

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

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July 17, 2025

Ms. Stephanie M. Sprecher
Acting United States Attorney
U.S. Attorney's Office for the District of Wyoming
2120 Capitol Avenue, Suite 4000
Cheyenne, WY 82001

Dear Ms. Sprecher:

In May 2025, the Subcommittee on Crime and Federal Government Surveillance held a hearing with expert witnesses to discuss the topic of overcriminalization in the United States.¹ During the hearing, one of the witnesses discussed the prosecution of Michelino Sunseri, a professional trail runner who faces federal charges for running on a closed trail.² This prosecution appears to be a prime example of the problem of overcriminalization. We respectfully write to request additional information about the decision to prosecute Mr. Sunseri.

On September 2, 2024, Mr. Sunseri completed a record-setting ascent and descent of the Grand Teton in Wyoming.³ During his descent, Sunseri briefly departed the official National Park Service (NPS) trail to use an alternate path, passing a sign that read, "Short cutting causes erosion."⁴ After publishing information about his speed record online, including GPS data of his run, NPS cited Mr. Sunseri under 36 C.F.R. § 2.1(b), a federal regulation that prohibits shortcutting between designated trails.⁵ Following his citation, Mr. Sunseri took responsibility for his actions, expressed regret, and volunteered to help officially close the alternate path, which receives regular foot traffic.⁶ Despite these mitigating factors and attempts by Mr. Sunseri to

¹ *Criminalizing America: The Growth of Federal Offenses and Regulatory Overreach*, Hearing before the Subcomm. on Crime and Federal Government Surveillance, H. Comm. on the Judiciary, 119th Cong. (2025).

² *Id.*

³ Jayme Moye, *Here's Why a Speed Record on the Grand Teton Was Rejected*, Outside Online (Sept. 19, 2024), <https://www.outsideonline.com/outdoor-adventure/hiking-and-backpacking/grand-teton-record-rejected/>.

⁴ Br. in Supp. of Def.'s Mot. for J. of Acquittal at 8, *United States v. Sunseri*, No. L:24-po-00893 (D. Wyo. June 16, 2025).

⁵ Connor Burkesmith & Katie Klingsporn, *Grand Teton Trial Reveals New Details Around Ultra-Runner's Shortcut and Feds' Decision to Charge Him*, WyoFile (May 27, 2025), <https://wyofile.com/grand-teton-trial-reveals-new-details-around-ultra-runners-shortcut-and-feds-decision-to-charge-him/>.

⁶ Br. in Supp. of Def.'s Mot. for J. of Acquittal at 3-4, *United States v. Sunseri*, No. L:24-po-00893 (D. Wyo. June 16, 2025).

settle the case, the U.S. Attorney's Office for the District of Wyoming filed criminal charges on October 10, 2024.⁷

On May 9, 2025, President Trump signed an Executive Order to address the criminalization of technical and unintentional regulatory violations that may expose individuals to criminal penalties for conduct they did not know was prohibited.⁸ President Trump instructed all federal prosecutors to prioritize civil and administrative remedies over criminal enforcement where conduct was unintentional, non-harmful, or gained no advantage.⁹ The Order built on more than a decade of shared bipartisan concern regarding the expansion of the federal criminal code.¹⁰ The Order aimed to restore fairness and restraint to federal enforcement practices and to safeguard Americans from unnecessary criminal liability.¹¹

On the morning of Mr. Sunseri's trial, prosecutors from your office offered Mr. Sunseri several plea agreements, including a purported offer of 1,000 hours of community service and a one- to five-year ban from Grand Teton National Park.¹² In response to this offer, Mr. Sunseri's attorney proposed modifying the service requirement to 60 hours and limiting the park restriction to the area implicated by the alleged conduct.¹³ Rather than accepting a proportionate resolution that aligned with President Trump's directive to federal prosecutors, your office instead decided to commit significant prosecutorial resources to a bench trial.¹⁴ The case has not been decided and the diversion of resources continues through post-trial motions.¹⁵

In addition, the decision to prosecute Mr. Sunseri was apparently made over the NPS, the original referring agency, which withdrew its support for criminal prosecution before the trial.¹⁶ NPS even noted that the prosecution of Mr. Sunseri was "overcriminalization based on the gravity of the offense."¹⁷ Court filings allege that prosecutors did not provide timely disclosure of NPS's changed position to Mr. Sunseri's attorney.¹⁸

⁷ *Id.*

⁸ Exec. Order No. 14,294, *Fighting Overcriminalization in Federal Regulations*, 90 Fed. Reg. 20363 (May 9, 2025).

⁹ *Id.*

¹⁰ Brownstein Hyatt Farber Schreck, *New Executive Order Takes Aim at the Regulatory State* (May 21, 2025), <https://www.bhfs.com/insights/new-executive-order-takes-aim-at-the-regulatory-state->.

¹¹ *Id.*

¹² Def.'s Mot. to Admit New Evid. & for Evidentiary Hr'g at 2, *United States v. Sunseri*, No. L:24-po-00893 (D. Wyo. June 4, 2025); *But see* Gov't Opp'n to Def.'s Mot. to Admit New Evid. & for Evidentiary Hr'g at 6–7, *United States v. Sunseri*, No. L:24-po-00893 (D. Wyo. June 4, 2025).

¹³ *Id.*

¹⁴ Exec. Order No. 14,294, *Fighting Overcriminalization in Federal Regulations*, 90 Fed. Reg. 20363 (May 9, 2025).

¹⁵ Gov't Opp'n to Def.'s Mot. to Admit New Evid. & for Evidentiary Hr'g, *United States v. Sunseri*, No. L:24-po-00893 (D. Wyo. June 4, 2025).

¹⁶ Def.'s Mot. to Admit New Evid. & for Evidentiary Hr'g Ex. at 8, *United States v. Sunseri*, No. L:24-po-00893 (D. Wyo. June 4, 2025).

¹⁷ *Id.* at 9.

¹⁸ Def.'s Mot. to Admit New Evid. & for Evidentiary Hr'g at 1, *United States v. Sunseri*, No. L:24-po-00893 (D. Wyo. June 4, 2025).

We appreciate the Trump Administration's effort to address overcriminalization and restore the rule of law in the United States. Based on the information available to the Committee, it appears that the prosecution of Mr. Sunseri for a minor violation of a federal regulation is a case of overcriminalization. Although this prosecution initiated before you began as the Acting U.S. Attorney, we appreciate your assistance with our oversight. Accordingly, as the Committee continues its oversight to inform legislative reforms, we ask that you please provide the following documents and information:

1. All documents and communications referring or relating to steps taken by the U.S. Attorney's Office for the District of Wyoming to ensure compliance with Executive Order 14294 when initiating and continuing the prosecution of Mr. Sunseri;
2. All documents and communications referring or relating to U.S. Attorney's Office for the District of Wyoming's decision to proceed with criminal prosecution of Mr. Sunseri after the NPS formally withdrew its support for such action;
3. All documents and communications referring or relating to internal policies governing the U.S. Attorney's Office for the District of Wyoming's decision-making in cases where the referring agency changes its enforcement recommendation;
4. All documents and communications concerning the amount of taxpayer funding and department resources by the U.S. Attorney's Office for the District of Wyoming to investigate and pursue legal action against Mr. Sunseri; and
5. All documents and communications referring or relating to the criminal cases the U.S. Attorney's Office for the District of Wyoming declined to prosecute since the initiation of the Sunseri case.

Please provide this material as soon as possible, but no later than 5:00 p.m. on July 31, 2025. Pursuant to Rule X of the Rules of the House of Representatives, the Judiciary Committee has jurisdiction over the Department of Justice.¹⁹ If you have any questions about this matter, please contact Committee staff at (202) 225-6906.

Thank you for your prompt attention to this matter.

Sincerely,



Andy Biggs
Chairman
Subcommittee on Crime and
Federal Government Surveillance



Harriet M. Hageman
Member of Congress

¹⁹ See Rules of the U.S. House of Representatives, R. X., cl.1(7) (2025).

Ms. Stephanie M. Sprecher

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cc: The Honorable Lucy McBath, Ranking Member, Subcommittee on Crime and Federal
Government Surveillance