

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Criminal Division—Misdemeanor Branch**

UNITED STATES OF AMERICA

v.

**EARL GLOSSER
KRISTINA MALIMON,**

Defendants.

Case Nos.

2021 CMD 000187

2021 CMD 000195

Hon. Neal Kravitz

Trial: October 3, 2022

GOVERNMENT’S REQUEST FOR JUDICIAL NOTICE OF STATUTE

The United States, by and through its attorney, the United States Attorney for the District of Columbia, respectfully request that this Court take judicial notice of the following statutes:

- A. 2 U.S.C. § 1961 (a statute entitled “Policing on Capitol Grounds”)¹;
- B. 2 U.S.C. § 1963 (a statute entitled “Protection of grounds”)²;
- C. 2 U.S.C. § 1966 (a statute entitled “Protection of Members of Congress, officers of Congress, and members of their families”); and
- D. D.C. Code § 10-503.13 (a statute entitled “Obstruction of roads”).

Copies of the full text of each statute are attached as Exhibits A, B, C, and D.

ARGUMENT

The Government intends on relying on these statutes as evidence in support of the second element of this offense: that the defendants lacked lawful authority to remain on U.S. Capitol Grounds. The precedent in this jurisdiction is clear that Court has authority to take “judicial notice of the laws and statutes of the jurisdiction in which the court sits.” *Gaither v. District of Columbia*,

¹ The same statute is also codified in the D.C. Code at § 10-503.19.

² The same statute is also codified in the D.C. Code at § 10-503.02

333 A.2d 57, 59 (D.C. 1975). In *Gaither*, the D.C. Court of Appeals elaborated that: [s]uch a rule is self-evident under our system of jurisprudence. Indeed, to require a litigant in the Superior Court to prove statutes enacted by Congress for the District of Columbia would be absurd.” *Id.* at 59-60.

CONCLUSION

For all the foregoing reasons, the Government requests that the Court take judicial notice the appended statutes.

Respectfully submitted,

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Deputy Chief, Major Crimes Section

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EXHIBIT A

United States Code Annotated
Title 2. The Congress (Refs & Annos)
Chapter 29. Capitol Police
Subchapter II. Powers and Duties

2 U.S.C.A. § 1961

Formerly cited as 40 USCA § 212a

§ 1961. Policing of Capitol Buildings and Grounds

Currentness

(a) The Capitol Police shall police the United States Capitol Buildings and Grounds under the direction of the Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, and shall have the power to enforce the provisions of this section, sections 1922, 1966, 1967, and 1969 of this title (and regulations promulgated under section 1969 of this title), and chapter 51 of Title 40, and to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto: *Provided*, That for the fiscal year for which appropriations are made by this Act the Capitol Police shall have the additional authority to make arrests within the District of Columbia for crimes of violence, as defined in section 16 of Title 18, committed within the Capitol Buildings and Grounds and shall have the additional authority to make arrests, without a warrant, for crimes of violence, as defined in section 16 of Title 18, committed in the presence of any member of the Capitol Police performing official duties: *Provided further*, That the Metropolitan Police force of the District of Columbia are authorized to make arrests within the United States Capitol Buildings and Grounds for any violation of any such laws or regulations, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the consent or upon the request of the Capitol Police Board, to enter such buildings to make arrests in response to complaints or to serve warrants or to patrol the United States Capitol Buildings and Grounds. For the purpose of this section, the word “grounds” shall include the House Office Buildings parking areas and that part or parts of property which have been or hereafter are acquired in the District of Columbia by the Architect of the Capitol, or by an officer of the Senate or the House, by lease, purchase, intergovernment transfer, or otherwise, for the use of the Senate, the House, or the Architect of the Capitol.

(b) For purposes of this section, “the United States Capitol Buildings and Grounds” shall include any building or facility acquired by the Sergeant at Arms of the Senate for the use of the Senate for which the Sergeant at Arms of the Senate has entered into an agreement with the United States Capitol Police for the policing of the building or facility.

(c) For purposes of this section, “the United States Capitol Buildings and Grounds” shall include any building or facility acquired by the Chief Administrative Officer of the House of Representatives for the use of the House of Representatives for which the Chief Administrative Officer has entered into an agreement with the United States Capitol Police for the policing of the building or facility.

(d) For purposes of this section, “United States Capitol Buildings and Grounds” shall include the Library of Congress buildings and grounds described under section 167j of this title, except that in a case of buildings or grounds not located in the District of Columbia, the authority granted to the Metropolitan Police Force of the District of Columbia shall be granted to any police force within whose jurisdiction the buildings or grounds are located.

CREDIT(S)

(July 31, 1946, c. 707, § 9, 60 Stat. 719; Pub.L. 93-198, Title VII, § 739(g)(4), (5), Dec. 24, 1973, 87 Stat. 829; Pub.L. 101-520, Title I, § 106, formerly § 106(a), Nov. 5, 1990, 104 Stat. 2264, renumbered § 106 and amended Pub.L. 102-392, Title III, § 310, Oct. 6, 1992, 106 Stat. 1723; Pub.L. 102-397, Title I, § 103, Oct. 6, 1992, 106 Stat. 1950; Pub.L. 107-117, Div. B, §§ 901(c)(2), 903(c)(2), Jan. 10, 2002, 115 Stat. 2316, 2317; Pub.L. 107-206, Title I, §§ 902(b), 903(b), Aug. 2, 2002, 116 Stat. 876; Pub.L. 108-7, Div. H, Title I, § 1016(c), Feb. 20, 2003, 117 Stat. 365; Pub.L. 110-161, Div. H, Title I, § 1004(d)(1) (A), Dec. 26, 2007, 121 Stat. 2233; Pub.L. 110-178, § 4(a)(1), Jan. 7, 2008, 121 Stat. 2551; Pub.L. 111-145, § 6(d)(1), Mar. 4, 2010, 124 Stat. 54.)

2 U.S.C.A. § 1961, 2 USCA § 1961

Current through P.L. 117-179. Some statute sections may be more current, see credits for details.

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EXHIBIT B

United States Code Annotated
Title 2. The Congress (Refs & Annos)
Chapter 29. Capitol Police
Subchapter II. Powers and Duties

2 U.S.C.A. § 1963
Formerly cited as 40 USCA § 214

§ 1963. Protection of grounds

Effective: August 21, 2002

Currentness

It shall be the duty of the Capitol police on and after April 29, 1876, to prevent any portion of the Capitol Grounds and terraces from being used as playgrounds or otherwise, so far as may be necessary to protect the public property, turf and grass from destruction or injury.


CREDIT(S)

(Apr. 29, 1876, c. 86, 19 Stat. 41.)

2 U.S.C.A. § 1963, 2 USCA § 1963

Current through P.L. 117-179. Some statute sections may be more current, see credits for details.

EXHIBIT C

 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

United States Code Annotated
Title 2. The Congress (Refs & Annos)
Chapter 29. Capitol Police
Subchapter II. Powers and Duties

2 U.S.C.A. § 1966
Formerly cited as 40 USCA § 212a-2

§ 1966. Protection of Members of Congress, officers of Congress and members of their families

Effective: August 21, 2002
Currentness

(a) Authority of the Capitol Police

Subject to the direction of the Capitol Police Board, the United States Capitol Police is authorized to protect, in any area of the United States, the person of any Member of Congress, officer of the Congress, as defined in section 4101(b) of this title, and any member of the immediate family of any such Member or officer, if the Capitol Police Board determines such protection to be necessary.

(b) Detail of police

In carrying out its authority under this section, the Capitol Police Board, or its designee, is authorized, in accordance with regulations issued by the Board pursuant to this section, to detail, on a case-by-case basis, members of the United States Capitol Police to provide such protection as the Board may determine necessary under this section.

(c) Arrest of suspects

In the performance of their protective duties under this section, members of the United States Capitol Police are authorized (1) to make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and (2) to utilize equipment and property of the Capitol Police.

(d) Fines and penalties

Whoever knowingly and willfully obstructs, resists, or interferes with a member of the Capitol Police engaged in the performance of the protective functions authorized by this section, shall be fined not more than \$300 or imprisoned not more than one year, or both.

(e) Construction of provisions

Nothing contained in this section shall be construed to imply that the authority, duty, and function conferred on the Capitol Police Board and the United States Capitol Police are in lieu of or intended to supersede any authority, duty, or function imposed on any Federal department, agency, bureau, or other entity, or the Metropolitan Police of the District of Columbia, involving the protection of any such Member, officer, or family member.

(f) “United States” defined

As used in this section, the term “United States” means each of the several States of the United States, the District of Columbia, and territories and possessions of the United States.

CREDIT(S)

(July 31, 1946, c. 707, § 9A, as added Pub.L. 97-143, § 1(a), Dec. 29, 1981, 95 Stat. 1723.)

Notes of Decisions (1)

2 U.S.C.A. § 1966, 2 USCA § 1966

Current through P.L. 117-179. Some statute sections may be more current, see credits for details.

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EXHIBIT D

West's District of Columbia Code Annotated 2001 Edition
Division I. Government of District.
Title 10. Parks, Public Buildings, Grounds, and Space. (Refs & Annots)
Subtitle II. Public Buildings and Grounds.
Chapter 5. Regulatory Provisions.
Subchapter II. Capitol Grounds.
Part B. General.

DC ST § 10-503.13
Formerly cited as DC ST 1981 § 9-109

§ 10-503.13. Obstruction of roads.

Currentness

It is forbidden to occupy the roads in said United States Capitol Grounds in such manner as to obstruct or hinder their proper use, or to use the roads in the area of said United States Capitol Grounds, south of Constitution Avenue and B Street and north of Independence Avenue and B Street, for the conveyance of goods or merchandise, except to or from the Capitol on government service.

Credits

(July 31, 1946, 60 Stat. 718, ch. 707, § 3.)

DC CODE § 10-503.13

Current through June 30, 2022. Some sections may be more current, see credits for details.

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