

Orlando Sentinel



No extra pardons for Jan. 6 reoffenders

Would this Be Trump's "Willie Horton"?

March 28, 2025

By Robert Weiner and Katherine White

When violent insurrectionists attacked the U.S. Capitol Building in an attempt to overturn the 2020 election, instead of respecting the judicial system and rule of law, on his first day in office President Donald Trump instead [granted](#) pardons to nearly 1,600 people involved in the attack. This act had pardoned individuals guilty of violence charges, including assaulting police officers. Trump had claimed these people are "[patriots](#)," but some of these so-called "patriots" are already back in prison for more violent offenses. Now these repeat offenders want another get-out-of-jail-free card.

[22.2%](#) of all defendants on January 6th had a prior criminal record. Some individuals stand out for their violent crimes. Edward Richmond Jr. was dishonorably discharged from the U.S. Army and [convicted of manslaughter](#) after being convicted of shooting a "hand-cuffed Iraqi cow herder in the head with his rifle." Theodore Middendorf was charged and sentenced in 2018 for the criminal sexual assault of a child in which he [pled guilty](#). Peter Schwartz has had an extensive criminal history of [38 prior convictions](#) going back to 1991 for various cases of disorderly conduct, domestic violence and even terroristic threats. Kasey Hopkins had been sentenced in 2002 for a [gruesome sexual assault](#) and has prior convictions, including the assault of law enforcement officers.

Some of these offenders, despite these horrendous actions before and after January 6th, walk free from Trump's blanket pardon. Benjamin Martin had [several sentences](#) for battery against his 14-year-old daughter and his girlfriend and was "on supervision" for these convictions during January 6th. During the police search warrant on his property, the FBI found an AR-15-style rifle and "[more than 500 rounds of ammunitions](#)," which was [prohibited](#) because of his prior convictions.

The United States Sentencing Commission [reported](#) that violent offenders recidivate more often, more quickly and more likely for another violent crime again than non-violent offenders. After eight years in their study, they found that 63.8% of violent offenders released in 2010 were rearrested, and the median time of rearrest was only 16 months. [608](#) individuals on January 6th were arrested and charged with “assaulting, resisting, or interfering with law enforcement.” That would mean that nearly 388 of the 608 are likely to reoffend – and the 174 charged with "assault" or "causing serious injury" on a police officer would mean 111 of those would be expected to repeat a similar violent crime.

Locally, a native of Homosassa, Florida, [Daniel Ball](#) was pardoned for throwing an explosive device at law enforcement officers at the Capitol. Days after his pardon, he was rearrested for a prior gun charge. The U.S. Attorney of Florida’s Middle District asked a judge to [dismiss](#) this weapons charge on grounds that he was already pardoned on January 20th by the President. FBI agents had discovered in his home loaded rifles and ammunition, as well as several “commercially produced ‘m-style’ explosive devices.” Daniel Ball also had [3 prior felony convictions](#), including one in 2017 for domestic violence battery.

[Jeremy Michael Brown](#) of Tampa was arrested and sentenced to an additional 7 years for another sentence unrelated to January 6th. Brown was found to be possessing illegal weapons and a classified military document in his home. Brown is similarly claiming that Trump’s pardon should cover this crime too.

A February 20 nonpartisan Ipsos [poll](#) including Democrats, Republicans, and Independents shows that about 83% of respondents oppose Trump’s pardon for those who committed violent crimes January 6th, and 55% oppose the pardons for insurrectionists convicted of nonviolent crimes. Nobody expects Trump to rescind the pardons, but he must make clear there is no ‘extra credit’ for other violent offenses. These people must be held accountable for their actions. However, the Department of Justice has [erased](#) the database of those involved in the attack. Those expecting extra pardons for more violent offenses clearly do not respect the rule of law in the U.S. and do not deserve extended freedom from prosecution.

For those with long memories, George HW Bush won and erased Dukakis' lead partly with the "Willie Horton" ad. A C-Span archive shows it: Michael Dukakis in Massachusetts "allowed murderers to have weekend passes." and then Horton committed rape and assault in MD. Republicans emphasized the ad. The Justice Department is now considering pardons for additional crimes. With the statistical likelihood of recidivism, could Trump's potential additional pardons of repeated violent January 6 convicted criminals become his Willie Horton moment?

Robert Weiner was Florida Cong./Sen. Claude Pepper's committee Chief of Staff and spokesman for White House Drug Czar and Four-Star General Barry McCaffrey, as well as spokesman senior staff for Congressman John Conyers for the Government Operations and Judiciary Committees he chaired, Ed Koch, and Senator Ted Kennedy.

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HEADSHOT LINKS:

Robert Weiner: <https://www.weinerpublic.com/bobweiner2.jpg>

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