

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

UNITED STATES OF AMERICA,

v.

CHRISTOPHER SPENCER,

Defendant.

Criminal No. 21-cr-147-1 (CKK)

MEMORANDUM OPINION & ORDER

(February 21, 2024)

For his actions as a member of the riot at the United States Capitol on January 6, 2021, Defendant Christopher Spencer was charged by indictment with five counts: Count One, 18 U.S.C. § 1512(c)(2) and 2, Obstruction of an Official Proceeding and Aiding and Abetting; Count Two, 18 U.S.C. § 1752(a)(1), Entering and Remaining in a Restricted Building or Grounds; Count Three, 18 U.S.C. § 1752(a)(2), Disorderly and Disruptive Conduct in a Restricted Building; Count Four, 40 U.S.C. § 5104(e)(2)(D), Disorderly Conduct in a Capitol Building; Count Five, 40 U.S.C. § 5104(e)(2)(G), Parading, Demonstrating, or Picketing in a Capitol Building. *See* [14] Superseding Indictment. The Court held a stipulated bench trial on February 21, 2024 based upon the [121] Statement of Facts for Stipulated Trial (hereinafter referred to as “stipulated facts”).

The Court finds that Defendant Spencer knowingly and intentionally waived his right to a jury and non-jury trial; waived his constitutional rights to a trial by jury and non-jury, to cross-examine, to compulsory process, and to testify; and agreed to the stipulated facts knowingly and intelligently.

Defendant maintains his appellate rights for direct and collateral appeals. The Court had previously denied Defendant Spencer's [102] Motion to Dismiss Count One and [103] Motion to Dismiss Counts Two and Three. *See* [108] Order; [109] Mem. Op. The stipulated facts, to which Defendant agreed, stated that "[w]ithout waiving any arguments set forth in Mr. Spencer's Motion to Dismiss Counts 1, 2 and 3, the parties agree that if the Court finds the existence of these facts beyond a reasonable doubt, this evidence would establish each and every element of the charged offenses in light of the Court's ruling on the Motion and without waiving defendant's objection to the Court's ruling." *See* [121] Statement of Facts for Stipulated Trial, at 7–8. At the stipulated bench trial on February 21, 2024, Defendant again agreed to this statement on the record. The Court then explained that in other words, while preserving Defendant's right to appeal the Court's denial of his Motions to Dismiss on Counts One, Two, and Three, if the Court finds the stipulated facts beyond a reasonable doubt, then automatically those facts meet the elements of all of the offenses. Defendant Spencer agreed to this on the record.

Defendant agreed to the stipulated facts in their entirety. *Inter alia*, Defendant agreed that on January 6, 2021, he walked to the U.S. Capitol passing bike rack fences that were set up around the perimeter. *See* [121] Statement of Facts for Stipulated Trial, at 6. After observing members of the crowd attacking law enforcement, observing people climbing the walls and scaffolding, and seeing police shoot pepper balls into the crowds, Defendant went up the northern set of stairs under the scaffolding to the northwest terrace near the Senate wing of the building. *Id.* He then entered the Senate Wing Door, which was broken open, with windows that were also broken on either side. *Id.* Once in the

Crypt, other crowd members attacked a line of officers attempting to hold back the crowd. *Id.* There, Defendant filmed a Facebook live stream video during which he stated, “Bro, they just stormed the Capitol. Bro... pushed the cops out of the way, everything... took it over,” and yelled “Don’t stop!” to other rioters as they surged forward. *Id.* Defendant made his way through the Crypt, up to the second floor, and went into a hallway of offices belonging to then-Speaker Nancy Pelosi, where Defendant asked, “Where’s Nancy’s office?” in a livestreamed video. *Id.* at 6–7. Defendant crossed Statuary Hall and, when outside the House Chamber wherein members of Congress were sheltering, yelled “Kick that motherfucker open!,” which can be heard on another livestreamed video. *Id.* at 7. Defendant then continued toward the east side of the building, where he yelled “Smile motherfucker! Smile bitch! Fucking traitor!” to Capitol Police officers who were involved in a scuffle with another rioter. *Id.* Defendant then exited the Capitol after having spent just over thirty minutes inside the Capitol. *Id.*

Defendant also agreed that he “knew at the time he entered the U.S. Capitol Building that he did not have permission to enter the building.” *Id.* He agreed that he “obstructed, influenced, and impeded an official proceeding, that is, a proceeding before Congress, specifically, Congress’s certification of the Electoral College vote as set out in the Twelfth Amendment of the Constitution of the United States and 3 U.S.C. §§ 15-18.” *Id.*

The full stipulated facts set out additional evidence to which Defendant agreed. *See generally id.* The Court reviewed these stipulations as well as the seven exhibits provided by the Government both during the stipulated bench trial and again separately in

Chambers. Accordingly, the Court finds that the existence of the stipulated facts has been established beyond a reasonable doubt. As Defendant Spencer agreed that “if the Court finds the existence of these facts beyond a reasonable doubt, this evidence would establish each and every element of the charged offenses,” *id.* at 7–8, the Court finds that the elements of the offenses for all five counts have been established.

The Court therefore finds Defendant Spencer **GUILTY** on all five counts charged in the [13] Superseding Indictment.

SO ORDERED.

/s/
COLLEEN KOLLAR-KOTELLY
United States District Judge