



PRESS RELEASE

Florida Man Pleads Guilty to Three Felony Charges For Actions in Jan. 6 Capitol Breach

Monday, June 27, 2022

For Immediate Release

U.S. Attorney's Office, District of
Columbia

Defendant Used Chemical Spray Against Law Enforcement Officers

WASHINGTON – A Florida man pleaded guilty today to assaulting law enforcement officers for his actions during the breach of the U.S. Capitol on Jan. 6, 2021. His and others' actions disrupted a joint session of the U.S. Congress convened to ascertain and count the electoral votes related to the presidential election.

Mitchell Todd Gardner II, 34, of Seffner, Florida, pleaded guilty in the District of Columbia to felony charges of civil disorder, obstruction of an official proceeding, and assaulting, resisting, or impeding officers with a dangerous weapon. According to court documents, on Jan. 6, Gardner took part in a confrontation with law enforcement officers on the Lower West Terrace of the Capitol.

Gardner was part of a mob just outside the Lower West Terrace Tunnel from approximately 3:45 p.m. until at least 4:05 p.m., During that time, he shouted, among other things, "drag them out," and "pull the cops out." Gardner used a Metropolitan Police Department (MPD) Oleoresin Capsicum device against officers within the tunnel area. The contents hit one

officer directly in the face shield and splattered onto two additional officers. This caused the officers to cough for an extended period and also burned their eyes. Gardner also urged other rioters to use a ladder to break into a window. When the ladder was not used, Gardner stood on a window ledge outside of a Senate Terrace Room and damaged the window with the Oleoresin Capsicum device. The cost to replace that window exceeded \$2,900. Gardner ultimately entered the Senate Terrace Room. While inside the Capitol, he waved other rioters to come closer or into the building. He also handed another rioter what looked to be a table/desk leg; that object was used to assault police officers.

After Gardner exited the Capitol, he remained on the Lower West Terrace from at least 4:45 p.m. to approximately 4:58 p.m. He encouraged the mob and even cheered at 4:55 p.m. when one rioter threw a fire extinguisher into the tunnel at police officers.

Gardner was arrested on June 25, 2021, in Tampa, Florida. He is to be sentenced on Oct. 21, 2022. He faces a statutory maximum of five years in prison on the civil disorder charge, up to 20 years on the obstruction charge, and up to 20 years on the charge of assaulting, resisting, or impeding officers with a dangerous weapon. The charges also carry potential financial penalties. A federal district court judge will determine any sentence after considering the U.S. Sentencing Guidelines and other statutory factors.

The U.S. Attorney's Office for the District of Columbia and the Justice Department's National Security Division are prosecuting the case, with valuable assistance provided by the U.S. Attorney's Office for the Middle District of Florida.

The FBI's Tampa Field Office investigated the case, with valuable assistance from the U.S. Department of Homeland Security, Homeland Security Investigations, the FBI's Washington Field Office, which identified Gardner as #220 in its seeking information photos, the U.S. Capitol Police, and the Metropolitan Police Department

In the 17 months since Jan. 6, 2021, more than 840 individuals have been arrested in nearly all 50 states for crimes related to the breach of the U.S. Capitol, including over 250 individuals charged with assaulting or impeding law enforcement. The investigation remains ongoing.

Anyone with tips can call 1-800-CALL-FBI (800-225-5324) or visit tips.fbi.gov.

Updated June 28, 2022

Attachments

[Gardner - Plea Agreement](#) [PDF, 1 MB]

[Gardner - Statement of Offense](#) [PDF, 775 KB]

Topic

VIOLENT CRIME

Components

[Federal Bureau of Investigation \(FBI\)](#) | [National Security Division \(NSD\)](#) | [USAO - District of Columbia](#) | [USAO - Florida, Middle](#)

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PRESS RELEASE

Guilty Plea in Theft and Sale of Hundreds of Government-Issued Phones and Computers Slated for Destruction

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February 4, 2025

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Parren Hawkins, 33, of Washington, D.C., was charged today in Superior Court with armed carjacking in connection with an incident, yesterday, in Northeast D.C. The charge was announced by U.S...

February 3, 2025

PRESS RELEASE**Murder of Shoe Reseller Results in 32 Year Sentence**

Darius Anderson, 23, of Washington, DC, was sentenced today to 32 years of in prison for first-degree murder while armed and related offenses in the June 2022 killing of 30-year...

January 31, 2025

**District of Columbia**

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