

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States v. Kingery

Kingery · No. Criminal Action No. 24-274 (BAH) · Decided December 9, 2025

SUMMARY

The District Court for the District of Columbia affirmed Daniel Melzine Kingery’s convictions and time-served sentences following a magistrate judge’s bench trial. The court rejected challenges concerning the Sixth Amendment right to a jury trial for petty offenses, the sufficiency of evidence supporting violations of National Park Service regulations, and the validity of his criminal contempt conviction. The court also rejected Kingery’s argument that the contemptuous conduct occurred outside the court’s presence during a virtual hearing and his claim that the magistrate judge was disqualified from presiding.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Beryl A. Howell
JURISDICTION	United States District Court for the District of Columbia
DECIDED	December 9, 2025
DOCKET	Criminal Action No. 24-274 (BAH)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed under 18 U.S.C. § 3402 from convictions and time-served sentences entered by a magistrate judge after a bench trial on three federal park-regulation citations and one count of criminal contempt.
STANDARD OF REVIEW	Legal conclusions of the magistrate judge are reviewed de novo. Factual findings underlying a guilty verdict are accepted if any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. Sufficiency of the evidence is reviewed by viewing the evidence in the light most favorable to the prosecution.
PRECEDENTIAL VALUE	Published district court memorandum opinion; persuasive authority within the District of Columbia but not binding precedent outside the case.
PARTIES	Daniel Melzine Kingery v. United States of America

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Sixth Amendment entitled Kingery to jury trials on the petty-offense park citations and misdemeanor criminal-contempt charge.
2. Whether sufficient evidence supported convictions for intentionally interfering with a government employee under 36 C.F.R. § 2.32(a)(1) and violating a lawful order under 36 C.F.R. § 2.32(a)(2).
3. Whether Kingery's conduct during a remote hearing occurred in or near the presence of the court as required by 18 U.S.C. § 401(1).
4. Whether the magistrate judge who presided over the remote proceeding was disqualified under Federal Rule of Criminal Procedure 42(a)(3) from presiding over the criminal-contempt trial.

HOLDINGS

1. A defendant charged with petty offenses, including criminal contempt punishable by no more than thirty days of incarceration, is not entitled to a jury trial under the Sixth Amendment.
2. The evidence was sufficient to support Kingery's conviction for intentionally interfering with a government employee engaged in an official duty.
3. The evidence was sufficient to support Kingery's conviction for violating a lawful order to leave the park.
4. Conduct occurring during a remote court proceeding may occur in the presence of the court within the meaning of 18 U.S.C. § 401(1); Kingery's disconnection from the virtual proceeding therefore satisfied the presence requirement.
5. The magistrate judge was not disqualified from presiding over the contempt trial because Kingery's statements expressed disagreement with the jury-trial law but did not constitute disrespect toward or criticism of the judge within Rule 42(a)(3).

KEY QUOTATIONS

“In short, because defendant’s behavior occurred in the view of the court and no further evidence was required to establish the contempt charge, consistent with the distinction drawn by the Supreme Court, defendant was in the court’s “presence” within the meaning of 18 U.S.C. § 401(1).” (at 15-16)

“His contemptuous act was disconnecting his telephone to stop participating in the proceedings, not anything he said.” (at 21)

FACTUAL BACKGROUND

On February 15, 2023, United States Park Police worked to clear an encampment of approximately seventy people from McPherson Square Park, which had been closed because of public-health and safety concerns, including rodents, unsanitary conditions, drug paraphernalia, and violence. After being informed of the closure and given multiple opportunities to leave, Kingery refused to vacate after his belongings were removed and was arrested. During a later remote proceeding scheduled for trial on the park citations, Kingery argued that he was constitutionally entitled to a jury trial and then disconnected from the court, resulting in the criminal-contempt charge.

PROCEDURAL HISTORY

Kingery was issued three federal citations arising from his refusal to leave McPherson Square Park after its closure. When he disconnected from a scheduled remote bench-trial proceeding, the magistrate judge held him in contempt and issued an arrest warrant. After his arrest, the magistrate judge conducted a bench trial on the contempt charge and the three citations, found him guilty on all counts, and imposed time-served sentences. The district court reviewed the appeal under Federal Rule of Criminal Procedure 58(g)(2)(D) and affirmed.

DISPOSITION

affirmed

CASES CITED

- United States v. Young, 107 F.3d 903, 910 (D.C. Cir. 1997)
- United States v. Williams, 784 F.3d 798, 801 (D.C. Cir. 2015)
- United States v. Andrews, 532 F.3d 900, 903 n.1 (D.C. Cir. 2008)
- Callan v. Wilson, 127 U.S. 540, 557 (1888)
- Blanton v. City of North Las Vegas, 489 U.S. 538, 542 (1989)
- District of Columbia v. Clawans, 300 U.S. 617, 624 (1937)
- Cheff v. Schnackenberg, 384 U.S. 373, 380 (1966) (plurality opinion)
- Frank v. United States, 395 U.S. 147, 151 (1969)
- Hohn v. United States, 524 U.S. 236, 252-53 (1998)
- United States v. Buehler, 793 F. Supp. 971, 975 (E.D. Wash. 1992)
- United States v. Thorpe, 122 F.3d 1058, 1997 WL 434086, at *2 (2d Cir. 1997) (per curiam) (unpublished table decision)
- Wilson v. Kittoe, 229 F. Supp. 2d 520, 528, 531 (W.D. Va. 2002)
- United States v. Borda, 848 F.3d 1044, 1053 (D.C. Cir. 2017)
- United States v. Goldin, 311 F.3d 191, 194-96 (3d Cir. 2002)
- Broderick v. Donaldson, 437 F.3d 1226, 1234 (D.C. Cir. 2006)
- Ex parte Robinson, 86 U.S. (19 Wall.) 505, 510 (1874)
- Jones v. United States, 151 F.2d 289, 290 (D.C. Cir. 1945)
- United States v. Brock, 94 F.4th 39, 53 (D.C. Cir. 2024)

- United States v. Warlick, 742 F.2d 113, 115-16 (4th Cir. 1984)
- United States v. McGainey, 37 F.3d 682, 684-85 (D.C. Cir. 1994)
- Nye v. United States, 313 U.S. 33, 39-40, 48 (1941)
- Klein v. United States, 151 F.2d 286, 287-88 (D.C. Cir. 1945) (per curiam)
- Young v. United States ex rel. Vuitton et Fils S.A., 481 U.S. 787, 798-99 (1987)
- Bloom v. Illinois, 391 U.S. 194, 204 (1968)
- United States v. Barnett, 376 U.S. 681, 687 (1964)
- United States v. Marshall, 451 F.2d 372, 373 (9th Cir. 1971) (per curiam)
- In re Heathcock, 696 F.2d 1362, 1365 (11th Cir. 1983)
- Cooke v. United States, 267 U.S. 517, 539 (1925)
- United States v. Meyer, 462 F.2d 827, 839 (D.C. Cir. 1972)
- In re Sealed Case, 627 F.3d 1235, 1238 (D.C. Cir. 2010)
- Faretta v. California, 422 U.S. 806 (1975)
- McKaskle v. Wiggins, 465 U.S. 168, 178 (1984)
- United States v. Browne, 318 F.3d 261, 266 (1st Cir. 2003)