

United States District Court  
Southern District of New York

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United States of America,

-against-

S1 20 Cr. 314 (GHW)

Ethan Phelan Melzer,

Defendant.  
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**ETHAN MELZER'S SENTENCING MEMORANDUM**

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February 3, 2023

By ECF

Honorable Gregory H. Woods  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: United States v. Ethan Phelan Melzer, S1 20 Cr. 314 (GHW)**

Dear Judge Woods:

When Ethan Melzer pled guilty in June 2022, he told this Court: “I’m sorry, and I regret every single thing I did.” Those words were not scripted by counsel—they were Ethan’s alone, and they were true. To be around him now is to know his palpable remorse, his guilt, his shame. They are always in the room.

Ethan will appear for sentencing on March 3, 2023, having pled guilty to and accepted responsibility for grave offenses: attempted murder of U.S. service members, in violation of 18 U.S.C. § 1114; provision of material support in furtherance of attempted murder, in violation of § 2339A; and unlawful transmission of national defense information, in violation of § 793(d). These offenses carry maximum sentences of 20, 15, and 10 years, respectively, for an aggregate maximum sentence of 45 years (540 months). The PSR calculates an advisory Guidelines range of 45 years’ imprisonment. We do not object to that calculation.<sup>1</sup>

Ethan knows he is due a lengthy sentence—his crime merits nothing less. But a sentence at or near 45 years would be far in excess of what is required. We respectfully request that the Court sentence him to 15 years’ imprisonment, to be followed by 10 years’

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<sup>1</sup> At the time of this submission, only the first-draft PSR, dated November 4, 2022, has issued. *See* ECF No. 154. All “PSR” citations are to that document. As will be discussed below, we have lodged several objections to that document’s “Offense Conduct” section.

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supervised release. That is a significant sentence that satisfies § 3553(a)'s "parsimony clause," which directs that sentences be "sufficient, but not greater than necessary," to comply with the purposes of sentencing.

As will be discussed, Ethan comes from a troubled background, including a childhood in Kentucky marked by severe neglect and abuse. He was raised by a single mother, an alcoholic with untreated mental illness who, despite her best intentions, was unable to provide the attention and guidance he needed. He was a sensitive child who largely had to fend for himself. While still in elementary school, he found refuge in internet message boards and role-playing video games. Those habits endured as he entered his difficult teen years, a period when he abused drugs, dropped out of high school, and found that his life was falling apart. But at 20 he was able to turn things around and achieve success in the Department of Labor's Job Corps program, which he used as a steppingstone to military service, the realization of his long-held goal to join the many members of his family who had served.

By April 2020, Ethan was 21 years old and stationed with his Army unit in Vicenza, Italy. He was struggling to adjust to military life and was lonely and alienated. He was also in thrall to a bizarre satanic cult with white supremacist and "accelerationist" political beliefs, the Order of the Nine Angles ("O9A"), that he had discovered in obscure corners of the internet the year before. The then-emergent COVID-19 pandemic had struck Italy with great force and the entire country, Ethan's unit included, was subject to a draconian lockdown. He was confined to his barracks, drinking heavily, and spending far too much time online.

From this toxic stew emerged a toxic idea to attack a U.S. military interest in service of O9A's reprehensible agenda. Ethan discussed the idea in internet chats with purported O9A adherents. First the idea was to launch a fatal attack on Ethan's own unit when it deployed to a military base in Turkey in about three weeks' time. That idea quickly shifted to an attack on a different unit that would supposedly arrive at the base many months later. In furtherance of these ideas, Ethan disseminated sensitive national defense information concerning his unit and the military base.

Without question, this offense conduct was repugnant, but it is not unmitigated. The fact is that there was never a coherent plan of attack and no one to execute it even if there

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had been. The group's ideas never became anything more than that, ideas. The "plan" was entirely online and bordering on non-existent. And the group was uniquely incapable of carrying out any real-world action. Its leader was "CC-1," a 15-year-old boy living at home in Canada but role-playing online as a former paratrooper. Another main participant was "Red Hourglass," a government informant pretending to be CC-1's girlfriend and an O9A devotee, who unsuccessfully tried to urge the group forward at every turn. Frustrated at the lack of progress, she would colorfully describe the group as a "confederacy of dunces" the day before Ethan's arrest. In the end, no attack was ever close to occurring.

But Ethan offers no excuses for his misconduct. He is profoundly remorseful. He has written a searching letter to this Court where he describes his overwhelming feelings of guilt, shame, and disappointment in his behavior. *See* Letter of Ethan Melzer (Ex. A). He is a still-young man with the chance to change direction. In the time since his arrest he has gained insight into his difficult background and its impact on his decision-making, and has worked hard to improve himself. He renounces extremism in all forms, including O9A and its bankrupt, nihilistic worldview. He wants only to atone for his misconduct, serve his time, and continue his path to redemption.

### **Ethan's background<sup>2</sup>**

#### *A lonely child contending with isolation, abuse, and neglect*

Ethan was born in 1998 in Louisville, Kentucky. He is now 24 years old, though at the time of his offense he was 21. (He turned 22 four days before his arrest.) His parents are Julie Presley and Nick Melzer. Julie and Nick were teenagers when they began their relationship and Julie's pregnancy with Ethan was unplanned. Nick and Julie married just before Ethan's birth, but the marriage was ill-fated from the start. They split up when Ethan was three. After the separation Nick moved across town and Ethan remained with Julie, though he saw Nick with some regularity, mostly on weekends. Today, Nick works for Direct TV; Julie is a waitress.

Ethan has described his childhood as "chaotic as hell." Mercer Report 3 (Ex. B). Life under Julie's care was difficult—she suffered from untreated [REDACTED] and was an

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<sup>2</sup> The facts in this section are drawn from conversations with Ethan, the PSR, a report from Erik Mercer, L.C.S.W. ("Mercer Report"), and letters from Ethan's family and community.



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*Ethan (r) with his father, stepmother, and stepsiblings*

Fortunately, Nick’s mother, Linda, cared deeply for Ethan and made her home something of a space safe for him. Ethan loved being in his grandmother’s care. She writes, “Ethan was always respectful, happy, and loving. . . . He would come over and help me mow, or play with his cousins who also came over on Fridays. He was always good about sharing his games and toys with the other boys.” Letter of Linda Melzer (Ex. D). But as Ethan lived primarily with Julie, Linda’s grandmotherly love could only accomplish so much.

School provided little relief from Ethan’s troubles in Julie’s house. He was a sensitive boy who loved art and music, but he soon learned that these interests set him apart from his classmates. “Ethan learned quickly that acceptance for a boy depended on athleticism while art and music were considered feminine pursuits.” Mercer Report 4. He was overweight, quiet, and nerdy, and the other children bullied him relentlessly. They threw objects at him and called him things like “pussy” and “bitch.” *Id.* One of Ethan’s uncles recalls: “Ethan was a nerdish and sensitive child which contributed to him being severely bullied in school. I believe this all added up to him feeling powerless and insignificant.” Letter of Marcus Melzer

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(Ex. E). Julie confirms this: “Kids made fun of him for being fat and having glasses and being a nerd. They really tortured him.” Letter of Julie Presley.

Ethan’s gentle nature made him something of an oddball to his family. One of his uncles, for example, often called him “weak.” Mercer Report 4. To remedy Ethan’s perceived softness, they encouraged him to participate in more traditionally masculine pursuits. Julie began taking him to the firing range when he was 12. Mr. Mercer observes that “[m]ost adults in Ethan’s world owned firearms and gun ownership was seen as a rite of passage for boys.” *Id.* at 5. Ethan ultimately developed a keen interest in guns, particularly their mechanical qualities—he enjoyed tinkering with them, taking them apart, and putting them back together. His interest in firearms would earn him rare praise from the adults in his life: “In the midst of his painfully isolated existence, firearms offered Ethan an unprecedented opportunity for affirmation and connection.” *Id.*

But ultimately Ethan was most drawn to the escapism of the digital world. While still in elementary school, he began seeking refuge online. Julie allowed him unrestricted access to the internet and he was soon spending upwards of nine hours a day exploring its possibilities. He felt more at ease reading through message boards and mastering video games than interacting with his peers in the real world. The earliest video games he enjoyed were role-playing games—those where players control a main character navigating an immersive fantasy world. Ethan loved to lose himself in those games—he played Pokémon, in particular, ad nauseam. He would spend even more time online and in the gaming world as he entered his teen years.

*A searching teenager desperate to belong*

As Ethan entered high school, Julie’s drinking had grown worse. The meager stability she had provided in Ethan’s youth was now totally absent. She says: “I was completely out of control. I started drinking all day, every day. ... I came home completely wasted and didn’t give [Ethan] any attention.” Letter of Julie Presley. Ethan was truly on his own. He spent hours upon hours playing video games in his room. Then he started skipping school.

In the midst of his fraught adolescent years, Ethan also struggled with the realization that he was gay. This burgeoning sexual identity terrified him—he was already considered “soft” by classmates and family; the fact that he was gay would be yet another way he would

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marked as different by the culture that surrounded him. He says the message was clear: “The only thing I knew for sure was, don’t be gay.” Mercer Report 6. He told no one.

Like many teenagers, Ethan was desperate to belong somewhere, to find his tribe. Unfortunately this effort saw him turn to drugs and alcohol. In seventh grade he began smoking marijuana. The next year he began abusing Xanax. Using drugs made him feel cool, and he received approbation from his peers, something entirely new to him. The attention felt wonderful.

As he grew older Ethan’s drug use worsened. He began using ecstasy and then methamphetamine. The meth was particularly problematic—finding and consuming it became a central focus of his life. By 17 he was using daily. His drug abuse took a predictable toll on his schooling. Throughout tenth grade his attendance at Louisville’s Waggener High School steadily declined. With no responsible adult around to advise him otherwise, he dropped out before finishing the school year.

Out of school, Ethan spent his time either online or with a friend group that was organized largely around drug use. His life at home was empty. When he was 16, Julie married a former Army Ranger named [REDACTED]. Like so many other men in her life, [REDACTED] was abusive toward Julie, but his abuse encompassed Ethan as well. On multiple occasions Ethan intervened when [REDACTED] was beating Julie, only to be beaten himself. Julie describes: “[REDACTED] used to punch Ethan over and over while Ethan laid on the couch with his hands over his head. One time [REDACTED] choked me until I was unconscious.” Letter of Julie Presley.

Ethan’s home was now not just neglectful, but unsafe. There was little keeping him there. He moved to a rough part of downtown Louisville and fell in with a problematic group of people. He was essentially homeless before moving into a flophouse where drug dealers, gang members, and other unsavory people shuffled in and out. Ethan began selling drugs and placing himself in dangerous situations, including a shooting incident involving another drug dealer. *See* PSR ¶ 21 (referring to the incident as “Shooting-1”). He describes that desolate time of his life as a “total blur.” Mercer Report 7.



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*A young man endeavoring to improve himself*

Shortly after the shooting incident, Ethan realized that his life was falling apart. He decided it was time to turn things around. He quit drugs, returned to Julie's home, and got a job cooking and cleaning at Shiraz Mediterranean Grill in eastern Louisville. He had previously held jobs at a number of fast food places but none had lasted more than a few months. At Shiraz he put his head down, worked hard, and impressed his bosses. His manager, who would become his friend, reports: "He always showed up clean and appropriate and he was always pleasant. He wanted to do well. He usually had to walk four miles to and from work because his mother wouldn't drive him." *Id.*

Ethan's manager told Ethan that he had previously participated in the Department of Labor's Job Corps program—a residential career training and education program for young people—and had gotten a lot out of it. He thought Ethan might similarly benefit from participating. Ethan researched the program and decided it would be a good fit, so he signed up at the Greenville, Kentucky, location. He saw Job Corps as a steppingstone to military service, which had long appealed to him. Nick says that Ethan "had idolized [the Army] for much of his youth. He had always admired the military and wanted to follow the path of his relatives who have served. His Great grandfather was there at D-Day, and his uncles and grandfathers served in Korea and Vietnam." Letter of Nicholas Melzer (Ex. F). Ethan's great uncle confirms the family's long history of service: "I served in the Marine Corps during Vietnam. ... I was far from the first in my family to serve; Ethan's paternal great grandfather landed on Omaha beach on D-Day and fought in five major WWII campaigns, including the Battle of the Bulge." Letter of Kim Spafford (Ex. G).

Ethan began his time at Job Corps in September 2018, when he was 20 years old. He enrolled with the express goal of joining the military—a common aim of Job Corps participants—and set himself on that path from day one. The program's military liaison, who worked closely with Ethan during his time there, writes: "Immediately upon enrollment, Ethan expressed interest in the Army." Letter of Rita Peterson (Ex. H). "On October 25, 2018 I referred him to the Army recruiter who worked with him until his enlistment date June 3, 2019." *Id.*

In addition to successfully enrolling in the Army, Ethan thrived at Job Corps in other ways. The program's relatively strict structure helped him focus on his goals and the steps

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he'd need to take to achieve them. He used his time at the program to earn his high school diploma and a certificate in heavy-equipment operation. PSR ¶¶ 111–12. He worked hard and earned the staff's respect. His career counselor writes that Ethan "was well liked by staff. He was friendly and approachable. He occasionally volunteered to work in the cafeteria to help clean the kitchen, serve food, and take out trash." Letter of Matthew Osborne (Ex. I). And his heavy-machinery instructor reports that Ethan was one of the hardest working participants he had encountered in 13 years on the job. Mercer Report 8. He said of Ethan, "We used to say, 'I'll take fifty more like him.'" *Id.*

Ethan completed Job Corps in May 2019, and the following month he left for military basic training in Fort Benning, Georgia. There, he again thrived in a structured environment, though basic's intensity of course far outpaced anything he had done previously. Ethan liked the drills, the hard work, and the comradery of his fellow recruits. Julie writes, "In basic training, he would talk all the time about his friends—he called them his brothers. He was very close to the people there. I was so proud of him." Letter of Julie Presley.

Ethan would later describe basic training as one of the best experiences of his life. He was proud of his achievements and of the beginning of his service to the country. His family drove to Georgia for his graduation. Nick writes, "My wife, my mother, and [Ethan's] siblings all attended his graduation from boot camp in Fort Benning, Georgia. It was honestly the proudest day of my life." Letter of Nicholas Melzer. Ethan confirms the joy he and his family felt that day: "The day I [graduated] I got to see my dad proud of me for the first time ever. My whole family had never come together before to tell me I did a good job and show that they were proud of me. It was amazing." Mercer Report 11.

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*Ethan with his father, at Job Corps*

After basic training Ethan moved on to Airborne School, also at Fort Benning. He spent three weeks there and graduated successfully. Afterward, he had several free days in Georgia. Having recently turned 21, he went to some bars and live music shows to celebrate his achievements. He even attended an LGBT-rights rally in Atlanta, though he left quickly, fearful of being seen. *Id.* He then returned home to Louisville for a couple of weeks before shipping off to begin his military service in Italy.

### **Ethan's immersion in O9A**

Ethan performed well and made great progress during his time at Job Corps. While there, however, he also found himself with a lot of downtime and, as was his custom, he spent much of that time online. He had long been interested in what might be broadly termed “the occult”—dark magic, paranormalism, esotericism, and various supernatural belief systems. He spent a significant amount of time on /x/, a well-known paranormal channel on the website 4chan, and other occult-related internet message boards. He eventually came across O9A and the group piqued his curiosity; he decided he wanted to learn more.

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Ethan's dive into O9A began in February 2019, on the messaging application Discord. *See* PSR ¶ 27 (“[I]n February 2019, Melzer created a Discord account and began discussing O9A.”). His chats there show conclusively that he knew almost nothing of O9A until that time, and that he in fact learned about O9A primarily through Discord. On February 28, 2019, for example, Ethan entered a Discord channel for people interested in the occult and introduced himself by saying, “Hello. ... I have questions about some group I found. Don't know if you all could help.” USAO\_012508 - UvM\_000031801 (Ex. J).<sup>3</sup> He explained: “Ok so I was going down the rabbit hole and found this group called temple ov blood [the U.S.-based O9A affiliate] ... But there's literally no info I can find on them.” *Id.*; PSR ¶ 27. Ethan was then asked why he was interested in the group and whether he wished to join, and he responded: “Somebody in the comments talked about there [sic] connected to some shit called O9A. No just morbid curiosity.” Ex. J. Ethan explained that he was “[a]lways interested in really obscure shit” and that O9A and Tempel ov Blood seemed “really bizarre.” *Id.* After another chat participant told Ethan that “Tempel ov Blood is vampirism,” Ethan asked, “So [are they] like generic vampires or what[?]” *Id.* A chat participant said that members of the group are “serious” vampires and involved in “the infiltration and manipulation of organizations” including “neo-nazi groups.” *Id.* Ethan then said, “So there [sic] Nazi vampires. Ok then.” *Id.*

The next day, March 1, 2019, Ethan entered another occult channel on Discord and told the group that he “used to go on /x/ a lot.” USAO\_012518 - UvM\_000031811 (Ex. K). Ethan said that he had decided to download Discord and come to the occult channel “mainly because somebody on [/x/] was ta[l]king about some group called O9A and I wanted to dig deeper into that.” *Id.* He then asked in reference to O9A: “What are they[?]”; “Is [O9A] a meme or is it real[?]” *Id.* A chat participant then told Ethan, “The things they have to go through to move up the chain [in O9A] is extreme and inhumane,” to which Ethan asked, “Like what[?]” *Id.* Later, he asked, “What do they even believe in ... if anything?” *Id.* Ethan informed the chat: “The only thing I've found even related to this is something called temple [sic] ov blood,” which is “[r]eally out there they only have a website

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<sup>3</sup> Ethan's Discord chats were obtained from Discord by the government pursuant to a search warrant. The chats were produced to the defense as Excel spreadsheets. Ethan is “Deleted User 831034ef#9727.” For the Court's convenience, in our exhibits, which are excerpts of those chats, we have highlighted Ethan's communications in purple. All formatting errors are original to the government's production.

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which half the shit I don't really understand." *Id.* When another chat participant asked Ethan, "What makes you interested in these cults[?]" he replied, "Really morbid curiosity. Seemed fucked up so I said fuck it and looked it up more." *Id.*

That Ethan did not begin exploring O9A until he joined Discord in 2019 is further confirmed by the fact that all O9A-related documents found on his electronic devices came into his possession in 2019 or later. In fact, he obtained many of those documents from a "library" on Discord itself, as the PSR confirms. PSR ¶¶ 29–30.

This all amounts to overwhelming—in fact dispositive—proof that Ethan did not perform O9A "insight roles" in 2016–18, since he had not yet learned about O9A and would have had no idea what an insight role was or that O9A advocated them. In fact, Ethan objects to any claim in the PSR, explicit or implicit, that he was familiar in any meaningful way with O9A prior to February 2019. Any claim Ethan made online to the contrary was bluff and bluster designed to overstate his experience with and knowledge of O9A in order to impress the group's adherents in the chats.

Accordingly, neither Shooting-1 nor any other criminal activity on Ethan's part prior to 2019 had anything to do with O9A. *Id.* ¶¶ 21–22. To be clear, Ethan does not deny participating in Shooting-1, but does deny that the shooting was in any way related to O9A. Next, Ethan denies being a member of the Bloods gang at any point, but does not deny associating with unsavory individuals, including some who might have been gang members themselves, during the difficult period during his teen years when he had left home and was living in downtown Louisville, as discussed above. Again, though, none of this activity was related to O9A in any way, and none of it was an "insight role." Ethan also denies, for the same reasons, that he performed an insight role with Antifa around 2017. *Id.* ¶ 24. And he denies that he "enlisted with the U.S. Army in December 2018 in pursuit of O9A's violent objectives." *Id.* ¶ 26. Ethan's decision to enlist had nothing to do with O9A.

Nevertheless, there is no denying that Ethan—young, immature, and highly impressionable—went "down the rabbit hole" and became consumed by O9A in 2019. In short order, he voraciously consumed O9A texts and found online community with purported O9A adherents. He was fascinated by the group's occultist elements and would eventually even perform certain O9A-inflected "rituals," including, at one point, cutting his hand and bleeding on an O9A book. *See id.* ¶ 44. Moreover, Ethan's politics had always

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leaned anti-establishment, and O9A's "accelerationist" ideology—which endorsed violence to hasten Western civilization's demise—was convincing to him as well. And having grown up in a home saturated with racism and anti-Semitism, Ethan also felt little discomfort with O9A's white supremacist rhetoric.

At the same time, Job Corps staff and residents considered Ethan "accepting and comfortable with diversity." Mercer Report 9. Indeed, Ethan has had close relationships with people of color for most of his life, including his biracial cousins and many friends over the years. *See, e.g.*, Letter of Linda Melzer ("Nick's brother, Nathan, married a Black woman and Ethan was always close with his cousins."). These contradictions can be hard to reconcile. The government has sought to paint Ethan as an unreconstructed white supremacist, but he is not. Ethan, like most people, is not a one-dimensional caricature and is capable of contradictory thoughts. He is someone who was friends with people of all races, but has said and written racist things. He is someone who is gay, yet has said and written homophobic things. And he is someone who was once proud of serving in the military, but has said and written derogatory things about the United States and his own patriotism. Ethan was a young man searching for his place in the world, and none of these various sides of him was "true" to the exclusion of the others. As Mr. Mercer concludes, "Ethan's identification with radical ideology is not enduring." Mercer Report 16.

### **Ethan's offense conduct**

By early 2020, Ethan was stationed in Vicenza, Italy, and feeling lonely and alienated. The comradery he had experienced in basic training was no more, and he found that he was not forming close connections with his new platoon members. He was depressed, isolating himself, and continuing his immersion in O9A. His world was turning darker and darker. When he wasn't training with the Army, he often drank by himself in bars around Vicenza. For months he was so despondent that he even stopped frequenting the internet chat rooms that were his usual respite from the travails of the real world.

Things turned even worse for him when, in February 2020, the COVID-19 pandemic struck Italy, with dire consequences. *See, e.g.*, Jason Horowitz, *How Italy Turned Around Its Coronavirus Calamity*, N.Y. Times (July 31, 2020), <https://nyti.ms/3VYuRgx> ("When the coronavirus erupted in the West, Italy was the nightmarish epicenter, a place to avoid at all costs and a shorthand in the United States and much of Europe for uncontrolled

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contagion.”). Restrictions began in the country’s north, and by early March 2020 the entire country was “under a dramatic total lockdown.” Di Donato et al., *All of Italy is in lockdown as coronavirus cases rise*, CNN (March 13, 2020), <https://cnn.it/3IDtVeo>. That lockdown included Ethan and his unit in Vicenza, in the Italy’s northeastern Veneto region. Ethan was almost entirely restricted to the base. His unit stopped training. He languished in his room. He watched movies and played video games. His drinking escalated. And he retreated to the internet.

By April 2020 he was again communicating online with purported O9A adherents, primarily via the messaging application Telegram. He became active in a chat belonging to the so-called RapeWaffen Division (“RWD”), which held itself out as an O9A-affiliated “nexion,” or, cell, which appears to have existed entirely online. The name was a play on the Atomwaffen Division, a U.S. neo-fascist group founded in 2013 and influenced by O9A ideology. RWD’s leader was an individual the government would later call “CC-1,” a 15-year-old boy posing as a former Canadian paratrooper. PSR ¶ 19 n.1. The RWD chat was a strange mix of O9A ideology, racist, homophobic, and anti-Semitic rhetoric, ironic trolling, dark humor, and juvenile absurdity. Vile memes and childish sex jokes abounded.<sup>4</sup>

In May 2020, Ethan learned that his platoon would deploy to a military base in Turkey in approximately three weeks. *Id.* ¶ 51. Under the sway of O9A’s bleak worldview, Ethan signed on to the belief that an attack on a U.S. military interest would advance the accelerationist political agenda the group endorsed. He and CC-1 developed the idea to attack his own unit. In furtherance of that idea, Ethan disseminated information about the unit’s upcoming deployment in chat rooms on Telegram, including to a smaller group of individuals drawn from the larger RWD chat. He provided information about the timing of the deployment, the number of soldiers involved, and the kinds of weapons they would be carrying, among other sensitive information he had acquired during his trainings, and encouraged other chat participants to gather more information about the military base through open-source internet searches.

This was utterly shameful conduct for which Ethan offers no excuses. That he harbored the intent to see his fellow soldiers (and himself) attacked and killed, however temporarily, is, of course, indefensible.

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<sup>4</sup> We summarized this content in some detail in our letter motion at ECF No. 137.

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But we would be remiss to fail to point out salient aspects of the offense that should bear on sentencing. To begin, the idea of an attack did not go far: the discussions were entirely online, beyond inchoate, and bordering on non-existent. And the small group with whom Ethan was communicating appeared singularly incapable of carrying out an attack anyway. The most significant chat participants were fundamentally misrepresenting themselves. CC-1, for example, was not a former paratrooper, but a 15-year-old boy living at home in Canada. Another fixture in the chats, “Red Hourglass,” played the role of CC-1’s girlfriend and devoted O9A adherent, but was in fact a government informant whose primary role was to urge more concrete planning and detailed discussion.

Moreover, the “plan,” such as it was, shifted numerous times before seemingly falling apart altogether. As described above, the group’s initial discussions around May 17, 2020, concerned a plan to attack Ethan’s own unit when it deployed to the military base later that month. *Id.* ¶ 56. But those discussions lasted only a short time before the plan shifted to an attack on a supposed “replacement unit” that would arrive at the base at some point in the future, as shown in these May 25, 2020 messages between Ethan (“Etil Reggad”) and Red Hourglass (from the small-group planning chat named “Op Hardrock”):

925117793 Red Hourglass

So I'm confused. You're talking about wanting the attack on your own convoy? Or the replacement?

5/25/2020 8:56:45 AM(UTC+2)

Source Info:  
00008030-000344811AD1802E\_files\_full.zip/private/var/mobile/Containers/Shared/AppGroup/8E2B6D5A-DCF5-43C1-A93F-09A9D2BDF8AB/telegram-data/account-14256679229049001387/postbox/db/db\_sqlite : 0xB46BC3 (Table: t7, t2, Size: 15925248 bytes)

857081374 Etil Reggad

The replacement unit

5/25/2020 8:58:20 AM(UTC+2)

Source Info:  
00008030-000344811AD1802E\_files\_full.zip/private/var/mobile/Containers/Shared/AppGroup/8E2B6D5A-DCF5-43C1-A93F-09A9D2BDF8AB/telegram-data/account-14256679229049001387/postbox/db/db\_sqlite : 0xB46B34 (Table: t7, t2, Size: 15925248 bytes)

857081374 Etil Reggad

This will give more time to actually setup and would know the route better because actually went through it

5/25/2020 8:58:53 AM(UTC+2)

Source Info:  
00008030-000344811AD1802E\_files\_full.zip/private/var/mobile/Containers/Shared/AppGroup/8E2B6D5A-DCF5-43C1-A93F-09A9D2BDF8AB/telegram-data/account-14256679229049001387/postbox/db/db\_sqlite : 0xB46A4E (Table: t7, t2, Size: 15925248 bytes)



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*See also id.* ¶ 62 (describing how, on May 25, 2020, Ethan “explained that he believed an attack on the Military Base, rather than the attack on [his] Platoon’s convoy to the Military Base as he initially proposed, would be ideal”).

By May 26, 2020, just four days before Ethan’s arrest, CC-1 (messaging as “GvlagKvlt”) wrote the group to acknowledge the reality that they had no coherent, much less realistic, plan at all:

Conversation - Instant Messages (21)

1219277995 GvlagKvlt

also, does anyone have any ideas on what to do? Because it seems like an easy go, but theres still a fair amount of risk about, you know. Trying to essentially invade a [REDACTED] base

5/26/2020 4:23:57 AM(UTC+2)

Source Info:  
00008030-000344811AD1802E\_files\_full.zip/private/var/mobile/Containers/Shared/AppGroup/8E2B6D5A-DCF5-43C1-A93F-09A9D2BDF8AB/telegram-data/account-14256679229049001387/postbox/db/db\_sqlite : 0xEADB22 (Table: t7, t2, Size: 15925248 bytes)

1219277995 GvlagKvlt

Because other than a really basic plan of attack and a lot of info, we dont really have much else. And a plan of attack doesnt work without people to..you know, do the attack

5/26/2020 4:24:57 AM(UTC+2)

Source Info:  
00008030-000344811AD1802E\_files\_full.zip/private/var/mobile/Containers/Shared/AppGroup/8E2B6D5A-DCF5-43C1-A93F-09A9D2BDF8AB/telegram-data/account-14256679229049001387/postbox/db/db\_sqlite : 0xEAD6AD (Table: t7, t2, Size: 15925248 bytes)

1219277995 GvlagKvlt

And a plan of attack most definitely wont work until we know what we're actually dealing with in order to make sure of what we might have to change, add, get rid of, and whatnot in said plan

5/26/2020 4:26:10 AM(UTC+2)

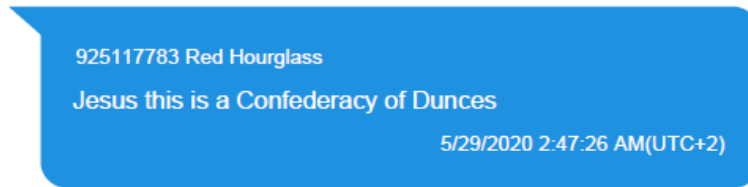
For his part, around this time Ethan had gone silent for four full days—he did not communicate with the group at all from May 25 at 11:30 p.m. until May 29, 2020, at 5:50 p.m. Meanwhile, the group’s discussions had grown futile as they struggled to identify a plan of attack or anyone capable of carrying one out. On May 29, Red Hourglass, the

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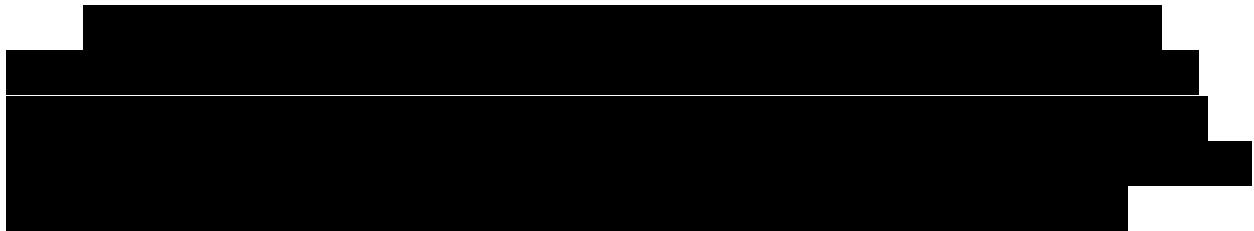
government informant, expressed frustration with the group's lack of progress and general ineptitude, describing them as a "confederacy of dunces":



Source Info:  
0008030-  
000344811AD1802E\_files\_full.zip/private/var/mobile/Containers/Shared/AppGroup/8E2B6D5  
A-DCF5-43C1-A93F-D9A9D2BDF8AB/telegram-data/account-  
14256679229049001387/postbox/db/db\_sqlite : 0xEF881B (Table: t7, t2, Size: 15925248  
bytes)

Then, when Ethan finally again messaged the group on May 29, the day before his arrest, he used his first communications to lie to the group by claiming he was at an airbase in Aviano, Italy, preparing to deploy to Turkey with his unit. He was not in Aviano, and he was not boarding a flight to Turkey. *See* Gov't Opp'n to Mot. Dismiss at 19, ECF No. 71 ("Melzer posted again in the Op Hardrock chatroom on May 29, 2020, hours before military authorities took him into custody . . . . Melzer falsely reported to the chat participants that he had already left the garrison at Vicenza and traveled to the Air Force installation in Aviano, Italy to make final preparations for his deployment to Turkey."). Moreover, throughout the chats, Ethan had failed to disclose important information, including classified information, that would have appeared important to the group's ability to carry out any attack. We specified some of this information in a disclosure pursuant to Section 5(a) of the Classified Information Procedures Act (18 U.S.C. app. 3 § 5(a)). *See* ECF No. 109. This all speaks to Ethan's reservations about his role in assisting a possible attack.

In any event, the bottom line is that the group's discussions went nowhere, and no attack was ever close to occurring. Of course, none of this excuses Ethan's serious misconduct. He knows that his divulging national defense information to unknown individuals online—after which he would have no control over who would receive it—by itself put his fellow soldiers in harm's way.



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[REDACTED]

[REDACTED]

[REDACTED]

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<sup>5</sup> At the time, Ethan did not recall the passcode for his older phone, an iPhone 8, but told the agents he would nevertheless assist them in attempting to access the phone.

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[REDACTED]

### Legal framework

In selecting a sentence, this Court takes as its “lodestar the parsimony clause of 18 U.S.C. § 3553(a).” *United States v. Douglas*, 713 F.3d 694, 700 (2d Cir. 2013). That provision directs sentencing courts to “impose a sentence sufficient, but not greater than necessary, to comply with’ the factors set out in 18 U.S.C. § 3553(a)(2),” namely, “proportionality, deterrence, incapacitation, and rehabilitation.” *Id. See also, e.g., United States v. Ministro-Tapia*, 470 F.3d 137, 142 (2d Cir. 2006). “[D]istrict courts may impose sentences ... based on appropriate consideration of all the factors listed in § 3553(a).” *Pepper v. United States*, 562 U.S. 476, 490 (2011). To be sure, the Guidelines range is one such factor, but it is only one, and “the Sentencing Guidelines are just that, guidelines, and ... ‘they truly are advisory.’” *Douglas*, 713 F.3d at 700 (quoting *United States v. Cavera*, 550 F.3d 180, 189 (2d Cir. 2008) (en banc)). This Court “may not presume that the Guidelines range is reasonable,” but rather “must make an individualized assessment based on the facts presented.” *Gall v. United States*, 552 U.S. 38, 50 (2007).

Here, Guidelines range excepted, the relevant § 3553(a) factors support a 15-year sentence.

### Section 3553(a)(1): Ethan’s personal characteristics and offense conduct

With respect to Ethan’s “history and characteristics,” § 3553(a)(1), he is a young man from a troubled background who lacked adequate adult support in his earliest years. He was raised by a severely alcoholic single mother, herself the victim of frequent abuse, who was largely incapable of caring for him. As Mr. Mercer writes, “Ethan’s life can be understood as

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a cascade of risk factors with minimal protective factors to protect him from their toxic impact.” Mercer Report 12.

Yet, desperate to finally overcome his background, Ethan has devoted himself to his rehabilitation. Unplugged from the internet, he has turned to introspection and gained insight into his life and his offense. He has made the most of the limited educational and therapeutic opportunities available to pretrial detainees, first at the now-shuttered MCC, and then at the MDC. He has completed multiple courses, including a three-month course, “Emotional Self-Regulation,” that focused on conflict resolution and anger management. *See* BOP Certificates (Ex. N). He has completed additional courses in “Substance Use Behaviors,” “Business Acumen,” “Soft Skills,” and various “Self Help” topics. *Id.* What’s more, since June 2022 he was worked six hours a day in food services at the MDC, first as a dishwasher, then preparing trays of food for his fellow detainees. *See* BOP Pay Records (Ex. O); PSR ¶ 15. And he has spent untold hours reckoning with the traumas of his past and coming to terms with his sexuality. Mr. Mercer summarizes these efforts: “The experience of living authentically for the first time has led to an internal recalibration for Ethan: he feels good about who he is; he is taking care of himself by exercising and feels confident in his body; and most significantly, the organizing principle of his life is now about authenticity rather than fear, shame and secrecy.” Mercer Report 16. Ethan’s history and characteristics thus support our requested sentence.

With respect to the “nature and circumstances of the offense,” § 3553(a)(1), we acknowledge its particular severity. But it is not unmitigated. In particular, this Court should consider that Ethan was just 21 years old at the time of his offense. (He turned 22 four days before his arrest.) The Supreme Court has held, based on “the evolving standards of decency that mark the progress of a maturing society,” *Roper v. Simmons*, 543 U.S. 551, 561 (2005) (quoting *Trop v. Dulles*, 356 U.S. 86, 100–01 (1958)), that “youth matters in sentencing.” *Jones v. Mississippi*, 141 S. Ct. 1307, 1314 (2021).<sup>6</sup> The Supreme Court has thus “insisted . . . that a sentencer have the ability to consider the ‘mitigating qualities of youth,’” *Miller v. Alabama*, 567 U.S. 460, 475 (2012) (quoting *Johnson v. Texas*, 509 U.S. 350, 367 (1993)), which

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<sup>6</sup> Unless otherwise indicated, all internal citations, quotation marks, alterations, emphases, and footnotes are omitted from case citations.

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include “immaturity, susceptibility, salvageability, dependence.” *United States v. Ramsay*, 538 F. Supp. 3d 407, 416–17 (S.D.N.Y. 2021) (collecting cases).

In *Ramsay*, Judge Rakoff summarized the Supreme Court’s evolving jurisprudence and the most current research in cognitive neuroscience impacting the treatment of young defendants, including young adults, at sentencing. Judge Rakoff found that underdeveloped cognitive functioning is present well into a person’s early 20s and thus “bears on the sentencing of someone over 18.” *Id.* at 417. “The prevailing neuroscientific explanation for adolescents’ immaturity begins with the fact that the frontal lobes, home to key components of the neural circuitry underlying ‘executive functions’ such as planning, working memory, and impulse control, are among the last areas of the brain to mature; they may not be fully developed until halfway through the third decade of life.” *Id.* at 417–18; *see also id.* at 418 (“Evidence suggests that, in the prefrontal cortex, the area responsible for ‘executive functions,’ [development] is not complete until the early 20s or later.”).

A defendant’s relative youth, Judge Rakoff found, impacts all the purposes of sentencing: just punishment, deterrence, incapacitation, and rehabilitation. *Id.* at 423 (citing 18 U.S.C. § 3553(a)(2)). Fundamentally, a 21 year old’s criminal conduct is not as “morally reprehensible” as that of an older adult. *Id.*; *see also Miller*, 567 U.S. at 472 (“[T]he distinctive attributes of youth diminish the penological justifications for imposing the harshest sentences on juvenile offenders, even when they commit terrible crimes.”). Accordingly, “to impose a sentence that is ‘sufficient, but not greater than necessary,’ ... courts cannot simply treat anyone over 18 as an ‘adult’ for sentencing purposes but must inquire whether the human being they are about to sentence is still in many respects an adolescent.” *Id.*; *see also United States v. Rengifo*, 569 F. Supp. 3d 180, 194 (S.D.N.Y. 2021) (considering youth in sentencing a defendant who was 23 at the time of his offense); *United States v. Espino*, 2022 WL 4465096, at \*2 (D. Kan. Sept. 26, 2022) (“In light of the timing of adolescent brain development, it is clear to the court that defendant, at just twenty years of age, necessarily possessed a lack of maturity and underdeveloped sense of responsibility that made him more likely to make egregious mistakes and engage in poor decision[-]making”).

Consistent with these principles, the National Institute of Justice (“NIJ”), the research, development and evaluation agency of the U.S. Department of Justice, has conducted research on juvenile and young adult offenders and concluded that “young adult offenders ages 18–24 are more similar to juveniles with respect to their offending, maturation and life

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circumstances.” See NIJ, *From Juvenile Delinquency to Young Adult Offending* (2014), <https://bit.ly/3D4UsxH>. NIJ recommendations include the establishment of “special courts for young offenders ages 18–24” and an “‘immaturity discount’ for young offenders that would involve a decrease in the severity of penalties, taking into account a young person’s lower maturity and culpability.” *Id.*

Ethan’s immaturity—including his underdeveloped impulse control, executive functioning, and consequential thinking—was evident in his offense conduct. It is no coincidence that his offense arose from a particularly juvenile online milieu, and more specifically in a series of chats with a group of teenagers, including CC-1, who, at 15 years old, was the group’s “leader.” Ethan’s immaturity was also evident in his ready susceptibility to O9A’s influence. He was seduced by a millenarian cult with an outlandish cosmology and irrational belief system that a mature adult would have recognized as absurd and dangerous from the start. But Ethan’s insufficiently developed moral framework precluded that realization. “The moral framework within which Ethan operated was deeply distorted by his childhood immersion in a culture of hate, the failure of his caretakers to shield him from dangerous and confusing content on the internet and his desperate need to be accepted and loved.” Mercer Report 14.

At bottom, Ethan’s age and lack of maturity at the time of his offense matter, and should be adequately accounted for in this Court’s sentence.

### **Section 3553(a)(2): the statutory sentencing objectives**

With respect to the need for the sentence to punish, deter, and incapacitate, § 3553(a)(2)(A)–(C), a 15-year sentence suffices.

As for general deterrence, a sentence of 15 years is a tremendously long sentence—especially for a young person with no criminal record—that would send a clear message to others that conduct similar to Ethan’s will be treated harshly. There is little reason to conclude that a longer sentence would have a greater deterrent effect. Vast amounts of research on general deterrence show that the chance of being arrested—that is, “caught”—is a substantially more powerful deterrent than the severity of punishment. See, e.g., *United States v. Browning*, 2021 WL 795725, at \*5 (E.D. Mich. Mar. 2, 2021) (“In terms of both specific and general deterrence, there is overwhelming evidence in the scientific literature that the certainty of being caught is a vastly more powerful deterrent than the severity of the

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punishment.”) (cleaned up); *United States v. Lawrence*, 254 F. Supp. 3d 441, 444 (E.D.N.Y. 2017) (accepting expert testimony that “[m]ost of the studies agree that there is very little deterrent effect associated with lengthy [] punishment”); see also Daniel S. Nagin, *Deterrence in the Twenty-First Century*, 42 *Crime & Just.* 199, 201 (2013) (“[T]he evidence suggests that reoffending is either unaffected or increased [by longer sentences].”).

As for specific deterrence, Ethan’s acceptance of responsibility, remorse for his offense, and efforts at rehabilitation all offer reasons for optimism. A defendant who pleads guilty “demonstrates by his plea that he is ready and willing to admit his crime and to enter the correctional system in a frame of mind that affords hope for success in rehabilitation over a shorter period of time than might otherwise be necessary.” *Brady v. United States*, 397 U.S. 742, 753 (1970). Ethan has not made excuses or shirked responsibility for his misconduct. His remorse is profound. In a letter to this Court, he writes:

I cannot begin to put into words the shame, guilt, and disappointment I feel in myself knowing that what I did cannot be changed. Knowing that I betrayed the trust of my comrades and others that put their faith in me has destroyed me. Every day and night since my arrest I have thought about the damage I have done to the people who were supposed to trust me with their lives. . . . The feeling of betrayal my company must feel haunts me.

Letter of Ethan Melzer. The fact that Ethan has worked diligently to improve himself and gain insight into the root causes of his offense conduct also augurs well. He writes, “I know now that the ideas of the group I was associated with were fictions that were atrocious and disgusting. For the rest of my life I will stay as far as humanly possible away from these kinds of people and their beliefs . . . .” *Id.* These are the words of a person who has been specifically deterred.

[REDACTED]



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### Section 3553(a)(6): unwarranted sentencing disparities

“[T]he need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct,” § 3553(a)(6), also supports a 15-year sentence. In many ways this case is *sui generis*—including because, among other things, the relevant conduct took place entirely in the context of online chats—so finding on-point cases is more challenging than usual. It will be useful, then, to begin with pertinent U.S.-wide sentence averages, since § 3553(a)(6) requires district courts to consider nationwide disparities. *See United States v. Frias*, 521 F.3d 229, 236 (2d Cir. 2008). According to Sentencing Commission data for FY 2021, the mean length of imprisonment for assault offenses, which include attempted murder, was 63 months. *See* U.S. Sent’g Comm’n, *Sentence Imposed by Type of Crime FY 2021*, available at <https://bit.ly/3XLfgm2> (Ex. P). The mean length of imprisonment for national defense offenses—which include treason, sabotage, espionage, and providing material support to foreign terrorist organizations, among others—was 42 months. *Id.* And the mean length of imprisonment for murder offenses was 245 months. *Id.* Here, with a top count of attempted murder, a sentence of 15 years (180 months) would not only send a strong punitive message, but would also be on the high side of the relevant national averages.

While cognizant of the unusual nature of the purely internet-based conduct at issue here, our research has revealed roughly comparable cases that demonstrate that a 15-year sentence would not create any unwarranted disparity. These cases include:

- *United States vs. Jalloh*, 16 Cr. 163 (LO) (E.D. Va.). Defendant was a former member of the Virginia Army National Guard who decided not to reenlist after watching online lectures by an Al-Qaeda leader. Defendant attempted to join ISIS by traveling to Sierra Leone and Niger and meeting with ISIS members. Defendant then worked with an ISIS member abroad to plot an attack on U.S. servicemembers in the United States, and met with a CI in the United States to discuss attack operations. Defendant stated that he wished to conduct a mass-

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casualty attack. Defendant went to gun dealership and purchased an assault rifle, and was arrested immediately after. He was sentenced to 132 months.

- *United States v. Redzepagic*, 17 Cr. 228 (DRH) (E.D.N.Y.). Defendant communicated with an individual he believed to be both a member of ISIS and the commander of a battalion in Syria and attempted to join that individual's battalion to engage in violent jihad. Defendant traveled to Turkey and, later, to Jordan, in efforts to cross the border into Syria. Defendant stated on social media that he was in the Middle East to perform jihad and told law enforcement that he was prepared to utilize a bomb in furtherance of that mission. He was sentenced to 200 months.
- *United States v. Abdul-Latif et al.*, 11 Cr. 228 (JLR) (W.D. Wash.). Defendants Abdul-Latif and Mujahidh agreed with an informant to kill U.S. military personnel—specifically, Department of Defense employees and military recruits at the Military Entrance Processing Station in Seattle—in retribution for perceived wrongs committed by the U.S. military in the Middle East. Defendants surveilled the building, paid money for the purchase of machineguns and hand grenades from a CI, and planned the attack in granular detail. Regarding the attack's purpose, Abdul-Latif stated: "We're not only trying to kill people, we're trying to send a message. We're trying to get something that's gonna be on CNN and all over the world. ... That's what we want." Federal agents arrested defendants as they inspected automatic rifles in an FBI-rented garage. Defendants pled guilty to conspiracy to murder federal officers and conspiracy to use weapons of mass destruction, and were sentenced to 228 and 204 months, respectively.
- *United States v. Batiste*, 06 Cr. 20373 (S.D. Fla.). Defendant Narseal Batiste was the leader of the so-called Liberty City Seven, a group of Miami-based individuals attempting to commit attacks on U.S. government interests. Batiste stated that he sought to wage jihad against the U.S. government by building an "Islamic Army." He took an oath of loyalty to Al-Qaeda and endorsed a plan (proposed by a CS) to conduct coordinated attacks against FBI buildings in five cities. During the planning, Batiste and the CS, whom Batiste believed was affiliated with Al-Qaeda, surveilled the buildings, took photos and video, and discussed how to launch a successful attack. Following his conviction at trial, Batiste was sentenced to 162 months.

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- *United States v. Wright*, 12 Cr. 238 (N.D. Ohio). Defendant Douglas Wright was a 27-year-old member of the “Occupy Cleveland” movement. Along with various coconspirators, he discussed the possibility of using stink bombs, explosives, or paint guns to destroy various vehicles and buildings, including a casino in downtown Cleveland. Wright’s group later placed explosives at the base of a bridge in Brecksville, Ohio, and attempted to detonate them. Wright pled guilty to conspiring and attempting to use a weapon of mass destruction. He was sentenced to 138 months.
- *United States v. Peace et al.*, 14 Cr. 11 (SCJ) (N.D. Ga.). Defendants Cannon, Peace, and Williamson participated in internet chat rooms where they discussed starting a revolution against the U.S. government by conducting an attack on the infrastructure supporting the Transportation Security Administration, the Department of Homeland Security, and the Federal Emergency Management Administration. According to defendants’ conversations, their goals included forcibly removing government officials whom they believed had acted beyond the scope of the U.S. Constitution. The defendants were ultimately arrested when they took possession of inert pipe bombs and thermite devices provided by an undercover, having planned to detonate those devices at a local police station. They pled guilty to conspiracy to use weapons of mass destruction and were each sentenced to 144 months.

Perhaps the case most comparable to Ethan’s is *United States v. Abu-Jihaad*, 07 Cr. 57 (MRK) (D. Conn.), where an active-duty U.S. Navy signalman stationed aboard his warship provided classified information to jihadists concerning the anticipated movements of 10 U.S. Navy ships carrying roughly 15,000 U.S. sailors and marines being deployed to the Persian Gulf. Abu-Jihaad transmitted that information to the jihadists so that they would replicate a recent suicide bombing aboard the U.S.S. Cole that had killed 17 servicemembers. After being convicted at trial, he was sentenced to 120 months. To be sure, 120 months was the statutory maximum for his offense of conviction—unlawful transmission of national defense information under § 793(d)—since, for whatever reason, the government chose not to charge him with attempted murder, as it has Ethan.<sup>7</sup> But Abu-Jihaad’s sentence is

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<sup>7</sup> Abu-Jihaad was also convicted of providing material support to terrorists under § 2339A, but the district court dismissed that count after trial because it found that the classified

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nevertheless instructive in determining whether a 15-year sentence—one 50% higher and pursuant to a guilty plea, not a trial conviction—is sufficient here.

**The Court should impose concurrent sentences on all counts.**

The Court should impose 15 years on the attempted murder count and concurrent sentences on the remaining two counts. We acknowledge that the Court denied Ethan’s pretrial motion to dismiss certain counts of the indictment as multiplicitous as a matter of law, including the attempted murder and material support counts to which he has since pled guilty. *See* Tr. 7/26/21 at 32–36 (ECF No. 79). But the Court may nevertheless consider that the conduct underlying all three counts of conviction is identical when determining whether to impose concurrent or consecutive sentences. That is, Ethan’s divulging of national defense information was the very material resource he provided in furtherance of the attempted murder count and was also the “substantial step” that count required. *See, e.g., United States v. James*, 415 F. Supp. 2d 132, 164 n.30 (E.D.N.Y. 2006) (attempted murder requires that defendant “willfully took some action that was a ‘substantial step’ toward the commitment of the crime”). And 15 years is appropriate because it is a lengthy, meaningful sentence that accomplishes all legitimate sentencing aims, meaning consecutive sentences would be greater than necessary. *See* U.S.S.G. § 5G1.2(c) (“If the sentence imposed on the count carrying the highest statutory maximum is adequate to achieve the total punishment, then the sentences on all counts shall run concurrently, except to the extent otherwise required by law.”).

**Conclusion**

Ethan committed serious wrongs and understands he must be punished for them. He has spent a great deal of time reflecting on his life and his actions. He feels deep remorse for what he did in this case. He has shown keen insight into his behavior and a commitment to rehabilitation. These are all reasons to conclude that he is prepared to leave his past behind him for good. As he puts it: “If I am given a second chance, whenever that is, I am going to show my friends and family that I can be a good person and an actual productive member of

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information Abu-Jihaad had transmitted did not qualify as a “physical asset,” which the version of § 2339A in place at the time required. 600 F. Supp. 362, 394–402 (D. Conn. 2009).

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society. I can't change what I have done, I can only try to make up for it every day for the rest of my life." Letter of Ethan Melzer.

The Court should impose a sentence of 15 years' imprisonment, to be followed by 10 years' supervised release. That sentence would be sufficient, but not greater than necessary, to accomplish the goals of sentencing.

Sincerely,

/s/ Jonathan Marvinny

Jonathan Marvinny

Hannah McCrea

Ariel Werner

Assistant Federal Defenders

212.417.8792

[jonathan\\_marvinny@fd.org](mailto:jonathan_marvinny@fd.org)

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# EXHIBIT A

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February 2, 2023

To The Honorable Judge Gregory H. Woods:

I want to start off by reiterating what I said before when I pled guilty and that is that I regret everything I did. I cannot begin to put into words the shame, guilt, and disappointment I feel in myself knowing that what I did cannot be changed. Knowing that I betrayed the trust of my comrades and others that put their faith in me has destroyed me. Every day and night since my arrest I have thought about the damage I have done to the people who were supposed to trust me with their lives. I ask myself why? I fell into a pit of anger towards the world and an unhealthy obsession with a group of idiots. It is no one's fault but my own. I should be the only one who suffers for my actions. The feeling of betrayal my company must feel haunts me. I ate, trained, slept, and partied with these people and we were family, and I threw it all away because I was consumed by a bunch of ridiculous beliefs. It was all so pointless and selfish.

I know now that the ideas of the group I was associated with were fictions that were atrocious and disgusting. For the rest of my life I will stay as far as humanly possible away from these kinds of people and their beliefs, because of what they caused me to do and because they have destroyed everyone closest to me.

I feel such shame that I have not only ruined my own life but my mother's life by getting myself into this situation. It eats away at me every day. My family has fallen apart in front of me and I know it is all my fault—my brothers, mother, father, grandmother and other relatives will have to walk around with this sense of shame because their son was a traitor and what they must go through haunts me. Knowing my little brothers and sister will never have their older brother to look up to and be proud of and that my mother and father will feel in some way responsible reminds me that I deserve to be punished. They never did anything wrong or to cause this and every time I call my mother she tells me she is sorry and I don't even know how to tell her it's not her fault. My father asks what he did wrong to cause this but I know very well that there is no one to blame but myself.

If I am given a second chance, whenever that is, I am going to show my friends and family that I can be a good person and an actual productive member of society. I can't change what I have done, I can only try to make up for it every day for the rest of my life.

Thank you for your time in reading this letter.

Respectfully,



Ethan Melzer

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## EXHIBIT B

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Ethan's offense behavior was the result of a perfect storm of risk factors: he grew up in a world in which hate and intolerance were normative; his capacity for impulse control, executive functioning and consequential thinking were impaired by chronic and severe childhood neglect and sexual abuse; the isolation of the pandemic triggered a regression into maladaptive attempts to find community on-line; and Ethan's impaired ability to discern irreverent humor from dangerous rhetoric distorted his framework for online engagement. Ethan accepts responsibility for his actions; he acknowledges his participation in divulging sensitive military information and forming a plan to attack his fellow soldiers. Information contained in this report is not intended to diminish the significance of Ethan's dangerous criminal behavior. What follows is critical context for consideration when determining the appropriate and just punishment for his crime.

## PERSONAL BACKGROUND

### *Childhood*

Ethan was born on May 26, 1998 in Louisville, Kentucky. The only child from the union of Julie Presley, née Anderson, and Nick Melzer, Ethan was three years old when his parents separated. Ethan remained in the care of his mother and visited his father some weekends. When asked to describe his childhood, Ethan says "It was chaotic as hell. No one paid attention to me and I was left to my own devices." Ms. Presley and her long-term boyfriend, ██████████ ██████████ were both severe alcoholics who prioritized partying over Ethan's well-being. Ms. Presley, who is now sober, is blunt about her short comings and says, "I was a serious alcoholic and not a good mother. I made terrible choices and let Ethan down all the time."

The relationship between Ms. Presley and Mr. ██████████ was volatile. Ethan recalls that his mother and Mr. ██████████ drank a case and a half of beer a day while consuming shots of hard alcohol. Mr. ██████████ became belligerent when drunk and most days were punctuated by episodes of eruptive violence. Ethan describes hiding in his room to avoid becoming a target of Mr. ██████████'s rage. Ethan's father was aware of the dysfunction in Ms. Presley's home but did not intervene. Mr. Melzer acknowledges that he succumbed to pressure from his new wife, ██████████ ██████████, to focus on his new family and leave Ethan behind. Ethan's paternal grandmother, Linda Melzer, recalls that Ms. ██████████ was overtly hostile toward Ethan. Ms. Melzer remembers Ms. ██████████ refusing to sit next to Ethan at family functions and calling him "disgusting." Ethan recalls feeling deep confusion about Ms. ██████████'s cruelty and says, "I had no idea why she hated me. I just figured there was something wrong with me."

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When Ethan started school, the classroom did not provide respite from the alienation he felt at home. As an overweight child, Ethan was relentlessly teased throughout elementary school. In addition to his weight, his classmates made fun of his quiet disposition and sensitivity. They threw things at him and Ethan recalls that he was taunted daily and called a “pussy” and a “bitch.” His classmates made fun of his rosy complexion and called him “soft.” The verbal abuse occurred in the presence of school staff but they remained silent. On several occasions, Ethan recalls crying at his desk while classmates taunted him without intervention from the teacher. A particular source of ridicule was Ethan’s love of art and music. Ethan learned quickly that acceptance for a boy depended on athleticism while art and music were considered feminine pursuits.

The emotional landscape of Ethan’s childhood was desolate, but there were some bright spots. Ethan’s paternal grandmother, Linda Melzer, cared deeply for Ethan. Ms. Melzer’s home was a safe space for Ethan and he frequently spent Friday evenings with her and his paternal cousins, ██████ and ██████. But even the relative safety of Ms. Melzer’s home was tainted. Ethan’s uncle, ██████, expressed overt hostility toward Ethan, referring to him as “weak” and frequently calling him a “pussy.” Sometimes ██████’s anger became physical. Ms. Melzer recalls one occasion on which Ethan was doubled over in pain after ██████ punched him in the stomach for no apparent reason. Ms. Melzer believes that ██████ cruelty toward Ethan was rooted in his perception that she offered Ethan preferential treatment over his own sons. Ms. Melzer acknowledges that she gave special attention to Ethan but points out that his need for nurturing was exponentially greater because of his dysfunctional home life.

With scant opportunities for healthy, nurturing connections, Ethan retreated into the isolative world of internet message boards and multi-player video games. Ms. Presley allowed Ethan unrestricted access to the internet and, beginning in elementary school, Ethan began spending upwards of nine hours a day online. When Ethan’s interest in ghosts and the paranormal led him to the 4chan message boards, he gained access to videos and images portraying extreme violence and a wide range of unmonitored, illegal content. Ethan remembers being shocked by what he saw on 4chan but says, “Seeing the violence was like watching a train crash in slow motion, sort of like rubber necking; it was so terrible but I couldn’t look away.” While the violent material shocked Ethan, the Neo-Nazi content that was prolific on the 4chan message boards did not register to Ethan as unusual because he was surrounded by people who espoused those same values publicly. Ms. Presley’s overt racism was grounded in her grandfather’s proud membership in the Klu Klux Klan. Mr. ██████ spewed hatred toward people of color, Jews and gays at any opportunity. Ethan says,

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“██████████ hated anyone that wasn’t straight, white and Christian. He used to say the Mexicans were ruining the country, the Jews run everything and he hated gay people and black people. And he hated the government. He always talked about needing a revolution.”

Ethan developed in a family and community environment in which hate was normative. Also normative was a fascination with guns. Most adults in Ethan’s world owned firearms and gun ownership was seen as a rite of passage for boys. Ms. Presley began taking Ethan to the firing range when he was twelve years old. Ethan recalls that the first gun he ever shot was an AK-47, provided to him by Mr. ██████████ for which he earned effusive praise from his mother. The firing range was an aberrant environment for Ethan because it was supportive. Ethan vividly remembers the excitement he felt when a man at the range patted him on the shoulder and said, “This kid’s a natural!” recalling that it was the first time he felt publicly accepted. Ethan’s facility with firearms was the only thing that was ever nurtured during his childhood and adolescence. When Ethan was twelve years old, Ms. Presley gave him an SKS semi-automatic rifle for his birthday. By the time Ethan was fourteen, Ms. Presley had given Ethan seven guns including: an SKS semi-automatic rifle; a Glock .22 handgun; a Tokerev pistol; a Mosin Nagant bolt action rifle; a Mauser bolt action rifle; a Rueger 10-22 semi automatic rifle; and an AR-15 semi-automatic rifle. Ethan’s interest in firearms was not about a desire to harm; it was about the mechanics. He spent hours teaching himself to take guns apart and reassemble them. He recalls that his facility with the mechanics of guns was the only thing that ever elicited positive attention from Mr. ██████████. In the midst of his painfully isolated existence, firearms offered Ethan an unprecedented opportunity for affirmation and connection. Ethan says, “Everything I was and everything I loved was wrong in my world. Guns were the only bridge.”

### ***Adolescence***

As Ethan moved through middle school, he continued to spend the bulk of his free time on-line. Video gaming and shock content on 4chan message boards offered a distraction from the instability and chaos of his home life and his social isolation. Middle school was also a time when Ethan was becoming more aware of his homosexuality. Exposed to nothing but overt hostility toward the LGBT community, Ethan’s insecurity and self-doubt deepened as he came to terms with being gay. Ethan already had a reputation for being “soft” and unathletic and was terrified that his secret would be discovered. Ethan recalls,

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“I was fat and couldn’t do push-ups and pull-ups like the other kids. I was a total outcast. I couldn’t relate to anyone. I felt powerless and didn’t know what to do. The only thing I knew for sure was, don’t be gay.”

The urgency of Ethan’s need to mask his authentic self heightened as he advanced to the seventh grade. When a friend offered him some marijuana, Ethan quickly realized that he had found the perfect mask. Ethan had never used drugs before and remembers that he did not like the effect it had on him, but the effect it had on the way people treated him was seismic. Ethan recalls that, almost instantly, he began experiencing a respect from his peers that was unprecedented. The bullying he had experienced since elementary school evaporated. For the first time, Ethan had common ground with his some of his classmates and he was becoming cool. In the eighth grade, when his friends encouraged him to try Xanax, he eagerly obliged knowing that it would cement their connection. While Ethan was finding some stability with his peers, the already tenuous situation in his home was totally unravelling. Ms. Presley’s father died when Ethan was in the 7<sup>th</sup> grade and she fell into a deep depression that she medicated with even more excessive alcohol use. Ms. Presley says about this time,

“I was completely out of control. I started drinking all day, every day. I went out every night with ██████████ and left Ethan alone. I came home completely wasted and didn’t give him any attention.”

Ethan remembers this time in his life as a period of “free reign.” Ms. Presley did not care if Ethan attended school and he frequently stayed home and played video games during the school day. When Ethan began smoking marijuana with his friends, his mother smoked it with him too. By the time Ethan entered high school, the only reliable communities in his life were his drug friends and his online community and he dove further into both. An introduction to methamphetamines was a catalyst for Ethan’s downward spiral into severe addiction.

Ethan’s school record reflects a sharp drop in attendance and grades at the end of his 9<sup>th</sup> grade year that continued through the 10<sup>th</sup> grade. Methamphetamine use became his priority and he quickly developed a daily habit. When Ethan dropped out of school completely at the end of the 10<sup>th</sup> grade, he did so without resistance from his mother. Ethan’s grandmother recalls her deep concern for Ethan during this period. Ms. Melzer knew he was not attending school and made tentative, and ultimately unsuccessful, attempts to intervene. When Ms. Presley was unresponsive, Ms. Melzer attempted to involve Ethan’s father, but he remained distant from the situation. Ms. Melzer recalls considering a report to child protective services but she did not take action because she felt that involvement in the child welfare system would make matters worse

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Without the minimal structure offered by school attendance, Ethan's life coalesced entirely around drugs. Acceptance in a community of drug-using friends allowed Ethan to begin experimenting with his identity. Ethan found that he was able to get laughs by making politically incorrect jokes and he cultivated a persona defined by irreverent and shocking humor. Desensitized to disturbing content by his excessive time on 4chan message boards, Ethan's barometer for appropriate humor was impaired; he found that people responded to jokes that "crossed the line" and he craved the positive responses he got when he made them. Without a mature sense of the impact of words and symbols and the importance of context, the problematic nature of his attempts at "humor" was lost on him.

Ms. Presley's descent into deep depression following her father's death was concurrent with Ethan's deepening entrenchment in the drug-using community. Ms. Presley medicated her pain with catastrophic alcohol consumption and split with Mr. ██████████. After some short relationships, Ms. Presley became involved with, and eventually married, ██████████. A former Army Ranger, ██████████ was intimidating and physically abusive toward Ms. Presley from the start of their relationship. When Ethan made attempts to intervene, ██████████ responded violently. A year after ██████████ moved in with Ethan and Ms. Presley, Ethan fled to the home of a friend in downtown Louisville after being brutally assaulted by ██████████. Afraid to return to his mother's home, Ethan remained marginally housed for a little over a year. He held jobs at various fast-food restaurants and he sold drugs to pay for his deepening methamphetamine habit. Ethan describes his sixteenth and seventeenth years as a "total blur."

The moment Ethan decided to stop using drugs remains vivid to him. Ethan recalls waking up one morning on the floor of the squalid drug house where he had been staying to find that a resident's pit bull had defecated next to his head. Ethan says, "In that moment, I saw that my whole life had fallen apart. I was going to be nothing. I was like, oh shit, I gotta stop." Ethan stopped using drugs that day and returned to his mother's home. He was determined to turn his life around and within two weeks he had a job at the Shiraz restaurant in Louisville. Ethan's Shiraz boss, Chris Enochs, remembers that Ethan was "down on his luck," but made an extraordinary effort to maintain good work performance. Mr. Enochs says,

"He always showed up clean and appropriate and he was always pleasant. He wanted to do well. He usually had to walk four miles to and from work because his mother wouldn't drive him."

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Mr. Enochs admired Ethan's work ethic but recalls that he was gullible and was left with the impression that his social skills were underdeveloped. Despite Ethan's immaturity, Mr. Enochs remembers that he was determined to succeed. When Mr. Enochs told Ethan about the Job Corps program, Ethan immediately sought out more information and applied. Mr. Enochs recalls that Ethan was excited to engage in Job Corps and saw it as a stepping-stone to the military. Service in the armed forces was widely respected in Ethan's family and community and he saw enlistment as a noble pursuit. Job Corps appealed to Ethan because he could get his GED and learn a trade to fall back on if he was unable to enlist. Ethan recalls, "It was the first time I was really thinking about my future."

### *Job Corps*

Ethan arrived at the Job Corps campus in Muhlenberg, Kentucky on September 10, 2018. Ethan recalls his first two weeks in Job Corps as a period of rapid growth. Ethan says,

"I was super nervous when I got there. I was afraid to talk to anyone. I was really awkward. But then I was like, 'Wow, these people actually want to help me.' And everyone was super supportive of my interest in the military."

Ethan was immediately impressed by the structured nature of the environment. He describes feeling comforted by the strict schedule and remembers that the structure helped him feel less socially anxious. He loved having a clear wake up time and a rigorous daily schedule. The support he felt about his intention to join the Army mitigated his social anxiety and Ethan recalls feeling surprisingly comfortable in Job Corps within two weeks of his arrival.

Matthew Osborne was Ethan's counselor in Job Corps. Mr. Osborne met with Ethan several times a week for counseling and program guidance. Mr. Osborne remembers Ethan as a compliant and cooperative participant and recalls that he was better behaved than most residents. Mr. Osborne was particularly struck by Ethan's diligence about completing his high school diploma so he would be eligible to enlist in the Army. Rita Peterson, who is the Job Corps Career Transition counselor, recalls that Ethan was interested in the military because of a military history in his family and was impressed by his focus. Ethan's heavy machinery instructor, Johnny Austin, describes Ethan as one of the most hard-working and compliant participants he has encountered in his thirteen-year Job Corps tenure. Mr. Austin says about Ethan,

"Everyone really liked him. He was hard working and patriotic. He never caused any problems. We used to say, 'I'll take fifty more like him.'"



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Ethan's Job Corps records reflect the positive qualities observed by the staff. Ethan progressed smoothly through achievement levels and earned high marks from all of his instructors.

During his time at Job Corps Ethan still found time for substantial engagement in on-line communities. It was during this time that Ethan discovered O9A on the messaging application Discord. Ethan recalls first hearing of the organization on a message board and wanting to see what it was about. The secrecy of the group stoked Ethan's curiosity and he sought out more information. Despite the fact that O9A is an explicitly white supremacist organization, Ethan outwardly displayed no white supremacist ideology or behavior during his time in Job Corps. To the contrary, Ethan was known by staff and residents to be accepting and comfortable with diversity. The highest marks Ethan received on his Job Corps evaluations were consistently in the category of "multi-cultural awareness." When asked about Ethan's connection to Neo-Nazi groups and ideology, the four Job Corps staff members interviewed for this report expressed absolute certainty that he was not espousing any Neo-Nazi ideology. Matthew Osborne says,

"Neo-Nazis and white supremacists don't last a week here. There is no way a kid who has those ideas can hide their true colors when they are surrounded by black people. And I hear everything that goes on in the dorms. Ethan showed no signs at all of being a white supremacist."

Brian Hancock, who was another instructor of Ethan's, says, "If you are a white supremacist, you won't make it here. Job Corps has a zero-tolerance policy. We've had kids like that before and they only last a few days." Mr. Hancock also points out that anti-American sentiment is rooted out quickly, saying, "We know everything that goes on in the dorms. We have had racist and anti-American kids here and they never make it. They can't hide it - we always find out."

Rita Peterson, who has been with Job Corps since 1989, remembers Ethan as a "typical young adult" and never observed any racist or anti-Semitic behavior. Ms. Peterson says, "The kids who come in with those ideas never last long. They do come, but they get into conflicts and they always leave."

The defining characteristic of Ethan's time in Job Corps was not Neo-Nazi ideology and anti-American sentiment; it was discipline. Ethan responded well to the structure of the program and impressed his instructors and counselors with his steady preparation to enlist in the military.

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Ethan focused on physical fitness and moved steadily through all the necessary requirements for enlistment. By the time he graduated from Job Corps he was ready and excited to begin his military career.

### ***Military service***

#### ***Basic training***

Ethan travelled to Fort Benning, Georgia immediately after his graduation from Job Corps and began Army basic training on June 14, 2019. Ethan becomes animated when he talks about his experience in basic training which he describes as one of the best periods of his life. Ethan says,

“Basic was the hardest thing I have ever done, but I never felt comradery like that before. We were all scared together and we all suffered together. There was always something to do and no matter how hard it was we were all in it together. I felt so good because I was working hard every day and people liked me.”

Ethan recalls basic training drills so intense that people cried and he remembers the comfort he felt in having permission to be emotional. Ethan describes his insecurities melting away as the tightness of his group of soldiers solidified. Underlying Ethan’s excitement about membership in a community was his mounting enthusiasm about military service. Ethan says, “It was awesome. Everything I was doing was so cool and interesting. I felt so bad ass because I was working every day doing stuff that was important.” When Ethan was elected by his unit to be a team leader, he found himself in the uncharted territory of peer acceptance based on his achievements – something he describes as “awesome.” Ethan says, “I was so proud of myself. It made me feel confident. I felt like I was achieving something. I wasn’t used to people thinking I was worth something.”

After three months in basic training, Ethan moved on to Airborne School at Fort Benning. Ethan proudly recalls that few of his fellow soldiers in basic training went on to Airborne School because it required a high physical-training score and a high Armed Services Vocational Aptitude Battery (ASVAB) test, both of which he had achieved. Ethan describes the day he graduated from basic training as the proudest moment of his life. He recalls seeing a look of pride on from his father that he had not experienced before. Ethan felt especially proud of his advancement to infantry which earned him the blue cord worn only by infantry-qualified soldiers. Ethan says,



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## MITIGATING CIRCUMSTANCES

Ethan's life can be understood as a cascade of risk factors with minimal protective factors to protect him from their toxic impact. The CDC-Kaiser ACE study, an ongoing collaboration between Kaiser Permanente's Health Appraisal Center and the United States Center for Disease Control and Prevention (CDC), identifies a series of Adverse Childhood Events (ACEs) and examines the links between poor outcomes and the presence of these ACE factors. The nine categories used in the ACE Study are: (1) recurrent physical abuse; (2) recurrent emotional abuse; (3) contact sexual abuse; (4) an alcohol or drug abuser in the household; (5) an incarcerated household member; (6) someone who is chronically depressed, mentally ill, institutionalized or suicidal; (7) mother treated violently; (8) one or no parents; (9) emotional abuse or physical neglect (Burke et al, 2007). The ACE Study finds that the greater the number of ACE factors, the higher the risk of negative outcomes (CDC, 2020). Ethan grew up with at least seven of the nine ACE factors. These risk factors were coupled with a breakdown in community and family support, resulting in a catastrophic accumulation of risk with inadequate protective factors to mitigate the negative impact.

### *Maltreatment and sexual abuse*

#### *Neglect*

Neglect has been found to be one of the most toxic adverse childhood events, surpassing even severe physical abuse in its correlation to negative outcomes. The scientific literature on neglect tells us that childhood neglect often leads to a wide range of emotional, behavioral and cognitive difficulties in adulthood (NSCDC, 2012). Studies have repeatedly demonstrated that severe childhood neglect in the absence of physical abuse is more predictive of developmental impairments than physical abuse alone. Chronic neglect can alter the development of biological stress response systems in a way that severely compromises a child's ability to cope with adversity (Pollack, 2010). Neglected children are even more likely than their physically abused counterparts to present with a general lack of social skill and emotional problems (Manly et al from Hildyard article) and teachers are more likely to rate neglected children as hyperactive and inattentive than their peers (Erickson, 1996).

The sequela of neglect laid out in the scientific literature describes Ethan's development with striking accuracy. Deficits in attention, self-esteem, social skills, peer relationships, academic achievement and executive functioning are all correlated with chronic neglect and are all elements of Ethan's experience. Ethan's school records reflect his challenges with focus and attention. A 1<sup>st</sup> grade referral for special education services states,

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“The referral indicated weaknesses in the areas of written expression, basic reading skills, and math reasoning. He has difficulty attending to tasks, following directions, developing independent work habits, and organizing materials and belongings.”

In a stark example of systemic neglect, the school failed to facilitate the referral for special education services despite clear symptoms that endorsed a diagnosis of Attention Deficit Disorder. The failure of the school to provide the educational supports that Ethan needed exacerbated his experience of alienation and had an accumulating effect as he became increasingly isolated in the learning environment.

*Sexual abuse*

The neglect Ethan experienced had devastating effects on his development but it also left him vulnerable to the predatory behavior of [REDACTED]. Studies have shown that parental impairments such as maternal alcoholism and serious marital conflicts, both of which defined Ethan’s childhood environment, are associated with an increased risk of exposure to childhood sexual abuse (Fergusson et al., 1996; Mullen et al., 1993). [REDACTED]

[REDACTED]

Decades of robust scientific evidence demonstrate that childhood sexual abuse has poisonous effects on cognitive, social and mental health functioning. Dr. Michael De Bellis, renowned expert on childhood sexual abuse, writes,

As a group, individuals with histories of childhood sexual abuse, irrespective of their psychiatric diagnosis, manifest significant problems with affect regulation, impulse control, somatization, sense of self, cognitive distortions, and problems with socialization. (De Bellis et al., 1999b)

There is evidence that boys who have been sexually abused have even worse outcomes than female survivors because of societal beliefs about masculinity (Garnefski, 1997). Sexual

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abuse from a family member creates a particular overload of physical stress and horror because the perpetrator is a person who is supposed to be safe. Family member sexual victimization can alter a child's ability to detect threat and assess safety – a dynamic that clearly played out in Ethan's online engagement.

***Distorted family and community norms***

Impairments secondary to neglect and sexual abuse left Ethan exceptionally vulnerable to toxic elements in his environment. Ethan grew up in an environment in which hate speech was normative. White supremacy, anti-Semitism and hatred of the LGBT community were modeled by the people who raised him. As an overweight, sensitive, gay boy in a hyper-masculine environment defined by intolerance, Ethan was desperate to distract others from what was at his core. The brand of humor that he cultivated offered such a distraction. Ethan became known as a person who would "say anything," and describes himself as "a socially awkward guy with an absurdist sense of humor." But because Ethan's caretakers failed to provide moral guardrails for him, he did not develop a concurrent ability to discern between irreverent humor and dangerous rhetoric. The moral framework within which Ethan operated was deeply distorted by his childhood immersion in a culture of hate, the failure of his caretakers to shield him from dangerous and confusing content on the internet and his desperate need to be accepted and loved.

In Ethan's childhood milieu the expression of Neo-Nazi ideas was acceptable, but identifying as gay was not; a love of guns was permissible, but a love of art and music was a non-starter for a boy; and Ethan was forced to sublimate his sexuality and his interest in "feminine" pursuits and create an adjacent self informed by the acceptable norms in his community. The split between Ethan's authentic self and his adjacent "acceptable" self underpins the disconnect between Ethan's obsessive interest in online hate groups and the openness to diversity that he displayed in his personal relationships. This disconnect was on stark display while Ethan was in Job Corps. While Ethan was going down the "rabbit hole" of O9A, he was engaged in meaningful relationships with people of color and was described by two of his instructors as notably patriotic. On the occasions when Ethan was observed making racist comments, they occurred during his misguided attempts at irreverent humor. Ethan's counselor, Matthew Osborne, is succinct in his observations about Ethan. Mr. Osborne says,

"Ethan was better behaved than a typical Job Corps kid. He was respectful to staff and he offered to help when other kids didn't. He was friends with a lot of kids and didn't have conflicts. But he was also really easily influenced - kind of young, dumb and white. When

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his black friends would use the N word, Ethan would use it too, not understanding that it was different coming from a white kid. When someone was being disruptive to be funny, he would join in without thinking about the consequences.”

Ethan’s behavior in Job Corps is an illustration of his genuine instincts to embrace diversity and do good, but it also demonstrates his impairments in judgment and the fragility of his sense of himself in relationship to his environment.

### ***Neuroscience and youth***

Ethan’s youth at the time of the offense is an additional factor that weighs heavily on his behavior. A publication by The American Bar Association likens the teenage brain to “a car with a good accelerator but a weak brake” (Chamberlain, 2009). Developmental neuroscience research in recent years has brought increasing attention to the functional and structural differences between the adult and adolescent brain – differences that are highly relevant to Ethan’s offense conduct. The availability of brain imaging technology has provided new insight into the significant brain development that occurs between the ages of twelve and twenty-five (Binford, 2012). The United States Supreme Court has issued three decisions since 2005 (*Roper v. Simmons, Graham v. Florida and Miller v. Alabama*) reforming juvenile sentencing practices based, in part, on advances in neurological research on the adolescent and young adult brain. An amicus brief filed in *Graham v. Florida* by the American Medical Association and The American Academy of Child and Adolescent Psychiatry states the following,

Although adolescents can, and on occasion do, exhibit adult levels of judgment and control, their ability to do so is limited and unreliable compared to that of adults. Adolescents, as a group, are less capable than adults of accurately assessing risks and rewards; controlling their impulses; and recognizing and regulating emotional responses — in short, they are less consistent in their ability to self-regulate their behavior. (AMA amicus brief)

The brief goes on to state that the breakdown of a young person’s caregiving environment heightens his or her vulnerability to impairments in impulse control and emotional regulation.

Researchers have also found that these limitations are especially pronounced when other factors — such as stress, emotions, and peer pressure — enter the equation. These factors affect everyone’s cognitive functioning, but they operate on the adolescent mind differently and with special force.

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The environment in which Ethan engaged in the instant offense was a perfect storm of risk factors.

### ***Rehabilitation***

In the time since the instant offense, Ethan has engaged in an earnest and thoughtful attempt to understand the dynamics that led to his offense behavior. I have spent over forty hours with Ethan examining his childhood trauma and the links to his offense behavior and he has demonstrated an unusual level of growth and insight. Ethan has come out as a gay man to everyone in his prison unit and is widely respected and liked. Ethan has begun conversations with his mother and father that are moving toward a disclosure of his sexuality and he is feeling positive about the responses he has gotten. The underpinning of Ethan's offense behavior was the distorted moral framework of his childhood and he is actively addressing this issue. Ms. Presley's recent sobriety has allowed for an unprecedented level of honesty between her and Ethan and she has fully acknowledged her shortcomings with him. Ethan's father has made attempts to re-engage and is planning a visit with Ethan in February – a visit during which Ethan plans to tell him that he is gay. The experience of living authentically for the first time has led to an internal recalibration for Ethan: he feels good about who he is; he is taking care of himself by exercising and feels confident in his body; and most significantly, the organizing principle of his life is now about authenticity rather than fear, shame and secrecy.

### **CONCLUSION**

Ethan spent a lifetime trying to distract the people around him from his authentic self. He developed a politically incorrect, edgy persona because it got laughs. He retreated into the internet because there was safety in isolation and a sense of control in an online fantasy realm. Ethan's identification with radical ideology is not enduring. He has deep remorse about his actions toward his fellow soldiers and has renounced his affiliation with O9A and other extremist groups.

Ethan spent a lifetime hiding his sexuality and the interests that were considered unacceptable for a boy in his world. Prison has, unexpectedly, offered Ethan an opportunity for authentic expression for the first time in his life. The identity that Ethan cultivated for acceptance in his world of intolerance no longer has utility. Ethan has been surprised and delighted by his ability to find acceptance as an openly gay man. Ethan is respected and admired by his peers for who he really is for the first time.



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Aside from two write-ups early in his prison tenure for alcohol use, his institutional record is clean. Ethan is actively working to hone his understanding of the dynamics that led to his offense and knows that an embrace of his authentic self is the firewall against any future extremist engagement. Ethan says, “I spent my whole life as a fish out of water and now I am comfortable in my skin.”

Thank you for your consideration of this report.

Respectfully,



Erik Mercer, L.C.S.W.

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## EXHIBIT C

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Honorable Gregory H. Woods  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York NY 10007

January 20, 2023

Dear Judge Woods,

My name is Julie and I am Ethan's mother. To me, Ethan was always a sweet and quiet kid. He would do anything for anybody. I remember one year at Christmas we went to feed the homeless, and he not only wanted to do it, but he wanted to go back afterwards. He cares about people; he's a good person, and he's hilarious, too. He usually had one or two close friends. In middle school, Ethan met Tyler and they were really tight. Tyler's parents were homeless and struggling to get Tyler to school, so Ethan asked me if Tyler could come live with us and we could help get him to school. And he did – we took him in and got him to school every day. Ethan has always had a sweetness about him.

Even at school and to his teachers, he would never disrupt class. He might be off in another world – asleep, or drawing, or something like that – but never disruptive to anyone else. The only time he ever got in trouble was in first grade when this kid kept picking on him every day nonstop, and finally Ethan hit him. He was never mean-spirited or anything like that. He never yelled at me or called me names. All his teachers loved Ethan, even though he struggled in school, and they tried to find ways to help him. Unfortunately Ethan just struggled so much socially that it became difficult for him to even be at school. He always heard, "you're behind, you don't understand," and I think that was hard for him to hear all the time. Kids made fun of him for being fat and having glasses and being a nerd. They really tortured him. I think Ethan just wanted to belong somewhere, and it became too painful for him to be at school.

I knew the feeling of not belonging and knew it was a terrible feeling, so this was painful for me, too. I felt so bad for Ethan that I didn't make him go to school. I also had my own challenges. I was diagnosed a month ago as having bipolar disorder, borderline personality disorder, and PTSD. Because I didn't know that until recently, I always self-medicated with alcohol. I've been drinking since I was ten. Ethan never wanted for material things; he never went to bed hungry or lacked toys to play with or anything like that. However, he would be left by himself with the carryout I bought him while I would go out and drink. This was throughout his whole life – I would have periods of sobriety and was always trying to get sober, but I could never stay sober until now. Now that I have a diagnosis and know what's wrong, it's a little easier for me. But growing up, I know that made Ethan feel unimportant and like he didn't belong, because drinking was more important to me than being at home with him. I would go out to dinner with my boyfriend and he would be excluded.

Ethan's dad, Nick, also really wasn't there for Ethan. Once Nick met the woman that he's married to now, Robin, Ethan didn't want to go over there because Robin didn't like him. I think she felt insecure and threatened that Nick had a child with someone who wasn't her, and she would be cruel in the way she spoke to him. Nick agreed with her because he had to – they had three kids together and he felt he

had to side with her. Even though Nick and I had a custody agreement, if Ethan said he didn't want to go over there, he didn't go. Nick was more of a disciplinarian than I was, and I hated that Ethan felt like he didn't belong anywhere. I know his dad puts all of the blame on me, but honestly, Nick didn't spend very much time with Ethan. When I started messing up really badly and went to jail, Nick came and took Ethan and said he wasn't ever coming back. Ethan was only gone for a week and a half. He came back home and said he didn't want to be over there anymore. Ethan and I were always really close, but I don't think Nick really knew Ethan at all.

Ethan was treated badly by other family members, too. Ethan's uncle, Nick's brother Nathan, would call Ethan stupid or other names. One time he even punched Ethan in the stomach, which made me so angry. I told Nick that Nathan better not ever touch Ethan again. Ethan also didn't want to be around my dad. I know they're trying to say that Ethan is a racist, but he wasn't. My family was raised that way, especially my dad, and even if it wasn't directed towards Ethan, he was always saying things around him. Ethan's cousins were biracial and they were best friends growing up. Ethan never joined in on it, and would even correct me if I said anything he didn't like. He didn't like my dad and never wanted to be around him because of the racist things he said.

Ethan went through a rough time as a teenager trying to find his place, but when he straightened up and went to Job Corps, that was all him. He did that all on his own. He had been doing drugs and getting into trouble, but then he got clean, he started working out, he went to Job Corps, and he made a plan. For him to be that age and pull himself out of that – I really admire him for that.

Even though he had struggled in school, Ethan is extremely intelligent. He kept busy at Job Corps, and they loved him there. He got his heavy equipment operator license. He had a lot of teachers that he was close to and who encouraged him. I don't think they ever had any trouble out of him. He excelled at Job Corps. He had talked about enlisting in the army before with my ex, [REDACTED] who had encouraged him to do it because it gives you discipline and direction. Ethan also started talking to the army recruiters at Job Corps, and he wanted to see the world. When he did go to the military, he did great. He was happy and at the top of everything he did there. In basic training, he would talk all the time about his friends – he called them his brothers. He was very close to the people there. I was so proud of him.

I think Italy broke him. It was his first deployment, and he was there right when Covid was at its peak in Italy. Things were really bad. None of the people he was close to in basic training went to Italy with him. He had always been a homebody, too – even in Job Corps, he would come home on the weekends and we would eat a lot of food and just hang out together. I think he had a hard time being so far away from home, especially at a time when he couldn't go anywhere or get outside. I think he was also afraid of me being so far away and alone with my boyfriend, [REDACTED] had beaten me and Ethan in the past – he used to punch Ethan over and over while Ethan laid on the couch with his hands over his head. One time [REDACTED] choked me until I was unconscious. I'm sure Ethan worried about me. When he was in Italy, I could tell something was wrong. He got really closed off from me and everybody else. I could hear it just in the tone of his voice. In basic training, he would always tell me about his friends and how he was doing and what he was learning, but not in Italy. There was never anything except "what's up," the basics, the same thing he had told me on the last call. I tried to tell him that if something was wrong, if he was feeling depressed or anxious, that there were people he could talk to, people who could help him. But he's just like me, stubborn, so he always said there was nothing wrong and that he was okay.

Ethan was arrested in Germany right after his twenty-first birthday. The FBI came to my door the next day, and it was all over the media. I was so scared and overwhelmed. I didn't realize that when the FBI comes to your door, they're not there to help you – they're there to get information out of you. I just wanted to figure out what had gone wrong. It took a long time for him to be able to call me after that. I didn't talk to him for a long time.

I think Ethan just wanted to belong somewhere, because he didn't feel accepted anywhere but the Internet. I don't think he understood how serious his crime was at the time, but he definitely understands now. He regrets it every day. He even told me that he misses the military. Some of his family are still mad and ashamed of what Ethan did, but I've accepted it. I still love him and it doesn't matter what he does – I'll always accept him.

I would love to help him get back on his feet once he gets out of prison. I can get him a job and I still have his things in his old bedroom if he wants to come home for a little bit. He still looks forward to his life – he just wants to go outside, and see the places he hasn't gotten to see. He wants to give up, but he won't. Even though he's in this situation, he only has kind things to say about people. Even the people he's in jail with – he doesn't have a bad thing to say about any of them.

Judge, I beg for my son to have a chance to have a life. I don't think that a mistake like this should ruin life for him forever. I'm adopted, so Ethan is the only blood relative I've ever known. It makes the bond we have even deeper, and it's just hard to live without him. I've damn near lost my mind having him in MDC. The waiting is almost too much to take, and I can't stand not having him here. Before this, he was always there to tell me everything was going to be okay. One day, I want to hold Ethan's children and play with them. Whoever loves Ethan, I will love them too. I just can't stand not having him here anymore.

Thank you for reading my letter.

Sincerely,

Julie

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## EXHIBIT D

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Honorable Gregory H. Woods  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

December 19, 2022

Dear Judge Woods:

My name is Linda Melzer and I am Ethan Melzer's paternal grandmother. I am hoping you will read this and understand a little more about him.

My son Nick was just finishing high school when he and Julie, Ethan's mother, had to get married because she was pregnant. After Ethan was first born, they lived with me for a while. Then Nick received inheritance money that he and Julie used on a down payment for a house, even though the money was supposed to be used for school. Even though Nick was working, they ended up losing the house, as neither of them had any idea how to handle money. Julie had been adopted and was always given anything she wanted growing up, so she wasn't used to saving. They spent more money than they had and went bankrupt. They divorced when Ethan was only about four, but when Ethan was young, they were good at splitting their time with him. Julie's parents and I would help with weekends.

Ethan was always respectful, happy, and loving. As the first grandchild on both sides, he was the golden child, at least until he was about thirteen years old. He would come over and help me mow, or play with his cousins who also came over on Fridays. He was always good about sharing his games and toys with the other boys. Nick's brother, Nathan, married a Black woman and Ethan was always close with his cousins. I heard Julie had some racist people in her family, but I never saw that influence Ethan. I never thought that anyone would call Ethan racist.

When Ethan was about thirteen, his mother lost first her mother and then her father. Julie had always been close with her parents, as they had always been there to help her out if she needed money or support. Without them, she fell apart. She would start a new job but then lose it, and it went downhill from there. I did not know the extent of the problems at that time, but I later found out that she was drinking and fighting with the boyfriends who were living with her. Ethan stopped visiting Nick and I each weekend and it became harder for us to communicate. He never told us anything about it – I wish he would've talked to me more about the challenges he was having, because I really didn't know how bad it had gotten.

Then, at this particularly difficult time for Ethan, Nick remarried. He and his wife started a new family, so he did not see Ethan as often. I think Nick wanted to continue a relationship with Ethan, but he was overwhelmed with work, keeping a new wife happy, and being a father to the little ones. I think Ethan felt displaced. Nick and I would call to talk with Ethan and no one would answer. We would go to



the apartment and knock and no one would come to door. We found out Julie was not making Ethan go to school. I think Ethan was so worried that Julie was going to get hurt by herself or a boyfriend. It was a totally frustrating time. I asked Ethan if he would live with me but he would not leave his mom.

Nick and I finally talked him into going to Job Corps. We thought it would get him away from a bad environment. He finished and got his diploma, then he signed up for the Army before he finished Job Corps. He had always looked up to my dad, who had a purple heart from WW2, and to my brother, who was a marine. Sometimes during the summer, we would go and visit my dad and Ethan would go with me. Dad would talk to him about being in service and even had a metal plate in his head from being shot in war. I think Ethan always kind of had that interest in the military. I really wanted him to come home before he went into the service, but they had already signed him up. So he went straight to the Army after Job Corps and did not come home.

Ethan seemed to do fine in the Army until they went to Italy and had the Covid isolation. He was there right when the pandemic started, and Covid hit Italy pretty bad. Then he became bitter. I don't know what may have occurred over there to make him change or if it was just depression from being isolated, but I noticed he started getting grumpier. I wasn't hearing so much from him. When he was in boot camp, we went and visited him after he graduated, and he seemed so excited about his future. He had so much to say about it. We thought he was doing pretty well there, but the isolation must have had a big impact on him. At one point, we did not hear from him for three weeks and I thought he had been transferred to Turkey. In reality, the FBI had been holding him for three weeks in New York. We had no idea; they didn't tell us until it hit the papers. I thought my son was joking when he told me. I could not believe it.

I feel guilty that we have not visited Ethan in jail. It is so hard to find visiting times and days, especially since we live so far away. When we did try to come, MDC was locked down for COVID and we only found out a few days before we left. He has to schedule to see us. He calls, but not regularly, maybe once a month. It's been very hard not to see him for almost three years now. I hope he can get out before I go, because I'd like to make sure he's set up and doing okay. I think he could do well after prison, because he has a great work ethic. I just hope Julie's issues don't drag him down.

I feel Ethan is very personable and could still succeed when he gets out. Ethan asked for books to study for trucking, but his dad also thinks he could help him get a job working for Direct TV or one of their subcontractors. He also is very artistic and good on the computer, so he has many skills he could use in the future. Nick and I plan to help Ethan with housing and getting work. My other son is out in California, so he also has the option to go out there.

Judge, please let Ethan come home. At the time of the offense, he was young and depressed. Now, I feel that he has learned his lesson. Just by the way he talks on the phone, I can tell he has a lot of regrets. I don't think he realized where these things that he said on the internet were going, and he didn't realize how serious it was to say them. He's always been kind of young for his age. Now, though, he understands how serious this was. I worry that spending too much time in prison will make him a person that he is not, or make him bitter. The longer he spends incarcerated, the harder it will be to get a job and rebuild his life. He would have so much better chance to have a successful life if he is released

sooner rather than later. I am also worried that I will die before he is released, and then I can't help him and give him support. I want to be there when he gets out to make sure he is okay and ready to succeed. We miss him terribly.

Sincerely,

Linda Melzer

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# EXHIBIT E

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January 14, 2023

Honorable Gregory H. Woods  
United States District Judge  
Southern District of New York

Dear Judge Woods,

My name is Marcus Melzer and I am the uncle of Ethan Melzer. I have only known Ethan as a kind, intelligent, inquisitive and creative person and have never experienced any real-world manifestations of a more deeply troubled mind. As a child he was a talented artist and an avid reader of science fiction. He helped take care of his grandmother by mowing her lawn, helping with the yard and fixing things around her house. He made beautiful drawings that showed real creativity and intelligence.

During Ethan's adolescence, his life became more difficult. His parents divorced and his father started a new family. Ethan stayed with his mother who was later diagnosed with borderline personality disorder. His mother was involved in an abusive relationship and Ethan was unable to defend her from this abuse. Ethan was a nerdy and sensitive child which contributed to him being severely bullied in school. I believe this all added up to him feeling powerless and insignificant. This information is not meant to excuse his actions, but helps explain how he slowly slipped into an online role-playing persona that desperately sought attention and significance. I feel Ethan lacked the maturity to realize the possible real-world consequences of his online bluster and has since expressed remorse for his mistakes.

Ethan has not even begun to live his life yet. He mistakenly walked down a very dark path due to his naiveté and feelings of being lost and powerless in a complicated world. He is learning from his mistakes and has expressed true remorse. He has a family that misses him and will help him integrate back into the real world. We ask that he be returned to his family soon so he can begin his redemption and not lose connection with those that can help him the most.

Sincerely yours,

Marcus Melzer

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# EXHIBIT F

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Honorable Gregory H. Woods  
United States District Judge  
Southern District of New York

January 2, 2023

Dear Honorable Gregory H. Woods,

My name is Nicholas Melzer. I am Ethan Melzer's father. I am writing to you regarding his sentencing. It has been life changing learning of the mistakes that my son has made, and truly to this day I struggle to deal with the things he has done. I apologize for the all the things I did or failed to do that may have caused him to go down this path.

I was nineteen years old when Ethan was born and had no idea which path my life would take. His mother Julie and I married shortly before his arrival. Things did not work out for us, and we divorced when Ethan was very young. At the time I had two jobs and his mother was given primary custody of Ethan. For the remainder of Ethan's childhood, I did my best to make substantial changes to better my life and the lives of my family. Ethan regularly visited me throughout the rest of his childhood. However, when I started my current occupation at Direct TV during Ethan's childhood, I had to travel extensively throughout the states and was not as available as I wished I could be to Ethan.

When Ethan was nine, I remarried my current wife and began a new family. From Elementary school to the beginning of high school he was a good student with many interests, his teachers were supportive of him, and he appeared to be on a good path. As he reached his teens, he became more reluctant to go to school and his mother became more unstable from broken relationships and legal troubles. I believed that Julie did have Ethan's best interests at heart, but I didn't know how bad her mental health struggles and substance abuse issues had gotten. I tried to convince Ethan on several occasions to come move in with me and my wife Robin so that we could help him. A few times he would stay with us longer than usual, but eventually he would return to his mother, as he believed she needed him to get by. During this time, Ethan became more isolated and leaned into online gaming and online chats. I didn't have any issue with it as long as it didn't affect his schooling. Then, in his junior year of high school, his mother withdrew Ethan from school. I did not receive any notification of this, until my wife, who worked at an alternate school, saw that he was in fact no longer attending. This led to some difficult conversation between me, Julie, and Ethan. I managed to work with him and school counselors to get Ethan reenrolled, but he still had difficulty attending class and dropped out again shortly thereafter.

However, Ethan managed to find employment during this time and was responsible and dedicated. Around this time, I was traveling less for my job and I was able to spend more time at home with Ethan. Ethan decided he was ready to complete his diploma at Job Corps in Muhlenberg County, Kentucky. I was there to assist with his enrollment, and I honestly thought he was moving in the right direction. After a year into Job Corps, I felt his life was finally starting to take shape for a promising future. He eventually received his diploma and declared officially that he wanted to join the Army, which he had idolized for much of his youth. He had always admired the military and wanted to follow the path of his relatives who have served. His Great grandfather was there at D-Day, and his uncles and grandfathers served in Korea and Vietnam. Although nervous for his safety in the army, I supported his

choice. I honestly thought that he had finally turned the corner and made a concentrated effort to better his life. My wife, my mother, and his siblings all attended his graduation from boot camp in Fort Benning, Georgia in 2019. It was honestly the proudest day of my life.

Ethan was deployed to Italy shortly thereafter. Then came the pandemic, which caused a lot of uncertainty. He called us regularly and was clearly upset with the conditions he was in, but I believed this was due to his new environment and the stress that everyone was under due to the pandemic. Eventually, the calls stopped in May of 2020, and in June I was questioned by the FBI. I was completely shocked about what I was told. I felt broken. Although Ethan had always had interest in the strange and unusual, I never could have imagined him taking it this far. My world was shaken to its core. A month or so after meeting the FBI, I received the first of many calls from Ethan while incarcerated. He was apologetic and scared, and still felt like the same man I had known him as – far from the extremist that the FBI had portrayed him as to me. I know that he made mistakes and is very remorseful of the things that he did to get into this situation. I believe his upbringing and the unique environment he was put in – his first deployment coinciding with a global pandemic – may have caused him to blur the lines between fantasy, online talk, and real-life consequences.

The days since Ethan's arrest have been difficult to say the least. We in his family also bear the scars, pain, and humiliation of the charges against him. His brothers and sister looked up to him a great deal, and although they are far from the age where they could comprehend the gravity or details of the situation (at ages eight, six, and four at the time of the offense), it was heartbreaking to begin telling them of the trouble Ethan is in.

Ethan has always been a kind and generous person. I remember him giving money to friends and people on the street with no qualms. Whenever I would ask him about it, he would tell me that they needed it more than he did. When he was employed, he was reliable and an honest employee. Once he committed to finishing his schooling, he was determined to do it. If someone asked for help, he was the first to jump in and assist. His friends and family are diverse in race, religion, and politics, and we have always valued love, acceptance, and perseverance to move through life's challenges.

In closing, I beg for your lenience, Your Honor. I know Ethan is a good man and would be able to build a life for himself if given the chance. Through my work I have earned a good reputation and have many contacts for potential employment. I have several options, from satellite to landscaping to construction – pretty good array of contacts for potential employment. Ethan has a support network that will help him with employment, housing, and mental health support for him. This has been a pretty traumatic event, so I would assume he needs some sort of counseling at a minimum. He's been in prison for three years now, and I hope he can get some support even while still incarcerated. I know has made big mistakes during his service and there are consequences of the things he has done, but I also know that if given the chance for redemption, he will do everything in his power to make a positive difference in this world.

Regards,

Nicholas Melzer

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# EXHIBIT G

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Honorable Gregory H. Woods  
United States District Judge  
Southern District of New York

December 30, 2022

Dear Judge Woods,

I am Kim Spafford, the great uncle to Ethan Melzer. I served in the Marine Corps during Vietnam. Although I did not see overseas duty, I had a top secret clearance. I was far from the first in my family to serve; Ethan's paternal great grandfather landed on Omaha beach on D-Day and fought in five major WWII campaigns, including the Battle of the Bulge.

Growing up, Ethan was a shy boy and very respectful. I remember being at my parents' home when my sister Linda brought her grandkids, including Ethan. He was so good with helping her pack up and doing what his great grandparents asked him to.

However, Ethan had a difficult and unstable childhood. His parents divorced when he was young, and we realized through his mother's actions that Julie was mentally ill. She did not encourage Ethan go to school and demonstrated poor judgement time and time again. Ethan's father, Nick, remarried, leaving Ethan feeling as if he had only his broken mom to give him the support he needed. My sister, Ethan's paternal grandmother, did as much as she could to help. Linda would drive him to school and work, and then go to her own job. She was his main support during his high school years. He let the internet and video games become his friend.

Judge, my family has fought in every American war, including the Revolutionary War. I don't know what got in Ethan's mind to do something like this. Maybe it was the people online leading him on. But that doesn't matter. He was wrong. Someday he will hopefully become a great chef. I ask on behalf of myself and the past veterans of our family, for your leniency during sentencing.

Judge, thank you for your time and consideration.

Yours sincerely,

Kim Spafford

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# EXHIBIT H

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## MUHLENBERG JOB CORPS CENTER

3875 State Route Hwy 181 N  
Greenville, KY 42345



Phone: (270) 338-5460  
Fax: (270) 338-3615

December 23, 2022

Honorable Gregory H Woods  
United States District Judge  
Southern District of New York

Dear Judge Woods,

Ethan Melzer was a student at the Muhlenberg Job Corps Center in Greenville, KY from September 10, 2018 to June 3, 2019. He completed his HSD/GED May 29, 2019 and he also completed our Heavy Equipment Operator career technical training program.

During Ethan's time here at Job Corps, my job title was Career Transition Readiness Specialist. I worked with students on their career goals; employment, college or military enlistment. I served as our center military liaison and was the contact person for all military recruiters.

Immediately upon enrollment, Ethan expressed interest in the Army. From what I remember, he had family members that had served and that was the reason for his interest. On October 25, 2018 I referred him to the Army recruiter who worked with him until his enlistment date June 3, 2019.

I interacted with Ethan on a weekly basis through both casual interactions and meetings in my office, and found him to be respectful, goal-oriented and friendly. He followed instructions, got along well with all staff and students, and was not easily distracted by others. He was finishing his high school diploma while he was here and would check in regularly with the Army recruiter about his progress he was making. I was shocked to learn of his actions concerning the charges brought against him. Those actions are not consistent with the young man I knew and worked with while enrolled in Job Corps.

Sincerely,

*Rita Peterson, Records Supervisor*

[peterson.rita@jobcorps.org](mailto:peterson.rita@jobcorps.org)

<http://MuhlenbergJobCorps.gov>

270-377-3263

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# EXHIBIT I

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Honorable Gregory H. Woods  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

January 1, 2023

Dear Judge Woods,

My name is Matthew Osborne. I work as a Production Coordinator at Metalsa in Owensboro, KY. Before working at Metalsa, I worked as a Career Counselor at the Muhlenberg Job Corps Center located in Greenville, KY. As a Career Counselor, I worked directly with young men and women as they worked towards earning their high school diploma and completed a trade or trades to help them advance in a career path of their choosing.

While working as a Career Counselor, Ethan Melzer was assigned to my caseload. Upon meeting Ethan, I was impressed by his career plan. He wanted to obtain his high school diploma and make a career in the military. It sounded like his father had steered him towards it, as they were in contact a lot. We have military liaisons in the program to connect participants with military recruiters, because it's common path people take – I think there were one or two people sworn in per month. The majority of young men and women were indecisive about their career plan, but not Ethan. When I met Ethan on center for his first day of training, I completed a Social Intake Form with him. While completing the interview, I learned about his troubled home. He spoke positively about his relationship with his father, but his relationship with his mother was not good.

Ethan adjusted well to the program. He was assigned to a dorm room with other male students. He made friends, but stayed quiet. Coming into Job Corps is an adjustment for most kids, because the majority are racial minorities, putting Ethan in the minority. It was also an adjustment being away from his family back home, but he made friends and had people he would hang out with. He volunteered at the Welcome Center, which is the security post to direct visitors and other traffic on and off campus. He was well liked by staff. He was friendly and approachable. He occasionally volunteered to work in the cafeteria to help clean the kitchen, serve food, and take out trash. I would address him occasionally on using appropriate language and making the right choices; however, he was young and his behavior was much better than the majority of students enrolled in the program.

Ethan successfully obtained the credits needed for his high school diploma and completed the heavy equipment operator trade. While working towards his goals, he met and developed a relationship with a military recruiter. After completing his goals, he finished the Job Corps program and separated from the Job Corps program positively. After separating, he enlisted into the military.

After Ethan left the program, I was shocked to hear of the charges he faced after serving in the army. Ethan was not a bad person while he attended the Muhlenberg Job Corps Center. He was and is still very young. I believe his youth was a key factor to becoming involved with negative ideas and bad people. I know he pled guilty to these charges, but I am speaking about the Ethan Melzer that I knew. Judge, please allow him an opportunity to show the world that he is not a bad guy. He made bad choices, but he is still very capable of making a positive contribution to society in the future. I think he would thrive in a structured environment once he gets out. Ethan was always drawn towards things that have a purpose, and I would like for him to have the opportunity to make a positive impact.

Thank you for taking the time to read over this letter. I hope it does some good on Ethan's behalf.

Sincerely,

Matthew Osborne

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# EXHIBIT J

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2019-02-28 04:30:04.82 Plum#8576	It was just on the radio while I was driving
2019-02-28 04:30:14.76 Plum#8576	And it was better than Taylor Swift
2019-02-28 04:30:32.18 Plum#8576	But juuust barely and it was extremely informative
2019-02-28 04:30:34.81 Deleted User 5e4bd68d#8900	Anything is better lol
2019-02-28 04:30:39.68 Deleted User 831034ef#9727	Hello
2019-02-28 04:30:44.99 Plum#8576	It was close
2019-02-28 04:30:46.63 Deleted User 5e4bd68d#8900	Hey hedge, dagger
2019-02-28 04:30:53.64 Plum#8576	Hi
2019-02-28 04:31:05.81 Deleted User 831034ef#9727	I have questions about some group I found
2019-02-28 04:31:16.20 Deleted User 831034ef#9727	Don't know if you all could help
2019-02-28 04:31:25.60 Deleted User 5e4bd68d#8900	I can't guarantee answers, but I am always willing to help
2019-02-28 04:31:49.65 Plum#8576	Me too
2019-02-28 04:31:57.72 Deleted User 831034ef#9727	Ok so I was going down the rabbit hole and found this group called temple ov blood
2019-02-28 04:32:03.50 Deleted User 5e4bd68d#8900	Mhm
2019-02-28 04:32:11.52 Deleted User 831034ef#9727	But there's literally no info I can find on them
2019-02-28 04:32:14.01 Plum#8576	Sounds grim
2019-02-28 04:32:16.01 hedge#1333	sounds like a psychick children deal
2019-02-28 04:32:32.29 Deleted User 5e4bd68d#8900	Definitely Children of the Corn
2019-02-28 04:32:33.81 Plum#8576	Whose in there lmao
2019-02-28 04:32:40.05 Plum#8576	Anyone we know?
2019-02-28 04:32:46.97 Plum#8576	So I can unfriend them?
2019-02-28 04:32:48.58 Plum#8576	Jk
2019-02-28 04:32:53.62 Deleted User 5e4bd68d#8900	Trump. Gotta be
2019-02-28 04:32:56.65 Deleted User 831034ef#9727	Only video I found of them is some video of them shooting some altar or something, seems pretty out there
2019-02-28 04:33:16.03 Plum#8576	How did u find this
2019-02-28 04:33:22.46 Deleted User 5e4bd68d#8900	It sounds like some edgy teens doing stupid shit.
2019-02-28 04:33:24.27 Deleted User 831034ef#9727	Reddit
2019-02-28 04:34:07.38 Plum#8576	Yeah but where
2019-02-28 04:34:09.10 Deleted User 5e4bd68d#8900	What is your interest, exactly? Do you wish to join?
2019-02-28 04:34:15.27 hedge#1333	ahhh i se
2019-02-28 04:34:19.28 Deleted User 831034ef#9727	Somebody in the comments talked about there connected to some shit called O9A
2019-02-28 04:34:28.17 Deleted User 831034ef#9727	No just morbid curiosity
2019-02-28 04:34:31.27 Deleted User 5e4bd68d#8900	Perhaps you're tantalized by the idea of a darker way of life, hmm?
2019-02-28 04:34:51.83 Plum#8576	Tantralized?
2019-02-28 04:34:55.34 Plum#8576	Muahaha
2019-02-28 04:35:02.76 Deleted User 831034ef#9727	Just morbid curiosity really but who knows
2019-02-28 04:35:07.03 Deleted User 5e4bd68d#8900	*Ba dum tiss*
2019-02-28 04:35:20.77 Plum#8576	Ok so what's the problem
2019-02-28 04:35:48.45 Deleted User 5e4bd68d#8900	What you're seeking does not exist. Do not seek what you are not ready to know.
2019-02-28 04:36:06.80 Deleted User 5e4bd68d#8900	Stay awhile and listen.
2019-02-28 04:36:07.08 Deleted User 831034ef#9727	Just wanted to know if anybody knew anything else about them
2019-02-28 04:36:21.89 hedge#1333	i will look into it
2019-02-28 04:36:25.55 hedge#1333	i am curious now too
2019-02-28 04:36:43.42 Deleted User 5e4bd68d#8900	Are we really going to give this credence?
2019-02-28 04:36:45.80 Deleted User 5e4bd68d#8900	UGH
2019-02-28 04:36:55.90 Deleted User 831034ef#9727	I appreciate it
2019-02-28 04:36:59.80 Deleted User 5e4bd68d#8900	Okay, it's probably a necromancy group
2019-02-28 04:37:04.56 hedge#1333	you are not the gatekeeper
2019-02-28 04:37:07.81 Plum#8576	Do not seek what you are not already know, Creedence.
2019-02-28 04:37:14.13 hedge#1333	we are allowed to be curious and interested
2019-02-28 04:37:20.63 hedge#1333	that is what we are here for
2019-02-28 04:37:35.31 Plum#8576	Why are you so curious about this?
2019-02-28 04:37:45.89 Plum#8576	Have you asked anyone in that group
2019-02-28 04:37:47.63 Deleted User 5e4bd68d#8900	I like that. The gatekeeper. XD
2019-02-28 04:37:53.03 Plum#8576	What it's all about?
2019-02-28 04:37:57.64 Deleted User 831034ef#9727	Because it just seems really bizarre
2019-02-28 04:38:07.04 Plum#8576	And this server doesn't?
2019-02-28 04:38:08.49 Deleted User 5e4bd68d#8900	Link the video and reddit post
2019-02-28 04:38:16.86 Plum#8576	Oh boy
2019-02-28 04:38:23.72 Plum#8576	Here we go you done it now
2019-02-28 04:38:24.04 Deleted User 831034ef#9727	Always was interested in really obscure shit
2019-02-28 04:38:29.14 Deleted User 831034ef#9727	Ok one sec
2019-02-28 04:38:44.31 hedge#1333	nothing wrong with that
2019-02-28 04:38:46.08 Deleted User 5e4bd68d#8900	Investigation begun. I'm going to beat hedge to the point.
2019-02-28 04:39:00.47 hedge#1333	i'm not so curious that i
2019-02-28 04:39:06.18 Deleted User 5e4bd68d#8900	This is my life now.
2019-02-28 04:39:14.36 Plum#8576	Epic
2019-02-28 04:39:14.82 hedge#1333	would fuck up that message
2019-02-28 04:39:17.49 Deleted User 831034ef#9727	<a href="https://www.youtube.com/watch?v=hq_NYJfoAEU&amp;feature=share">https://www.youtube.com/watch?v=hq_NYJfoAEU&amp;feature=share</a>
2019-02-28 04:39:31.13 hedge#1333	occult paramilitary group
2019-02-28 04:39:35.49 Plum#8576	Qayanite?
2019-02-28 04:39:46.31 Deleted User 831034ef#9727	Yea idk what any of it means
2019-02-28 04:39:52.61 Plum#8576	It doesn't look good
2019-02-28 04:40:02.93 Deleted User 831034ef#9727	What's a qayanite
2019-02-28 04:40:10.52 Deleted User 5e4bd68d#8900	Uhm...that looks like toilet seats.
2019-02-28 04:40:24.40 Deleted User 831034ef#9727	Is that really a thing though
2019-02-28 04:40:36.61 Plum#8576	Ok well
2019-02-28 04:40:39.59 Plum#8576	<a href="http://www.ixaxaar.com/pages/anamlaqayinikon.php">http://www.ixaxaar.com/pages/anamlaqayinikon.php</a>
2019-02-28 04:40:44.77 Plum#8576	I see this
2019-02-28 04:40:49.78 Plum#8576	And I look away
2019-02-28 04:41:39.34 Plum#8576	Seems to reference a publication



2019-02-28 04:41:48.87 Plum#8576	Since itâ€™s sold out
2019-02-28 04:41:57.70 Plum#8576	And published in 2014
2019-02-28 04:42:30.70 Plum#8576	Those symbols seem telling tho
2019-02-28 04:42:55.66 Deleted User 5e4bd68d#8900	Man I was close.
2019-02-28 04:43:05.07 Plum#8576	<a href="https://youtu.be/bH1JThlQKe4">https://youtu.be/bH1JThlQKe4</a>
2019-02-28 04:43:06.19 Deleted User 5e4bd68d#8900	The Tempel ov Blood is vampirism
2019-02-28 04:43:07.31 Deleted User 5e4bd68d#8900	<a href="https://vkjehannum.files.wordpress.com/2016/06/liber-333.pdf">https://vkjehannum.files.wordpress.com/2016/06/liber-333.pdf</a>
2019-02-28 04:43:10.11 Plum#8576	Yeah you were
2019-02-28 04:43:48.66 Deleted User 831034ef#9727	Wtf
2019-02-28 04:44:05.33 Deleted User 831034ef#9727	So like generic vampires or what
2019-02-28 04:44:18.25 Plum#8576	Umm probably not
2019-02-28 04:44:26.72 Plum#8576	Probably the serious kind
2019-02-28 04:44:33.14 Plum#8576	The sanguine
2019-02-28 04:44:43.06 Plum#8576	There are three kinds of vampires
2019-02-28 04:44:54.29 Plum#8576	Only one of them drinks blood
2019-02-28 04:45:01.79 Deleted User 5e4bd68d#8900	This sounds insane. Aliens and forcing human evolution
2019-02-28 04:45:12.77 Plum#8576	Does it tho?
2019-02-28 04:45:22.88 Deleted User 831034ef#9727	This shit is crazy
2019-02-28 04:45:36.87 Deleted User 5e4bd68d#8900	Second, the infiltration and manipulation of organizations and forms with Sinister
2019-02-28 04:45:44.20 Deleted User 5e4bd68d#8900	They infiltrate neo-nazi groups.
2019-02-28 04:45:52.32 Deleted User 5e4bd68d#8900	I was thinking this would be a good read >_>
2019-02-28 04:45:58.77 Plum#8576	The world is getting very chaotic
2019-02-28 04:46:24.05 Deleted User 831034ef#9727	Found a website
2019-02-28 04:46:24.28 Tatsu#8792	ðŸ™   **daggerlite leveled up!**
2019-02-28 04:46:30.39 Plum#8576	Like imagine a ships welded hull expanding
2019-02-28 04:46:31.83 Deleted User 831034ef#9727	Shit is bonkers
2019-02-28 04:46:38.07 Plum#8576	No doubt
2019-02-28 04:47:22.90 Deleted User 831034ef#9727	So there Nazi vampires
2019-02-28 04:47:27.21 Deleted User 831034ef#9727	Ok then

USAO\_012508 - UvM\_000031801

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# EXHIBIT K

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2019-02-28 04:45:46 981| Henrik#6404 Nobody, no matter how powerful, can control what goes on inside a man's mind

2019-02-28 04:45:57.658| Henrik#6404 So why even try?

2019-03-01 01:40:26.403| Deleted User 831034ef#9727 Hello

2019-03-01 01:40:36 271| Deleted User 65b69d4a#2876 Welcome

2019-03-01 01:41:14 368| Deleted User 65b69d4a#2876 How did you become interested in the occult? дѣл

2019-03-01 01:41:48.764| Deleted User 831034ef#9727 Used to go on /x/ a lot

2019-03-01 01:42:02 272| Deleted User 831034ef#9727 Decided to download discord and go on here

2019-03-01 01:42:54 250| Deleted User 831034ef#9727 Seemed interesting

2019-03-01 01:43:50 970| Deleted User 831034ef#9727 Wbu

2019-03-01 01:44:01 227| Deleted User 831034ef#9727 I'm guessing you not new here

2019-03-01 01:44:26.114| Deleted User 65b69d4a#2876 I got into the occult because of weird dreams I had

2019-03-01 01:44:55 218| Deleted User 65b69d4a#2876 Oh there's a library here you can check out also

2019-03-01 01:45:23 049| Deleted User 071f2f77#2868 He's been here for bit.

2019-03-01 01:45:28.741| Deleted User 071f2f77#2868 Moongoose looking ass.

2019-03-01 01:45:32.655| Deleted User 071f2f77#2868 Wow

2019-03-01 01:45:35.115| Deleted User 071f2f77#2868 Mongoose\*

2019-03-01 01:45:57.654| Deleted User 831034ef#9727 Came here mainly because somebody on there was taking about some group called O9A and I wanted to dig deeper into that as well

2019-03-01 01:45:57 825| Mr.Fox#0163 daggerlite, you've leveled up to Level \*\*2\*\*.

2019-03-01 01:46:04.640| Deleted User 071f2f77#2868 Oh no.

2019-03-01 01:46:15 865| Deleted User 831034ef#9727 What are they

2019-03-01 01:46:27.705| Deleted User 071f2f77#2868 A group to steer clear of, honestly.

2019-03-01 01:46:38 549| Deleted User 831034ef#9727 Cause everybody just shitposted when someone asked about them

2019-03-01 01:47:10 232| Deleted User 65b69d4a#2876 Terrorists I think

2019-03-01 01:47:20 302| Deleted User 071f2f77#2868 My ex was the defacto leader of drakon Covent, a nexion in the O9A.

2019-03-01 01:47:43 888| Deleted User 071f2f77#2868 They're not \*exactly\*

2019-03-01 01:47:46.664| Deleted User 831034ef#9727 Is this a meme or is it real

2019-03-01 01:47:50 901| Deleted User 071f2f77#2868 \*Some of them have the capability\*

2019-03-01 01:47:53 225| Deleted User 071f2f77#2868 It's real.

2019-03-01 01:48:02 567| Deleted User 65b69d4a#2876 How can you not exactly be a terrorist

2019-03-01 01:48:39.751| Deleted User 831034ef#9727 Ok because from what I've seen there's not really a way to contact them on the internet so I decided the next best thing was to ask here

2019-03-01 01:48:41 063| Deleted User 071f2f77#2868 Because the O9A is not a terrorist group, per say, but the people in it are well.. 'Are you a rapist?'

2019-03-01 01:48:50 311| Deleted User 65b69d4a#2876 \*Well not exactly\*

2019-03-01 01:49:06.772| Deleted User 831034ef#9727 So how are they terrorists lol

2019-03-01 01:49:25 347| Deleted User 65b69d4a#2876 Didn't they stab somebody

2019-03-01 01:49:31.421| Deleted User 831034ef#9727 I just heard edgy teens over and over

2019-03-01 01:49:32 853| Deleted User 071f2f77#2868 You're thinking about AWD.

2019-03-01 01:49:43 885| Deleted User 65b69d4a#2876 Oh

2019-03-01 01:49:54 966| Deleted User 65b69d4a#2876 Yeah don't listen to me

2019-03-01 01:49:55 214| Deleted User 071f2f77#2868 But. They're tied together now thanks to the satanic panic.

2019-03-01 01:50:44.403| Deleted User 071f2f77#2868 The O9A is.. not all it seems.

2019-03-01 01:50:56.125| Deleted User 071f2f77#2868 They literally torture their members.

2019-03-01 01:51:18 394| Deleted User 831034ef#9727 So you knew someone that was in it?

2019-03-01 01:51:20.420| Deleted User 071f2f77#2868 The things they have to go through to move up the chain is extreme and inhumane

2019-03-01 01:51:28 248| Deleted User 831034ef#9727 Like what

2019-03-01 01:51:34 010| Deleted User 071f2f77#2868 I literally said my ex was a defacto leader for a nexion..

2019-03-01 01:52:13.418| Deleted User 071f2f77#2868 He was a student of Ryan Fleming, A A Morain.

2019-03-01 01:52:27.772| Deleted User 071f2f77#2868 They were extremely close up until he went to jail.

2019-03-01 01:52:41 332| Deleted User 65b69d4a#2876 Was he a terrorist

2019-03-01 01:52:49 343| Deleted User 071f2f77#2868 Ryan is just a pedo.

2019-03-01 01:53:18.457| Deleted User 831034ef#9727 Well damn

2019-03-01 01:53:35 235| Deleted User 831034ef#9727 What do they even believe in

2019-03-01 01:53:35.407| Mr.Fox#0163 daggerlite, you've leveled up to Level \*\*3\*\*.

2019-03-01 01:53:38 940| Deleted User 831034ef#9727 If anything

2019-03-01 01:55:22.444| Deleted User 071f2f77#2868 Each Nexion is sorta different. Basically, from what I learned from my ex, they believe in what they call Dark Gods. It's a weird mix of ætheathenism and satanism. (Honestly half the time it's just old European gods dressed up as æcesatanic figures

2019-03-01 01:55:35.436| Deleted User 65b69d4a#2876 Someone in debate server said they are theistic satanists

2019-03-01 01:55:45 509| Deleted User 65b69d4a#2876

2019-03-01 01:56:04 546| Deleted User 071f2f77#2868 Eh.

2019-03-01 01:56:47 269| Deleted User 071f2f77#2868 They also blend in Hermeticism and vampirism. Depends on the nexion.

2019-03-01 01:57:02.479| Deleted User 65b69d4a#2876 \*vampirism\*

2019-03-01 01:57:18 089| Deleted User 831034ef#9727 Like guys in cloaks drinking blood vampirism

2019-03-01 01:57:22 305| Deleted User 071f2f77#2868 My ex's nexion had a lot to do with vampirism. No

2019-03-01 01:57:23.114| Deleted User 071f2f77#2868

2019-03-01 01:57:28.456 Deleted User 071f2f77#2868	Not blood drinking
2019-03-01 01:57:53.786 Deleted User 071f2f77#2868	Let's go with "energy" for a lack of better terms.
2019-03-01 01:58:13.287 Deleted User 831034ef#9727	The only other thing I've found even related to this is something called temple ov blood
2019-03-01 01:58:20.353 Deleted User 071f2f77#2868	Ugh they're even worse
2019-03-01 01:58:40.349 Deleted User 831034ef#9727	Really out there they only have a website which half the shit I don't really understand
2019-03-01 01:58:53.903 Deleted User 831034ef#9727	And then they have a YouTube channel or something
2019-03-01 01:59:05.300 Deleted User 071f2f77#2868	Basically they just torture you and in the end go "etada its really just Buddhism"
2019-03-01 01:59:21.336 Deleted User 071f2f77#2868	ToB is a very small organisation, thankfully.
2019-03-01 01:59:30.341 Deleted User 65b69d4a#2876	What makes you interested in these cults
2019-03-01 01:59:40.938 Deleted User 831034ef#9727	Really morbid curiosity
2019-03-01 01:59:57.385 Deleted User 831034ef#9727	Seemed fucked up so I said fuck it and looked it up more
2019-03-01 02:00:04.841 Deleted User 071f2f77#2868	I've met ONE ToB member (there's less than 20) and they fucking stalked us and launched multiple spiritual attacks.

USA0\_012518 - UvM\_000031811

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# EXHIBIT L

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# CONSENT TO SEARCH COMPUTER(S)

I, Ethan Melzer, have been asked by Special Agents of the Federal Bureau of Investigation (FBI)/ Task Force Officers of the FBI Joint Terrorism Task Force to permit a complete search by the FBI and any government agency investigating or aiding in the investigation, of any and all computers, any electronic and/or optical data storage and/or retrieval system or medium, and any related computer peripherals, described below:

iPhone 8 -  
iPhone 11 - 039907 Password

PLAYSTATION -

Nintendo Switch

CPU Make, Model & Serial Number (if available)

Storage or Retrieval Media, Computer Peripherals

and located at either in FBI custody and/or at VICENZA, which I own, possess, control, and/or have access to, for any lawful purpose. The required passwords, logins, and/or specific directions for computer entry are as follows: does not recall except 039907.

I have been advised of my right to refuse to consent to this search, and I give permission for this search, freely and voluntarily, and not as the result of threats or promises of any kind.

I authorize those FBI Special Agents to take any information (including, but not limited to, videos, photographs, images, graphics) discovered during this search, together with the medium in/on which it is stored, and any associated data, hardware, software and computer peripherals for any authorized purpose of the FBI and any government agency investigating or aiding in the investigation.

06/11/2020  
Date

[Signature]  
Signature

10 June 2020  
Date

[Signature]  
Signature of Witness

Kenneth Klose  
Printed Full Name of Witness

AIRCRAFT Transporting the above ethan MELZER to the United States.  
LOCATION

Location

This is to certify that on \_\_\_\_\_ at \_\_\_\_\_ Special Agents of the Federal Bureau of Investigation, U.S. Department of Justice, conducted a complete search of any and all computers, any electronic and/or optical data storage and/or retrieval system, and any related computer peripherals. I certify that nothing was removed from my custody by those Agents.

(Signed)

Witnessed: Special Agent  
Federal Bureau of Investigation  
U.S. Department of Justice  
Special Agent  
Federal Bureau of Investigation  
U.S. Department of Justice



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# EXHIBIT M

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FD-1086  
Rev. 5-6-2015

FEDERAL BUREAU OF INVESTIGATION  
CONSENT TO ASSUME ONLINE IDENTITY AUTHORIZATION FORM

I, Ethan Melzer, hereby voluntarily authorize Faye Stephen / Brett Lilly or other agents of the FBI to assume and use my (or my minor child's) "online identity". I give this consent freely and voluntarily, without fear, threats, coercion, or promises of any kind. I have been advised of my right to refuse to allow the FBI to assume my (or my minor child's) online identity, and I hereby voluntarily waive this right. This online identity includes the following screen name(s), aliases and/or nickname(s), and/or e-mail addresses, as well as the passwords associated with these accounts:

ACCOUNT NAME

"Eth redg AP"  
"Nocturnal 33"

PASSWORD

"Does not recall but willing to give access"  
" "

This authorization provides my consent to allow the FBI full access and use of the accounts listed above, including but not limited to:

- Monitor incoming and/or outgoing communications
- Using and/or disclosing accessed information
- Searching stored content in the account
- Sending and receiving communications with individuals or groups utilizing the above named accounts(s)

I understand the FBI will change the password(s) to this account so that I will no longer have access. This authorization is valid from the date of signature. I also understand that this consent will continue until such time as I revoke this authorization.

Signature: [Signature]

Name (printed): Melzer Ethan

Date: 06/10/2020

Witness: Faye Stephen [Signature]

Name (printed): Faye Stephen

Official Title: SA

Date: 6/10/20

Witness: [Signature]

Name (printed): Kenneth Klose

Official Title: SA

Date: 10 June 2020

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**EXHIBIT N**

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Metropolitan Correctional Center

New York, New York

*Ethan Melzer*

has satisfactorily completed  
EMOTIONAL SELF-REGULATION  
and is hereby awarded this

*Certificate of Achievement*

On July 16, 2021

*E. Juraschek*  
E. Juraschek  
Psychology Extern

*J. Avena, PsyD*  
J. Avena, PsyD  
Clinical Supervisor


***Ethan Melzer***

Metropolitan Detention Center, Brooklyn  
Brooklyn, New York

***Reg. No. 76447-054***

***has satisfactorily complete  
Managing My Emotions Workbook***

*and is hereby awarded this certificate,  
day on June 6th, 2022.*

A handwritten signature in black ink, appearing to be 'Dr. Alcide', is written over a horizontal line. The signature is stylized and cursive.

Dr. Alcide  
Staff Psychologist

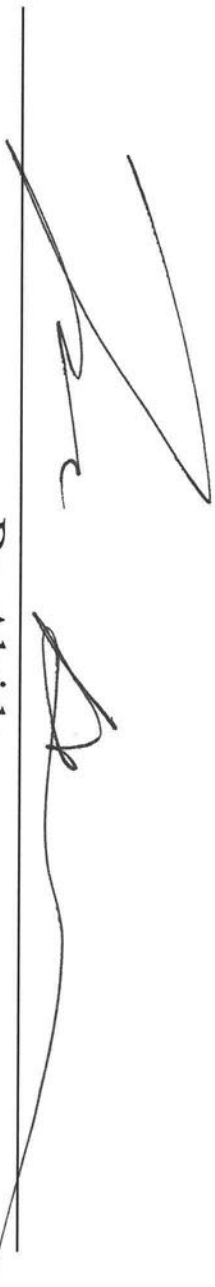
***Ethan Melzer***

Metropolitan Detention Center, Brooklyn  
Brooklyn, New York

***Reg. No. 76447-054***

***has satisfactorily complete  
Substance Using Behaviors Workbook***

*and is hereby awarded this certificate,  
day on June 6th, 2022.*

A handwritten signature in black ink, appearing to be 'Dr. Alcide', is written over a horizontal line. The signature is stylized and cursive.

**Dr. Alcide  
Staff Psychologist**



**U.S. Department of Justice  
Federal Bureau of Prisons**

# **Certificate of Completion**

This certificate is presented to

***Ethan Melzer***

**Business Acumen**  
*Corporate Skills Training Program provided by the  
Education Department at MDC Brooklyn*

***A. Delgado***

**A. Delgado - Education Specialist  
September 16, 2022**



*Certificate of Completion*

Metropolitan Attention Center, Brooklyn  
Brooklyn, New York

THIS CERTIFIES THAT

**ETHAN MELZER**

76447-054

*has satisfactorily completed*

**SELF-HELP: DAILY LIFE**

*and is hereby awarded this certificate, this 3rd Day of June 2022.*



Dr. Trauffer  
Staff Psychologist



# *Certificate of Completion*

Metropolitan Detention Center, Brooklyn  
Brooklyn, New York

THIS CERTIFIES THAT

**ETHAN MELZER**

76447-054

*has satisfactorily completed*

**SELF HELP: LESSONS LEARNED**

*and is hereby awarded this certificate, this 8th Day of February 2022.*



Dr. Trauffer  
Staff Psychologist

# *Certificate of Completion*

Metropolitan Detention Center, Brooklyn  
Brooklyn, New York

THIS CERTIFIES THAT


**ETHAN MELZER**

76447-054

*has satisfactorily completed*

**SELF-HELP: MY HEALTHY THINKING**

*and is hereby awarded this certificate, this 21st Day of April 2022.*

  
\_\_\_\_\_  
Dr. Trauffer  
Staff Psychologist



U.S. Department of Justice  
Federal Bureau of Prisons

# Certificate of Completion

This certificate is presented to

*Ethan Melzer*

**Ten Soft Skills You Need**  
*Corporate Skills Training Program provided by the  
Education Department at MDC Brooklyn*

*A. Delgado*

A. Delgado - Education Specialist  
August 12, 2022



# MDC Brooklyn

# Recreation Department

*This is to Certify that*

**Ethan Melzer**

*Has Successfully Completed*

**Sentry Recreation and Leisure Course**

*At MDC Brooklyn*

*This certificate is hereby issued this 11th day of September 2021*

**D. Ranalli**

*Recreation Specialist*



# MDC BROOKLYN

# Recreation Department

*This is to Certify that*

**Ethan Melzer**

*Has Successfully Completed:*

**Diabetes and You Sentry Course**

*At MDC Brooklyn*

*This certificate is hereby issued this 6<sup>th</sup> day of May 2022*

**K. white**

Recreation Specialist



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**EXHIBIT O**

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Date: 01/30/2023  
 Time: 03:13 PM

Federal Bureau of Prisons  
 TRUPAID

Location: BRO

**Inmate Transactions History Report**  
**Sensitive But Unclassified**

Register #: 76447054 Inmate Name: MELZER, ETHAN P  
 Fiscal 2022

Entered Date	Pay Period	Tranx Status	User Id	Department	Pay Area	Rate	Hours	Reg Pay	Bonus	Special Bonus	Achvnmnt Awards	Special Awards	Total Pay
10/11/2022	SEPTEMBER 2022	TRUFACS	TF52802	FOOD SERVICE	FOOD SRV 1	\$0.12	175.00	\$21.00	\$0.00	\$0.00	\$0.00	\$0.00	\$21.00
11:18:49 AM													
9/6/2022	AUGUST 2022	TRUFACS	TF52802	FOOD SERVICE	FOOD SRV 7	\$0.12	175.00	\$21.00	\$0.00	\$0.00	\$0.00	\$0.00	\$21.00
10:40:54 AM													

**Transaction Status Legend**

Inactive - the transaction has been saved and then removed prior to TRUFACS posting.  
 Entry - the transaction is in data entry mode.  
 Review - the transaction is in Department or IPC review mode.  
 Ready - the transaction has been marked as "Ready for TRUFACS Extraction"  
 TRUFACS - the transaction has been picked up by TRUFACS and posted to the inmate account.  
 Adv Pay - the transaction has been posted to the inmate account as advance payroll.

Date: 01/30/2023  
 Time: 03:15 PM

Federal Bureau of Prisons  
 TRUPAID

Location: BRO

**Inmate Transactions History Report**  
**Sensitive But Unclassified**

Register #: 76447054      Inmate Name: MELZER, ETHAN P  
 Fiscal 2023

Entered Date	Pay Period	Tranx Status	User Id	Department	Pay Area	Rate	Hours	Reg Pay	Bonus	Special Bonus	Acthvmnt Awards	Special Awards	Total Pay
1/30/2023	JANUARY 2023	Entry	TFS2802	FOOD SERVICE	FOOD SRV 5	\$0.12	175.00	\$21.00	\$10.00	\$0.00	\$0.00	\$0.00	\$31.00
3:15:17 PM													
1/6/2023	DECEMBER 2022	TRUFACS	TF18956	FOOD SERVICE	FOOD SRV 6	\$0.12	175.00	\$21.00	\$0.00	\$0.00	\$0.00	\$0.00	\$21.00
7:59:41 AM													
12/1/2022	NOVEMBER 2022	TRUFACS	TFS2802	FOOD SERVICE	FOOD SRV 6	\$0.12	175.00	\$21.00	\$0.00	\$0.00	\$0.00	\$0.00	\$21.00
2:55:26 PM													

**Transaction Status Legend**  
 Inactive - the transaction has been saved and then removed prior to TRUFACS posting.  
 Entry - the transaction is in data entry mode.  
 Review - the transaction is in Department or IPC review mode.  
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 Adv Pay - the transaction has been posted to the inmate account as advance payroll.



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**EXHIBIT P**

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**Table 15****SENTENCE IMPOSED BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2021**

<b>TYPE OF CRIME</b>	<b>SENTENCE LENGTH<sup>2</sup></b>			<b>LENGTH OF IMPRISONMENT<sup>3</sup></b>		
	Mean Months	Median Months	N	Mean Months	Median Months	N
<b>TOTAL</b>	<b>48</b>	<b>24</b>	<b>57,286</b>	<b>52</b>	<b>29</b>	<b>52,300</b>
<b>Administration of Justice</b>	13	8	512	17	12	369
<b>Antitrust</b>	3	3	6	--	--	1
<b>Arson</b>	63	48	79	64	48	77
<b>Assault</b>	57	36	668	63	39	601
<b>Bribery/Corruption</b>	20	12	247	26	18	179
<b>Burglary/Trespass</b>	23	14	64	25	18	57
<b>Child Pornography</b>	108	90	1,215	109	92	1,199
<b>Commercialized Vice</b>	14	11	114	23	18	65
<b>Drug Possession</b>	1	0	309	3	0	111
<b>Drug Trafficking</b>	74	60	17,608	76	60	16,990
<b>Environmental</b>	2	0	173	5	2	40
<b>Extortion/Racketeering</b>	25	15	116	32	24	88
<b>Firearms</b>	48	37	8,150	51	40	7,675
<b>Food and Drug</b>	9	1	47	20	14	20
<b>Forgery/Counter/Copyright</b>	16	12	137	19	15	107
<b>Fraud/Theft/Embezzlement</b>	20	12	4,571	28	18	3,202
<b>Immigration</b>	13	8	16,937	13	9	16,164
<b>Individual Rights</b>	32	3	69	72	46	30
<b>Kidnapping</b>	166	123	92	168	124	91
<b>Manslaughter</b>	69	59	56	70	60	55
<b>Money Laundering</b>	57	30	1,028	64	37	908
<b>Murder</b>	244	231	257	245	233	256
<b>National Defense</b>	37	26	217	42	30	189
<b>Obscenity/Other Sex Offenses</b>	22	18	298	23	19	288
<b>Prison Offenses</b>	11	8	532	11	8	513
<b>Robbery</b>	104	90	1,300	106	93	1,275
<b>Sexual Abuse</b>	211	180	1,062	212	180	1,057
<b>Stalking/Harassing</b>	26	18	219	29	21	194
<b>Tax</b>	14	12	421	20	15	271
<b>Other</b>	2	0	782	5	1	228

<sup>1</sup> Of the 57,287 cases, one was excluded due to missing or indeterminable sentencing information. Sentences of 470 months or greater (including life) were included in the sentence average computations as 470 months. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> Sentences of probation only are included here as zero months of imprisonment. In addition, the information presented in this column includes conditions of confinement as described in USSG §5C1.1.

<sup>3</sup> Length of imprisonment does not include probation or any conditions of confinement as described in USSG §5C1.1.

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## EXHIBIT Q

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Participant	Content
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1 AB: Stop the curiosity with these groups. It's trouble. Guys like you shouldn't be hanging out in those  
2 groups. You did a great thing man – you were about to deploy. You got your life on track.

3 EM: Yes, sir.

4 AB: So, think about all the good things you got going for you because this isn't the end today. This isn't  
5 the end today. This is the beginning of a new beginning.

6 EM: Is there any way... alright, so, uh, my bad, my bad.

7 AB: What? Take a break. Think about what you want. Don't say anything. Think about what you want to  
8 say.

9 EM: Is there any way I can help you all?

10 AB: Maybe. Why don't you think about it? Think about it. Think about it for a minute. I like that you  
11 asked that question, right. And I appreciate that question. So, think about what you just offered me,  
12 right?

13 EM: Yes sir.

14 AB: I'm going to step out for another minute and I'm going to come back because I like it and I  
15 appreciate that offer. Ok? So think about it.

16 EM: Cause I don't know if you guys like information about them but it's not like I could just...

17 AB: I know where you're going. Think about what you think... here's my ask of you. I really, really  
18 appreciate that you just asked me that question. Honestly. But think about it. I'm from the FBI. Right?

19 EM: Yes sir.

20 AB: So, I know a lot about these organizations. So, it's not going to be information that you know I can  
21 get on Wikipedia or I can get on Google.

22 EM: No I know sir, people.

23 AB: I'm interested in people, real information about the people. So think about it and we'll come back,  
24 ok? Alright, thanks buddy. You stay?

25 A2: I'm going to stay.

26 EM: [U/I] he was kind pulling on my heartstrings a little bit. How's it been going?

27 A2: You tell me.

28 EM: It's been going alright I guess. I mean I don't know. Like I don't know.

29 A2: Let me ask you an unrelated question.

30 EM: Yeah?

31 A2: Kind of related. When you came in today and you had two phones, right?

32 EM: Yes sir.

33 A2: Do you own another phone?