

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No.: 21-CR-721-CKK
	:	
v.	:	
	:	
HOWARD CHARLES RICHARDSON,	:	
	:	
Defendant.	:	
	:	

JOINT SUBMISSION IN SUPPORT OF PLEA HEARING (AMENDED)

Pursuant to a written plea agreement, dated February 20, 2022, and signed by the defendant, HOWARD CHARLES RICHARDSON (the “defendant”) on April 13, 2022, and by his counsel on April 21, 2022, the defendant agreed to plead guilty to the lesser included violation of Count Two of the Indictment, charging the defendant with Assaulting, Resisting, or Impeding Certain Officers, in violation of 18 U.S.C. § 111(a)(1).

The plea agreement was entered pursuant to Fed. R. Crim. P. 11(c)(1)(A), as the defendant intends to plead guilty to the lesser included violation of Count Two, and, in consideration of such guilty plea, the government intends to move to dismiss Counts One, Three, Four, Five, Six, and Seven, and will not further prosecute the conduct set forth in the Statement of Offense.

I. Charged Offenses and Statutory Provisions

The defendant is charged in the Indictment with seven offenses:

Count One: Civil Disorder, in violation of 18 U.S.C. § 231(a)(3);

Count Two: Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of 18 U.S.C. § 111(a)(1) and (b);

Count Three: Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of 18 U.S.C. § 1752(a)(1) and (b)(1)(A);

Count Four: Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of 18 U.S.C. § 1752(a)(2) and (b)(1)(A);

Count Five: Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of 18 U.S.C. § 1752(a)(4) and (b)(1)(A);

Count Six: Disorderly Conduct in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(D); and

Count Seven: Act of Physical Violence in the Capitol Grounds or Buildings, in violation of 40 U.S.C. § 5104(e)(2)(F).

II. Charge in Plea and Statutory Provisions

As part of the plea agreement, the defendant has agreed to plead guilty to the lesser included violation of Count Two, Assaulting, Resisting, or Impeding Certain Officers, in violation of 18 U.S.C. § 111(a)(1).

This lesser included violation of Count Two does not require that the defendant used a deadly or dangerous weapon or inflicted bodily injury in the commission of the offense, and does not carry the enhanced penalty of 20 years in custody set forth in 18 U.S.C. § 111(b), Enhanced Penalty.

III. Elements of the Offense to which the Defendant is Pleading Guilty

To prove that the defendant is guilty of the lesser included violation of Count Two, Assaulting, Resisting, or Impeding Certain Officers, the government must prove the following beyond a reasonable doubt:

First, that the defendant assaulted, resisted, opposed, impeded, intimidated, or interfered with R.N., an officer from the Metropolitan Police Department;

Second, that the defendant did so forcibly;

Third, that the defendant did so intentionally;

Fourth, that R.N. was a person assisting an officer or employee of the United States who was then engaged in the performance of his official duties in the performance of that officer's duties; and

Fifth, the defendant made physical contact with the officer or acted with the intent to commit another felony.

IV. Plea Agreement and Statement of Offense

The parties have signed a written plea agreement and a written statement of offense. Copies of both are submitted to the Court along with this summary.

V. Penalties

The maximum penalties for Assaulting, Resisting, or Impeding Certain Officers, in violation of 18 U.S.C. § 111(a)(1), are as follows:

- a. a term of imprisonment of not more than eight years;
- b. a fine of \$250,000 or twice the pecuniary gain or loss of the offense, pursuant to 18 U.S.C. §§ 3571(b)(3) and (d);
- c. a special assessment of \$100;
- d. a term of supervised release of not more than 3 years, pursuant to 18 U.S.C. § 3583(b)(2); and
- e. an obligation to pay any applicable interest or penalties on fines and restitution not timely made.

VI. Guidelines Calculations

Although the parties agree that the sentence to be imposed will be determined by the Court, pursuant to the factors set forth in 18 U.S.C. § 3553(a), the parties agree that the following U.S. Sentencing Guidelines calculations apply in this case:

Pursuant to U.S.S.G. § 2A2.2(a), the Base Offense Level is 14.

Pursuant to U.S.S.G. § 2A2.2(b)(2)(B), 4 levels are added because the defendant used a dangerous weapon to strike the officer.

Pursuant to U.S.S.G. § 3A1.2, an additional 6 levels are added because the victim was a government officer or employee, and the offense was motivated by that status.

With a three-level reduction for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1, the parties have agreed that the estimated offense level will be at least 21. Based upon the information now available to the government, the defendant has no criminal convictions eligible for inclusion in the Criminal History Category calculation under U.S.S.G. § 4A.1, and is estimated to be within Criminal History Category I. Accordingly, the defendant's estimated Sentencing Guidelines range is 37 months to 46 months.¹ In addition, pursuant to U.S.S.G. § 5E1.2, should the Court impose a fine, at Guidelines level 21, the estimated applicable fine range is \$15,000 to \$150,000.

Respectfully submitted,

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By: /s/ Emily W. Allen
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Assistant United States Attorney
Cal. Bar No. 234961

¹ In an draft of this submission submitted to the Court and reviewed by counsel, government counsel incorrectly described the Guidelines range as 30 to 37 months. That error is not reflected in the plea agreement that was reviewed and signed by the defendant, and the defendant did not review or rely upon that incorrect draft. The parties agree that the Estimated Guidelines Range of 37 to 46 months, as set forth on page 4 of the Plea Agreement, is correct.