

Public Safety

Not guilty verdicts for the first six people on trial in violent Inauguration Day protests

By **Keith L. Alexander** December 21 at 12:09 PM

The first six people to face trial in Inauguration Day protests that turned destructive were acquitted of all charges, a victory for not only the defendants but also for advocates who argued the government overreached in its effort to prosecute more than 200 people arrested as they marched through the nation's capital.

Following a nearly four-week trial, a D.C. Superior Court jury delivered not guilty verdicts Thursday on multiple charges of rioting and destruction of property.

The defendants, who include a nurse for cancer patients, a freelance photographer and a college student, joined throngs of protesters who took to the streets on Jan. 20 to protest President Trump's election. Prosecutors said the six were among a group that cut a violent swath through 16 blocks of the city, smashing windows of businesses, tossing newspaper boxes into the street and damaging a limousine. Authorities tallied the damages at more than \$100,000.

From the start, defense attorneys said their clients and most others in the group of about 500 were peacefully protesting, while only a handful peeled off and became violent. They criticized police for failing to identify those people, and said officers unfairly herded a group of about 200 and charged them with rioting.

Attorney Steven J McCool, who represents one of the men on trial, appealed to jurors to protect the "rights of free speech" as he presented his closing argument last week.

But prosecutors said the demonstration, planned by a group that calls itself DisruptJ20, was aimed at destruction, not freedom

of expression. Authorities say the group used “black bloc” tactics — wearing dark clothing and hiding their faces with masks and goggles so it would be harder to identify them. Some came armed with hammers, crow bars and bricks.

Prosecutors told jurors there was no evidence the six people on trial were personally involved in the vandalism, but stressed that they chose to remain with the group, essentially providing cover for those who caused the damage.

In his closing argument, Assistant U.S. Attorney Rizwan Qureshi told jurors the group “tore up your city, putting people in danger.”

He presented the jury with the analogy of a bank robbery, likening the defendants to a getaway driver while comparing those who smashed windows to the robber in the bank.

“They are both just as guilty,” Qureshi said. “This was not a First Amendment activity. They conspired by joining in the group to do unlawful things on the streets of your city.”

“That sea of black was the getaway car,” Qureshi said, referring to the dark clothing and masks worn by protesters.

The case follows one of the largest mass arrests for vandalism in the city, and authorities spent months preparing for trial and mining for evidence. Authorities confiscated the cellphones of the defendants to examine text messages and videos. And prosecutors sought court orders for Internet records, website visits and Facebook accounts of defendants in hopes of securing additional evidence to support their theory the protesters planned to participate in a violent demonstration. The searches were challenged by attorneys and civil liberties groups as violating the rights of the users.

In court, jurors heard from about 40 witnesses, including employees and patrons of businesses who described their fear as protesters pounded on or smashed windows. The jury spent hours watching video of clashes between demonstrators and police. At one point, three of the jurors sat with their eyes closed as the footage was played.

One of the more controversial videos viewed by the jury was submitted to police from Project Veritas, an organization that uses secret recordings to target the mainstream news media and left-leaning groups. A Veritas member secretly recorded a Jan. 8 DisruptJ20 planning meeting in the basement of a D.C. church.

That video showed organizers advising that people wear comfortable shoes, avoid carrying identification and, if stopped by police, decline to give their names. One person says that would “jam up the police.” But the video didn’t show anyone discussing plans of vandalism or rioting.

Defense attorneys also argued some of the police officers and detectives overseeing the arrests were biased against the protest group’s anti-capitalism and anti-fascism stance. Attorneys identified evidence from the officers’ personal Twitter accounts and police records of statements that attorneys said were anti-Semitic, homophobic and against groups, including Black Lives Matter.

Before the case was presented to the jury, Judge Lynn Leibovitz threw out the most serious rioting charge against the six, a

felony count of inciting a riot. The judge said there not enough evidence against the four women and two men to prove they urged others to riot and destroy property. She allowed the seven remaining charges of rioting and destruction of property to remain.

In her closing argument, defense attorney Sarah Kroff reminded the jury that one of the police commanders was heard on a police radio at the beginning of the protest calling the demonstrators “anarchists.”

“This is about politics. This is about police and local prosecutors who work for the Department of Justice. And we know who they report to,” she said referring to Trump.

“All the government proved was that these individuals showed up and walked as protesters,” she said. “And that is not a crime.”

Those acquitted are Michelle Macchio, 26, of Naples, Fla.; Jennifer Armento, 38, of Philadelphia; Christina Simmons, 20, of Cockeysville, Md.; Alexei Wood, 37, of San Antonio; Oliver Harris, 28, of Philadelphia; and Brittne Lawson, 27, of Pittsburgh.

In all, 212 people were charged in connection with the riots. Twenty of those people have pleaded guilty and prosecutors have dropped cases against another 20.

Another 166 defendants are scheduled for trial, in groups of six or seven, through mid-2018.


Read more:

[What draws Americans to anarchy? It's more than just smashing windows.](#)

[Inauguration Day's mass arrests are challenging for prosecutors](#)

[When is a Facebook 'like' a crime?](#)

 **164 Comments**

Keith L. Alexander covers crime and courts, specifically D.C. Superior Court cases for The Washington Post. Alexander was part of the Pulitzer Prize winning team that investigated fatal police shootings across the nation in 2015. Follow him on Twitter: @keithlalexander
 Follow @keithlalexander
