

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

UNITED STATES OF AMERICA	:	
	:	Case No. 1:21-cr-00247 (TFH)
v.	:	
	:	
BRADLEY WAYNE WEEKS,	:	
	:	
Defendant.	:	

UNITED STATES' TRIAL BRIEF

The United States, by and through its attorneys, respectfully submits this brief summarizing the government's evidence at trial and legal issues that may be brought before the Court. As described below, the government will introduce video evidence, testimony from law enforcement witnesses, and potentially admissions made by the defendant in a video-taped interview. In an effort to streamline its presentation for this bench trial and focus on the matters in dispute, the parties have agreed to certain stipulations.

I. THE JANUARY 6 CAPITOL RIOT AND THE DEFENDANT'S ACTIONS

On January 6, 2021, thousands of people descended on the U.S. Capitol and interrupted the Joint Session of Congress that had convened to certify the votes of the Electoral College for the 2020 Presidential Election. The government's evidence will briefly set the stage for the Joint Session and the riot in which the defendant participated, then focus on the defendant's criminal conduct and intent that day.

On January 6, 2021, Vice President Michael R. Pence was serving as the President of the Senate at the Capitol and presiding over the Joint Session and Senate proceedings. On that day, Secret Service was present for the protection of the Vice President and his family members, and physical barriers and law enforcement officers surrounded the U.S. Capitol building and grounds.

At all relevant times, the United States Capitol building and its grounds—including the northwest lawn by the northwest stairs, the upper northwest terrace, and the entire Capitol building itself—were closed to members of the public.

The defendant, Bradley Weeks—along with his co-defendant, Danny Carlton—was among a group of rioters who illegally entered the U.S. Capitol grounds by overwhelming law enforcement and then entered the U.S. Capitol building itself.

Prior to January 6, 2021, Weeks discussed, in text messages and on social media, objections to the Electoral College certification of the ballots from the 2020 election, as well as steps he was taking to prepare for “revolution.” In November 2020, Weeks discussed electoral votes and the importance of the state legislatures in texts with a friend. Weeks also started a “Stop the Steal” Facebook group, which had about 15,000 “patriots who are fed up,” as Weeks reported to a friend via text message on December 16, 2020. Weeks also subscribed to text messages as part of a service called “Stop The Steal – JAN6,” which distributed text messages en masse about efforts to obstruct the certification of the election in Washington, D.C., on January 6.

On December 23, 2020, Weeks wrote in a text message, “Danny Carlton and I are going to DC for January 6 protest/revolution. We will be packing. This is it! Would love to have you there if you can make it. They’re expecting millions. Trump has asked for as many people to attend as possible. It’s either going to be the biggest victory party the world has ever seen or we’re going to burn the whole fucking thing down.” Weeks’ phone also contain a photo from January 4, 2021, of two long guns and several boxes of ammunition stacked on top of a bed.

On January 5, 2021, Weeks and Carlton drove together to Washington, D.C. During the drive, Weeks inquired of his wife via WhatsApp message about the location of his medication in his bags, and Weeks’s wife replied directing him to the inside zipper on the same side of the bag

where the shotgun shells are. Weeks also messaged his wife about his plans to use the D.C. Metro to go to the rally and to come back from the Capitol building.

On January 6, 2021, at 1:00 p.m., a Joint Session of the United States Congress, consisting of the House of Representatives and the Senate, convened in the United States Capitol building. The Joint Session assembled to debate and certify the vote of the Electoral College of the 2020 U.S. Presidential Election.

On the morning of January 6, 2021, Weeks and Carlton attended the “Stop the Steal” rally at the Ellipse, then marched to the Capitol Building as planned that afternoon. As they moved from the Washington Monument toward Constitution Avenue, Weeks filmed a video of the crowd and stated, “We are marching to the Capitol building, Ladies and Gentleman, to show these Congressmen who runs America.”

Weeks and Carlton arrived on Capitol grounds just before 2:00 p.m. From their position amongst a large group of rioters on the northwest lawn of the Capitol, they observed a crowd that had been violently attacking officers of both the U.S. Capitol Police and the Metropolitan Police Department, purloining bike rack fencing to use as ladders to scale the Capitol walls, and destroying the tarps surrounding the scaffolding over the northwest stairs. Weeks and Carlton appear to have been filming towards the location where the MPD officers had just moved away to avoid the rioters’ attacks.

As portrayed on another defendant’s video from around this time, police officers deployed tear gas cannisters into the crowd to try to disperse their attackers. Referring to one of those cannisters, some of the rioters responded by shouting, “Pick it up and throw it!” and “Throw it back at the Capitol!” which one of them did. Instead of moving away from the area, Weeks moved closer, took off his ball cap, donned a pullover full face mask, and settled in as the members of the

crowd shouted, “Fight for Trump! Fight for Trump! Fight for Trump!” Weeks made a forward motion with his arm several times, then moved closer to the Capitol building.

Weeks aided rioters affected by the chemical irritants by providing water bottles and by pouring water on the eyes of a man suffering from the tear gas. Weeks later told his wife via WhatsApp message that he “played medic” and “helped some patriots.”

Rioters filled the Lower West Terrace between 1:30 and 2:00 p.m., vastly outnumbering Capitol Police and Metropolitan Police that had arrived as backup. Around 1:50 p.m., rioters’ attention turned to the northwest stairs, where a thin line of Capitol Police at the base of the stairs guarded an access point to the Capitol’s upper terrace. At 2:09 p.m., rioters at the base of the Northwest Stairs finally broke through the line of Capitol Police that had been holding them at bay. Weeks hopped up onto a raised area joining a line to access overturned purloined bike rack fencing to get up onto the north balustrade of the northwest stairs. Weeks then made several excited gestures with his arm pointing towards the Capitol building where the rioters successfully overran the United States Capitol Police. Weeks then turned towards the huge crowd of rioters on the west lawn and urged them closer to the Capitol building, making a “come here” gesture with his arm.

Weeks climbed the overturned bike rack fencing onto the balustrade of the northwest stairs. Weeks sent a WhatsApp message to his wife at 2:14 p.m. in which he says, “breached the Capitol. I’m going in, we’re going in.” At 2:15 p.m., Weeks is visible in CCTV video climbing the upper portion of the northwest stairs without Carlton. Upon reaching the Upper West Terrace, Weeks wandered around taking video of the expansive crowd of rioters on the northwest lawn as well as the bike rack fencing, police tape, and an AREA CLOSED sign at the top of the steps where he had just walked not long before. Weeks walked around the northwest terrace near the Senate Wing

Door, returning to the northwest stairs where he reunited with Carlton. They then moved to the railing of the upper northwest terrace, where Carlton took a seat.

Weeks set up his camera to show his face and launched into a speech declaring both the actions he had taken and his intentions, which he recorded and later posted to social media. “We’ve reached the steps. We’ve had to climb scaffolding. We’ve had to climb ladders. We’ve had to break things to get through, but we’ve gotten through. We’ve gotten through, and we are taking back the Capitol! We’re taking back our country! This is our 1776! This is where it’s gonna happen! This is where Tyranny will fall! This is where America will rise! Look at this, America! Look at this!” The camera is then turned again towards the lawn.

While on the upper northwest terrace, Weeks texted a friend that, “We’ve breached the capital...” and “Were busting the doors down now”. At 2:28 p.m., Weeks took a photo of people climbing the wall to gain access to the northwest terrace. Weeks and Carlton walked together towards the Senate Wing Door, which, together with its adjacent windows, had been busted open by the mob around 2:13 p.m. Around 2:27 p.m., the Capitol Police briefly regained control of the door and barricaded it with furniture from the inside. Weeks and Carlton separated again, with Weeks remaining on the upper northwest terrace and Carlton joining the line of rioters who broke through the improvised barricade and violently forced their way back into the building.

Meanwhile, the Joint Session of Congress had been suspended and members of Congress were being evacuated by Capitol Police to secure locations within the Capitol complex. The presence of the mob inside and outside of the Capitol building presented a threat to the physical safety of members of Congress and to police themselves. Capitol Police was forced to choose between protecting members of Congress and guarding sensitive spaces in the building, such as the Senate Floor, which was infiltrated by rioters at approximately 2:40 p.m. Inside the Senate,

rioters rifled through papers in Senators' desks and left a menacing threat to Vice President Pence on the dais.

Beginning at around 2:40 p.m., Weeks called Carlton a few times and Carlton called him back. Around this time, Metropolitan Police began to retake portions of the upper northwest terrace. Carlton and Weeks exchanged the following text messages:

Table 1: SMS Conversation Between CARLTON and WEEKS				
From	To	Body	Time Stamp 01/06/2021	Time Stamp 01/06/2021
CARLTON	WEEKS	Where are you	3:02:09 p.m. (EST)	8:02:09 p.m. (UTC)
WEEKS	CARLTON	I'm all the way on the left side if you're looking at the caputal	3:02:37 p.m. (EST)	8:02:37 p.m. (UTC)
WEEKS	CARLTON	Where are you at	3:03:01 p.m. (EST)	8:03:01 p.m. (UTC)
CARLTON	WEEKS	Inside by the window we breached	3:03:44 p.m. (EST)	8:03:44 p.m. (UTC)
WEEKS	CARLTON	You're inside?	3:04:06 p.m. (EST)	8:04:06 p.m. (UTC)
CARLTON	WEEKS	Burning up and leg injuries	3:04:16 p.m. (EST)	8:04:16 p.m. (UTC)
CARLTON	WEEKS	Yeab	3:04:20 p.m. (EST)	8:04:20 p.m. (UTC)
CARLTON	WEEKS	Just stepped out for air	3:05:45 p.m. (EST)	8:05:45 p.m. (UTC)
CARLTON	WEEKS	If you're out stay out ill find you	3:07:28 p.m. (EST)	8:07:28 p.m. (UTC)
WEEKS	CARLTON	I'm isinside now	3:08:45 p.m. (EST)	8:08:45 p.m. (UTC)
CARLTON	WEEKS	Tell me where to meet	3:08:51 p.m. (EST)	8:08:51 p.m. (UTC)

Weeks entered the Capitol building through the Senate Wing door at 3:08 p.m., and reunited with Carlton near the Senate Wing Door at 3:09 p.m. Instead of leaving the Capitol through the door that they had just entered—which was still within view—Carlton and Weeks turned and moved further into the building. They walked through to the Crypt where Weeks joined a crowd of rioters chanting. Then, Weeks and Carlton crossed the length of the building on its

first floor, walking all the way to the Hall of Columns on the south side of the Capitol. After reaching the Hall of Columns and seeing the police officers there, Carlton and Weeks turned back and retraced their steps through the Capitol, walking again through the Crypt before exiting through the Senate Wing Door at around 3:29 p.m. When his mother's texted him expressing concern that his grandmother would die over his actions, Weeks responded, "Our country is dying".

Weeks and Carlton spent roughly 20 minutes inside the Capitol. After exiting the building, Weeks and Carlton lingered on the Upper West Terrace outside the Capitol until at least 3:52 p.m., where they posed for a grinning photo with the Capitol dome and MPD riot officers in the background. The defendant's statements and conduct before entering the Capitol and while inside the Capitol establish his violations of 18 U.S.C. §§ 1512(c)(2) and 2, 18 U.S.C §§ 1752(a)(1) and 1752(a)(2), and 40 U.S.C. §§ 5104(e)(2)(D) and 5014(e)(2)(G).

II. THE GOVERNMENT'S PROOF

A. Witnesses and Stipulations

The government will call Captain Tia Summers from the United States Capitol Police who will provide an overview of the Capitol building and grounds and share an overview of how the building and grounds were overrun on January 6, 2021. The government will also present U.S. Capitol Police closed-circuit video (CCTV) evidence of what occurred as the Capitol grounds and building were breached supplemented with video & photos from the defendant's cellphone, other defendants' cases, and from open sources. The government may also present radio communications which capture the terror and desperation of the U.S. Capitol Police on that day.

The government will also call Officer Mark Gazelle from the United States Capitol Police who was assigned to the Senate on January 6, 2021, and has experienced multiple Electoral College

certification proceedings. He will take the Court through the joint proceeding on January 6, 2021, the interruption of those proceedings, and the resumption in the late evening. He will also talk about participating in various evacuations of staffers throughout that day.

Finally, the government will present the testimony of Supervisory Special Agent Joshua McLeod from the Federal Bureau of Investigation who interviewed the defendant. The government intends to offer materials from the defendant's phone which was downloaded pursuant to his consent during a post-arrest interview. The government may choose to offer some, all, or none of the defendant's interview with the agent.

The government and defendant have reached stipulations to the following facts which all parties agree are not in dispute. These stipulations include: (1) a description of the Capitol Building and Grounds; (2) an overview of the timeline and events of the Certification of the Electoral College Vote; (3) the defendant's identity and presence in the Capitol on January 6, 2021; (4) the operation and maintenance of closed-circuit video monitoring and recording equipment utilized by the USCP on January 6, 2021; (5) the operation and maintenance of closed-circuit video monitoring and recording equipment utilized by the House and Senate Recording Studio on January 6, 2021; (6) authenticity of video from other defendant's cases; (7) authenticity of MPD body worn camera video; (8) a conversion chart from UTC to EST time; (9) authenticity of the digital image of the defendant's cellphone; and (10) authenticity of open source video.

B. Elements of the Crimes Alleged

The Indictment charges five offenses. The offenses are as follows¹:

Count One

Count One of the Indictment charges the defendant with obstruction of an official proceeding and aiding and abetting, in violation of 18 U.S.C. §§ 1512(c)(2) and 2. In order to find the defendant guilty of this offense, the Court must find that the government proved each of the following elements beyond a reasonable doubt:

1. First, the defendant attempted to or did obstruct or impede an official proceeding;
2. Second, the defendant intended to obstruct or impede the official proceeding;
3. Third, the defendant acted knowingly, with awareness that the natural and probable effect of his conduct would be to obstruct or impede the official proceeding; and
4. The defendant acted corruptly.

The government further alleges that the defendant aided and abetted others in committing obstruction of an official proceeding. To satisfy its burden of proof in proving that the defendant aided and abetted others in committing this offense, the government must prove the following beyond a reasonable doubt:

1. First, that others committed obstruction of an official proceeding by committing each of the elements of the offense charged;
2. Second, that the defendant knew that obstruction of an official proceeding was going to be committed or was being committed by others;
3. Third, that the defendant performed an act or acts in furtherance of the offense;

¹ Unless otherwise noted, the instructions here reflect the jury instructions used by the Court in *United States v. Hale-Cusanelli*, 21-CR-37 (TNM).

4. Fourth, that the defendant knowingly performed that act or acts for the purpose of aiding, assisting, soliciting, facilitating, or encouraging others in committing the offense of obstruction of an official proceeding; and
5. Fifth, the defendant did that act or acts with the intent that others commit the offense of an obstruction of an official proceeding.

The term “official proceeding” includes a proceeding before the Congress. The official proceeding need not be pending or about to be instituted at the time of the offense. If the official proceeding was not pending or about to be instituted, the government must prove beyond a reasonable doubt that the official proceeding was reasonably foreseeable to the defendant. As used in Count One, the term “official proceeding” means Congress’s Joint Session to certify the Electoral College vote.

A person acts “knowingly” if he realizes what he is doing and is aware of the nature of his conduct, and does not act through ignorance, mistake, or accident. In deciding whether the defendant acted knowingly, the Court may consider all of the evidence, including what the defendant did or said.

Count Two

Count Two of the Indictment charges the defendant with entering or remaining in a restricted building or grounds, in violation of 18 U.S.C. § 1752(a)(1). In order to find the defendant guilty of this offense, the Court must find that the government proved each of the following elements beyond a reasonable doubt:

1. First, that the defendant entered or remained in a restricted building or grounds without lawful authority to do so; and
2. Second, that the defendant did so knowingly.

The term “restricted building or grounds” means any posted, cordoned off, or otherwise restricted area of a building or grounds where a person protected by the Secret Service is or will be temporarily visiting.

The term “person protected by the Secret Service” includes the Vice President and the immediate family of the Vice President.

The term “knowingly” has the same meaning as previously defined.

Count Three

Count Three of the Indictment charges the defendant with disorderly or disruptive conduct in a restricted building or grounds, in violation of 18 U.S.C. § 1752(a)(2). In order to find the defendant guilty of this offense, the Court must find that the government proved each of the following elements beyond a reasonable doubt:

1. First, that the defendant engaged in disorderly or disruptive conduct in, or in proximity to, any restricted building or grounds;
2. Second, that the defendant did so knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions;
3. Third, that the defendant’s conduct occurred when, or so that, his conduct in fact impeded or disrupted the orderly conduct of Government business or official functions.

“Disorderly conduct” occurs when a person is unreasonably loud and disruptive under the circumstances, or interferes with another person by jostling against or unnecessarily crowding that person.

“Disruptive conduct” is a disturbance that interrupts an event, activity, or the normal course of a process.

The terms “restricted building or grounds” and “knowingly” have the same meanings as previously defined.

Count Four

Count Four of the Indictment charges the defendant with disorderly or disruptive conduct in a Capitol building or grounds, in violation of 40 U.S.C. § 5104(e)(2)(D). In order to find the defendant guilty of this offense, the Court must find that the government proved each of the following elements beyond a reasonable doubt:

1. First, that the defendant engaged in disorderly or disruptive conduct in any of the United States Capitol Buildings;
2. Second, that the defendant did so with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress; and
3. Third, that the defendant acted willfully and knowingly.

The term “United States Capitol Buildings” includes the United States Capitol located at First Street, Southeast, in Washington, D.C.

The term “disorderly or disruptive conduct” has the same meaning described in the instructions for Count Three defining “disorderly conduct” and “disruptive conduct.”

A person acts “willfully” if he acts with the intent to do something that the law forbids, that is, to disobey or disregard the law. “Willfully” does not, however, require proof that the defendant be aware of the specific law or rule that his conduct may be violating.

The term “knowingly” has the same meaning as previously defined.

Count Five

Count Five of the Indictment charges the defendant with parading, demonstrating, or picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G). In order to find the

defendant guilty of this offense, the Court must find that the government proved each of the following elements beyond a reasonable doubt:

1. First, that the defendant paraded, demonstrated, or picketed in any of the United States Capitol Buildings;
2. Second, that the defendant acted willfully and knowingly.

The terms “parade” and “picket” have their ordinary meanings. The term “demonstrate” refers to conduct that would disrupt the orderly business of Congress by, for example, impeding or obstructing passageways, hearings, or meetings, but does not include activities such as quiet praying.²

The terms “United States Capitol Buildings,” “knowingly,” and “willfully” have the same meanings as previously defined.

III. THE PARTIES’ EVIDENCE AND ANTICIPATED DEFENSES

The parties are mutually committed to trying the case expeditiously and without lengthy arguments about objections. The government may nonetheless object to particular portions of exhibits, or particular questions about exhibits.³

As it relates to anticipated defenses, the government anticipates that the defendant will argue that he lacked the corrupt intent necessary to prove a violation of Section 1512(c)(2). In fact, ample evidence will support that element. The defendant came to Washington, D.C., planning

² *Bynum v. United States Capitol Police Board*, 93 F. Supp. 2d 50, 58 (D.D.C. 2000).

³ For example, the government may offer statements that defendant made to the FBI during his interview. Because the defendant is an opposing party, his statements are not hearsay pursuant to Fed. R. Evid. 801(d)(2)(A). There is no similar rule allowing the defendant to admit his own statements. Barring an exemption from hearsay (e.g., Rule 801(d)), an exception to the hearsay rule (e.g., Rule 803), or statements made admissible by the Rule of Completeness (Rule 106), the defendant’s own statements, when offered by him, are inadmissible hearsay.

to go to the U.S. Capitol. He was planning for a protest/revolution and stated that he would be packing, a reference to carrying firearms and suggesting he expected violence. His text messages, founding of a large Facebook group – “Fraud 2020,” stated intent to stream to that group during the day, and statements and actions during the riot all point to his intention to interrupt the certification of the election which he believed was stolen.

Weeks stood nearby cheering and encouraging participation as other rioters violently attacked and overran officers. He acknowledged that doors were busted open in a message and knew that his conduct was wrongful. He could have immediately left, but chose to wander further into the building filming, taking photos, making phone calls, and messaging people all while the friend he was “rescuing” trailed along behind him. His actions were consistent with someone who advocated for January 6th being his 1776 and his day to show those Congressman “who runs America.”

IV. CONCLUSION

The defendant was an active participant in the breach of the U.S. Capitol on January 6, 2021. Acting together and with others around him, he corruptly obstructed the Joint Session of Congress to Certify the Electoral College vote. At trial, the evidence will prove beyond a reasonable doubt that the defendant committed each offense charged in the Indictment.

Respectfully submitted,

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