

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

UNITED STATES OF AMERICA,

v.

MARK SAHADY,

*Defendant.*

Criminal Action No. 21-cr-134 (CJN)

**FINAL BENCH INSTRUCTIONS**

**COUNT ONE: ENTERING OR REMAINING IN A RESTRICTED  
BUILDING OR GROUNDS (18 U.S.C. § 1752(a)(1))**

Count One charges the defendant with entering or remaining in a restricted building or grounds, which is a violation of federal law.

**Elements**

In order to find the defendant guilty of this offense, the government must prove each of the following elements beyond a reasonable doubt:

1. The defendant entered or remained in a restricted building or grounds without lawful authority to do so; and
2. The defendant did so knowingly.

**Definitions**

The term “restricted building or grounds” means any posted, cordoned off, or otherwise restricted area of a building or grounds where a person protected by the Secret Service is or will be temporarily visiting. The phrase “person protected by the Secret Service” includes the Vice President and the immediate family of the Vice President.

The government must prove that the defendant knew that he had entered or remained in what he knew to be a restricted building or grounds and that he knew that he did not have lawful authority to enter that area. It is insufficient for the government to prove that the defendant merely knew that the area he entered or remained in was

restricted in the colloquial sense. The government must instead prove that (A) the defendant knew that the area was posted, cordoned off, or otherwise restricted, and (B) the defendant knew that the Vice President or the Vice President's immediate family was or would be temporarily visiting the area at the time that the defendant committed the offense.

A person acts "knowingly" if he realizes what he is doing and is aware of the nature of her conduct, and does not act through ignorance, mistake, or accident. In deciding whether the defendant acted knowingly, the Court may consider all of the evidence, including what the defendant did, said, or perceived.

**COUNT TWO: DISORDERLY OR DISRUPTIVE CONDUCT IN A RESTRICTED BUILDING OR GROUNDS (18 U.S.C. § 1752(a)(2))**

Count Two charges the defendant with disorderly or disruptive conduct in a restricted building or grounds, which is a violation of federal law.

**Elements**

In order to find the defendant guilty of this offense, the government must prove each of the following elements beyond a reasonable doubt:

1. The defendant engaged in disorderly or disruptive conduct in, or in proximity to, any restricted building or grounds;
2. The defendant did so knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions; and
3. The defendant's conduct occurred when, or so that, his conduct in fact impeded or disrupted the orderly conduct of Government business or official functions.

**Definitions**

“Disorderly conduct” is conduct that, when viewed in the circumstances in which it takes place, is likely to endanger public safety or create a public disturbance. Even passive, quiet, and nonviolent conduct can be “disorderly” if the conduct is likely to cause a public disturbance.

Disorderly conduct includes when a person acts in such a manner as to cause another person to be in reasonable fear that a person or property in a person's immediate possession is likely to be harmed or taken, uses words likely to produce violence on the part of others, or is unreasonably loud and disruptive under the circumstances.

“Disruptive conduct” is conduct that, when viewed in the circumstances in which it takes place, tends to interfere with or inhibit usual proceedings. This includes conduct that causes disorder or turmoil, that stops or prevents the normal continuance of an activity, or that is plainly out of place for the time or setting where it occurs. Whether conduct is “disruptive” depends on the context and surrounding circumstances.

The terms “restricted building or grounds” and “knowingly” have the same meanings and relationship as in the instructions for Count One.

**COUNT THREE: DISORDERLY CONDUCT IN A  
CAPITOL BUILDING (40 U.S.C. § 5104(e)(2)(D))**

Count Three charges the defendant with disorderly conduct in a Capitol Building or Grounds, which is a violation of federal law.

**Elements**

In order to find the defendant guilty of this offense, the government must prove each of the following elements beyond a reasonable doubt:

1. The defendant engaged in disorderly or disruptive conduct in any of the United States Capitol Buildings or Grounds;
2. The defendant did so with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress; and
3. The defendant acted willfully and knowingly.

**Definitions**

The terms “disorderly conduct” and “disruptive conduct” have the same meanings as in the instructions for Count Two.

The term “Capitol Buildings” includes the United States Capitol located at First Street, Southeast, in Washington, D.C.

The “Capitol Grounds” includes the area depicted in Government’s Exhibit 407.

The term “knowingly” has the same meaning described in the instructions for Count One.

A person acts “willfully” if he acts with the intent to do something that the law forbids—that is, to disobey or disregard the law. While the government must show that a defendant knew that the conduct was unlawful, the government does not need to prove that the defendant was aware of the specific law that his conduct violated.

**COUNT FOUR: PARADING, DEMONSTRATING, OR PICKETING  
IN A CAPITOL BUILDING (40 U.S.C. § 5104(e)(2)(G))**

Count Four of the indictment charges the defendant with parading, demonstrating, or picketing in a Capitol Building, which is a violation of federal law.

**Elements**

In order to find the defendant guilty of this offense, the government must prove each of the following elements beyond a reasonable doubt:

1. The defendant paraded, demonstrated, or picketed in any of the United States Capitol Buildings; and
2. The defendant acted willfully and knowingly.

**Definitions**

The terms “parade” and “picket” have their ordinary meanings. The term “demonstrate” means gathering with others or individually drawing attention to oneself to express support for or disapproval of an identified action or viewpoint. The term “demonstrate” also refers to conduct that would disrupt the orderly business of Congress by, for example, impeding or obstructing passageways, hearings, or meetings, but does not include activities such as quiet praying.

The term “Capitol Buildings” has the same meaning described in the instructions for Count Three.



The term “knowingly” has the same meaning described in the instructions for Count One.

The term “willfully” has the same meaning described in the instructions for Count Three.