

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

Holding a Criminal Term

Grand Jury Sworn in on August 11, 2021

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| UNITED STATES OF AMERICA | : | CRIMINAL NO. 21-CR-178 (APM) |
| | : | |
| v. | : | |
| | : | VIOLATIONS: |
| PETER J. SCHWARTZ, JEFFREY SCOTT BROWN, MARKUS MALY, and SHELLY STALLINGS, | : | 18 U.S.C. §§ 111(a)(1) and (b) (Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon) |
| Defendants. | : | 18 U.S.C. § 231(a)(3) (Civil Disorder) |
| | : | 18 U.S.C. §§ 1512(c)(2) and 2 (Obstruction of an Official Proceeding and Aiding and Abetting) |
| | : | 18 U.S.C. §§ 1752(a)(1) and (b)(1)(A) (Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon) |
| | : | 18 U.S.C. § 1752(a)(2) and (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)(4) and (b)(1)(A) (Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon) |
| | : | 40 U.S.C. § 5104(e)(2)(D) (Disorderly Conduct in the Capitol Grounds or Buildings) |
| | : | 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, **PETER SCHWARTZ**, using a deadly and dangerous weapon, that is, a chair, 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), and any person assisting such an officer and employee, while such officer or employee 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, 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, **PETER J. SCHWARTZ, JEFFREY SCOTT BROWN, MARKUS MALY, and SHELLY STALLINGS**, committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officer lawfully engaged in the lawful performance of his/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, between approximately 2:30 p.m. to 2:33 p.m., within the District of Columbia, **PETER J. SCHWARTZ**, using a deadly or dangerous weapon, that is, a lachrymatory agent, to wit: pepper spray, 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), and any person assisting such an officer and employee, while such officer or employee 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, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))

COUNT FOUR

On or about January 6, 2021, at approximately 2:35 p.m., within the District of Columbia, **PETER J. SCHWARTZ**, using a deadly or dangerous weapon, that is, a lachrymatory agent, to wit: pepper spray, 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), and any person assisting such an officer and employee, while such officer or employee 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, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))

COUNT FIVE

On or about January 6, 2021, at approximately 2:35 p.m., within the District of Columbia, **MARKUS MALY**, using a deadly or dangerous weapon, that is, a lachrymatory agent, to wit: pepper spray, 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), and any person assisting such an officer and employee, while such officer or employee 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, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))

COUNT SIX

On or about January 6, 2021, within the District of Columbia, **SHELLY STALLINGS**, using a deadly or dangerous weapon, that is, a lachrymatory agent, to wit: pepper spray, 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), and any person assisting such an officer and employee, while such officer or employee 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, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))

COUNT SEVEN

On or about January 6, 2021, between approximately 3:07 p.m. to 3:10 p.m., within the District of Columbia, **PETER J. SCHWARTZ, JEFFREY SCOTT BROWN, and MARKUS MALY**, using a deadly or dangerous weapon, that is, a lachrymatory agent, to wit: pepper spray, 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), and any person assisting such an officer and employee, while such

officer or employee 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 and Aiding and Abetting, in violation of Title 18, United States Code, Sections 111(a)(1) and (b) and 2)

COUNT EIGHT

On or about January 6, 2021, within the District of Columbia and elsewhere, **PETER J. SCHWARTZ**, attempted to, and did, corruptly obstruct, influence, and impede 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.

(Obstruction of an Official Proceeding and Aiding and Abetting, in violation of Title 18, United States Code, Sections 1512(c)(2) and 2)

COUNT NINE

On or about January 6, 2021, within the District of Columbia, **PETER J. SCHWARTZ**, **JEFFREY SCOTT BROWN**, **MARKUS MALY**, and **SHELLY STALLINGS**, did unlawfully and 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 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 lachrymatory agent, to wit: pepper spray.

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

COUNT TEN

On or about January 6, 2021, within the District of Columbia, **PETER J. SCHWARTZ, JEFFREY SCOTT BROWN, MARKUS MALY, and SHELLY STALLINGS**, 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 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 lachrymatory agent, to wit: pepper spray.

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

COUNT ELEVEN

On or about January 6, 2021, within the District of Columbia, **PETER J. SCHWARTZ, JEFFREY SCOTT BROWN, MARKUS MALY, and SHELLY STALLINGS**, 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 temporarily visiting and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a lachrymatory agent, to wit: pepper spray.

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

COUNT TWELVE

On or about January 6, 2021, within the District of Columbia, **PETER J. SCHWARTZ, JEFFREY SCOTT BROWN, MARKUS MALY, and SHELLY STALLINGS**, willfully and knowingly engaged in disorderly and disruptive conduct in any of the Capitol Grounds and 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.

(Disorderly Conduct in the Capitol Grounds or Buildings, in violation of Title 40, United States Code, Section 5104(e)(2)(D))

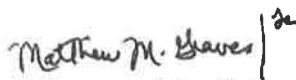
COUNT THIRTEEN

On or about January 6, 2021, within the District of Columbia, **PETER J. SCHWARTZ, JEFFREY SCOTT BROWN, MARKUS MALY, and SHELLY STALLINGS**, 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, Section 5104(e)(2)(F))

A TRUE BILL:

FOREPERSON.


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