

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

**DONNIE DUANE WREN, and
THOMAS HARLEN SMITH,**

Defendants.

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Case No. 21-CR-599 (RBW)

BILL OF PARTICULARS

The United States of America, by and through its undersigned counsel, hereby files this Bill of Particulars. This Bill is filed in response to the Court's order of April 12, 2023, which requires the government to set forth the means by which defendant Wren committed the offenses charged in Counts Eight, Nine, Thirteen, and Fourteen.

1. In Count Eight, the defendant Donnie Duane Wren is charged with disorderly and disruptive conduct in a restricted building or grounds, in violation of 18 U.S.C. § 1752(a)(2). The defendant committed this offense by joining the mob of rioters that overwhelmed police and stormed the Capitol grounds on January 6, 2021, including by: (1) occupying a restricted area in a way that halted Congress's orderly electoral certification process and prevented it from resuming, (2) refusing to move from the restricted area despite police attempts to clear it, (3) climbing up to and crowding the Lower West Terrace and the Upper West Terrace of the Capitol, and (4) physically pushing with both hands on a police riot shield against a line of officers (including officers from Prince George's County and the Metropolitan Police Department) who were attempting to clear the Upper West Terrace so that Congress's electoral certification process could resume. The government will prove that the defendant knew these grounds were restricted based on barricades around and within the area, the context of the riot, the conduct of other rioters around

him, the clashes of rioters with police, and the commands and tactical attempts of officers who were trying to clear the area. The defendant's presence on the grounds and membership in the mob impeded the orderly conduct of government business and official functions because Congress could not resume its business while rioters remained on Capitol grounds. He also impeded the orderly conduct of government business and official functions by crowding, and then actively resisting, the police officers who were attempting to restore order. On January 6, 2021, the Capitol building and grounds were restricted, for purposes of this statute, because persons protected by the Secret Service (Vice President Pence and his family) were temporarily visiting.

2. In Count Nine, the defendant Donnie Duane Wren is charged with engaging in physical violence in a restricted building or grounds, in violation of 18 U.S.C. § 1752(a)(4). The defendant committed this offence by physically pushing with both hands on a police riot shield against a line of officers, including officers from Prince George's County and the Metropolitan Police Department, attempting to clear the Upper West Terrace of the Capitol. The Capitol building and grounds were restricted , for purposes of this statute, for the same reason articulated in paragraph 1, above.

3. In Count Thirteen, the defendant Donnie Duane Wren is charged with engaging in disorderly conduct in a Capitol building, in violation of 40 U.S.C. § 5104(e)(2)(D). The defendant committed this offence by participating in the mob of rioters that overwhelmed police and stormed the Capitol on January 6, 2021, including the conduct outlined in paragraph 1, above. As explained above, this conduct was designed to, and did, disrupt and disturb the orderly conduct of a session of Congress because Congress could not resume its business until the rioters were removed from the Capitol grounds.

4. In Count Fourteen, the defendant Donnie Duane Wren is charged with engaging in

in an act of physical violence within the United States Capitol Grounds or any of the Capitol Buildings, in violation of 40 U.S.C. § 5104(e)(2)(F). The defendant committed this offence by committing the same violent conduct outlined in paragraph 2, above, on the grounds of the United States Capitol.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney
D.C. Bar No. 481052

By: /s/ Victoria A. Sheets
VICTORIA A. SHEETS
Assistant United States Attorney
NY Bar No. 5548623
601 D Street NW
District of Columbia, DC 20530
(202) 252-7566
victoria.sheets@usdoj.gov

MELANIE L. ALSWORTH
Ark. Bar No. 2002095
Trial Attorney
On detail to the USAO-DC
601 D Street, N.W.
Washington, DC 20530
(202) 598-2285
melanie.alsworth2@usdoj.gov

TIGHE R. BEACH
Assistant United States Attorney
601 D Street NW
Washington, D.C. 20530
CO Bar No. 55328
(240) 278-4348
tighe.beach@usdoj.gov