

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA :
 : **Case No. 22-cr-157 (RDM)**
v. :
 :
JUSTIN MICHAEL SMITH, :
 :
Defendant :

MOTION TO DISMISS REMAINING COUNTS

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits this motion to dismiss the remaining counts in the Information for the above-captioned case. In support of this Motion, the United States submits the following:

1. On May 3, 2022, the United States Attorney charged the defendant, Justin Michael Smith by complaint with Entering and Remaining in a Restricted Building, in violation of 18 U.S.C. § 1752(a)(1) (Count 1); Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2) (Count 2); Disorderly Conduct in a Capitol Building or Grounds, in violation of 40 U.S.C. § 5104(e)(2)(D) (Count 3); and Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G) (Count 4).
2. On May 5, 2022, the United States charged Smith by a four-count Information with violating the same statutes listed above.
3. On December 20, 2022, pursuant to a plea agreement, Smith pled guilty to Count 4 of the Information, charging him with violating 40 U.S.C. Section 5104(e)(2)(G).

4. Pursuant to the plea agreement in this case, the United States agreed to dismiss the remaining counts in the Information in this case at the time of sentencing.
5. The defendant was sentenced for violating Count 4 of the Information on July 14, 2023.
6. Accordingly, the United States moves to dismiss the remaining Counts in the Information in this case.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney
D.C. Bar No. 481052

By: /s/ Christopher M. Cook
U.S. Department of Justice
Trial Attorney (Detailee)
KS Bar No. 23860

CERTIFICATE OF SERVICE

On this 17th day of July, 2023, a copy of the foregoing was served upon all parties listed on the Electronic Case Filing (ECF) System.

/s/ Christopher M. Cook
U.S. Department of Justice
Trial Attorney (Detailee)