

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

**Holding a Criminal Term**

**Grand Jury Sworn in on August 11, 2021**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO.</b>
	:	
<b>v.</b>	:	<b>MAGISTRATE NO. 21-MJ-578</b>
	:	
<b>DAVID NICHOLAS DEMPSEY,</b>	:	<b>VIOLATIONS:</b>
<b>Defendant.</b>	:	<b>18 U.S.C. § 231(a)(3)</b>
	:	<b>(Civil Disorder)</b>
	:	<b>18 U.S.C. §§ 1512(c)(2), 2</b>
	:	<b>(Obstruction of an Official Proceeding)</b>
	:	<b>18 U.S.C. §§ 111(a)(1), 2</b>
	:	<b>(Assaulting, Resisting, or Impeding</b>
	:	<b>Certain Officers)</b>
	:	<b>18 U.S.C. §§ 111(a)(1) and (b)</b>
	:	<b>(Assaulting, Resisting, or Impeding</b>
	:	<b>Certain Officers Using a Dangerous</b>
	:	<b>Weapon)</b>
	:	<b>18 U.S.C. §§ 1752(a)(1) and (b)(1)(A)</b>
	:	<b>(Entering and Remaining in a Restricted</b>
	:	<b>Building or Grounds with a Deadly or</b>
	:	<b>Dangerous Weapon)</b>
	:	<b>18 U.S.C. §§ 1752(a)(2) and (b)(1)(A)</b>
	:	<b>(Disorderly and Disruptive Conduct in a</b>
	:	<b>Restricted Building or Grounds with a</b>
	:	<b>Deadly or Dangerous Weapon)</b>
	:	<b>18 U.S.C. §§ 1752(a)(4) and (b)(1)(A)</b>
	:	<b>(Engaging in Physical Violence in a</b>
	:	<b>Restricted Building or Grounds with a</b>
	:	<b>Deadly or Dangerous Weapon)</b>
	:	<b>40 U.S.C. § 5104(e)(2)(D) and 18 U.S.C.</b>
	:	<b>§ 2</b>
	:	<b>(Disorderly Conduct in</b>
	:	<b>a Capitol Building or Grounds)</b>
	:	<b>40 U.S.C. § 5104(e)(2)(F)</b>
	:	<b>(Act of Physical Violence in the Capitol</b>
	:	<b>Grounds or Buildings)</b>

**INDICTMENT**

The Grand Jury charges that:

**COUNT ONE**

On or about January 6, 2021, within the District of Columbia, **DAVID NICHOLAS DEMPSEY**, committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officer lawfully engaged in the lawful performance of his/her official duties incident to and during the commission of a civil disorder, and the civil disorder obstructed, delayed, and adversely affected the conduct and performance of a federally protected function.

**(Civil Disorder, in violation of Title 18, United States Code, Section 231(a)(3))**

**COUNT TWO**

On or about January 6, 2021, within the District of Columbia and elsewhere, **DAVID NICHOLAS DEMPSEY**, attempted to, and did, corruptly obstruct, influence, and impede an official proceeding, that is, a proceeding before Congress, specifically, Congress's certification of the Electoral College vote as set out in the Twelfth Amendment of the Constitution of the United States and 3 U.S.C. §§ 15-18.

**(Obstruction of an Official Proceeding and Aiding and Abetting, in violation of Title 18, United States Code, Sections 1512(c)(2) and 2)**

**COUNT THREE**

On or about January 6, 2021, at or around 3:56 p.m. to 4:15 p.m., within the District of Columbia, **DAVID NICHOLAS DEMPSEY**, did forcibly assault, resist, oppose, impede, intimidate, and interfere with, an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such person was engaged in and on account of the

performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers and Aiding and Abetting, in violation of Title 18, United States Code, Sections 111(a)(1) and 2)**

**COUNT FOUR**

On or about January 6, 2021, at or around 4:02 p.m., within the District of Columbia, **DAVID NICHOLAS DEMPSEY**, using a deadly and dangerous weapon, that is, a pole-like object, did forcibly assault, resist, oppose, impede, intimidate, and interfere with, an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such officer or employee was engaged in or on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))**

**COUNT FIVE**

On or about January 6, 2021, at or around 4:12 p.m., within the District of Columbia, **DAVID NICHOLAS DEMPSEY**, using a deadly and dangerous weapon, that is, crutches, did forcibly assault, resist, oppose, impede, intimidate, and interfere with, an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such officer or employee was engaged in or on account of the performance of official duties, and where the

acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))**

**COUNT SIX**

On or about January 6, 2021, at or around 4:07 p.m., within the District of Columbia, **DAVID NICHOLAS DEMPSEY**, using a deadly and dangerous weapon, that is, a lacrimal agent, did forcibly assault, resist, oppose, impede, intimidate, and interfere with, an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such officer or employee was engaged in or on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))**

**COUNT SEVEN**

On or about January 6, 2021, within the District of Columbia, **DAVID NICHOLAS DEMPSEY**, did knowingly enter and remain in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, without lawful authority to do so, and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a pole-like object, crutches and a lacrimal agent.

**(Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Sections 1752(a)(1) and (b)(1)(A))**

**COUNT EIGHT**

On or about January 6, 2021, within the District of Columbia, **DAVID NICHOLAS DEMPSEY**, did knowingly, and with intent to impede and disrupt the orderly conduct of Government business and official functions, engage in disorderly and disruptive conduct in and within such proximity to, a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, when and so that such conduct did in fact impede and disrupt the orderly conduct of Government business and official functions, and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a pole-like object, crutches and a lacrimal agent.

**(Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Sections 1752(a)(2) and (b)(1)(A))**

**COUNT NINE**

On or about January 6, 2021, within the District of Columbia, **DAVID NICHOLAS DEMPSEY**, did knowingly, engage in any act of physical violence against any person and property in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a pole-like object, crutches and a lacrimal agent.

**(Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Sections 1752(a)(4) and (b)(1)(A))**

**COUNT TEN**

On or about January 6, 2021, within the District of Columbia, **DAVID NICHOLAS DEMPSEY**, willfully and knowingly engaged in disorderly and disruptive conduct within the United States Capitol Grounds and in any of the Capitol Buildings with the intent to impede, disrupt, and disturb the orderly conduct of a session of Congress and either House of Congress, and the orderly conduct in that building of a hearing before or any deliberation of, a committee of Congress or either House of Congress.

**(Disorderly Conduct in a Capitol Building and Aiding and Abetting**, in violation of Title 40, United States Code, Section 5104(e)(2)(D) and Title 18, United States Code, Section 2)

**COUNT ELEVEN**

On or about January 6, 2021, within the District of Columbia, **DAVID NICHOLAS DEMPSEY**, willfully and knowingly engaged in an act of physical violence within the United States Capitol Grounds and any of the Capitol Buildings.

**(Act of Physical Violence in the Capitol Grounds or Buildings**, in violation of Title 40, United States Code, Section 5104(e)(2)(F))

A TRUE BILL:

FOREPERSON.

*Channing D. Phillips/ATF*  
Attorney of the United States in  
and for the District of Columbia.