

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 21-0350 (PLF)
)	
ANTIONNE DE SHAUN BRODNAX,)	
)	
Defendant.)	

ORDER

On May 11, 2021, Mr. Brodnax was charged by information with four misdemeanors stemming from his participation in the January 6, 2021 riot at the U.S. Capitol: (1) entering and remaining in a restricted building or grounds, in violation of 18 U.S.C. § 1752(a)(1); (2) disorderly and disruptive conduct in a restricted building or grounds, in violation of 18 U.S.C. § 1752(a)(2); (3) disorderly conduct in a capitol building, in violation of 40 U.S.C. § 5104(e)(2)(D); and (4) parading, demonstrating, or picketing in a capitol building, in violation of 40 U.S.C. § 5104(e)(2)(G). See Information [Dkt. No. 12] at 1-3. On October 22, 2021, without entering into a plea agreement with the government, Mr. Brodnax pleaded guilty to all four counts of the information. See October 22, 2021 Minute Entry.

In advance of Mr. Brodnax's sentencing, the government argued that the Court should (1) use USSG § 2A2.4, rather than USSG § 2B2.3, to calculate the base offense level for Mr. Brodnax's conviction on Count Two; and (2) apply a two-level upward adjustment to the offense levels for Mr. Brodnax's convictions on Counts One and Two, pursuant to USSG § 3C1.1, for obstructing or impeding the administration of justice. See Government's Sentencing Memorandum [Dkt. No. 41] at 23-26. Mr. Brodnax opposed both requests. See Mr. Brodnax's

Response to Government's Sentencing Memorandum [Dkt. No. 43] at 13-16. After carefully considering the parties' written and oral arguments, the applicable authorities, the admitted evidence and witness testimony at the July 12, 2022 evidentiary hearing, and the entire record in this case, the Court concluded that USSG § 2B2.3 – not USSG § 2A2.4 – is the applicable offense guideline section to calculate the base offense level for Mr. Brodnax's conviction on Count Two and that a two-level upward adjustment for obstructing or impeding the administration of justice under USSG § 3C1.1 is appropriate in this case with respect to Mr. Brodnax's convictions on Counts One and Two. See Order [Dkt. No. 61] at 2.

The Court orally provided its reasoning as to the application of USSG § 2B2.3 at the July 12, 2022 evidentiary hearing, but it has not yet provided its reasoning as to the application of USSG § 3C1.1. See Order [Dkt. No. 61] at 2 (noting that “an opinion explaining the Court's reasoning w[ould] follow in due course”). Upon further reflection, the Court concludes that it will orally provide its reasoning as to the application of USSG § 3C1.1 at the time of sentencing.

To assist in proceeding to sentencing expeditiously, the Court will direct counsel for the parties to meet and confer and to file a joint status report on or before September 9, 2022, addressing the following issues:

1. The parties should propose dates and times to convene a sentencing hearing. The Court will be available on September 22, 2022, anytime after 10:30 a.m., and on September 27, 2022, at 2:00 p.m. If the parties are unavailable then, counsel should suggest alternative dates and times for sentencing.
2. The parties should indicate whether Mr. Brodnax would prefer to be sentenced in person or virtually.
3. The parties should note whether they would like to file supplemental sentencing memoranda in light of the Court's conclusions regarding the application of the Sentencing Guidelines and the U.S. Probation Office's recommended sentence. See Order

[Dkt. No. 61]; Sentencing Recommendation [Dkt. No. 63]. If the parties wish to file supplemental memoranda, they should propose a briefing schedule.

Accordingly, it is hereby

ORDERED that counsel for the parties shall meet and confer and shall file a joint status report on or before September 9, 2022, addressing the three issues listed above and any others the parties wish to raise.

SO ORDERED.

/s/

PAUL L. FRIEDMAN
United States District Judge

DATE: September 6, 2022