

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CRIMINAL DIVISION

UNITED STATES OF AMERICA

Criminal No. M-4113-03

v.

Judge Holeman

ELENA RUTH SASSOWER,

Misdemeanor Calender 1

Defendant.

GOVERNMENT'S PROPOSED ELEMENTS OF THE OFFENSE

The essential elements of this offense, each of which the Government must prove beyond a reasonable doubt are as follows:

1. That Defendant uttered loud, threatening, or abusive language, or engaged in disorderly and disruptive conduct within any of the United States Capitol buildings.
2. That Defendant did so willfully and knowingly, and
3. That at the time she did so, she had the intent to impede or disrupt or disturb the orderly conduct of a session of Congress.

An act is willingly and knowingly if it is done voluntarily, purposefully and deliberately and with intent to violate the law, and not because of mistake or accident or inadvertently. *Smith v. United States*, 460 A.2d 576, 580 (D.C. App. 1983). See also *Reale v. United States*, 573 A.2d 13, 14 (D.C. App. 1990).

"Disorderly and disruptive conduct" means conduct that hinders or interferes with the peaceful conduct of governmental business. *Smith-Carolina v. United States*, 714 A.2d 764, 766 (D.C. App. 1998).

When someone claims the right to speak in a public place, "the crucial question is whether the manner of expression is basically incompatible with the normal activity of a particular place at a particular time." *Armfield v. United States*, 811 A.2d 792, 796 (D.C. App. 2002).

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BRIAN F. HOLEMAN  
JUDGE

Respectfully submitted,

ROSCOE C. HOWARD, JR.  
UNITED STATES ATTORNEY

ANTHONY ASUNCION  
ASSISTANT UNITED STATES ATTORNEY  
CHIEF, MISDEMEANOR SECTION

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