

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

UNITED STATES OF AMERICA :
 :
 v. : **Criminal No. 1:21-cr-125(BAH)**
 :
 BRIAN MCCREARY, : **Honorable Chief Judge Beryl A. Howell**
 :
 Defendant. :

**GOVERNMENT REPORT REGARDING DEFENDANT’S CONDUCT IN CCTV
FOOTAGE SUBMITTED TO THE COURT IN AID OF SENTENCING**

Pursuant to the Court’s March 28, 2022, Minute Order, detailed below is a description of the defendant’s conduct as depicted in the U.S. Capitol CCTV footage from January 6, 2021, submitted to the Court in aid of the sentencing hearing scheduled for April 1, 2022.

To start, the CCTV footage submitted to the Court details the initial breach into the United States Capitol through the Senate Wing Door on January 6, 2021, at approximately 2:13 p.m. Starting at approximately the fifty-five (55) second mark¹ in the video a large group of rioters can be seen approaching the senate wing door and banging on the locked door and adjacent windows. At roughly the 1:13 mark in the video a rioter punches the glass window to the right of the Senate Wing door causing the glass to spider-web and crack. At the 1:40 mark the window to the far left of the Senate Wing door is shattered as rioters continue to descend on this entrance to the building. At this same time, rioters carrying what appear to be poles and flagpoles continue to strike the far right window (which was previously cracked) in an effort to gain entry into the building. At roughly the 1:50 mark the defendant, Brian McCreary, can be

¹ All time-stamps provided in this filing refer to the time displayed in the media player utilized to play this video. Moreover, all descriptions of the events depicted in the video are described from the vantage point of the viewer of the video (i.e. the right set of windows described in this pleading, adjacent to the Senate Wing door, are actually to the left of the door when viewed from the rioters perspective.)

seen standing behind several rioters who are standing directly in front of the right two windows, holding an unknown pole-like object, appearing to provide assistance to other rioters who are actively attempting to shatter the window. Roughly four (4) seconds later, the left portion of the window to the right of the Senate Wing door is cracked, although it does not appear the defendant is the rioter who breaks that window.

At roughly 1:57 the first rioter to breach the building enters through the broken window to the left of the Senate Wing door, jumping through the window. At this same time, as rioters began to stream in the building through the left window, rioters standing outside the right set of windows continue to punch and strike the glass window in an effort to gain entry into the building, ultimately successfully breaking the window at the 2:06 mark in the video. At 2:10, one of the rioters who entered through the broken left window begins attempting to break open the Senate Wing door. At the 2:18 second mark, as the first rioter to enter the building through the right set of windows jumps through the window, a second rioter approaches the Senate Wing door and attempts to kick the door open from the inside. Six (6) seconds later, at approximately 2:24 seconds, two of the rioters successfully kick open the Senate Wing door from inside the building, and rioters stream in through the broken door and both broken windows.

At 2:33 the defendant, along with a large mob of rioters, to include Jacob Chansley (“QAnon Shaman”), makes entrance into the building through the Senate Wing door and proceeds with the crowd down the adjacent hallway to the right of the video.

To be clear, although it does not appear the defendant actually caused any damage to U.S. Capitol property himself, he does appear to be assisting other rioters who are actively taking in part in attempts to break the right set of windows. Accordingly, the government submits that

these actions should be considered by the Court when fashioning an appropriate sentence for the defendant, in addition to the other factors set forth in the government's memorandum in aid of sentencing. The omission of this specific fact was an error by the government, for which it apologizes and corrects in this filing.

Respectfully submitted,

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