

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

**Holding a Criminal Term**

**Grand Jury Sworn in on January 8, 2021**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO. 21-CR-137 (TFH)</b>
	:	
<b>v.</b>	:	
	:	
<b>BRIAN GUNDERSEN,</b>	:	<b>VIOLATIONS:</b>
	:	<b>18 U.S.C. §§ 1512(c)(2), 2</b>
<b>Defendant.</b>	:	<b>(Obstruction of an Official Proceeding)</b>
	:	<b>18 U.S.C. § 111(a)(1)</b>
	:	<b>(Assaulting, Resisting, or Impeding</b>
	:	<b>Certain Officers)</b>
	:	<b>18 U.S.C. § 1752(a)(1)</b>
	:	<b>(Entering and Remaining in a Restricted</b>
	:	<b>Building or Grounds)</b>
	:	<b>18 U.S.C. § 1752(a)(2)</b>
	:	<b>(Disorderly and Disruptive Conduct in a</b>
	:	<b>Restricted Building or Grounds)</b>
	:	<b>18 U.S.C. § 1752(a)(4)</b>
	:	<b>(Engaging in Physical Violence in a</b>
	:	<b>Restricted Building or Grounds)</b>
	:	<b>40 U.S.C. § 5104(e)(2)(D)</b>
	:	<b>(Disorderly Conduct in a Capitol Building)</b>
	:	<b>40 U.S.C. § 5104(e)(2)(F)</b>
	:	<b>(Act of Physical Violence in the Capitol</b>
	:	<b>Grounds or Buildings)</b>
	:	<b>40 U.S.C. § 5104(e)(2)(G)</b>
	:	<b>(Parading, Demonstrating, or Picketing in</b>
	:	<b>a Capitol Building)</b>

**INDICTMENT**

The Grand Jury charges that:

**COUNT ONE**

On or about January 6, 2021, within the District of Columbia and elsewhere, **BRIAN GUNDERSEN** 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 TWO**

On or about January 6, 2021, within the District of Columbia, **BRIAN GUNDERSEN** 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 person was engaged in and 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, in violation of Title 18, United States Code, Section 111(a)(1))**

**COUNT THREE**

On or about January 6, 2021, within the District of Columbia, **BRIAN GUNDERSEN** 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 and Vice President-elect were 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 FOUR**

On or about January 6, 2021, within the District of Columbia, **BRIAN GUNDERSEN** 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 and Vice President-elect were 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, in violation of Title 18, United States Code, Section 1752(a)(2))**

**COUNT FIVE**

On or about January 6, 2021, within the District of Columbia, **BRIAN GUNDERSEN** 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 and Vice President-elect were temporarily visiting.

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

**COUNT SIX**

On or about January 6, 2021, within the District of Columbia, **BRIAN GUNDERSEN** willfully and knowingly engaged 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.

**(Disorderly Conduct in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(D))**

**COUNT SEVEN**

On or about January 6, 2021, within the District of Columbia, **BRIAN GUNDERSEN** 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))**

**COUNT EIGHT**

On or about January 6, 2021, within the District of Columbia, **BRIAN GUNDERSEN** willfully and knowingly paraded, demonstrated, and picketed in any United States Capitol Building.

**(Parading, Demonstrating, or Picketing in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(G))**

A TRUE BILL:

FOREPERSON.

A handwritten signature in black ink, appearing to read "Channing D. Phillips" with a stylized flourish at the end.

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