

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	
	:	
JEFFREY SABOL,	:	CRIMINAL NO. 21-CR-35 (EGS)
	:	
PETER FRANCIS STAGER,	:	UNDER SEAL
	:	
MICHAEL JOHN LOPATIC, SR.,	:	
	:	
CLAYRON RAY MULLINS,	:	
	:	
JACK WADE WHITTON,	:	
	:	
LOGAN JAMES BARNHART,	:	
	:	
RONALD COLTON MCABEE,	:	
	:	
MASON JOEL COURSON, and	:	
	:	
JUSTIN JERSEY,	:	
	:	
Defendants.	:	

MOTION TO DOCKET REDACTED THIRD SUPERSEDING INDICTMENT

The United States of America, by and through the United States Attorney for the District of Columbia, respectfully moves for an order to publicly docket the attached redacted version of the Fourth Superseding Indictment.

In support thereof, the government states as follows:

1. On November 17, 2021, the Court granted the government’s motion to seal the Third Superseding Indictment; the Arrest Warrants for Mason Joel Courson and Justin Jersey (the

“newly indicted defendants”); the government’s motion to seal; the order granting the government’s motion; and any related materials. The present motion is a related material.

2. On the morning of December 2, 2021, Justin Jersey, the ninth defendant in the indictment and one of the newly indicted defendants, was arrested. Mason Joel Courson, the eighth defendant in the indictment and the other newly indicted defendant, has not yet been arrested.

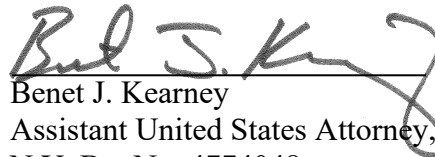
3. To facilitate the public’s presumptive right of access to court proceedings, *see Washington Post v. Robinson*, 935 F.2d 282, 288 (D.C. Cir. 1999), and the dissemination of the Third Superseding Indictment to the eight defendants who have been arrested or presented, the government respectfully moves the Court to direct the Clerk to publicly docket the attached redacted version of the Third Superseding Indictment. This version redacts references to Mason Joel Courson, who has not yet been arrested, and the charges against him.

WHEREFORE, the United States respectfully requests that this Court issue an Order directing that the Clerk of the Court immediately publicly docket the attached redated version of the Third Superseding Indictment and the executed arrest warrant for Justin Jersey, but not the unexecuted warrant for Mason Joel Courson.

Respectfully submitted,

MATTHEW M GRAVES
UNITED STATES ATTORNEY

By:

A handwritten signature in black ink, appearing to read "Benet J. Kearney", written over a horizontal line.

Benet J. Kearney
Assistant United States Attorney, Detailee
N.Y. Bar No. 4774048
1 Saint Andrew's Plaza
New York, New York 10007
Office: (212) 637-2260
Benet.Kearney@usdoj.gov

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	
	:	
JEFFREY SABOL,	:	CRIMINAL NO. 21-CR-35 (EGS)
	:	
PETER FRANCIS STAGER,	:	UNDER SEAL
	:	
MICHAEL JOHN LOPATIC, SR.,	:	
	:	
CLAYRON RAY MULLINS,	:	
	:	
JACK WADE WHITTON,	:	
	:	
LOGAN JAMES BARNHART,	::	
	:	
RONALD COLTON MCABEE,	:	
	:	
MASON JOEL COURSON, and	:	
	:	
JUSTIN JERSEY,	:	
	:	
Defendants.	:	

ORDER

This matter having come before the Court pursuant to the application of the United States to publicly docket a redacted version of the Third Superseding Indictment and the arrest warrant for Justin Jersey, the Court finds that the public’s right of access to information about arrested and charged defendants justifies the request.

1. IT IS THEREFORE ORDERED that the application is hereby GRANTED, and that Clerk's office shall docket the attached redacted version of the Third Superseding Indictment and the executed arrest warrant for Justin Jersey, but not the unexecuted warrant for Mason Joel Courson.

Date: December , 2021

ZIA M. FARUQUI
UNITED STATES MAGISTRATE JUDGE

RECEIVED

NOV 17 2021

Clerk, U.S. District and
Bankruptcy Courts

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

Holding a Criminal Term

Grand Jury Sworn in on August 11, 2021

UNITED STATES OF AMERICA	:	CRIMINAL NO. 21-CR-035 (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)
JACK WADE WHITTON,	:	(Assaulting, Resisting, or Impeding
LOGAN JAMES BARNHART,	:	Certain Officers)
RONALD COLTON MCABEE,	:	18 U.S.C. § 231(a)(3)
[REDACTED] and	:	(Civil Disorder)
JUSTIN JERSEY	:	18 U.S.C. §§ 111(a)(1) and (b), 2
	:	(Assaulting, Resisting, or Impeding
Defendants.	:	Certain Officers Using a Dangerous
	:	Weapon)
	:	18 U.S.C. § 2111
	:	(Robbery in a Federal Enclave)
	:	18 U.S.C. § 661
	:	(Theft in a Federal Enclave)
	:	18 U.S.C. §§ 111(a)(1) and (b)
	:	(Assaulting, Resisting, or Impeding
	:	Certain Officers Using a Dangerous
	:	Weapon)
	:	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 with a
	:	Deadly or Dangerous Weapon)
	:	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)
- : (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, 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 TWO

On or about January 6, 2021, at or around 2:04 p.m., 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, including but not limited to M.T., 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 THREE

On or about January 6, 2021, at or around 2:04 p.m., 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 which in any way and degree obstructed, delayed, and adversely affected commerce and the movement of any article and commodity in commerce and the conduct and performance of any federally protected function.

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

COUNT FOUR

On or about January 6, 2021, at or around 2:27 p.m., 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 FIVE

On or about January 6, 2021, at or around 2:27 p.m., 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 which in any way and degree obstructed, delayed, and adversely affected commerce and the movement of any article and commodity in commerce and the conduct and performance of any federally protected function.

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

COUNT SIX

On or about January 6, 2021, at or around 2:33 p.m., 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 which in any way and degree obstructed, delayed, and adversely affected commerce and the movement of any article and commodity in commerce and the conduct and performance of any federally protected function.

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

COUNT EIGHT

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 NINE

On or about January 6, 2021, at or around 4:27 p.m. to 4:29 p.m., within the District of Columbia, **JEFFREY SABOL, CLAYTON RAY MULLINS, JACK WADE WHITTON, RONALD COLTON MCABEE, and JUSTIN JERSEY**, did forcibly assault, resist, oppose, impede, intimidate, interfere with, 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, that is, A.W., an officer from the Metropolitan Police Department, 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.

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

COUNT TEN

On or about January 6, 2021, at or around 4:27 p.m. to 4:29 p.m., within the District of Columbia, **JEFFREY SABOL, PETER FRANCIS STAGER, JACK WADE WHITTON, LOGAN JAMES BARNHART** [REDACTED] 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, 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 and Aiding and Abetting, in violation of Title 18, United States Code, Sections 111(a)(1) and (b), and 2)

COUNT ELEVEN

On or about January 6, 2021, at or around 4:27 p.m. to 4:29 p.m., within the District of Columbia, **CLAYTON RAY MULLINS** [REDACTED] 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 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 TWELVE

On or about January 6, 2021, at or around 4:27 p.m. to 4:29 p.m., 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 THIRTEEN

On or about January 6, 2021, at or around 4:27 p.m. to 4:29 p.m., within the District of Columbia, **JUSTIN JERSEY**, using a deadly or dangerous weapon, that is, a baton, 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 FOURTEEN

On or about January 6, 2021, at or around 4:27 p.m. to 4:29 p.m., within the District of Columbia, **JEFFREY SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC SR., JACK WADE WHITTON, CLAYTON RAY MULLINS, LOGAN JAMES BARNHART, RONALD COLTON MCABEE,** [REDACTED] and **JUSTIN JERSEY**, 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 which in any way and degree obstructed, delayed, and adversely affected commerce and the movement of any article and commodity in commerce and the conduct and performance of any federally protected function.

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

COUNT FIFTEEN

On or about January 6, 2021, at or around 4:29 p.m., 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 SIXTEEN

On or about January 6, 2021, at or around 4:48 p.m., 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, 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 SEVENTEEN

On or about January 6, 2021, at or around 4:48 p.m., within the District of Columbia, **JACK WADE WHITTON**, 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 which in any way and degree obstructed, delayed, and adversely affected commerce and the movement of any article and commodity in commerce and the conduct and performance of any federally protected function.

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

COUNT EIGHTEEN

On or about January 6, 2021, within the District of Columbia, **JEFFREY SABOL, PETER FRANCIS STAGER, JACK WADE WHITTON, RONALD COLTON MCABEE,** [REDACTED] and **JUSTIN JERSEY** 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 was 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 stick, 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 NINETEEN

On or about January 6, 2021, within the District of Columbia, **JEFFREY SABOL, PETER FRANCIS STAGER, JACK WADE WHITTON, RONALD COLTON MCABEE,** [REDACTED] and **JUSTIN JERSEY**, 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 was 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 stick, baton, flag pole, 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 TWENTY

On or about January 6, 2021, within the District of Columbia, **JEFFREY SABOL, PETER FRANCIS STAGER, JACK WADE WHITTON, RONALD COLTON MCABEE,** [REDACTED] and **JUSTIN JERSEY**, 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 was temporarily visiting and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a stick, 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 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 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 was 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-TWO

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 was 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-THREE

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 was 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-FOUR

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, RONALD COLTON MCABEE,** [REDACTED] and **JUSTIN JERSEY** 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.

Matthew M. Graves/ATF
Attorney of the United States in
and for the District of Columbia.