

FOR IMMEDIATE RELEASE
Monday, June 6th 2022

Contact: Interviews available with the support team
Email: freejessicareznicek@gmail.com
Phone: (515) 505-8096

8TH CIRCUIT COURT OF APPEALS UPHOLD REZNICEK'S 8 YEAR SENTENCE, CLAIMING TERRORISM ENHANCEMENT "HARMLESS"

ST. PAUL, MN: Today the 8th Circuit Court of Appeal upheld Jessica Reznicek's 8 year prison sentence. In their [decision](#) the three Trump-appointed judges refused to address whether the use of a terrorism enhancement was appropriate saying, "Reznicek argues that the enhancement should not have applied because her actions were directed at a private company, rather than the government. Even if that is right, any error was harmless." Reznicek's supporters worry that If the decision stands, the judicial branch will continue applying terrorism enhancements to activists, while claiming that a drastically increased sentence from being labled a terrorists by the U.S. govenment is harmless.

In July 2021 Judge Rebecca Ebinger applied a terrorism enhancement to Reznicek's case that automatically increased her sentencing guidelines range from 37-46 months to 210-240 months. Ebinger then sentenced Reznicek to 96 months, claiming the lengthy sentence was necessary to deter others. In her appeal Reznicek's lawyer Robert Richman argued the enhancement was inappropriate and "the court should find that the error resulted in a five-fold increase in the [sentencing] guideline range." The three Republican appeal judges disregarded his argument, saying Reznicek would have been sentenced to 96 months either way. Today's decision brings up the question "is it harmless to be designated a terrorist?"

In order for the terrorism enhancement to be triggered, the actions must be "calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct." The Reznicek appeals team [argued](#) that her actions targeted a private company, not the government, and was therefore misapplied.

Federal prosecutors only pursued terrorism enhancements against Reznicek after 84 Congressional representatives [wrote a letter](#) in 2017 to Attorney General Jeff Sessions requesting that Reznicek and other protestors who tamper with pipelines be prosecuted as domestic terrorists. The authors of this letter received a combined \$36 million in campaign contributions from the oil and gas industry. This ruling came the same day the National Oceanic and Atmospheric Administration [announced](#) that carbon dioxide levels are now 50% higher than during the pre-industrial era. CO2 has not been this high in 4 million years and is not dropping fast enough to avert catastrophe.

Following the decision, the Campaign to Free Jessica Reznicek said, "we are frightened by the precedent this sets for movements where the courts can impose a terrorism

enhancement without accountability. This label automatically increased Jessica's sentencing guidelines fivefold and the appeal court without fully examining whether this label was justified decided to write it off as a "harmless error". Protecting the water is not terrorism and Jessica should not be serving an 8 year prison sentence for taking climate action by trying to halt an illegally permitted pipeline."

The issue of whether or not the terrorism enhancement label was misapplied remains open. The Reznicek support team is considering options going forward that includes asking for a rehearing by the entire 8th circuit, appealing to the U.S. Supreme Court, and/or seeking presidential clemency.

Listen to the May 13th oral arguments [here](#).

Jessica Reznicek's [appellant brief](#) & [reply brief](#) are linked.

Amicus briefs filed in support of her appeal can be found [here](#).

Over 15,000 people and 100 orgs have signed a petition in support of her objection to the terrorism enhancement and can be viewed [here](#).