

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

**Holding a Criminal Term**

**Grand Jury Sworn in on September 15, 2023**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO. 21-cr-487</b>
	:	
<b>v.</b>	:	<b>VIOLATIONS:</b>
	:	<b>18 U.S.C. § 231(a)(3)</b>
<b>NICHOLAS L. KENNEDY,</b>	:	<b>(Civil Disorder)</b>
<b>also known as “Nick,”</b>	:	<b>18 U.S.C. §§ 1512(c)(2), 2</b>
	:	<b>(Obstruction of an Official Proceeding) 18</b>
<b>Defendant.</b>	:	<b>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>40 U.S.C. § 5104(e)(2)(D)</b>
	:	<b>(Disorderly Conduct in</b>
	:	<b>a Capitol Building)</b>
	:	<b>40 U.S.C. § 5104(e)(2)(G)</b>
	:	<b>(Parading, Demonstrating, or Picketing in</b>
	:	<b>a Capitol Building)</b>
	:	<b>18 U.S.C. § 1512(c)(1)</b>
	:	<b>(Tampering with Records, Documents, or</b>
	:	<b>Objects)</b>
	:	

**INDICTMENT**

The Grand Jury charges that:

**COUNT ONE**

On or about January 6, 2021, within the District of Columbia, **NICHOLAS L. KENNEDY**, also known as “Nick,” committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officer, that is, an officer from the United States Capitol Police, lawfully engaged in the lawful performance of his/her official duties incident to

and during the commission of a civil disorder, and the civil disorder obstructed, delayed, and adversely affected the conduct and performance of a federally protected function.

**(Civil Disorder**, in violation of Title 18, United States Code, Section 231(a)(3))

**COUNT TWO**

On or about January 6, 2021, within the District of Columbia and elsewhere, **NICHOLAS L. KENNEDY**, also known as “Nick,” 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 THREE**

On or about January 6, 2021, within the District of Columbia, **NICHOLAS L. KENNEDY**, also known as “Nick,” 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 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, **NICHOLAS L. KENNEDY**, also known as “Nick,” 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.

**(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, **NICHOLAS L. KENNEDY**, also known as “Nick,” 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 SIX**

On or about January 6, 2021, in the District of Columbia, **NICHOLAS L. KENNEDY**, also known as “Nick,” 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))**

**COUNT SEVEN**

Beginning on or about January 7, 2021 and ending no later than on or about July 28, 2021, in the District of Columbia and elsewhere, **NICHOLAS L. KENNEDY**, also known as “Nick,” did corruptly alter, destroy, mutilate and conceal a record, document, and other object, that is, data on a cell phone, and attempted to do so, with the intent to impair the integrity and availability of

data on the phone for use in an official proceeding in the District of Columbia, that is, the grand jury investigation into the attack on the Capitol on January 6, 2021 and the federal criminal prosecution of **KENNEDY** in the United States District Court for the District of Columbia.

**((Tampering with Records, Documents, or Other Objects, in violation of Title 18, United States Code, Section 1512(c)(1)**

A TRUE BILL:

FOREPERSON

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