

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

MARSHALL NEEFE and
CHARLES BRADFORD SMITH,
also known as "Brad Smith,"

Defendants.

: CRIMINAL NO.

: VIOLATIONS:

: 18 U.S.C. § 1512(k)

: (Conspiracy to Commit Obstruct Official
: Proceeding)

: 18 U.S.C. §§ 1512(c)(2), 2

: (Obstruction of an Official Proceeding and
: Aiding and Abetting)

: 18 U.S.C. § 231(a)(3)

: (Civil Disorder)

: 18 U.S.C. §§ 111(a)(1) and (b), 2

: (Assaulting, Resisting, or Impeding
: Certain Officers Using a Dangerous

: Weapon and Aiding and Abetting)

: 18 U.S.C. § 1752(a)(1) and (b)(1)(A)

: (Entering and Remaining in a Restricted
: Building or Grounds with a Deadly or
: Dangerous Weapon)

: 18 U.S.C. § 1752(a)(2) and (b)(1)(A)

: (Disorderly and Disruptive Conduct in a
: Restricted Building or Grounds with a
: Deadly or Dangerous Weapon)

: 18 U.S.C. §§ 1752(a)(3) and (b)(1)(A), 2

: (Impeding Ingress and Egress in a
: Restricted Building or Grounds with a
: Deadly or Dangerous Weapon and Aiding
: and Abetting)

: 18 U.S.C. §§ 1752(a)(4) and (b)(1)(A), 2

: (Engaging in Physical Violence in a
: Restricted Building or Grounds with a
: Deadly or Dangerous Weapon and Aiding
: and Abetting)

: 40 U.S.C. § 5104(e)(1)(A)(i)

: (Carrying a Dangerous Weapon in the
: Capitol Grounds or Buildings)

: 40 U.S.C. § 5104(e)(2)(D)

: (Disorderly Conduct in a Capitol Building
: or Grounds)

: 40 U.S.C. §§ 5104(e)(2)(E), 2

: (Impeding Passage Through the Capitol
: Grounds or Buildings and Aiding and
: Abetting)
: 40 U.S.C. § 5104(e)(2)(F)
: (Act of Physical Violence in the Capitol
: Grounds or Buildings)
: 40 U.S.C. § 5104(e)(2)(G)
: (Parading, Demonstrating, or Picketing in
: a Capitol Building)
:
: FILED UNDER SEAL

**GOVERNMENT’S MOTION TO SEAL
CRIMINAL INDICTMENT AND ARREST WARRANT**

The United States of America respectfully moves for this Court to issue an Order directing that the Criminal Indictment, Arrest Warrant, and this Motion to Seal and the accompanying Order to Seal, be placed under seal until further order of the Court. In support of its motion, the Government states as follows:

The government’s request for a Criminal Indictment for Marshall Neefe and Charles Bradford Smith, also known as “Brad Smith,” and arrest warrant for both defendants, is part of an ongoing covert grand jury investigation. At this time, the government requests that the Criminal Indictment, Arrest Warrant, and this Motion to Seal and the accompanying Order to Seal, be placed under seal because they, in substance, are part of, or relate to, this ongoing investigation. More specifically, disclosure of these documents through their inclusion on the public docket would endanger other aspects of the government’s ongoing investigation, the destruction of evidence and the safety of potential witnesses. In particular, disclosure might alert individuals who are the subject of investigation of the existence and extent of the investigation, and it might alert these same individuals of the particular methods being used by law enforcement to investigate their criminal activities. As such, disclosure would undoubtedly

frustrate the investigation, likely cause some subjects of the investigation to flee and/or destroy evidence, and could endanger the safety of law enforcement agents and witnesses. Accordingly, these facts present an extraordinary situation and a compelling governmental interest which justify sealing of documents pertaining to this investigation that are being submitted at this time. *See Washington Post v. Robinson*, 935 F.2d 282, 289 n.10 (D.C. Cir. 1991); *United States v. Hubbard*, 650 F.2d 293, 316-17 (D.C. Cir. 1980).

Upon execution of the arrest warrant for Marshall Neefe and Charles Bradford Smith, also known as "Brad Smith," the charging documents shall be unsealed.

WHEREFORE, for all the foregoing reasons, the government respectfully requests that the Criminal Indictment, Arrest Warrant, and this Motion to Seal and the accompanying Order to Seal, be placed under seal until further order of the Court.

Respectfully submitted,

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: **(Act of Physical Violence in the Capitol**
: **Grounds or Buildings)**
: **40 U.S.C. § 5104(e)(2)(G)**
: **(Parading, Demonstrating, or Picketing in**
: **a Capitol Building)**
:
: **FILED UNDER SEAL**

ORDER

Upon consideration of the Government's Motion to Seal the Criminal Indictment and Arrest Warrant for Marshall Neefe and Charles Bradford Smith, also known as "Brad Smith," it is hereby

ORDERED that the Criminal Indictment, Arrest Warrant for Marshall Neefe and Charles Bradford Smith, also known as "Brad Smith," and the Government's Motion to Seal, and this corresponding Court Order be sealed until further Order of this Court.

ORDERED that notwithstanding the sealing, the government may disclose the criminal indictment and arrest warrant for Marshall Neefe and Charles Bradford Smith, also known as "Brad Smith," in furtherance of its law enforcement and prosecution needs and discovery obligations.

ORDERED that upon execution of the arrest warrant for Marshall Neefe and Charles Bradford Smith, also known as "Brad Smith," in this case, the charging documents shall be unsealed.

Date: September 8, 2021

ZIA M. FARUQUI
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF COLUMBIA