

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 Calendar 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:

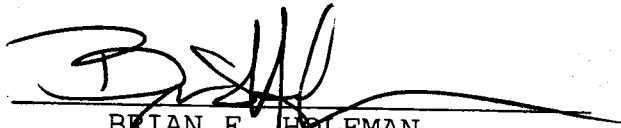
1. That Defendant uttered loud, threatening, or abusive language, or engaged in disorderly and disruptive conduct within any of the United States Capitol buildings.
2. That Defendant did so willfully and knowingly, and
3. That at the time she did so, she had the intent to impede or disrupt or disturb the orderly conduct of any session of Congress or either House thereof, or the orderly conduct within any such building of any hearing before, or any deliberations of, any committee or subcommittee of the Congress or either House thereof.

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

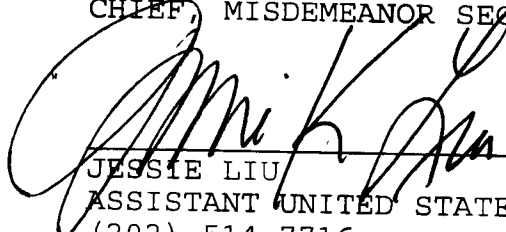
particular time." *Armfield v. United States*, 811 A.2d 792, 796
(D.C. App. 2002).

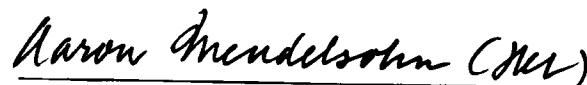

BRIAN F. HOLEMAN
JUDGE

Respectfully submitted,

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