

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

Holding a Criminal Term

Grand Jury Sworn in on February 14, 2022

UNITED STATES OF AMERICA	:	CRIMINAL NO. 21-CR-158 (RC)
	:	
v.	:	
	:	VIOLATIONS:
KYLE FITZSIMONS,	:	18 U.S.C. § 231(a)(3)
	:	(Civil Disorder)
Defendant.	:	18 U.S.C. §§ 1512(c)(2), and 2
	:	(Obstruction of an Official Proceeding)
	:	18 U.S.C. §§ 111(a)(1) and (b)
	:	(Using a Dangerous or Deadly Weapon on
	:	Certain Officers)
	:	18 U.S.C. §§ 111(a)(1) and (b)
	:	(Inflicting Bodily Injury on Certain
	:	Officers)
	:	18 U.S.C. §§ 111(a)(1) (Assaulting,
	:	Resisting, or Impeding Certain Officers)
	:	18 U.S.C. § 1752(a)(1)
	:	(Entering and Remaining in a Restricted
	:	Building or Grounds)
	:	18 U.S.C. § 1752(a)(2)
	:	(Disorderly and Disruptive Conduct in a
	:	Restricted Building or Grounds)
	:	18 U.S.C. § 1752(a)(4) and (b)(1)(A)
	:	(Physical Violence in a Restricted Building
	:	or Grounds with a Deadly or Dangerous
	:	Weapon)
	:	40 U.S.C. § 5104(e)(2)(D)
	:	(Disorderly Conduct in
	:	the Capitol Grounds or Buildings)
	:	40 U.S.C. § 5104(e)(2)(F)
	:	(Act of Physical Violence in the Capitol
	:	Grounds or Buildings)

INDICTMENT

The Grand Jury charges that:

COUNT ONE

On or about January 6, 2021, within the District of Columbia, **KYLE FITZSIMONS** committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officer, that is an officer from the United States Capitol Police or District of Columbia Metropolitan Police Department, lawfully engaged in the lawful performance of his/her official duties incident to and during the commission of a civil disorder, and the civil disorder obstructed, delayed, and adversely affected the conduct and performance of a federally protected function.

(**Civil Disorder**, in violation of Title 18, United States Code, Section 231(a)(3))

COUNT TWO

On or about January 6, 2021, within the District of Columbia and elsewhere, **KYLE FITZSIMONS** attempted to, and did, corruptly obstruct, influence, and impede an official proceeding, that is, a proceeding before Congress, by entering and remaining on United States Capitol grounds without authority, committing an act of civil disorder, and engaging in disorderly and disruptive conduct.

(**Obstruction of an Official Proceeding and Aiding and Abetting**, in violation of Title 18, United States Code, Sections 1512(c)(2), and 2)

COUNT THREE

On or about January 6, 2021, within the District of Columbia, **KYLE FITZSIMONS** did forcibly assault, resist, oppose, impede, intimidate, interfere, and use a dangerous or deadly weapon on an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, that is, Officer S.B., an officer from the Metropolitan Police Department,

while such officer or employee was engaged in or on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

(Using a Dangerous or Deadly Weapon on Certain Officers, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))

COUNT FOUR

On or about January 6, 2021, within the District of Columbia, **KYLE FITZSIMONS** did forcibly assault, resist, oppose, impede, intimidate, interfere and inflict bodily injury on an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, that is, Detective P.N., an officer from the Metropolitan Police Department, while such officer or employee was engaged in or on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

(Inflicting Bodily Injury on Certain Officers, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))

COUNT FIVE

On or about January 6, 2021, within the District of Columbia, **KYLE FITZSIMONS** did forcibly assault, resist, oppose, impede, intimidate, interfere and inflict bodily injury on an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, that is, Sergeant A.G., an officer from the United States Capitol Police, while such officer or employee was engaged in or on account of the performance of official duties, and where the acts

in violation of this section involve physical contact with the victim and the intent to commit another felony.

(Inflicting Bodily Injury on Certain Officers, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))

COUNT SIX

On or about January 6, 2021, within the District of Columbia, **KYLE FITZSIMONS** did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, that is, officers from the United States Capitol Police and Metropolitan Police Department, while such officer or employee was engaged in or on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

(Assaulting, Resisting, or Impeding Certain Officers, in violation of Title 18, United States Code, Section 111(a)(1))

COUNT SEVEN

On or about January 6, 2021, within the District of Columbia, **KYLE FITZSIMONS** did unlawfully and knowingly enter and remain in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President was and would be temporarily visiting, without lawful authority to do so.

(Entering and Remaining in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1752(a)(1))

COUNT EIGHT

On or about January 6, 2021, within the District of Columbia, **KYLE FITZSIMONS** did knowingly, and with intent to impede and disrupt the orderly conduct of Government business and official functions, engage in disorderly and disruptive conduct in and within such proximity to, a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President was and would be temporarily visiting, when and so that such conduct did in fact impede and disrupt the orderly conduct of Government business and official functions.

(Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1752(a)(2))

COUNT NINE

On or about January 6, 2021, within the District of Columbia, **KYLE FITZSIMONS** did knowingly, engage in any act of physical violence against any person and property in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President was and would be temporarily visiting, and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a pole.

(Engaging in Physical Violence in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1752(a)(4) and (b)(1)(A))

COUNT TEN

On or about January 6, 2021, within the District of Columbia, **KYLE FITZSIMONS** willfully and knowingly engaged in disorderly and disruptive conduct at any place within the United States Capitol Grounds or any of the Capitol Buildings with the intent to impede, disrupt, and disturb the

orderly conduct of a session of Congress and either House of Congress, and the orderly conduct in that building of a hearing before or any deliberation of, a committee of Congress or either House of Congress.

(Disorderly Conduct in the Capitol Grounds or Buildings, in violation of Title 40, United States Code, Section 5104(e)(2)(D))

COUNT ELEVEN

On or about January 6, 2021, within the District of Columbia, **KYLE FITZSIMONS** willfully and knowingly engaged in an act of physical violence within the United States Capitol Grounds and any of the Capitol Buildings.

(Act of Physical Violence in the Capitol Grounds or Buildings, in violation of Title 40, United States Code, Section 5104(e)(2)(F))

A TRUE BILL:

FOREPERSON.



Attorney of the United States in
and for the District of Columbia.