

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 22-CR-25 (APM)
	:	
KIRSTYN NIEMELA,	:	
	:	
Defendant.	:	

**GOVERNMENT’S MOTION TO DISMISS CASE
AGAINST DEFENDANT KIRSTYN NIEMELA**

On April 27, 2022, the Grand Jury returned a superseding indictment in United States v. Michael Eckerman, 21 CR 623 (CRC) which added Kirstyn Niemela as a co-defendant in that case. She is now charged in 21 CR 623 in Counts 3, 4, 6, and 8 with the same four misdemeanors counts as in the present case. *See* ECF 24, United States v. Eckerman & Niemela, 21 CR 623. Such joinder is allowed under Fed. R. Evid. 8(b) and is judicially economical should both defendants desire a trial. Therefore, the United States moves to dismiss the duplicative charges in case 22 CR 25 as against the Defendant Kirstyn Niemela only.¹

BACKGROUND

The Defendant is alleged to have violated 18 U.S.C. § 1752(a)(1) and (2) (Enter and Remaining in any Restricted Building or Grounds and Disorderly and Disruptive Conduct in any Restricted Building or Grounds) and 40 U.S.C. § 5104(e)(2)(D), and (G), (Disorderly Conduct in a Capitol Building and Parading, Demonstrating, or Picketing in any of the Capitol Buildings) for their entry in the United States Capitol Building on January 6, 2021. She was charged by Complaint in 22-mj-13 (GMH) on January 14, 2022, and arrested January 18, 2022. An

¹ Stefanie Chiguer is also charged in 22 CR 25. She has entered a guilty plea and sentencing is set August 10, 2022.

Information was filed January 19, 2022. *See* ECF 11. The Defendant is seen with Michael Eckerman on United States Capitol Police surveillance videos and in Instagram posts as depicted and discussed in their Complaint and Statement of Facts (22-mj-13, ECF 1, 1-1).

The United States has contacted the attorney for the Defendant, and she does not oppose this motion.

Therefore, the United States respectfully requests this case be dismissed without prejudice.

Respectfully submitted,

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