

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL NO. 1-21-cr-28-7 (APM)
	:	
LAURA STEELE	:	
	:	
_____	:	

**MOTION FOR JUDGEMENT OF ACQUITTAL**

Laura Steele, through undersigned counsel and pursuant to Rule 29 of the Federal Rules of Criminal Procedure, respectfully moves this Honorable Court for a new trial on the grounds that the jury in this matter violated Ms Steele’s Due Process rights by shifting the burden of proof to the defense. A hearing on this motion is respectfully requested. As grounds for this motion, Ms Steele relies upon the following points and authorities, any which may appear in supplemental pleadings which she reserves the right to file, and at the requested hearing on this motion.

In support of this motion, Ms Steele states as follows:

1. On 21 March 2023, Ms Steele was found guilty of counts: (1) 18 U.S.C. 1512(k); Conspiracy to Obstruct an Official Proceeding, (2) 18 U.S.C. 1512(c)(2), 2, Obstruction of an Official Proceeding, Aiding and Abetting. (3) 18 U.S.C. 372, Conspiracy to Prevent Members of Congress from Discharging their Duties, (4) 18 U.S.C. 1362, 2; Destruction of Government Property, (5) 18 U.S.C. 1752 (a)(1); Entering or Remaining Restricted Building or Grounds, (7) 18 U.S.C. 231(a)(3), 2; Obstructing Officers During a Civil Disorder, and (8) 18 U.S.C. 1512(c)(1), 2; Tampering with Document or Proceedings.

2. Ms Steele made a verbal motion for judgment of acquittal at the close of the government's case on 27 February, 2023, and she renewed her motion at the close of all evidence on 7 March, 2023. The Court ordered the parties to submit any supplemental post-trial briefing by 17 May, 2023. Ms Steele submits the following in support of her motion for judgment of acquittal as to the counts listed above pursuant to Federal Rule of Criminal Procedure 29.

### LEGAL STANDARD

Rule 29(a) of the Federal Rules of Criminal Procedure provides that “[a]fter the government closes its evidence or after the close of all of the evidence, the court on the defendant’s motion must enter a judgment of acquittal of any offense for which the evidence is insufficient to sustain a conviction.” Fed. R. Crim. P. 29(a). In considering a Rule 29 motion, this Court must determine “whether upon the evidence, viewed in a ‘light most favorable to the Government giving full play to the right of the [trier of fact] to determine credibility, weigh the evidence and draw justifiable inference of fact,’ a reasonable mind might fairly conclude guilt beyond a reasonable doubt.” *United States v. Recognition Equip., Inc.*, 725 F. Supp. 587, 588 (D.D.C. 1989); *see United States v. Kayode*, 254 F.3d 204, 212-13 (D.C. Cir. 2001) (*quoting United States v. Harrington*, 108 F.3d 1460, 1464 (D.C. Cir. 1997)); *United States v. SaFavian*, 644 F. Supp. 2d 1, 7-8 (D.D.C. 2009); *United States v. Duran*, 884 F. Supp. 577, 583 (D.D.C. 1995), *aff’d*, 96 F.3d 1495 (D.C. Cir. 1996).

Still, the Court must “accord[] the government the benefit of all legitimate inferences,” *see United States v. Weiss*, 718 F.2d 413, 437 (D.C. Cir. 1983), *cert. denied*, 465 U.S. 1027 (1984), and deny the motion if “any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt,” *see United States v. Arrington*, 309 F.3d 40, 48 (D.C. Cir. 2002)

(quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). Moreover, Rule 29 requires the Court to view the evidence that the government deems must be evidence of guilt—but can otherwise be explained as equally innocent—in a balance. See *Curley v. United States*, 160 F.2d 229, 233 (“[I]f, upon the whole of the evidence, a reasonable mind must be in balance as between guilt and innocence, a verdict of guilt cannot be sustained.”). Thus, to find a legitimate and nonspeculative inference of guilt, the government must articulate a rational basis in the evidence upon which that inference can arise. *Recognition Equip.*, 725 F. Supp. at 588.

This Court must grant Defendants’ motion for judgment of acquittal if it finds that the evidence—even if viewed in the light most favorable to the government—is such that a reasonable trier of fact would have a reasonable doubt as to the existence of any of the essential elements of the crimes. *United States v. Durant*, 648 F.2d 747, 750 (D.C. Cir. 1981); see also *United States v. Foster*, 783 F.2d 1087, 1088 (D.C. Cir. 1986). Finally, this Court “cannot let a case go to the jury unless there is evidence of some fact which to a reasonable mind fairly excludes the hypothesis of innocence.” *Curley*, 160 F.2d at 233.

Put another way, the Court must grant a motion for judgment of acquittal if “a reasonable juror *must necessarily* have had a reasonable doubt as to the defendant[’]s guilt.” See *United States v. Weisz*, 718 F.2d 413, 437 (D.C. Cir. 1983) (emphasis in original) (citing *United States v. Singleton*, 702 F.2d 1159, 1162-63 (D.C. Cir. 1983)); see also *United States v. Reese*, 561 F.2d 894, 898 (D.C. Cir. 1977); *Curley*, 160 F.2d at 232-33 ([I]f there is no evidence upon which a reasonable might fairly conclude guilt beyond a reasonable doubt, the motion [for judgment of acquittal] must be granted.”

#### ARGUMENT

What is startling in reviewing the evidence provided to the jury in this matter is how little any witness referred, mentioned, or identified Laura Steele. As the counts in the Indictment essentially fall into two categories: those relating to conduct on January 6<sup>th</sup> itself, and those targeting conduct in the aftermath. We address them here in a similar manner, first looking at the aftermath.

Count eight accuses Ms Steele of destroying evidence at her home. However, Ms Steele submits to the Court that there was no evidence that she destroyed any items related to the events of January 6<sup>th</sup>. The government's theory on this count was that along with her brother, Ms Steele built a fire in her back yard and destroyed items of clothing worn during the events in DC. The government called an FBI agent who testified about executing a search warrant at Ms Steele's property. That testimony did not reveal any evidence of burnt clothing, nor was there any testimony offered that even remotely supported the theory regarding Ms Steele and her brother engaging in any destruction of any items. The record is silent on this issue. There is simply no evidence to support a conviction on this count.

Moving to charges relating to January 6<sup>th</sup> itself, in assessing the evidence regarding counts 1, 2, 3, 4, 5, and 7, the argument is essentially the same. The government provided no evidence that Ms Steele was actively involved in any conspiracy regarding anything that had been planned by the Oathkeepers leadership, whatever those plans may have been. Throughout the whole of the six weeks of the trial in this matter, Laura Steele was only identified or mentioned by two witnesses, and in both respects she was only identified as being present. In the first instance, FBI Special Agent Michael Palian took the stand and was shown a photograph of Ms Steele at the Federal Triangle Metro station with her brother Graydon Young. Special Agent Palian made no other reference to Ms Steele. In the second instance, Special Agent Sylvia Hilgeman testified that

Ms Steele could be identified in photographs or video footage from that day as wearing “a black floppy hat.” Again, Special Agent Hilgeman made no other reference to Ms Steele. Neither of these agents provided any testimony that Laura Steele engaged in any action or conduct that furthered any conspiracy.

Central to the government’s theory as to this alleged conspiracy was testimony given by Caleb Berry. Mr Berry testified that at some point upon reaching the Capitol building area, Kelly Meggs informed the group Mr Berry was in that they were going in the building. Mr Berry did not identify Laura Steele as being part of that group. No other witness provided any testimony that Ms Steele was a part of that conversation.

Testimony was provided by several witnesses with respect to communications within Oathkeepers regarding planning for January 6<sup>th</sup>. No evidence was provided that Laura Steele was party to any of those conversations. Even when it came to how individuals travelled to DC, Ms Steele had no contact with any of the other participants of that day, travelling solely with her brother and staying in a different hotel in a different part of town.

### **CONCLUSION**

Laura Steele submits that there is insufficient evidence—even if viewed in the light most favorable to the government—to warrant a denial of a Motion for Judgment of Acquittal, and respectfully requests the Court enter judgments of acquittal pursuant to Federal Rule of Criminal Procedure 29 as to Counts One through five, and Seven and Eight.

Respectfully Submitted,

*/s/ Peter A. Cooper*

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Peter A. Cooper, (#478-082)  
400 Fifth Street, NW.  
Suite 350  
Washington DC 20001  
[pcooper@petercooperlaw.com](mailto:pcooper@petercooperlaw.com)  
Counsel for Laura Steele

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Motion for Judgement of Acquittal is being filed via the Electronic Court Filing System (ECF), causing a copy to be served upon government counsel of record and co-defendants, this 30<sup>th</sup> day of May, 2023.

*/s/ Peter A. Cooper*

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Peter A. Cooper