

John Haub Law, LLC
1001 Molalla Avenue, Suite 118
Oregon City, OR 97045
John.haub@gmail.com

OSB #761653
503.295.1228 (P)

December 3, 2025

**The Honorable Karin J. Immergut
United States District Court Judge
Mark O Hatfield United States Courthouse
Courtroom 13A
1000 SW Third Avenue
Portland, OR 97204**

**RE: United States v. Devin P. Montgomery
Docket No. 0979 3:25CR00394-001-IM
Sentencing Letter**

Dear Judge Immergut:

Devin Patrick Montgomery will appear before Your Honor on December 10, 2025 to be sentenced for committing a violation of the FAA Temporary Flight Restriction orders.

Mr. Montgomery's violation was not egregious, premeditated, nor malicious. In fact, he believed that his Chinese manufactured drone would not operate if it were within a flight restricted area. Mr. Montgomery believed the piloting of the drone was lawful because he was not physically present on the government property, but instead standing on a public sidewalk and railroad right of way adjacent to the HSI offices.

Had Mr. Montgomery visited the FAA website in advance, he would have learned about a NOTAM (Notice to Airmen) which is an electronically published notice to aviators of all sorts, be they pilots of a Boeing 747, Cessna, helicopter, or drone. The NOTAM for the Oregon HSI building restricted flight for a one-mile radius for the period August 16, 2025 to September 15, 2025. It is this notice that Mr. Montgomery failed to be aware of and heed. And it is that failure to obey those flight restrictions that brings him before the Court.

Mr. Montgomery genuinely accepts responsibility for his violation of federal law. He is aware he violated federal law as charged in the Information.

Probation Officer Sterling Thomason has prepared an accurate, well-written and complete summary of the background and experience of Mr. Montgomery, his living situation, employment and medical challenges. No corrections are necessary due to the efficacy of this report. It is noteworthy that Mr. Montgomery has absolutely no criminal record until this misdemeanor violation of FAA rules on September 4, 2025.

Regarding the misguided belief of the parties concerning a joint recommendation of “bench probation” and a \$25 fee assessment, along with conditions the defendant not operate a drone near the HSI building and have no contact with the federal agent referenced in the criminal complaint, the Probation Officer noted as follows:

“As noted in the plea agreement indicates that the parties will recommend a term of bench probation. The probation office is unaware of any federal statute or policy that provides for a sentence of bench probation (i.e., a term of unsupervised probation monitored and administered by the Court). Consequently, the probation office recommends the imposition of standard conditions of supervision, and limited special conditions.

If the Court determines that the defendant should not be actively supervised during the term of probation, the Court may consider further limiting the defendant's supervision conditions and instructing the probation office to provide only administrative supervision (without active monitoring of the defendant's compliance)."

Given the victimless nature of the misdemeanor offense in this case, and the joint agreement the parties regarding a proposed sentence, the defendant urges the court to order as follows:

Defendant shall be placed on administrative supervision by the United States Probation Department for one year, with the special conditions that he 1) have no contact with the agent referenced in the criminal complaint which is to be dismissed, 2) not operate a drone in the vicinity of the HSI offices on Macadam Avenue, and 3) pay a fee assessment of \$25.

Sincerely,

/s/ John Haub

John Haub, Attorney at Law

Oregon State Bar # 761653

C: AUSA Kemp Strickland

USPO Sterling Thomason