

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Holding a Criminal Term

Grand Jury Sworn in on September 15, 2023

UNITED STATES OF AMERICA	:	CRIMINAL NO.
	:	
v.	:	MAGISTRATE NO. 24-MJ-12 (MAU)
	:	
THEODORE MIDDENDORF and	:	VIOLATIONS:
JUSTIN LAGESSE,	:	18 U.S.C. §§ 1361, 2
	:	(Destruction of Government Property)
Defendants.	:	18 U.S.C. § 1752(a)(1)
	:	(Entering and Remaining in a Restricted
	:	Building or Grounds)
	:	18 U.S.C. § 1752(a)(2)
	:	(Disorderly and Disruptive Conduct in a
	:	Restricted Building or Grounds)
	:	18 U.S.C. § 1752(a)(4)
	:	(Engaging in Physical Violence in a
	:	Restricted Building or Grounds)
	:	40 U.S.C. § 5104(e)(2)(D)
	:	(Disorderly Conduct in
	:	a Capitol Building)
	:	40 U.S.C. § 5104(e)(2)(F)
	:	(Act of Physical Violence in the Capitol
	:	Grounds or Buildings)
	:	40 U.S.C. § 5104(e)(2)(G)
	:	(Parading, Demonstrating, or Picketing in
	:	a Capitol Building)

**INDICTMENT**

The Grand Jury charges that:

**COUNT ONE**

On or about January 6, 2021, within the District of Columbia, **JUSTIN LAGESSE and THEODORE MIDDENDORF** did willfully injure and commit depredation against property of the United States, and of any department and agency thereof, and any property which has been and

is being manufactured and constructed for the United States, and any department or agency thereof, that is an exterior window, causing damage in an amount more than \$1000.

**(Destruction of Government Property and Aiding and Abetting, in violation of Title 18, United States Code, Sections 1361 and 2)**

**COUNT TWO**

On or about January 6, 2021, in the District of Columbia, **JUSTIN LAGESSE and THEODORE MIDDENDORF** 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 and would be 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 THREE**

On or about January 6, 2021, in the District of Columbia, **JUSTIN LAGESSE and THEODORE MIDDENDORF** 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 and would be 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 FOUR**

On or about January 6, 2021, in the District of Columbia, **JUSTIN LAGESSE and THEODORE MIDDENDORF** 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 and would be 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 FIVE**

On or about January 6, 2021, in the District of Columbia, **JUSTIN LAGESSE and THEODORE MIDDENDORF** 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, **JUSTIN LAGESSE and THEODORE MIDDENDORF** 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 SEVEN**

On or about January 6, 2021, in the District of Columbia, **JUSTIN LAGESSE and THEODORE MIDDENDORF** 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 blue ink, appearing to read "Matthew M. Grand".

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