



PRESS RELEASE

Three Men are First Capitol Breach Defendants Convicted at Trial of Assaulting Police Officers with Pepper Spray

Wednesday, December 7, 2022

For Immediate Release

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

Jury Found Defendants from Pennsylvania, California, and Virginia Assaulted Officers Four Times with Pepper Spray and a Chair

WASHINGTON – Three defendants were convicted in the District of Columbia yesterday of felony and misdemeanor charges for their actions during the Jan. 6, 2021, Capitol breach. Their actions and the actions of others disrupted a joint session of the U.S. Congress convened to ascertain and count the electoral votes related to the presidential election.

Peter J. Schwartz, 49, of Uniontown, Pennsylvania was convicted at trial in U.S. District Court of: four counts of felony assaulting, resisting, or impeding law enforcement officers using a dangerous weapon; interfering with a law enforcement officer during a civil disorder; obstruction of an official proceeding, and related charges.

Jeffrey Scott Brown, 56, of Santa Ana, California, was convicted of one count of felony assaulting, resisting, or impeding law enforcement officers using a dangerous weapon and one count of interfering with a law enforcement officer during a civil disorder, and related charges.

Markus Maly, 48, of Fincastle, Virginia, was convicted of two counts of felony assaulting, resisting, or impeding law enforcement officers using a dangerous weapon and one count of interfering with a law enforcement officer during a civil disorder, and related charges

According to the government's evidence, on Jan. 6, 2021, Schwartz and his wife Shelly Stallings, who pleaded guilty in August, traveled to Washington D.C. and were at the area of the Lower West Terrace of the Capitol Building. While at the front of the police line around 2:28 pm, Schwartz threw a folding chair at officers, later claiming to a friend that he "started a riot" by "throwing the first chair." He then stole MPD duffle bags full of O.C. spray canisters, which he distributed to other members of the mob, including his wife, so that they could deploy them against the police. Wielding a large MK-46 canister and carrying a wooden tire thumper, Schwartz began indiscriminately spraying O.C. spray at any retreating police officers he could find. Around the same time, defendant Maly pushed through the crowd toward a group of police officers trying to escape up onto the inaugural stage and sprayed with his own O.C. canister. Schwartz and Maly then followed officers up into the lower west terrace tunnel, where they were joined by defendant Brown and dozens of other rioters. As the crowd heaved against the makeshift police line, Jeffrey Brown received an O.C. spray canister that was passed from Schwartz to Maly to Brown. Brown tried to use it but couldn't figure out the nozzle. He passed it back to Schwartz, who appears to have shown Brown how to use it and passed it back. Brown then dove towards the front of the police line, spraying them with yet more OC spray.

Schwartz was arrested on February 4, 2021, in Uniontown, Pennsylvania.

The charge of assaulting, resisting, or impeding law enforcement officers using a dangerous weapon carries a statutory maximum of 20 years in prison, as does the charge of obstruction of an official proceeding. The charge of interfering with law enforcement officers during a civil disorder carries a statutory maximum of five years in prison. All charges carry potential financial penalties. The Court will determine any sentence after considering the U.S. Sentencing Guidelines and other statutory factors.

Sentencing has not yet been scheduled but is expected to take place in early 2023.

The case is being prosecuted by the U.S. Attorney's Office for the District of Columbia. Valuable assistance was provided by U.S. Attorney's Office for the Western District of Pennsylvania, the Western District of Virginia, and the Central District of California.

The case was investigated by the FBI's Washington Field Office, Pittsburgh Field Office, Louisville Field Office, Los Angeles Field Office, Richmond Field Office.

Valuable assistance was provided by the U.S. Capitol Police and the Metropolitan Police Department.

In the 22 months since Jan. 6, 2021, nearly 900 individuals have been arrested in nearly all 50 states for crimes related to the breach of the U.S. Capitol, including over 275 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 December 7, 2022

Topic

VIOLENT CRIME

Components

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