us the journey is ending, but for Reality Winner her journey
14 will continue and we hope that it continues on with the Court's
15 acceptance of this Plea Agreement. We thank Your Honor for
16 your attention to our request and that's all I have this
17 morning to share with you. Thank you very much.

18 THE COURT: Thank you, Mr. Whitley.

19 Ms. Winner, would you like to speak?

20 THE DEFENDANT: Yes, sir, Your Honor.

21 THE COURT: Very well. You may proceed.

22 THE DEFENDANT: I would like to begin by expressing
23 my gratitude toward this Court, the Department of Justice, the
24 FBI, and our Government, and sincerely apologize and take full
25 responsibility for my action. You have all treated me with the

1 most professionalism during my arduous time in my life which I
2 greatly appreciate. I will spare the Court the details of my
3 childhood and youth, save a few key details that shaped me into
4 the person I am today.

5 I grew up with my mother, father, and sister in Ricardo,
6 Texas -- a small town approximately 3 miles south of
7 Kingsville, Texas. In 1997 my father moved about 80 miles
8 south to Harlingen. To say my father was unique would be an
9 understatement. Bless his heart and rest his soul. A
10 psychology and theology major, he expected us to engage in
11 intellectual discourse by the time we were out of diapers.

12 Despite his obvious intelligence, he never quite found a
13 sense of belonging anywhere much as I have experienced in my
14 own life. While he had some trouble in his life with the law,
15 opioids, and questionable philosophies, he taught me some of
16 the most profound and influential insights into our world that
17 undeniably led me to my chosen career.

18 His chosen education had especially impacted the nature of
19 our discussions in the years following the tragedy of
20 September 11, 2001. Like many Americans, this event greatly
21 changed us. However, part of our change was the intellectual
22 pursuit of answers through research and discussion of the
23 event, the cultures, and the languages of the people in
24 countries involved as the global war on terror remained in the
25 headlines. Language became a topic of sincere interest to me.

1 In school my favorite subject happened to be Latin -- in
2 essence, the very structure of language itself.

3 An additional positive influence in my life came in the
4 blessing of my stepdad. He was everything a dad should be:
5 Discipline, structure, fun, my first soccer coach. The rock of
6 our family, he redefined our family as normal for the first
7 time and also expanded the small immediate family of my mother,
8 sister, and me by more than double with my three additional
9 step-siblings. A staunch conversative, I couldn't help but
10 notice his pride when my oldest stepbrother joined the U.S. Air
11 Force and it was then when I first learned about the military
12 language programs.

13 By the time I became old enough to enlist my heart was set
14 in joining the military in my stepbrother's footsteps and
15 pursue a career as a linguist eventually learning Farsi, Dari,
16 and Pashto within my six-year enlistment in the U.S. Air Force.
17 By the end of my first year at my first assignment in Fort
18 Meade I was a cryptological language analyst, the dream I had
19 -- the career I had dreamed of. Pardon me, Your Honor.

20 By the final year of my enlistment our country was well
21 into its second decade of the war in Afghanistan. Aside from
22 my military career I had always participated in supporting
23 various charities, most notably the Samaritan's Purse Operation
24 Christmas Child in which shoe boxes are distributed across the
25 world to refugee children or those afflicted by abject poverty

1 and famine. More than anything I dreamt of the day where
2 linguistic meets compassion, strategy, and peace.

3 As my time in the military came to an end I decided that I
4 intended to establish a life centered on obtaining the
5 experience and education I would need to vie for a position
6 within an organization like the UNHCR, USAID or UNICEF. To
7 help that transition I decided to find a job where I could rely
8 on and improve the language skills I developed in the Air Force
9 and took a job as a contractor in Augusta. Aside from the
10 potential job, I chose Augusta because I love this city.

11 It is not to be understated my understanding of the
12 gravity of my circumstance; however, I implore the chance to
13 share a few personal interests of mine that stand as the
14 justification of my request for the Southern District of
15 Georgia Augusta Division's judiciary recommendation and the
16 Bureau of Prisons' amenity to our request that I serve my
17 sentence at the Federal Medical Center, Carswell, in Fort
18 Worth, Texas.

19 On the surface it is the BOP federal facility nearest to
20 my family home in Kingsville, Texas. It will be nearly a full
21 day's drive for my parents on visitation occasions, but it will
22 be less of a strain than the airfare, lodging, and
23 transportation logistics should I be placed out of my home
24 state. Furthermore, I do intend to resettle in Texas and so
25 the transition from incarceration to halfway house to

1 supervised release will benefit me more greatly if it all were
2 to occur within the state of Texas.

3 On a personal note, one of my goals over the following
4 years of my life, incarcerated or otherwise free, is to seek
5 extensive treatment for bulimia, a condition that has been an
6 inescapable part of my life for over 12 years now. I pray that
7 FMC Carswell would provide the adequate mental healthcare level
8 to allow me the opportunity to begin a lasting rehabilitation
9 and relief. The disorder is a constant struggle for me and
10 even now is the most pressing internal challenge in my
11 day-to-day survival. My greatest fear would be assignment to a
12 facility in which the mental health services are lacking and
13 that conditions will provoke my bulimia to not only grow worse
14 but also serve as my only coping mechanism of incarceration.

15 Lastly, as I am able to recover and strengthen my own self
16 I understand that FMC Carswell is a unique facility in which
17 inmates may progress to caretaking positions to serve fellow
18 inmates. For both my health needs and vocational education
19 interests as well as proximity to my home of record, FMC
20 Carswell is a suitable facility in my opinion, and I humbly
21 request that the Court and the BOP to consider my placement in
22 Carswell.

23 Losing nearly everything has taught me that nothing is
24 worth the time spent away from loved ones. Time removed from
25 such dearness has allowed me to reflect thus far on what an

1 undeniable mistake I made in committing such a severe crime
2 against the government of the United States. I would like to
3 apologize profusely for my actions which have resulted in the
4 damages caused and resources expended by the Government and
5 this Court, and, in particular, I want to apologize to my
6 family.

7 My actions were a crucial betrayal of my nation's trust
8 placed in me, one for which I will spend my life in service of
9 our communities as atonement. Nothing will be more greatly
10 prized than the most simple pleasures of serving others, my
11 family's love, or being out in the sunlight of another day,
12 and, therefore, nothing would ever be done by me to jeopardize
13 my lasting commitment to the government or to my own liberty
14 ever again. I would, again, like to thank this Honorable Court
15 and its servants for their time and fair consideration in this
16 matter.

17 THE COURT: Thank you, Ms. Winner.

18 MR. WHITLEY: Thank you, Your Honor. We would ask a
19 bit of housekeeping. We have Dr. Adrian Davis' report. We'd
20 like to move that to be part of the record, Your Honor, if
21 that's acceptable, and I don't believe -- I don't know what the
22 Government's position is, but I believe there's -- is there any
23 objection?

24 MS. EDELSTEIN: There is no objection, Your Honor.

25 THE COURT: I think what I'll order is that the

1 report be provided to the BOP but not incorporated as an
2 attachment --

3 MR. WHITLEY: Okay.

4 THE COURT: -- into the PSR, but I will order that it
5 be provided.

6 MR. WHITLEY: Yes, sir. Thank you. Thank you, Your
7 Honor. That's preferential.

8 THE COURT: Anything further, then?

9 MR. WHITLEY: No, sir, Your Honor. We thank you for
10 your courtesy this morning. Thank you.

11 THE COURT: All right. Does the Government want to
12 make its comments from the lecturn or from the table?

13 MS. EDELSTEIN: Whatever is easier for Your Honor.

14 THE COURT: Are they long remarks or no?

15 MS. EDELSTEIN: I can keep them very short.

16 THE COURT: Okay. You can stay right here. My
17 normal practice is to let the counsel and defendant remain at
18 the lecturn. If you'd like to stay right where --

19 MR. WHITLEY: Yes, sir.

20 THE COURT: -- you are, that will keep you from
21 having to get up and down.

22 MR. WHITLEY: Thank you.

23 MS. EDELSTEIN: Your Honor, the Government's position
24 is fully set forth in our Sentencing Memorandum as to why the
25 disposition of this case that was agreed to by the parties is

1 an appropriate disposition -- 63 months of imprisonment and
2 three years of supervised release. There are a few points I'd
3 like to briefly highlight.

4 In terms of the seriousness of the Defendant's offense, it
5 cannot be understated. The Defendant when she began work as a
6 contractor with Pluribus in February of 2017 and signed
7 paperwork -- important paperwork -- showing that she was
8 agreeing to keep our secrets secret and that she was doing so
9 without any mental reservation or purpose of evasion at the
10 same time was taking actions that were clearly contrary to what
11 she was swearing to.

12 The Defendant also was not a newcomer to handling our
13 nation's secrets. She had had a security clearance for a good
14 part of her six years that she was in the Air Force and knew
15 the importance of protecting our national security information
16 and the damages that unauthorized disclosure can cause.
17 Nonetheless, just two days before starting work with Pluribus
18 the Defendant at the same time was just looking on her phone
19 and captured an image of a web page that listed a number of
20 sites that were seeking leaked classified information.

21 On May 5th an intelligence community agency published a
22 report internally on classified databases that was classified
23 at the Top Secret Special Compartmented Information level. The
24 Top Secret designation shows that the disclosure of this report
25 had potential to cause exceptionally grave damage to our

1 national security and what we call the "SCI" designation showed
2 that it was even more protected than other Top Secret
3 information, in part because it concerned our nation's sources
4 and methods.

5 Nonetheless, on May 9th the Defendant purposefully
6 searched for, identified, and printed this intelligence report.
7 Instead of handling it in the proper procedures, she removed it
8 from the secure facility where she worked. She put it in an
9 envelope and she addressed that envelope to a news outlet. As
10 she admitted to the Federal Bureau of Investigation she did so
11 with intent that the news agency publish the content of that
12 report, and as the Defendant admitted when she pleaded guilty,
13 this act was not an accident; it was not a mistake; and it was
14 not done for any innocent reason. Rather, the Defendant acted
15 willfully. She knew what she was doing was against the law.
16 In so doing she knowingly and intentionally jeopardized the
17 national security.

18 I gave you previously the definition of Top Secret
19 information that it has potential to cause exceptionally grave
20 damage, and in this instance the U.S. subject matter experts
21 have assessed that the Defendant's disclosure did exactly that.
22 It caused exceptionally grave damage to our national security.

23 The Defendant has now accepted responsibility for this
24 crime and the parties agree that 63 months is an appropriate
25 sentence. It reflects the seriousness of this crime. It is a

1 long prison sentence. The Defendant understood the harm that
2 her disclosure could cause and she blatantly violated the trust
3 that was placed in her.

4 In addition, the sentence confers significant benefit to
5 the Government. It avoids the complex issues that would have
6 been posed by a Classified Information Procedures Act
7 proceeding both before this Court and on a potential appeal and
8 it avoids the potential dangers of discussing a case which has
9 at its core classified information in front of a jury which
10 inevitably leads to the disclosure of more classified
11 information.

12 Given the balance that we must strike in all of those
13 cases as the Government between the needs to prosecute an
14 individual and the damage that further disclosure of classified
15 information can cause, this is a good result for the
16 Government. The prosecutors have confirmed both with the
17 Federal Bureau of Investigation and the members of the
18 intelligence community who are affected by the Defendant's
19 disclosure, and all agree. We also think that this sentence
20 will avoid unwarranted sentencing disparities in light of other
21 cases that have been prosecuted under 783 for unauthorized
22 disclosure of classified information.

23 Unless the Court has any questions, Your Honor, that's all
24 the Government has. Thank you.

25 THE COURT: All right. Thank you. The Court is now

1 ready to impose the sentence in this case. I have listened to
2 the Defendant and her counsel. I have carefully reviewed the
3 Presentence Report prepared by the United States Probation
4 Office. I have also considered letters of support filed by the
5 Defense in this case and I have carefully considered the
6 Sentencing Memorandums filed by both the Government and the
7 Defense and, finally, have listened to argument of counsel in
8 open court this morning.

9 In arriving at the Court's decision, I have carefully
10 considered the 18 U.S.C. § 3553(a) sentencing factors. Based
11 upon this the Court hereby approves the Plea Agreement under
12 Rule 11(c)(1)(C) and will now sentence accordingly. Pursuant
13 to the Sentencing Reform Act of 1984 then it is the judgment of
14 this Court that the Defendant, Reality Leigh Winner, is hereby
15 committed to the custody of the Bureau of Prisons to be
16 imprisoned for a term of 63 months.

17 Now imposing -- in imposing this sentence this morning
18 this Court has conducted a variance from the advisory guideline
19 range pursuant to Rule 11(c)(1)(C) and the Plea Agreement in
20 this case again and including the relevant 18 U.S.C. § 3553(a)
21 factors. In particular, in approving this agreement and the
22 sentence that the Court has imposed, I have carefully
23 considered the very serious nature and circumstances of the
24 offense committed by this defendant and I have considered very
25 carefully her history and characteristics.

1 This sentence by the Court reflects the seriousness of
2 this espionage offense. It is designed to provide just
3 punishment for this offense, and, very importantly, to promote
4 respect for the law and, also, very importantly, to avoid
5 adequate deterrence to future criminal conduct. While the
6 Court doesn't have any -- has no sense, rather, that there is a
7 need to protect the public from any further crimes of this
8 defendant, the Court does believe that the public deterrence
9 factor is very important in the Court's decision to approve
10 this 11(c)(1)(C) agreement and to impose the sentence called
11 for by that agreement. For all of these reasons this Court now
12 finds that the sentence -- that a sentence outside of the
13 advisory guideline range is appropriate and has imposed such a
14 sentence.

15 It is recommended that Ms. Winner be evaluated by BOP
16 officials to establish her participation in an appropriate
17 program of mental health treatment and counseling during her
18 term of incarceration. In addition, the Court orders that the
19 psychological examination prepared by Dr. Adrian C. Davis dated
20 July 1, 2018, shall be provided to the Bureau of Prisons as
21 part of the record in this case but shall not be incorporated
22 into the Presentence Report.

23 After considering the Sentencing Guideline 5E1.2D factors
24 and in light of paragraph four of the Plea Agreement, the Court
25 has -- will not impose a fine today upon Ms. Winner. I do,

1 however, order that she shall pay to the United States a \$100
2 special assessment which is due immediately.

3 Pursuant to the approval of the Plea Agreement Ms. Winner
4 shall forfeit her interest in the items mentioned in paragraph
5 12 of that agreement.

6 Upon release from imprisonment Ms. Winner shall be placed
7 on supervised release for three years. While on supervised
8 release she shall comply with the standard conditions of
9 supervision adopted by this court and the mandatory conditions
10 required by 18 U.S.C. § 3583 which will include, but not be
11 limited to, urine testing, a prohibition against possession of
12 any firearm or other dangerous weapon, and a prohibition
13 against the violation of any law. Further, she shall cooperate
14 in the collection of a DNA sample as directed by the probation
15 officer pursuant to 18 U.S.C. § 3583.

16 While on supervised release Ms. Winner shall comply with
17 certain special conditions imposed by this court. The Court
18 has considered various factors set forth in 18 U.S.C. § 3553
19 and 3583 along with relevant policy statements issued by the
20 United States Sentencing Commission and has determined that
21 these special conditions involve no greater deprivation of
22 liberty than is reasonably necessary to achieve the purposes of
23 sentencing; therefore, the following special conditions are
24 imposed on her term of supervised release.

25 She must participate in a mental health treatment program

1 and follow the rules and regulations of that program. The
2 probation officer, in consultation with her treatment provider
3 or providers, will supervise her participation in such a
4 program. She must pay the cost of treatment in an amount to be
5 determined by the probation officer based on her ability to pay
6 or the availability of third-party payment. She must take all
7 mental health medications that are prescribed by her treating
8 physician. She must pay the cost of such medication in an
9 amount to be determined by her probation officer based on her
10 ability to pay or the availability of third-party payment.

11 She must provide the probation officer with access to any
12 requested financial information and authorize the release of
13 any financial information. The probation office may share
14 financial information with the United States Attorney's office.
15 She shall not maintain more than one financial institution
16 account or be a signer on any financial institution account
17 without the prior approval of the probation officer.

18 She must complete 100 hours of community service within 12
19 months of her supervised release. The probation officer will
20 supervise her participation in the program by approving the
21 program and verifying the completed hours.

22 She must submit her person, property, house, residence,
23 office, vehicle, papers, computers, other
24 electronic-communications or data-storage devices or media to a
25 search conducted by a United States Probation Officer. Failure

1 to submit to a search may be grounds for revocation of her
2 supervised release. Failure -- rather, she must warn any other
3 occupants that the premises may be subject to searches pursuant
4 to this condition. The probation officer may conduct a search
5 under this condition only when reasonable suspicion exists that
6 she has violated a term or condition of her supervision and
7 that areas to be searched contain evidence of the violation.
8 Any search must be conducted at a reasonable time and in a
9 reasonable manner.

10 A curfew will apply during the term of supervised release.
11 She must comply with the conditions of a curfew from 10 p.m. to
12 6 a.m. daily. During the curfew time she will remain at her
13 place of residence and shall not leave except when the leave is
14 approved in advance by her probation officer.

15 She shall not collaborate on or consult about or otherwise
16 assist or be involved in any communication of information
17 related to classified subject areas to which she was exposed
18 while working as an employee of or contractor for the United
19 States Government with any other person or entity without first
20 obtaining the express written permission of all relevant
21 agencies or components of the United States Government.

22 She shall not circumvent her assignment to the United
23 States of any compensation, profits, proceeds, fee, honorarium,
24 money, or payments of any kind which she may otherwise be
25 entitled to receive in connection with any publication or

1 dissemination of information related to her work as an employee
2 of or contractor for the United States Government and the facts
3 and circumstances of the investigation of her activities or her
4 prosecution, sentencing, or incarceration in this matter by
5 assigning the rights to her story to an associate or to a
6 current, former, or future member of her family or to any other
7 person or entity who would provide some financial benefit to
8 her, to her associates, or to a current, former, or future
9 member of her family. Moreover, she shall not circumvent this
10 assignment by communicating with an associate or family member
11 for the purpose of assisting or facilitating their profiting
12 from a public or private dissemination whether or not such
13 associate or other family member is personally or directly
14 involved in such dissemination.

15 The probation officer is now directed to provide
16 Ms. Winner with a written statement setting forth all of the
17 conditions to which her term of supervised release is subject.
18 The Court has accepted this Rule 11(c)(1)(C) sentencing
19 agreement that departs from the applicable guideline range
20 because the Court is satisfied that there are justifiable
21 reasons for accepting this agreement that I have previously set
22 forth in this sentencing statement.

23 Consistent with the Court's judgment then it is ordered
24 that Ms. Winner is remanded to the custody of the United States
25 Marshal. This Court will recommend to the Bureau of Prisons

1 that she be assigned to FMC Carswell, Texas to serve her
2 incarceration -- term of incarceration. As a backup, the Court
3 would recommend her assignment to another facility of the same
4 risk level and with the same programs and other facilities that
5 Carswell offers.

6 Pursuant to the Plea Agreement, with limited exceptions,
7 Ms. Winner has waived all rights conferred by 18 U.S.C. § 3742
8 to appeal this sentence. She has also waived the right to
9 appeal this sentence on any other ground and has waived the
10 right to attack the sentence in any post-conviction proceeding.

11 The sentence in this case has now been pronounced by this
12 Court. Other than any objections which may have previously
13 been stated for the record, does anyone now have any objections
14 to the Court's findings of fact, its conclusions of law, or to
15 the manner in which the sentence was pronounced by this Court?

16 Government?

17 MS. EDELSTEIN: No, Your Honor. Thank you, Your
18 Honor.

19 MR. WHITLEY: No, Your Honor.

20 THE COURT: Very well. With that, the sentencing
21 hearing is now concluded.

22 (The hearing is concluded.)
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CERTIFICATE OF OFFICIAL REPORTER

I, Lisa H. Davenport, Federal Official Court Reporter, in and for the United States District Court for the Southern District of Georgia, do hereby certify that pursuant to Section 753, Title 28, United States Code that the foregoing is a true and correct transcript of the stenographically-reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Lisa H. Davenport, RPR, FCRR
Federal Official Court Reporter