

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

Holding a Criminal Term

Grand Jury Sworn in on January 8, 2021

UNITED STATES OF AMERICA	:	CRIMINAL NO. 21-CR-35 (EGS)
	:	
v.	:	GRAND JURY ORIGINAL
	:	
JEFFREY SABOL,	:	VIOLATIONS:
PETER FRANCIS STAGER,	:	18 U.S.C. § 1512(c)(2), 2
MICHAEL JOHN LOPATIC SR.,	:	(Obstruction of an Official Proceeding)
CLAYTON RAY MULLINS,	:	18 U.S.C. §§ 111(a)(1) and (b), 2
JACK WADE WHITTON,	:	(Assaulting, Resisting, or Impeding
LOGAN JAMES BARNHART, and	:	Certain Officers Using a Dangerous
RONALD COLTON MCABEE	:	Weapon)
	:	18 U.S.C. § 111(a)(1)
Defendants.	:	(Assaulting, Resisting, or Impeding
	:	Certain Officers)
	:	18 U.S.C. § 2111
	:	(Robbery in a Federal Enclave)
	:	18 U.S.C. § 231(a)(3)
	:	(Civil Disorder)
	:	18 U.S.C. § 661
	:	(Theft in a Federal Enclave)
	:	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)(4) and (b)(1)(A)
	:	(Engaging in Physical Violence in a
	:	Restricted Building or Grounds)
	:	18 U.S.C. § 1752(a)(1)
	:	(Entering and Remaining in a Restricted
	:	Building or Grounds)
	:	18 U.S.C. § 1752(a)(2)
	:	(Disorderly and Disruptive Conduct in a
	:	Restricted Building or Grounds)
	:	18 U.S.C. § 1752(a)(4)

Case No.1:21-cr-35
Assign to: Judge Emmet G. Sullivan
Date Assigned: 08/04/2021
Description: SUPERSEDING INDICTMENT (B)
Case Related to 21-cr-35 (EGS)

- : **(Engaging in Physical Violence in a**
- : **Restricted Building or Grounds)**
- : **40 U.S.C. § 5104(e)(2)(F)**
- : **(Violent Entry and Disorderly Conduct in**
- : **a Capitol Building or Grounds)**

INDICTMENT

The Grand Jury charges that:

COUNT ONE

On or about January 6, 2021, within the District of Columbia and elsewhere, **JEFFREY SABOL, PETER FRANCIS STAGER, and MICHAEL JOHN LOPATIC SR.** attempted to, and did, corruptly obstruct, influence, and impede an official proceeding, that is, a proceeding before Congress, by entering and remaining in the United States Capitol without authority and committing an act of civil disorder.

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

COUNT TWO

On or about January 6, 2021, within the District of Columbia, **JEFFREY SABOL, PETER FRANCIS STAGER, JACK WADE WHITTON, and LOGAN JAMES BARNHART** using a deadly or dangerous weapon, that is, a baton, flag pole, and crutch, 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, that is, B.M., an officer from the Metropolitan Police Department, while such officer or employee was engaged in or on account of the performance of official duties.

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

COUNT THREE

On or about January 6, 2021, within the District of Columbia, **CLAYTON RAY MULLINS** and **RONALD COLTON MCABEE** did forcibly assault, resist, oppose, impede, intimidate, interfere and inflict bodily injury on, 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, that is, A.W., an officer from the Metropolitan Police Department.

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

COUNT FOUR

On or about January 6, 2021, within the District of Columbia, **CLAYTON RAY MULLINS** 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, that is, B.M., an officer from the Metropolitan Police Department, 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, in violation of Title 18, United States Code, Section 111(a)(1))

COUNT FIVE

On or about January 6, 2021, within the District of Columbia, **JEFFREY SABOL** and **JACK WADE WHITTON** 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, that is, A.W., an officer from the Metropolitan Police Department, 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, in violation of Title 18, United States Code, Section 111(a)(1))

COUNT SIX

On or about January 6, 2021, within the special maritime and territorial jurisdiction of the United States, **JEFFREY SABOL** did by force and violence, and by intimidation, take and attempt to take from the person or presence of another, that is, A.W., an officer from the Metropolitan Police Department, a thing of value, that is, a police baton

(Robbery in a Federal Enclave, in violation of Title 18, United States Code, Section 2111)

COUNT SEVEN

On or about January 6, 2021, within the District of Columbia, **MICHAEL JOHN LOPATIC SR.** and **RONALD COLTON MCABEE** 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, that is, C.M., an officer from the Metropolitan Police Department, 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, in violation of Title 18, United States Code, Section 111(a)(1))

COUNT EIGHT

On or about January 6, 2021, within the District of Columbia, **JEFFREY SABOL, JACK WADE WHITTON, CLAYTON RAY MULLINS, and RONALD COLTON MCABEE** committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officer, that is, Officer A.W., an officer from the Metropolitan Police Department, 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 NINE

On or about January 6, 2021, within the District of Columbia, **JEFFREY SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC SR., JACK WADE WHITTON, CLAYTON RAY MULLINS, and LOGAN JAMES BARNHART** committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officer, that is, Officer B.M., an officer from the Metropolitan Police Department, 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 TEN

On or about January 6, 2021, within the District of Columbia, **MICHAEL JOHN LOPATIC SR. and RONALD COLTON MCABEE** committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officer, that is, Officer C.M., an officer

from the Metropolitan Police Department, 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 ELEVEN

On or about January 6, 2021, within the special maritime and territorial jurisdiction of the United States, **MICHAEL JOHN LOPATIC SR.**, did take and carry away, with the intent to steal or purloin, the personal property of another, that is, a body-worn camera, from the person of another, that is Officer B.M., an officer from the Metropolitan Police Department.

(Theft in a Federal Enclave, in violation of Title 18, United States Code, Section 661)

COUNT TWELVE

On or about January 6, 2021, within the District of Columbia, **JACK WADE WHITTON** 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, that is, D.P., an officer from the Metropolitan Police Department, and other officers from the Metropolitan Police Department and United States Capitol Police, 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, in violation of Title 18, United States Code, Section 111(a)(1))

COUNT THIRTEEN

On or about January 6, 2021, within the District of Columbia, **JEFFREY SABOL** 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, that is, M.T., an officer from the Metropolitan Police Department, and other officers of the Metropolitan Police Department and United States Capitol Police,- 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, in violation of Title 18, United States Code, Section 111(a)(1))

COUNT FOURTEEN

On or about January 6, 2021, within the District of Columbia, **JEFFREY SABOL** 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, in violation of Title 18, United States Code, Section 111(a)(1))

COUNT FIFTEEN

On or about January 6, 2021, within the District of Columbia, **JEFFREY SABOL** 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 SIXTEEN

On or about January 6, 2021, within the District of Columbia, **JEFFREY SABOL**, **PETER FRANCIS STAGER**, **JACK WADE WHITTON**, and **RONALD COLTON MCABEE** did unlawfully and 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 baton, flag pole, crutch, and reinforced gloves.

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

COUNT SEVENTEEN

On or about January 6, 2021, within the District of Columbia, **JEFFREY SABOL**, **PETER FRANCIS STAGER**, **JACK WADE WHITTON**, and **RONALD COLTON MCABEE** 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 baton, flagpole, crutch, and reinforced gloves.

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

COUNT EIGHTEEN

On or about January 6, 2021, within the District of Columbia, **JEFFREY SABOL**, **PETER FRANCIS STAGER**, **JACK WADE WHITTON**, and **RONALD COLTON MCABEE** 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 baton, flag pole, crutch, and reinforced gloves.

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

COUNT NINETEEN

On or about January 6, 2021, within the District of Columbia, **MICHAEL JOHN LOPATIC SR.**, **CLAYTON RAY MULLINS**, and **LOGAN JAMES BARNHART** did unlawfully and 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.

(Entering and Remaining in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1752(a)(1))

COUNT TWENTY

On or about January 6, 2021, within the District of Columbia, **MICHAEL JOHN LOPATIC SR., CLAYTON RAY MULLINS, and LOGAN JAMES BARNHART** 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.

(Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1752(a)(2))

COUNT TWENTY-ONE

On or about January 6, 2021, within the District of Columbia, **MICHAEL JOHN LOPATIC SR., CLAYTON RAY MULLINS, and LOGAN JAMES BARNHART** 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.

(Engaging in Physical Violence in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1752(a)(4))

COUNT TWENTY TWO

On or about January 6, 2021, within the District of Columbia, **JEFFREY SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC SR., JACK WADE WHITTON, CLAYTON RAY MULLINS, LOGAN JAMES BARNHART, and RONALD COLTON**

MCABEE 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.