

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

**UNITED STATES OF AMERICA** :  
 :  
**v.** : **CASE NO. 21-cr-035 (RC)**  
 :  
**RONALD COLTON MCABEE,** :  
 :  
**Defendant.** :

**STATEMENT OF ELEMENTS AND FACTS**  
**FOR CHANGE OF PLEA HEARING**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, Ronald Colton McAbec, with the concurrence of his attorney, hereby submit the Elements and Statement of Facts for a change of plea hearing as to Counts Twelve and Twenty-Four of the Third Superseding Indictment (ECF 145), charging the defendant with Assaulting, Resisting, or Impeding Certain Officers, in violation of 18 U.S.C. § 111(a)(1) (Count Twelve) and Act of Physical Violence in the Capitol Grounds or Buildings, in violation of 40 U.S.C. § 5104(e)(2)(F) (Count Twenty-Four).

**I. BACKGROUND**

**A. The Indictment**

On November 17, 2021, a grand jury in this district returned a twenty-four count superseding indictment in the above-captioned case (the “Superseding Indictment”). ECF No. 145. The Superseding Indictment charged the defendant with:

- **Count Nine:** Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon and Aiding and Abetting, in violation of 18 U.S.C. §§ 111(a)(1) and (b), and 2;
- **Count Twelve:** Assaulting, Resisting, or Impeding Certain Officers, in violation of 18 U.S.C. § 111(a)(1);

- **Count Fourteen:** Civil Disorder, in violation of 18 U.S.C. § 231(a)(3);
- **Count Eighteen:** Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of 18 U.S.C. § 1752(a)(1) and (b)(1)(A);
- **Count Nineteen:** Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of 18 U.S.C. § 1752(a)(2) and (b)(1)(A);
- **Count Twenty:** Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of 18 U.S.C. § 1752(a)(4) and (b)(1)(A);
- **Count Twenty-Four:** Act of Physical Violence in the Capitol Grounds or Buildings, in violation of 40 U.S.C. § 5104(e)(2)(F).

The defendant has indicated that he intends to plead guilty, without the benefit of a plea agreement, to Counts Twelve and Twenty-Four.

#### **B. The Statutory Maximum Sentences**

If found guilty of a violation of 18 U.S.C. § 111(a)(1) (**Count Twelve**), the defendant faces a maximum term of imprisonment of 8 years, up to a \$250,000.00 fine, up to 3 years of supervised release, a \$100 special assessment, and restitution as may be ordered by the Court.

If found guilty of a violation of 40 U.S.C. § 5104(e)(2)(F) (**Count Twenty-Four**), the defendant faces carries a maximum sentence of 6 months of imprisonment, a term of probation of up to 5 years, a fine of not more than \$5,000, and a \$10 special assessment,.

#### **C. The Elements of Each Offense**

##### **18 U.S.C. § 111(a)(1) (Count Twelve):**

1. First, the defendant assaulted , resisted, opposed, impeded, intimidated, or interfered with Officer C.M.
2. Second, the defendant did such acts forcibly.

3. Third, the defendant did such acts voluntarily and intentionally.
4. Fourth, Officer C.M. was assisting officers of the United States who were then engaged in the performance of their official duties.
5. Fifth, the defendant made physical contact with Officer C.M. or acted with the intent to commit another felony.

**40 U.S.C. § 5104(e)(2)(F) (Count Twenty-Four):**

1. First, the defendant engaged in an act of physical violence within the Capitol Buildings or Grounds.
2. Second, the defendant acted willfully and knowingly.

**D. Statement of Facts**

The parties agree that, had the Government proceeded to trial on Counts Twelve and Twenty-Four, the Government would have established beyond a reasonable doubt that:

1. On January 6, 2021, Metropolitan Police Department (“MPD”) Officers A.W. and C.M. were amongst those MPD officers directed to report to the U.S. Capitol to assist the United States Capitol Police (“USCP”) in their duties to maintain the security of the U.S. Capitol. At approximately 4:20 pm, Officer A.W., Officer C.M., and other MPD officers walked through an interior tunnel of the U.S. Capitol Building and assumed a post in an archway that provided access to the building’s lower western terrace (the “Archway”). Both Officers A.W. and C.M. were wearing full MPD-issued uniforms, including marked helmets, police badges, and duty belts. Officer A.W. was also wearing an MPD-issued neon jacket with an MPD patch on the upper arm, while Officer C.M. was wearing a ballistic vest with “Metropolitan Police” written across the back and an MPD patch on his upper arm.

2. Hundreds of individuals had gathered outside the Archway, some of whom were

throwing and/or swinging various makeshift weapons at the group of law enforcement officers. Starting at approximately 4:27 pm, Officer A.W. was positioned toward the opening of the Archway when he was knocked to the ground, kicked, and stripped of his baton. At this time, McAbee was positioned on the south side of the Archway, where he was able to observe the assaults in the Archway.

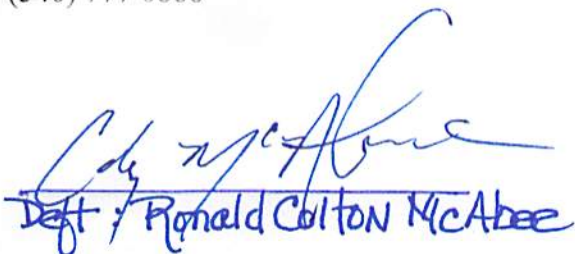
3. As Officer C.M. stepped off of the police line to assist Officer A.W. and another officer, McAbee yelled at Officer C.M. and swung his arms and hands towards Officer C.M.'s head and torso, making contact with Officer C.M. During this time, McAbee was wearing reinforced ~~knuckle~~ knuckle gloves.

JS  
BSL

FOR THE DEFENDANT



Benjamin Schiffelbein, Esq.  
Counsel for Ronald Colton McAbee  
210 First Street SW, Suite 400  
Roanoke, VA 24011  
benjamin\_schiffelbein@fd.org  
(540) 777 0888

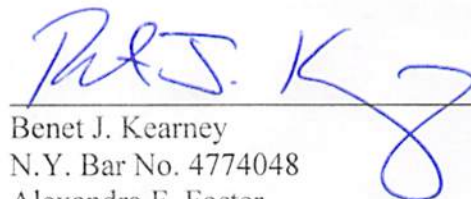


Def: Ronald Colton McAbee

Respectfully submitted,

FOR THE UNITED STATES  
Matthew M. Graves  
United States Attorney  
D.C. Bar No. 481052

By:



Benet J. Kearney  
N.Y. Bar No. 4774048  
Alexandra F. Foster  
D.C. Bar No. 470096  
Assistant United States Attorneys  
601 D Street, N.W.  
Washington, D.C. 20530  
Benet.Kearney@usdoj.gov  
Alexandra.Foster@usdoj.gov  
(212) 637 2260  
(619) 546 6735