

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

UNITED STATES OF AMERICA :
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 :
 v. : **Case Number 1:21-cr-00332-JMC**
 :
STEPHEN CHASE RANDOLPH, et al., :
 :
 :
 Defendants. :

**UNITED STATES’ RESPONSE TO DEFENDANT RANDOLPH’S MOTION TO
DISMISS SUPERSEDING INDICTMENT IN CRIMINAL NUMBER 21-332**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully responds as follows to defendant Stephen Chase Randolph’s motion, ECF 87, seeking dismissal of the superseding indictment in the instant case, as follows:

1. The defendant was charged in this case in a superseding indictment, ECF 61, for his role in the January 6, 2021 attack on the United States Capitol. The indictment alleged that the defendant committed the offenses of civil disorder in violation of Title 18, United States Code, Sections 231(a) and 2 (Count One); obstruction of an official proceeding in violation of Title 18, United States Code, Section 1512(c)(2) and 2 (Count Two); assaulting, resisting, or impeding certain officers using a dangerous weapon and inflicting bodily injury in violation of Title 18, United States Code, Sections 111(a)(1) and (b) and 2 (Count Three); assaulting, resisting, or impeding certain officers in violation of Title 18, United States Code, Section 111(a)(1) (Count Four); entering and remaining in a restricted building or grounds with a deadly or dangerous weapon in violation of Title 18, United States Code, Section 1752(a)(1) and (b)(1)(A) (Count Five); disorderly and disruptive conduct in a restricted building or grounds with a deadly or dangerous weapon in violation of Title 18, United States Code, Section 1752(a)(2) and (b)(1)(A)

(Count Six); engaging in physical violence in a restricted building or grounds with a deadly or dangerous weapon, resulting in significant bodily injury in violation of Title 18, United States Code, Section 1752(a)(4), (b)(1)(A) and (b)(1)(B) and 2 (Count Seven); disorderly conduct in a Capitol Building in violation of Title 40, United States Code, Section 5104(e)(2)(D) (Count Eight), and an act of physical violence in the Capitol grounds or buildings in violation of Title 40, United States Code, Section 5104(e)(2)(F) and 2 (Count Nine).

2. Subsequently, the United States filed a Notice Under Local Criminal Rule 40.5(b)(3) Of Related Cases And Intent To Supersede Indictment. ECF 76. That superseding indictment was returned in Case No. 21-cr-537-JMC.

3. Case No. 21-cr-537-JMC's superseding indictment charged defendant Randolph and others with Obstruction of Law Enforcement During a Civil Disorder and Aiding and Abetting, in violation of 18 U.S.C. §§ 231(a)(3) and 2 (Count One); two felony counts related to Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, Inflicting Bodily Injury, and Aiding and Abetting, in violation of 18 U.S.C. §§ 111(a)(1), (b), and 2 (Counts Two and Three); three felony counts relating to disorderly conduct and violence in a restricted building or grounds with a deadly or dangerous weapon, in violation of 18 U.S.C. § 1752 (Counts Five–Seven); two misdemeanor counts relating to disorderly conduct and violence in a Capitol building or grounds, in violation of 40 U.S.C. § 5104(e)(2) and 18 U.S.C. § 2 (Counts Eight and Nine); and Obstruction of an Official Proceeding and Aiding and Abetting, in violation of 18 U.S.C. §§ 1512(c)(2) and 2 (Count Ten). ECF 80. Randolph was charged alone in a separate count with Assaulting, Resisting, or Impeding Certain Officers, in violation of 18 U.S.C. § 111(a)(1) (Count Four). The notice of related cases, ECF 76, advised that the instant case, No. 21-cr-332-JMC, and Case No. 21-cr-537-JMC, were related and the defendants in both cases were charged with aiding and abetting one

another to commit the same crimes at the same time and location against the same victim. The Notice provided facts explaining that charges against defendants in both cases involved the initial breach of the Capitol grounds near the Peace Circle Monument.

4. Defendant Randolph has moved to dismiss the superseding indictment in the instant case, No. 21-cr-332-JMC. ECF 87. The United States has no objection to dismissal of the superseding indictment, ECF 61, in the instant case, No. 21-cr-332-JMC.

Respectfully submitted,

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