

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)
)
 v.) Case No. 1:21-cr-00263-TSC
)
RUSSELL DEAN ALFORD)

**MOTION FOR JUDGMENT OF ACQUITTAL UNDER
FEDERAL RULE OF CRIMINAL PROCEDURE 29**

The Defendant, Russell Dean Alford, moves the Court, under Federal Rule of Criminal Procedure 29, to enter judgment of acquittal on Counts One through Four of the Information, Doc. 8. For the reasons set out below, the government has failed to present evidence sufficient to sustain a conviction on each of the listed counts.

1. Count One charges a violation of 18 U.S.C. § 1752(a)(1), which in this case requires the government to prove that Mr. Alford *knowingly* entered or remained in a restricted building or grounds without lawful authority. Although the government has presented evidence that Mr. Alford entered or remained in a restricted building or grounds, it has not presented sufficient evidence that when he did so, *he knew* the building or grounds was restricted.

2. Count Two charges a violation of 18 U.S.C. § 1752(a)(2), which in this case requires the government to prove that Mr. Alford *engaged in disorderly or disruptive conduct* in or near restricted building or grounds; that he did so “*with intent to impede or disrupt* the orderly conduct of Government business or official functions”; and, separately, that “*such conduct*, in fact, impede[d] or disrupt[ed] the orderly conduct

of Government business or official functions,” § 1752(a)(2) (emphasis added). The government has not presented sufficient evidence that Mr. Alford engaged in disorderly or disruptive conduct. It has not presented sufficient evidence to support a reasonable inference that Mr. Alford intended to impede or disrupt Congress. And it has not presented sufficient evidence that disorderly or disruptive conduct by Mr. Alford in fact impeded or disrupted Congress.

3. Count Three charges a violation of 40 U.S.C. § 5104(e)(2)(D), which in this case requires the government to prove that Mr. Alford *engaged in disorderly or disruptive conduct* in the Capitol Building or on its grounds, and did so “*with the intent to impede, disrupt, or disturb* the orderly conduct of a session of Congress,” § 5104(e)(2)(D). The government has not presented sufficient evidence that Mr. Alford engaged in disorderly or disruptive conduct. It also has not presented sufficient evidence to support a reasonable inference that Mr. Alford intended to impede, disrupt, or disturb Congress.

4. Count Four charges a violation of 40 U.S.C. § 5104(e)(2)(G), which in this case requires the government to prove that Mr. Alford *paraded, demonstrated, or picketed* in the Capitol Building. The government has not presented sufficient evidence that Mr. Alford paraded, demonstrated, or picketed in the Capitol Building.

For the foregoing reasons, the government has failed to present evidence sufficient to sustain a conviction on each of the listed counts. Mr. Alford therefore moves the Court under Rule 29 to enter judgment of acquittal on Counts One through Four.

Respectfully submitted,

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Northern District of Alabama

/s/ James T. Gibson

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CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2022, I electronically filed the foregoing via this Court's CM/ECF system, which will send notice of such filing to all counsel of record.

Respectfully submitted,

/s/ Tobie J. Smith

TOBIE J. SMITH
Research & Writing Attorney