



## NPR Investigation: January 6, 2021



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# Criminal records of Jan. 6 rioters pardoned by Trump include rape, domestic violence

JANUARY 30, 2025 · 5:00 AM ET

HEARD ON MORNING EDITION



Tom Dreisbach

3-Minute Listen

PLAYLIST

TRANSCRIPT



Protesters hold flags as they are pushed back by police on Jan. 6, 2021, after President Trump's supporters stormed the U.S. Capitol. Trump pardoned almost every person who participated in the riot.

Julio Cortez/AP

*Editor's Note: This story includes descriptions of violent crimes and sexual abuse involving both adults and children that may be disturbing to readers.*

On his first day in office, President Donald Trump granted clemency to every person charged or convicted for their role in the Jan. 6, 2021, attack on the U.S. Capitol, even those convicted of violently assaulting police officers.



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Trump gave pardons to hundreds of violent Jan. 6 rioters. Here's what they did



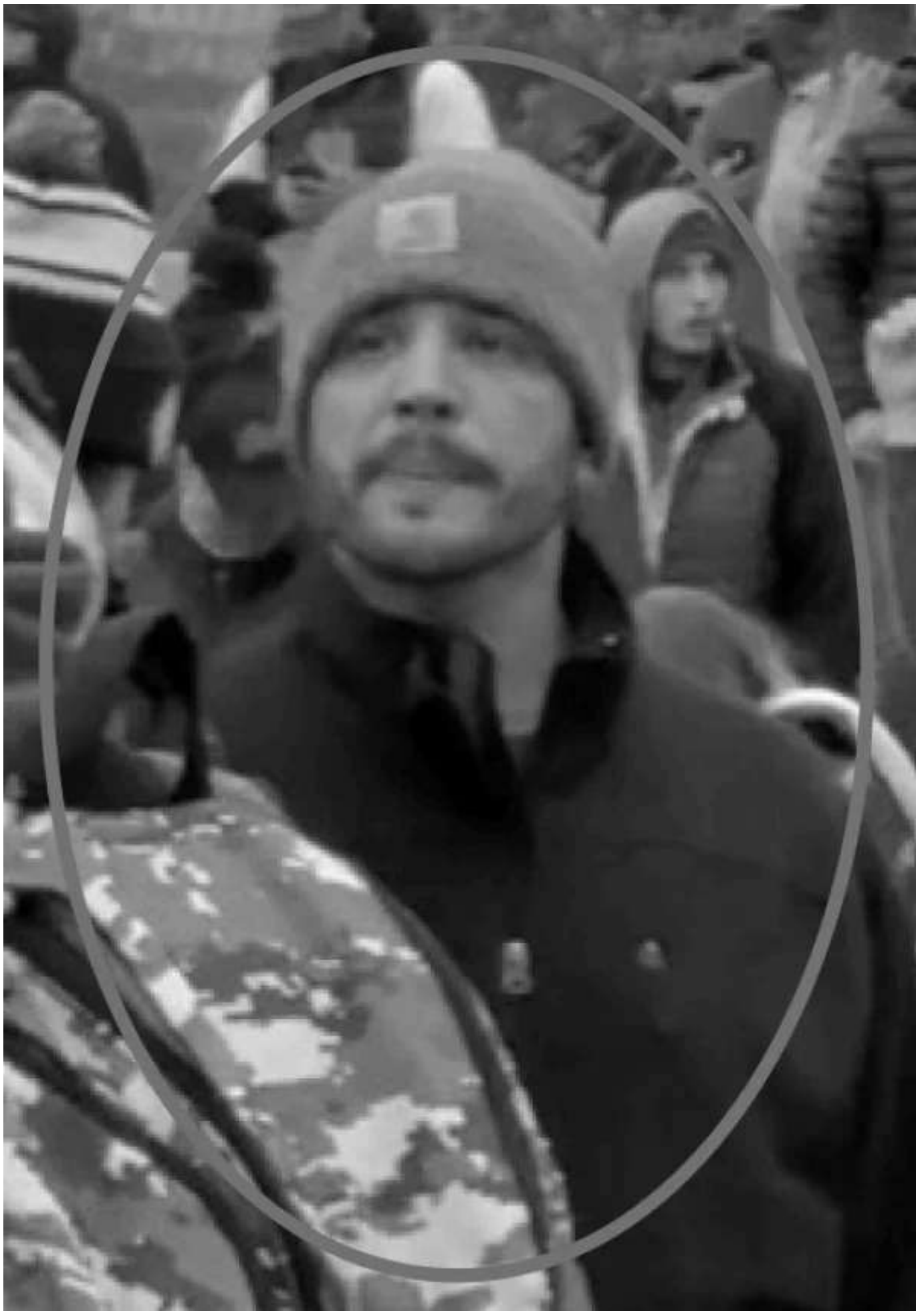
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## **The Jan. 6 attack: The cases behind the biggest criminal investigation in U.S. history**

But Trump's pardons and commutations for people he has called "patriots" did not wipe away certain defendants' extensive criminal records or any other criminal charges they may be facing.

While many people had no criminal record prior to committing crimes on Jan. 6, NPR has identified dozens of defendants with prior convictions or pending charges for crimes including rape, sexual abuse of a minor, domestic violence, manslaughter, production of child sexual abuse material and drug trafficking.



One of those defendants, Matthew Huttles, was recently shot and killed by law enforcement in Indiana during a traffic stop just days after receiving a pardon for his role in the Capitol riot.

In 2023, Huttles pleaded guilty to entering and remaining in a restricted building or grounds on Jan. 6, and received a sentence of six months in prison.

Huttles "has an extensive criminal history that demonstrates a pattern and practice of disrespecting and disobeying the rule of law, which is consistent with his actions on January 6, 2021," prosecutors said.

In one incident, "Huttles spanked his 3-year-old son so hard that he left bruises all over the child's backside and the child's neck, and the child had such extreme pain on his backside that he could not sit properly for a week," prosecutors said.

"Huttles was sentenced to 2.5 years of imprisonment."

Prosecutors also noted repeated arrests for driving under the influence of alcohol.

Huttles's defense attorney attributed his criminal record to a history of "extreme alcohol abuse."

Even after Jan. 6, Huttles continued to rack up state charges in Indiana for driving offenses.

Less than a week after he received a pardon from Trump, Huttles was fatally shot in an altercation with a sheriff's deputy, according to Indiana State Police.

## Trump's argument for blanket clemency for Jan. 6

Trump has defended his decision to give pardons and commutations to all of the defendants charged in connection with the violent Jan. 6 attack, by suggesting that evaluating all of the cases individually would have been too difficult.



NPR INVESTIGATION: JANUARY 6, 2021

**As Trump rewrites history, victims of the Jan. 6 riot say they feel 'betrayed'**

"It would be very, very cumbersome to go and look – you know how many people we're talking about? 1,500 people," Trump told [Fox News](#) earlier this month.

He also said that the prison sentences for Jan. 6 defendants were excessive.

"These people have served, horribly, a long time," he said in his Fox News interview.

Trump's comments overlooked the role that the Jan. 6 defendants' prior criminal records played in sentencing. Federal judges take that criminal history into account when deciding a criminal defendant's sentence.

A spokesperson for the White House did not respond to messages seeking comment for this story.



A mugshot of Theodore Middendorf.

*Illinois Department of Corrections*

If Trump had looked at individual cases, the long criminal records of some Jan. 6 defendants may have raised some red flags.

Theodore Middendorf was accused by Illinois prosecutors of "Predatory Criminal Sexual Assault of a Child." Prosecutors said in a court filing obtained by NPR that Middendorf "committed an act of sexual penetration." Indiana state records indicate that Middendorf's victim was 7 years old.

Middendorf entered a guilty plea in that case in May 2024 and was sentenced to 19 years in prison. He is currently registered as a sex offender in the state and remains in custody on those charges.

Separately, Middendorf pleaded guilty to destruction of government property for striking a window at the U.S. Capitol with a flagpole on Jan. 6. He had not yet been sentenced for his role in the Capitol riot when the Justice Department moved to dismiss his case following Trump's order.

Peter Schwartz had a "jaw-dropping criminal history of 38 prior convictions going back to 1991" when he assaulted police officers with pepper spray on Jan. 6, according to federal prosecutors.







Peter Schwartz at the U.S. Capitol on Jan. 6, 2021.

*Department of Justice*

When those prosecutors made their sentencing recommendations to the judge, they described a 1994 disorderly conduct case for throwing a "lit cigarette at a victim" and striking her "near her eyes"; a 2004 case for assault with a deadly weapon; a 2019 case for "terroristic threats" for threatening police while under arrest for domestic assault; and a 2020 case of assaulting his wife "including by biting her on the forehead and punching her multiple times."

Given that history, prosecutors said, "The only reliable method of protecting the community from Schwartz in the future is to remove him from the community for as long as possible."

Federal judge Amit Mehta gave Schwartz one of the toughest prison sentences stemming from the Capitol riot — more than 14 years.

Less than four years after Schwartz's arrest, Trump's pardon freed him from prison.

**Criminal cases unrelated to Jan. 6 are ongoing**

Trump's pardons apply only to people "convicted of offenses related to events that occurred at or near the United States Capitol on January 6, 2021."

As a result, some Jan. 6 defendants are still facing criminal charges from other alleged incidents.

David Daniel of Mint Hill, N.C., is charged with "Production of Child Pornography" and "Possession of Child Pornography," which allegedly "involved a prepubescent minor" and a child under 12 years old.



David Daniel at the U.S. Capitol on Jan. 6, 2021.

*Department of Justice*

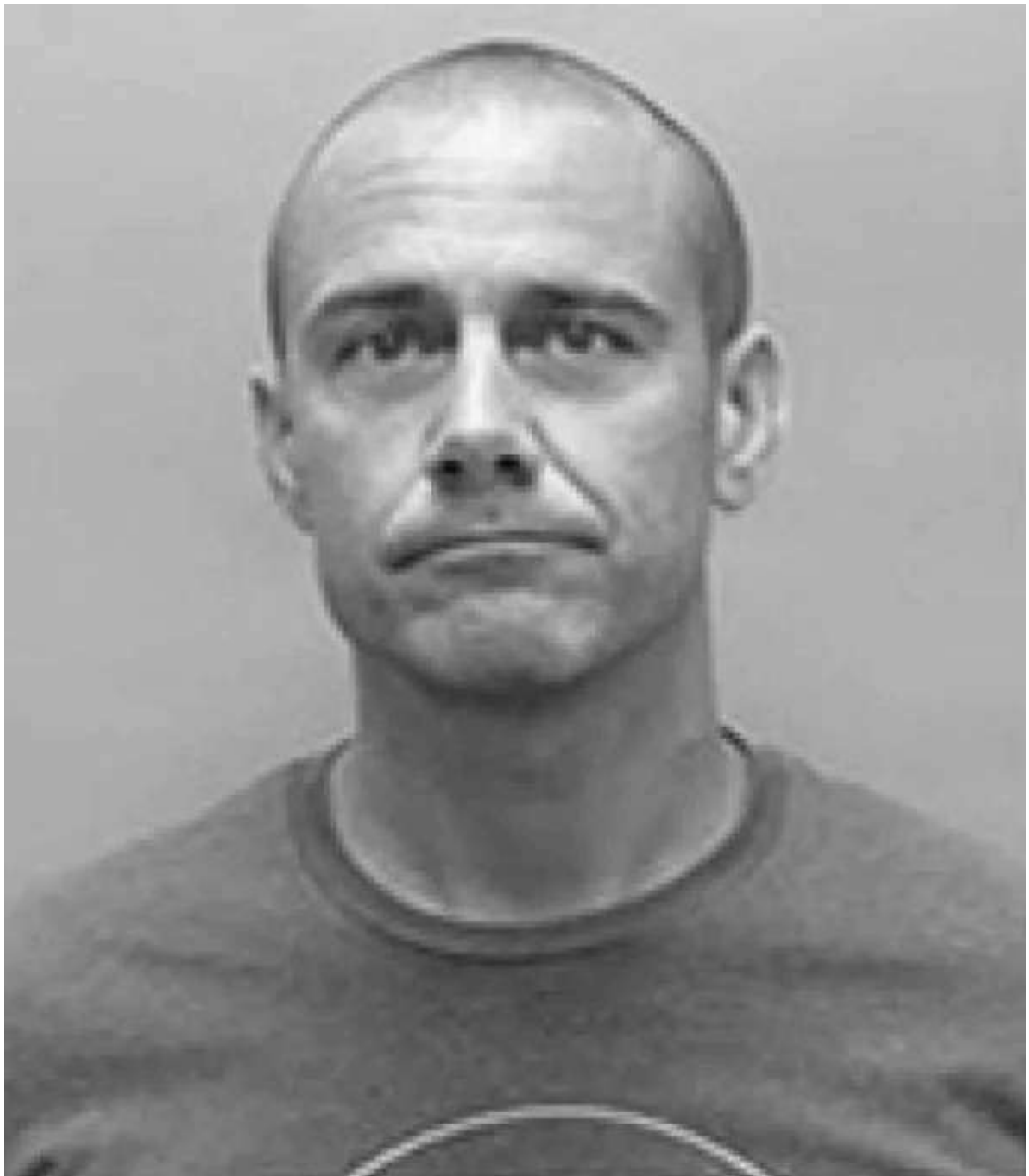
"The government's forecast of evidence is compelling and suggests Defendant engaged in sexual acts with two young girls in his own family," Magistrate Judge David Keesler wrote of the case against Daniel. "It is also alleged he took and kept photos of the genitalia of the victims. The mother of one victim (Defendant's ex-wife) appeared in court to request that Defendant not be released." Because of

those findings, Judge Keesler ordered Daniel to remain in detention pending trial. Daniel has pleaded not guilty to the charges in North Carolina and that case remains pending.

Separately, Daniel pleaded guilty to a charge of assaulting police officers on Jan. 6, but he had not yet been sentenced. Trump's Department of Justice dismissed that case.

He is not the only defendant facing ongoing criminal charges.

Arrest warrant records alleged that Daniel Ball of Florida threw an "explosive device that detonated upon at least 25 officers" during the Capitol riot and also "forcefully" shoved police trying to protect the building. According to charging documents, Ball had a criminal record before his arrest for Jan. 6, including for "Domestic Violence Battery by Strangulation," "Resisting Law Enforcement with Violence," and "Battery on Law Enforcement Officer."



A mugshot of Daniel Ball.

*Department of Justice*

When federal agents arrested Ball on the Jan. 6 charges, they discovered that he was also in possession of a gun and ammunition, which was illegal given his criminal history, according to prosecutors. In addition to the Jan. 6 charges, a

grand jury in Florida handed down a separate indictment against Ball in August 2024 for "Possession of a Firearm or Ammunition by a Convicted Felon."

Ball pleaded not guilty to his Capitol riot charges and the Department of Justice, following Trump's order, dismissed his case. But Trump's pardon did not resolve his gun case. On Jan. 22, Ball was rearrested on the Florida gun charges. That case remains pending, and Ball has pleaded not guilty.

Andrew Taake of Texas pleaded guilty to assaulting police officers with bear spray and a "metal whip" on Jan. 6 and was sentenced to six years in prison.

He also had a prior criminal case that remains unresolved.

The Harris County District Attorney in Texas has said that Taake is wanted on 2016 charges of soliciting a minor online. "We are already in the process of tracking Taake down," District Attorney Sean Teare said in a statement shared with NPR. Taake allegedly sent sexually explicit messages to someone he thought was a 15-year-old girl, but was, in fact, an undercover law enforcement officer, prosecutors alleged as part of his Jan. 6 case.

Here are some of the other Jan. 6 cases where the defendants had a significant criminal record before they were charged for their role in the riot. They all received pardons from Trump:

## USA v. Kasey Hopkins



Kasey Hopkins at the U.S. Capitol on Jan. 6, 2021.

*Department of Justice*

Kasey Hopkins, "has a lengthy and troubling criminal history" including a 2002 conviction for "forcible rape," which resulted in a seven-year prison sentence, according to prosecutors' sentencing memorandum for his Jan. 6 case.

"The defendant had forcible intercourse with the victim, choked her to the point of impairing her vision, banged her head into a wall, and urinated into the victim's mouth to humiliate her," prosecutors alleged in arguments over sentencing. "When

the victim attempted to flee, naked, the defendant caught up to her and threw her down."

Prosecutors alleged that Hopkins also had other prior convictions for "assault on a law enforcement officer," "operating a motor vehicle without a license," and "possession of a controlled substance."

In 2022, Hopkins pleaded guilty to a charge of "parading, demonstrating and picketing in a Capitol building," and was sentenced to four months in prison. Prosecutors said that prior to the Jan. 6 riot, he discussed the possibility of a "Civil War" and proposed forming a group called "Proud Felons for Trump."

Hopkins wrote a letter to Judge Tanya Chutkan, who oversaw his Jan. 6 case, noting that, "Ma'am you have my rap sheet and to my shame it's not a good one," he wrote. "For that matter I'm not sure if any rap sheet is 'Good.'" He said prison had changed him for the better and expressed shame and regret for his actions on Jan. 6.

**USA v. Edward Richmond, Jr.**



Edward Richmond Jr. at the U.S. Capitol on Jan. 6, 2021.

*Department of Justice*



In 2004, Edward Richmond Jr. was serving in the U.S. Army when he "was convicted of manslaughter after shooting a hand-cuffed Iraqi cow herder in the head with his rifle," prosecutors said in their arguments about sentencing in Richmond's Jan. 6 case. For the manslaughter conviction, "Richmond was sentenced to three years of military confinement and dishonorably discharged."

Richmond's criminal record, court documents indicate, also included convictions for resisting officers and driving under the influence, as well as an arrest for domestic abuse.

For his role in the Jan. 6 attack, Richmond pleaded guilty to a charge of "Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon." According to a statement of offense Richmond agreed to as part of his plea, he wore "tactical gear" to the Capitol on Jan. 6, including a helmet, goggles, and a camouflage vest. He "stayed at the front of the mob fighting against police for almost two hours," the statement said, and struck officers with a baton.

Richmond was sentenced to more than four years in prison in his Jan. 6 case.

## **USA v. Jonathan Gennaro Mellis**



Jonathan Gennaro Mellis at the U.S. Capitol on Jan. 6, 2021.

*Department of Justice*

Jonathan Gennaro Mellis had a previous felony criminal conviction for drug trafficking — conspiracy to manufacture or sell methamphetamine — which resulted in a 20-year prison sentence, court documents state. Prosecutors said he also had a history of arrests, which did not result in conviction, including for domestic assault.

In 2023, Mellis pleaded guilty to "Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon" and agreed as part of his plea that he used a large wooden stick to "repeatedly strike or stab" police officers on Jan. 6.

## USA v. Benjamin Martin



Benjamin Martin at the U.S. Capitol on Jan. 6, 2021.

*Department of Justice*

Benjamin Martin pled to obstruction of a public officer in 2003, a 2016 battery charge where he repeatedly struck his 14-year-old daughter, and a 2018 battery.

charge where Martin choked his girlfriend and dragged her back into the house after she tried to flee," prosecutors wrote.

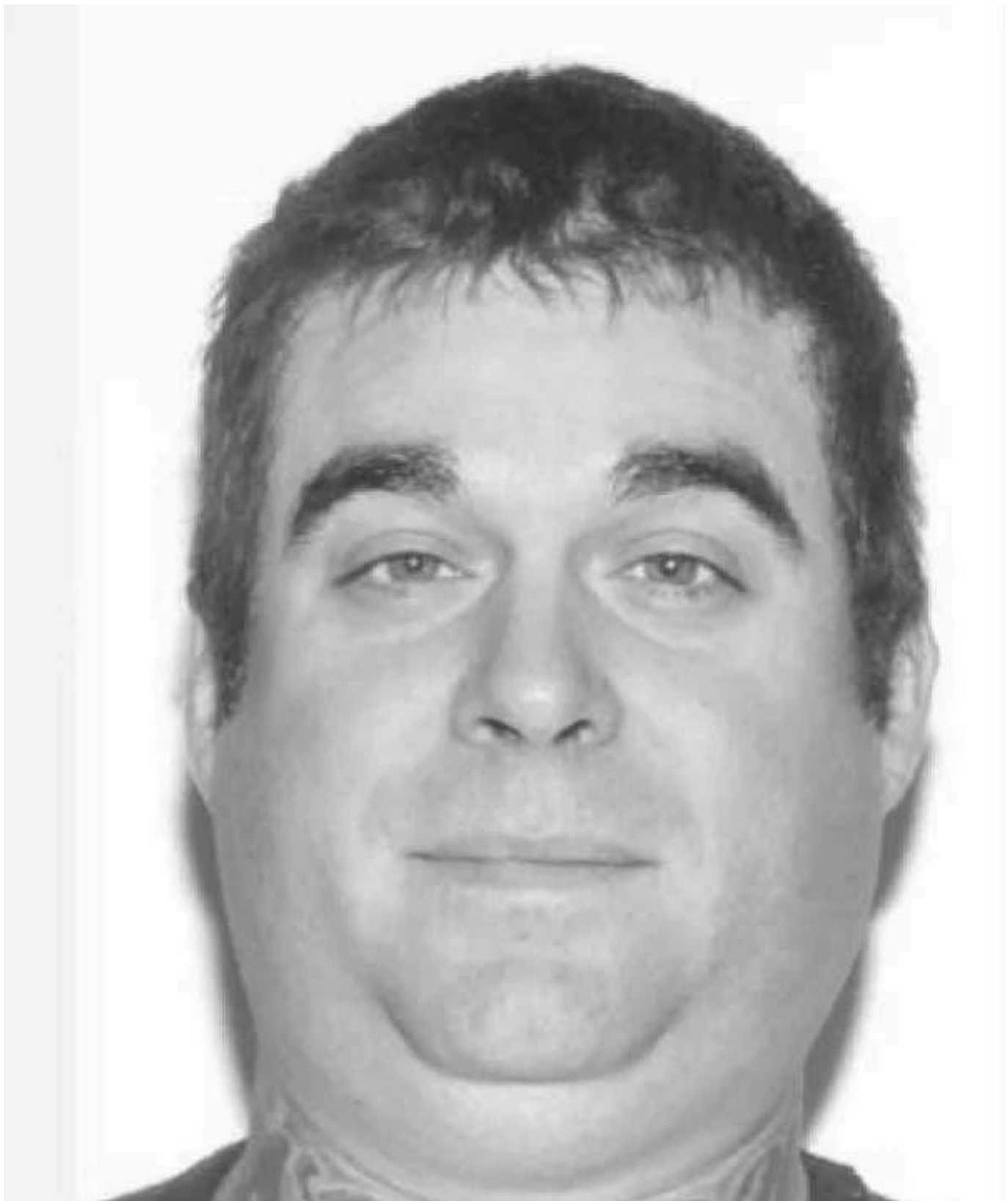
Martin was "on supervision" from his prior conviction when he took part in the Jan. 6 riot, prosecutors said.

Martin was convicted at trial of multiple charges in connection with Jan. 6, including "Civil Disorder" and "Entering and Remaining in a Restricted Building or Grounds."

Because of his criminal record, Martin was prohibited from owning guns. When FBI agents arrested Martin in connection with his Jan. 6 case, they found "eight firearms, including an AR-15-style rifle, multiple high-capacity magazines for the AR-15, and more than 500 rounds of ammunition." Martin contended that the firearms belonged to his fiancée and father-in-law. He was separately tried and convicted in California of "Possession of Firearm and Ammunition by Person with Conviction for Misdemeanor Crime of Domestic Violence," a felony.

Martin was sentenced to 13 months in prison for his Jan. 6 case and more than three years in prison on the gun case. After Trump pardoned Martin for his Jan. 6 conviction, Martin subsequently turned himself in to authorities on the gun conviction, according to local media reports. He continues to deny all wrongdoing.

## **USA v. Edward Hemenway**



Edward Hemenway's driver's license photo.

*Department of Justice*

Edward Hemenway "has a serious criminal history, dating back to 2004," prosecutors said in their arguments during sentencing in the Jan. 6 case. In 2006, Hemenway pleaded guilty to "Sexual Battery and Criminal Confinement" and was

initially sentenced to three years in prison. "His probation was revoked, however, and he was re-sentenced to 5 years imprisonment," prosecutors said.

In connection with Jan. 6, Hemenway pleaded guilty to a charge of "Parading, Demonstrating, or Picketing in a Capitol Building," after he breached the U.S. Capitol building while chanting "Stop the Steal!" and "Our house!" At one point, prosecutors said, he took a selfie inside the Capitol with his middle finger raised to the camera, and posed for another photo while standing on a government vehicle that had been overrun by the rioters.

Hemenway's defense attorney argued that he had changed after his previous convictions. "He has turned from that part of his life and has made a new one," his attorney wrote.

Hemenway received a sentence of 45 days in prison and 60 hours of community service for his actions on Jan. 6.

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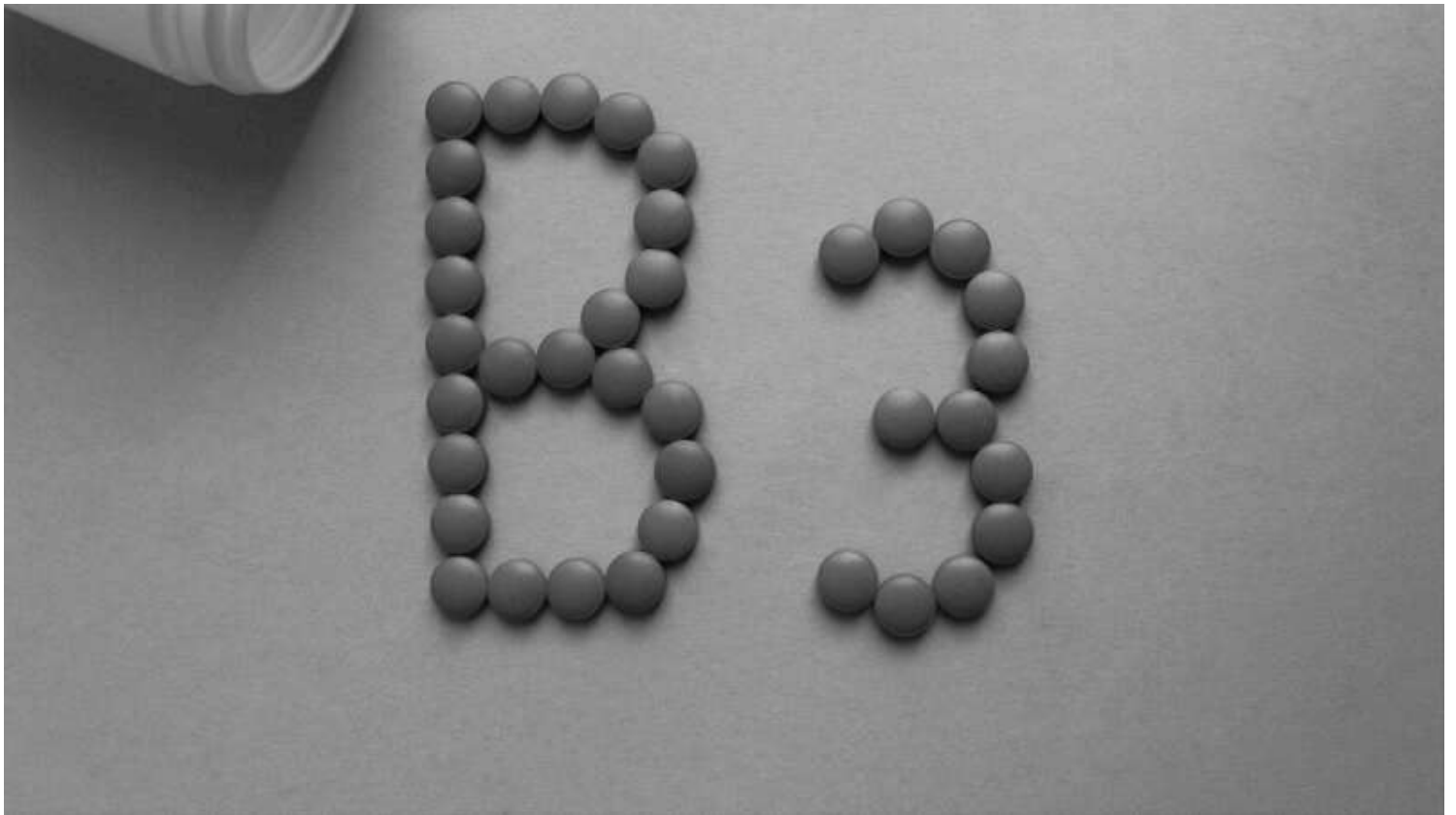
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