

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 21-0350 (PLF)
	)	
ANTIONNE DE SHAUN BRODNAX,	)	
	)	
Defendant.	)	
_____	)	

ORDER

On May 11, 2021, Mr. Brodnax was charged by information with four misdemeanors stemming from his participation in the January 6, 2021 riot at the U.S. Capitol: (1) entering and remaining in a restricted building or grounds, in violation of 18 U.S.C. § 1752(a)(1); (2) disorderly and disruptive conduct in a restricted building or grounds, in violation of 18 U.S.C. § 1752(a)(2); (3) disorderly conduct in a capitol building, in violation of 40 U.S.C. § 5104(e)(2)(D); and (4) parading, demonstrating, or picketing in a capitol building, in violation of 40 U.S.C. § 5104(e)(2)(G). See Information [Dkt. No. 12] at 1-3. On October 22, 2021, without entering into a plea agreement with the government, Mr. Brodnax pleaded guilty to all four counts of the information. See October 22, 2021 Minute Entry.

In advance of Mr. Brodnax's sentencing, the government argued that the Court should (1) use USSG § 2A2.4, rather than USSG § 2B2.3, to calculate the base offense level for Mr. Brodnax's conviction on Count Two; and (2) apply a two-level upward adjustment to the offense levels for Mr. Brodnax's convictions on Counts One and Two, pursuant to USSG § 3C1.1, for obstructing or impeding the administration of justice. See Government's Sentencing Memorandum [Dkt. No. 41] at 23-26. Mr. Brodnax opposed both requests. See Mr. Brodnax's

Response to Government's Sentencing Memorandum [Dkt. No. 43] at 13-16. The parties have fully briefed both issues, and the Court heard oral argument, admitted evidence, and heard testimony from two witnesses during an evidentiary hearing held on July 12, 2022.

After carefully considering the parties' written and oral arguments, the applicable authorities, including the United States sentencing guidelines and their application notes, the admitted evidence and witness testimony, and the entire record in this case, the Court concluded at the July 12, 2022 evidentiary hearing that USSG § 2B2.3 – not USSG § 2A2.4 – is the applicable offense guideline section to calculate the base offense level for Mr. Brodnax's conviction on Count Two. Furthermore, the Court hereby concludes that a two-level upward adjustment for obstructing or impeding the administration of justice under USSG § 3C1.1 is appropriate in this case with respect to Mr. Brodnax's convictions on Counts One and Two.

An opinion explaining the Court's reasoning will follow in due course.

SO ORDERED.

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PAUL L. FRIEDMAN  
United States District Judge

DATE: August 18, 2022