

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

UNITED STATES OF AMERICA,

v.

STEVEN CAPPuccio,

Defendant.

Case No. 1:21-cr-0040-8 (TNM)

For the reasons stated in the oral ruling on July 20, 2023, based on the evidence presented in the record, the Court finds the defendant, Steven Cappuccio, **GUILTY** beyond a reasonable doubt on the following charges in the Fifth Superseding Indictment, ECF No. 180:

As to Count 28, the charge of forcibly assaulting, resisting, opposing, and impeding an officer and employee of the United States, and of any branch of the United States Government, while such officer or employee was engaged in the performance of official duties, and where the acts involve physical contact with the victim and the intent to commit another felony, in violation of 18 U.S.C. 111(a)(1);

As to Count 29, the charge of using a deadly or dangerous weapon to forcibly assault, resist, oppose, impede, and interfere with an officer and employee of the United States and any person assisting such an officer and employee, while such officer or employee was engaged in 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, in violation of 18 U.S.C. 111(a)(1) and (b);

As to Count 30, the charge of forcibly taking and attempting to take from the person or presence of another a thing of value within the special maritime and territorial jurisdiction of the United States, in violation of 18 U.S.C. § 2111;

As to Count 35, the charge of committing or attempting to commit an act to obstruct, impede, and interfere with a law enforcement officer lawfully engaged in the lawful performance of his official duties, incident to and during the commission of a civil disorder which in any way 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, in violation of 18 U.S.C. § 231(a)(3);

As to Count 42, the charge of knowingly and with the intent to impede and disrupt the orderly conduct of Government business and official functions, engaging 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, in violation of 18 U.S.C. 1752(a)(2) and (b)(1)(A);

As to Count 50, the charge of knowingly engaging in an 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, in violation of 18 U.S.C. § 1752(a)(4) and (b)(1)(A); and

As to Count 53, the charge of willfully and knowingly engaging in an act of physical violence within the United States Capitol Grounds and any of the Capitol Buildings, in violation of 40 U.S.C. § 5104(e)(2)(G).

However, for the reasons stated in the oral ruling on July 20, 2023, based on the evidence presented in the record, the Court finds the defendant, Steven Cappuccio, **NOT GUILTY** of

Count 34, the charge of attempting to and in fact corruptly obstructing, influencing, and impeding 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, in violation of 18 U.S.C. §§ 1512(c) and 2; and

Count 52, the charge of willfully and knowingly engaging in disorderly and disruptive conduct within the United States Capitol Grounds and in any of the Capitol Buildings with the intent to impede, disrupt, and disturb the orderly conduct of a session of Congress and either House of Congress, and the orderly conduct in that building of a hearing before or any deliberation of, a committee of Congress or either House of Congress, in violation of 40 U.S.C. § 5104(e)(2)(D).

SO ORDERED.

Dated: July 21, 2023

TREVOR N. McFADDEN, U.S.D.J.