

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Holding a Criminal Term

Grand Jury Sworn in on September 15, 2022

UNITED STATES OF AMERICA

v.

DANIEL F. LEYDEN, and
JOSEPH P. LEYDEN,

Defendants.

: CRIMINAL NO. 22-cr-314
 :
 : MAGISTRATE NO. 22-mj-00180-RMM
 :
 : VIOLATIONS:
 :
 : 18 U.S.C. §§ 111(a)(1) and (b)
 : (Assaulting, Resisting, or Impeding
 : Certain Officers Using a Dangerous
 : Weapon)
 : 18 U.S.C. §§ 111(a)(1)
 : (Assaulting, Resisting, or Impeding
 : Certain Officers)
 : 18 U.S.C. §§ 231(a)(3)
 : (Civil Disorder)
 : 18 U.S.C. §§ 1752(a)(1), (b)(1)(A)
 : (Entering and Remaining 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), (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)(2)
 : (Disorderly and Disruptive Conduct in a
 : Restricted Building or Grounds)
 : 18 U.S.C. §§ 1752(a)(4), (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)(4)
 : (Engaging in Physical Violence in a
 : Restricted Building or Grounds)
 : 40 U.S.C. §§ 5104(e)(2)(F)
 : (Act of Physical Violence in the Capitol
 : Grounds or Buildings)

INDICTMENT

The Grand Jury charges that:

COUNT ONE

On or about January 6, 2021, within the District of Columbia, **DANIEL F. LEYDEN**, using a deadly and dangerous weapon, that is, a metal crowd control barrier, 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), that is, Officer N.R., an officer with the United States Capitol Police, while such person 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, Inflicting Bodily Injury, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))

COUNT TWO

On or about January 6, 2021, within the District of Columbia, **DANIEL F. LEYDEN**, committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officer, that is, Officer N.R., an officer with the United States Capitol Police, lawfully engaged in the lawful performance of 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 THREE

On or about January 6, 2021, within the District of Columbia, **JOSEPH P. LEYDEN**, 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), that is, Officer K.W., an officer with the Metropolitan Police Department, while such person was engaged in and on account of the performance of his 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 and Aiding and Abetting, in violation of Title 18, United States Code, Sections 111(a)(1))

COUNT FOUR

On or about January 6, 2021, within the District of Columbia, **JOSEPH P. LEYDEN**, committed and attempted to commit an act to obstruct, impede, and interfere with law enforcement officers, that is, Officer K.W., an officer with the Metropolitan Police Department, lawfully engaged in the lawful performance of his 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 FIVE

On or about January 6, 2021, within the District of Columbia, **DANIEL F. LEYDEN**, 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 and would be 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 metal crowd control barrier.

(Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Sections 1752(a)(1) and (b)(1)(A))

COUNT SIX

On or about January 6, 2021, within the District of Columbia, **JOSEPH P. LEYDEN**, 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 and would be 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 SEVEN

On or about January 6, 2021, within the District of Columbia, **DANIEL F. LEYDEN**, 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 and would be 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 metal crowd control barrier.

(Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Sections 1752(a)(2) and (b)(1)(A))

COUNT EIGHT

On or about January 6, 2021, within the District of Columbia, **JOSEPH P. LEYDEN**, 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 and would be 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, Aiding and Abetting, in violation of Title 18, United States Code, Section 1752(a)(2))

COUNT NINE

On or about January 6, 2021, within the District of Columbia, **DANIEL F. LEYDEN**, 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 and would be temporarily visiting, and, during an in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a metal crowd control barrier.

(Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, Aiding and Abetting, in violation of Title 18, United States Code, Sections 1752(a)(4) and (b)(1)(A))

COUNT TEN

On or about January 6, 2021, within the District of Columbia, **JOSEPH P. LEYDEN**, 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 and would be temporarily visiting.

(Engaging in Physical Violence in a Restricted Building or Grounds, in violation of Title 18, United States Code, Sections 1752(a)(4))

COUNT ELEVEN

On or about January 6, 2021, within the District of Columbia, **DANIEL F. LEYDEN**, and **JOSEPH P. LEYDEN**, 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, Sections 5104(e)(2)(F))

A TRUE BILL:

FOREPERSON.

Matthew M. Gonzales
MB

Attorney of the United States in
and for the District of Columbia.