

Seven years in jail for ex-policeman who rioted at U.S. Capitol

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Washington, August 12 (RHC)-- A former Virginia police sergeant who joined Donald Trump's supporters in storming the United States Capitol on January 6th last year, was sentenced to seven years and three months in prison, matching the longest prison sentence so far among hundreds of Capitol riot cases.

Former Rocky Mount Police Sergeant Thomas Robertson declined to address the court before U.S. District Judge Christopher Cooper sentenced him to seven years and three months in prison on Thursday. Cooper also sentenced Robertson to three years of supervised release after his prison term.

Federal prosecutors had recommended an eight-year prison sentence for Robertson. His sentence equals that of Guy Reffitt, a Texas man who attacked the Capitol while armed with a holstered handgun.

Robertson gets credit for the 13 months he has already spent in custody. Robertson has been jailed since Cooper ruled last year that he violated the terms of his pretrial release by possessing firearms.

The judge said he was troubled by Robertson's conduct since his arrest — not just his stockpiling of guns but also his words advocating for violence. After January 6, Robertson told a friend that he was prepared to fight and die in a civil war, and he clung to baseless conspiracy theories that the 2020 election was stolen from then President Donald Trump, the judge noted.

Sentencing guidelines calculated by Cooper recommended a prison term ranging from seven years and three months to nine years. "It's a long time because it reflects the seriousness of the offences that you were convicted of," the judge said.

In April, a jury convicted Robertson of attacking the Capitol to obstruct Congress from certifying Joe Biden's 2020 presidential victory. Jurors found Robertson guilty of all six counts in his indictment, including charges that he interfered with police officers at the Capitol and that he entered a restricted area with a dangerous weapon, a large wooden stick.

Robertson's lawyers said the Army veteran was using the stick to help him walk because he has a limp from getting shot in the right thigh while working as a private contractor for the Defense Department in Afghanistan in 2011.

The judge said he agreed with jurors that Robertson went to the Capitol to interfere with the joint session of Congress on January 6.

Robertson was an "active and willing participant," not "some bystander" who got swept up in the crowd, Cooper said. Robertson travelled to Washington, DC, on that morning with another off-duty Rocky Mount police officer, Jacob Fracker, and a third man, a neighbor who was not charged in the case.

He has been in detention since last year, after the judge found he violated court orders and continued to buy what prosecutors described as an "arsenal" of guns online. FBI agents also found a loaded M4 rifle and a partially assembled pipe bomb at his home during a search.

Robertson's trial featured testimony from Fracker, who had reported to Robertson on the police force and entered the Capitol on January 6, 2021, with him, where they took selfies together. Prosecutors said Robertson later destroyed the cell phones they had used that day.

Fracker, who cooperated with the Justice Department, pleaded guilty to a felony charge of conspiracy in March and is due to be sentenced on August 16. In exchange for his cooperation, prosecutors are asking the judge to sentence him to six-month probation with a condition of community confinement or home detention.

Prosecutors said Robertson "anticipated violence" on January 6, and he packed gas masks for himself and Fracker, as well as military food rations, water and a large wooden stick.

Robertson "used his law enforcement training to block Metropolitan Police Officers attempting to hold back the mob," Federal Prosecutor Elizabeth Aloï wrote in the government's sentencing memo.

Robertson's lawyer, Mark Rollins, sought a prison sentence below two years and three months. He questioned the fairness of the wide gap in sentences that prosecutors recommended for Robertson and Fracker, given their similar conduct. Robertson served his country and community with distinction, his lawyer told the judge. "His life already is in shambles," Rollins said.

Robertson and Fracker were among several current or former law enforcement officers who joined in the riot. Prosecutors say Robertson used his law enforcement and military training to block police officers who were trying to hold off the advancing mob.

Assistant U.S. Attorney Elizabeth Aloï said Robertson was prepared for violence when he went to the Capitol and did a "victory lap" inside the building, where he posed for a selfie with Fracker. "The defendant is, by all accounts, proud of his conduct on January 6," she said.

Jurors saw some of Robertson's posts on social media before and after the riot. In a Facebook post on November 7, 2020, Robertson said "being disenfranchised by fraud is my hard line".

"I've spent most of my adult life fighting a counter insurgency. [I'm] about to become part of one, and a very effective one," he wrote.

In a letter addressed to the judge, Robertson said he took full responsibility for his actions on January 6 and "any poor decisions I made." He blamed the vitriolic content of his social media posts on a mix of stress, alcohol abuse and "submersion in deep 'rabbit holes' of election conspiracy theory."

"I sat around at night drinking too much and reacting to articles and sites given to me by Facebook" algorithms, he wrote. However, he denied ever having "any intention to disrupt Congress" and claimed that Fracker actually destroyed the cell phones, and later lied to the FBI and the court about it. The small town of Rocky Mount fired Robertson and Fracker after the riot.

Roughly 850 people have been charged with federal crimes for their conduct on January 6. More than 350 of them have pleaded guilty, mostly to misdemeanour offences, and more than 230 have been sentenced so far.

Robertson's jury trial was the second for a Capitol riot case; Reffitt's was the first. Jurors have unanimously convicted seven Capitol rioters of all charges in their respective indictments.

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