

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

JESSE JAMES RUMSON,

Defendant.

Case No. 1:23-cr-70 (CJN)

UNITED STATES' TRIAL BRIEF

The United States, by and through its attorneys, respectfully submits this brief summarizing the government's evidence at trial.

Rumson is charged in an eight-count indictment (ECF 8) for his actions on January 6, 2021, including two felonies: civil disorder, in violation of 18 U.S.C. § 231(a)(3) (Count One) and assaulting, resisting, or impeding officers, in violation of 18 U.S.C. § 111(a) (Count Two). During this trial, and as described below, the government will prove beyond a reasonable doubt that Rumson committed each offense charged in the Indictment based on video and photographic evidence showing Rumson as follows:

- Ascending the northwest stairs shortly after seeing other rioters battling to push the outnumbered police line backwards up those stairs;
- Launching himself over the railing of the stairs leading to the Capitol's Parliamentarian Door and entering that door just moments after watching another rioter smash through its windows and unlatch the door from the inside;
- Exiting the Capitol thirteen minutes later through the same door, but this time in handcuffs; and,
- Attacking a police line attempting to clear rioters off the Upper West Terrace by, among other things, grabbing hold of and yanking back and downward the open face shield of a Prince George's County Police Department (PGPD) Officer.

The government may also rely on post-January 6 admissions made by Rumson during publicly available speeches and interviews, where Rumson admitted his guilt as to trespass, and detailed his knowledge and understanding of the Capitol building, its typical security procedures, the Electoral College certification process, and certain then-on-going Supreme Court cases involving allegations of election fraud.

Rumson's January 6, 2021 Conduct

Rumson listened to the entirety of President Trump's Speech at the Ellipse before marching towards restricted Capitol Grounds.

On January 5, 2021, Rumson, a thirty-five year old adult, drove with a friend from his home in Lecanto, Florida to Washington, D.C. On January 6, 2021, Rumson went to the Stop the Steal Rally at the Ellipse and, for the first half of his day, was wearing a large headpiece that appeared to be from a panda costume.



Ex. 401: Rumson in panda headpiece on January 6, 2021.

At the Stop the Steal Rally, Rumson listened to the entirety of then-President Donald J. Trump’s speech. Many times throughout the seventy-one minute-long speech (*see* Exs. 201, 202), President Trump discussed the Electoral College Vote process and, specifically, Vice President Michael Pence’s role in that process. *See id.*; Ex. 202 at, *e.g.*, 5 (“And Mike Pence is going to have to come through for us, and if he doesn’t, that will be a, a sad day for our country because you’re sworn to uphold our Constitution.”), 12 (“They voted. But now they see all this stuff, it’s all come to light. Doesn’t happen that fast. And they want to recertify their votes. They want to recertify. But the only way that can happen is if Mike Pence agrees to send it back. Mike Pence has to agree to send it back.” [Audience chants: “Send it back.”]), 16 (“And Mike Pence, I hope you’re going to stand up for the good of our Constitution and for the good of our country. And if you’re not, I’m going to be very disappointed in you. I will tell you right now. I’m not hearing good stories.”).



Ex. 801: Rumson, in panda headpiece, is seen at very end of President Trump’s speech, where the President says, “So we’re going to, we’re going to walk down Pennsylvania Avenue . . . And we’re going to the Capitol”

Just after approximately 1:10 p.m.,¹ Rumson marched with the crowd down Pennsylvania Avenue towards Capitol Grounds.

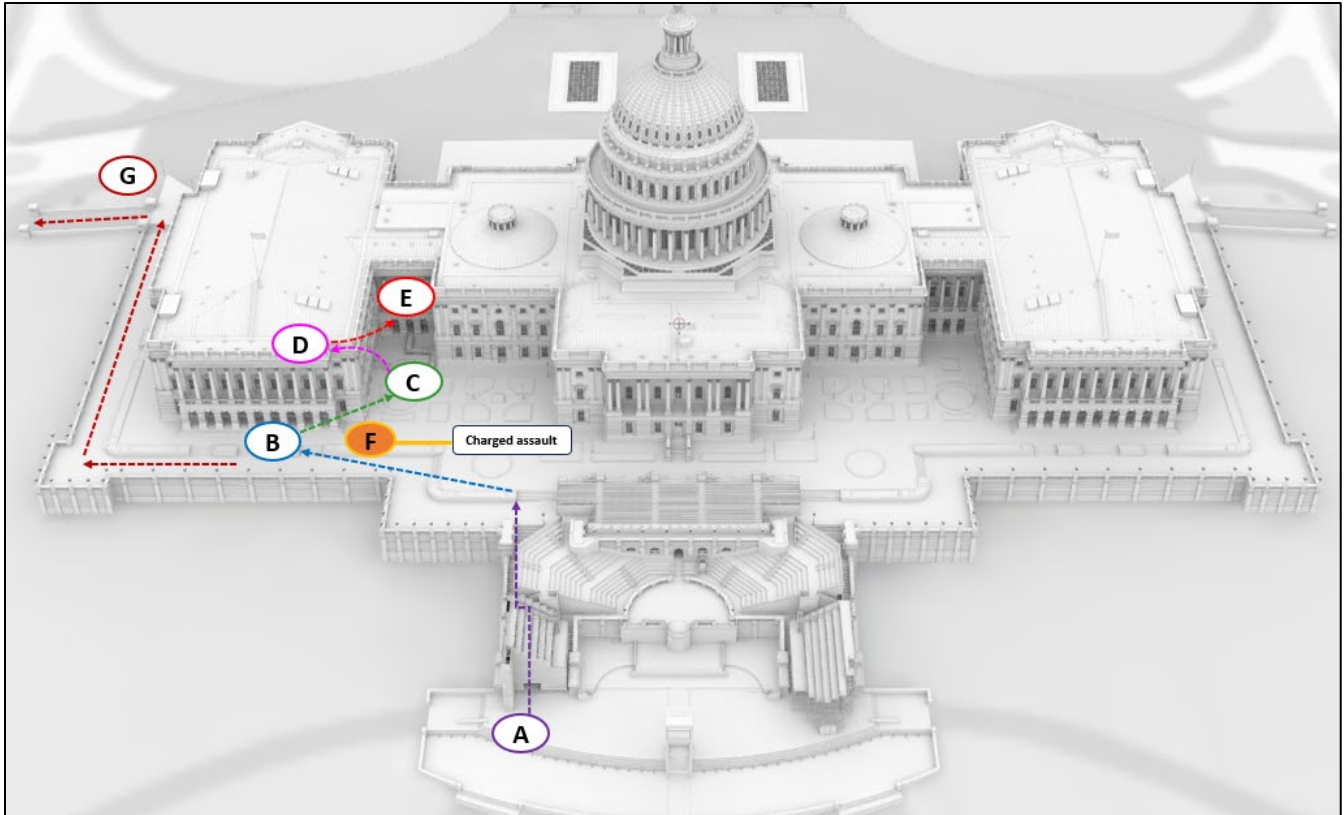


Ex. 403: Defendant, holding panda headpiece, en route to the Capitol.

Overview of Rumson’s hours-long trespass within the restricted area and inside the U.S. Capitol Building

Below is a 3D-rendering capturing Rumson’s path over the course of his hours-long trespass within the restricted area. Rumson moved through various parts of the restricted area and was among the first rioters to enter the Capitol building through the Parliamentarian Door after that door was breached at 2:42 p.m.

¹ See, e.g., <https://apnews.com/article/capitol-siege-elections-donald-trump-presidential-elections-election-2020-3315609c4152b4429930a17191b5a217> (“Trump was up on stage by 11:57 and addressed his supporters until about 1:15 p.m.”); see also, e.g., <https://www.c-span.org/video/?507744-1/trumps-jan-6-rally-speech>.



*Ex. 122: A: Base of northwest stairs where Rumson entered scaffolding;
B: Upper West Terrace where Rumson paused to check cell phone;
C: Near Parliamentary Door where Rumson jumped railings and entered breached door;
D: Brumidi Corridor where Rumson attacked line of officers and was placed in handcuffs;
E: Near Senate Wing Door where Rumson remained for 90 minutes,
 heckling officers and revving up the crowd;
F: Upper West Terrace where Rumson assaulted PGPD Corporal S.A.,
 who was part of large officer line that began forcing rioters northward, off Upper Terrace;
G: Pathway and location where Rumson finally exited off Upper Terrace.*

Rumson ascended the northwest stairs after watching rioters battling police.

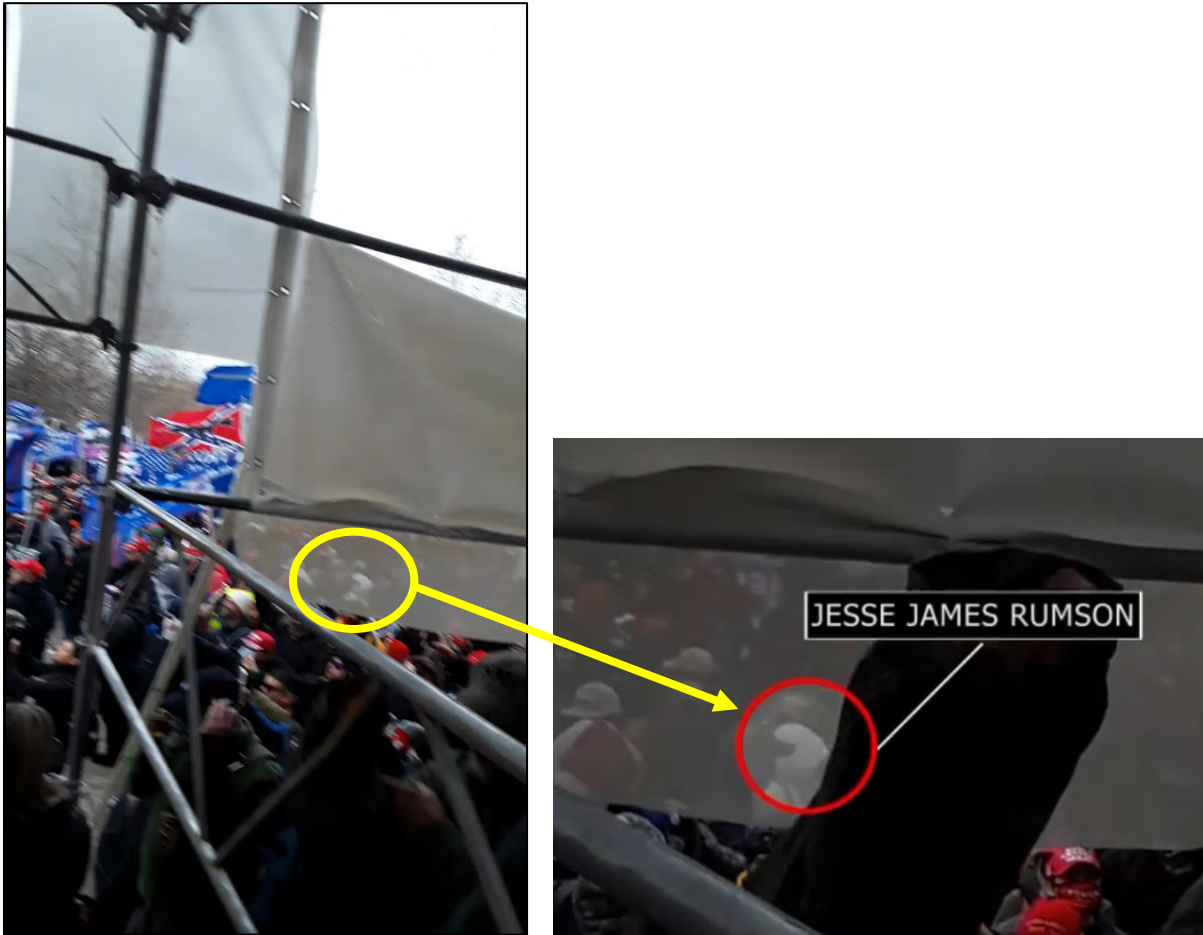
By approximately 2 p.m., Rumson was among the thousands of rioters that had breached the Capitol’s restricted perimeter, which was denoted by bike rack barricades with “AREA CLOSED” signs, among other things. See Ex. 101, 102, 404, 404.1. As he stood on the Lower West Terrace, near the northwest stairs, Rumson could see rioters battling the outnumbered USCP officers on those stairs. He could also see and hear the crowd that was encouraging the rioters to push the officers backwards, forcing them to retreat up the steps.



Ex. 404: Open source video from below northwest stairs capturing rioters forcing police line to treat up northwest stairs, identified by blue arrows (timecodes: 3:16 (zoomed in, top), 6:00 (middle)); Rumson’s panda headpiece circled in yellow in same general area (timecode 10:00, bottom).

From that same general area, Rumson could also hear rioters shouting about how Vice President Pence should “do [his] fucking job!” and could also see and hear flashbangs and pepper spray being deployed nearby. *See* Ex. 404.1 at 00:46 (woman on megaphone, “Come say hello!

Hello Mr. Pence, do you fucking job!”), 1:00 (videographer noting “so much damn tear gas”), 1:59 (flashbang audibly and visibly deployed), 2:07 (Rumson visible in panda headpiece).



Ex. Ex. 404.1 (timecode: 2:07); Ex. 802 (zoomed & slowed version): Open source video as one rioter enters stairs under scaffolding; as rioter turns to video behind him, rioter captures Rumson in panda headpiece through scaffolding’s white tarp.

Rumson then climbed the northwest stairs underneath the scaffolding. At approximately 2:25 p.m., still wearing the panda headpiece, Rumson emerged from the scaffolding and rounded the corner to ascend to the Capitol’s Upper West Terrace, as shown below and in locations A and B in the above 3D-rendering.



Ex. 802: CCTV of Northwest stairs showing Rumson emerging from scaffolding and climbing remainder of stairs towards Upper West Terrace.

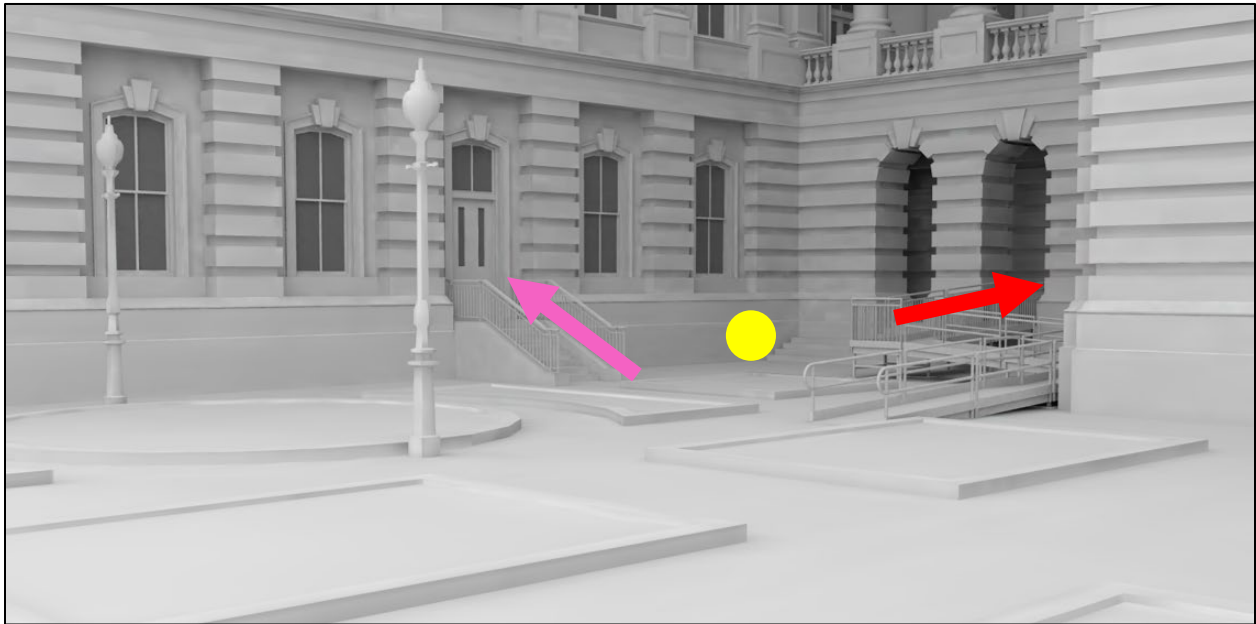
After reaching the Upper West Terrace, Rumson paused for a moment to take in the sights while the mob sang the National Anthem together (shown as location B in the above 3D-rendering).



Ex. 405.1 (timecode: 00:06): Rumson looks out towards Washington monument from Capitol's Upper West Terrace while pulling cell phone from his pocket to check it.

Rumson entered the Capitol after watching other rioters breach the Parliamentarian Door.

Rumson then crossed back to the Northwest Courtyard portion of the Upper West Terrace to join the crowd that was accumulating by the Parliamentarian Door and the Senate Wing Door, which are perpendicular to one another. At the time, rioters were simultaneously attempting to breach both of those doors, and Rumson positioned himself in the corner between the two doors.



Ex. 122: Entrance to Parliamentarian Door indicated with pink arrow; Entrance to Senate Wing Door indicated with red arrow; Rumson's approximate location indicated with yellow dot.

Rumson's position between the doors allowed him to observe the rioters' progress in breaching both doors, particularly because, at the time, his panda headpiece was pushed backwards on head, revealing his face. His positioning also enabled him to move quickly to enter the building once a nearby rioter successfully smashed in the window of the Parliamentarian Door, allowing that rioter to unlatch the door from the inside. Within seconds of that rioter successfully breaching the Parliamentarian Door, but before the rioter even entered the building, Rumson bolted from his position in the corner, pulled down the panda headpiece, and headed toward the now-breached Parliamentarian Door.



Ex. 122: Rioter smashing Parliamentarian Door with metal hooked cane (timecode: 00:11).



Ex. 409: Rioter who smashed Parliamentarian Door's window, indicated by red arrow, steps toward door while Rumson, circled in yellow, pulls panda headpiece down over his face and bolts towards door (timecode: 00:03-00:04).

Rumson launched himself over the chest-high railing to the staircase to get inside the building as fast as possible (path shown from Location C to D in the 3D-rendering above).



Ex. 408: Rumson launches himself over staircase of railing (timecode: 00:20).

Rumson entered the U.S. Capitol building at 2:42 p.m. through the Parliamentarian Door. He was among the first 20 rioters to enter.



Ex. 803: Rumson entering U.S. Capitol building.

Rumson then proceeded down the hallway known as the Brumidi Corridor.

Rumson enters the Brumidi Corridor wearing his panda headpiece and a backpack, attacks the police line, and leaves without those items and in handcuffs.

After Rumson entered the building, he joined the group of rioters that led a charge against the small line of USCP officers in the Brumidi Corridor. Those officers included USCP Officer R.P. Over the course of a few minutes, the mob, including Rumson, successfully forced those officers to retreat further down the Brumidi Corridor. Initially, Rumson was wearing the panda headpiece and backpack.



Ex. 414: Rumson wearing panda headpiece and backpack in Brumidi Corridor.

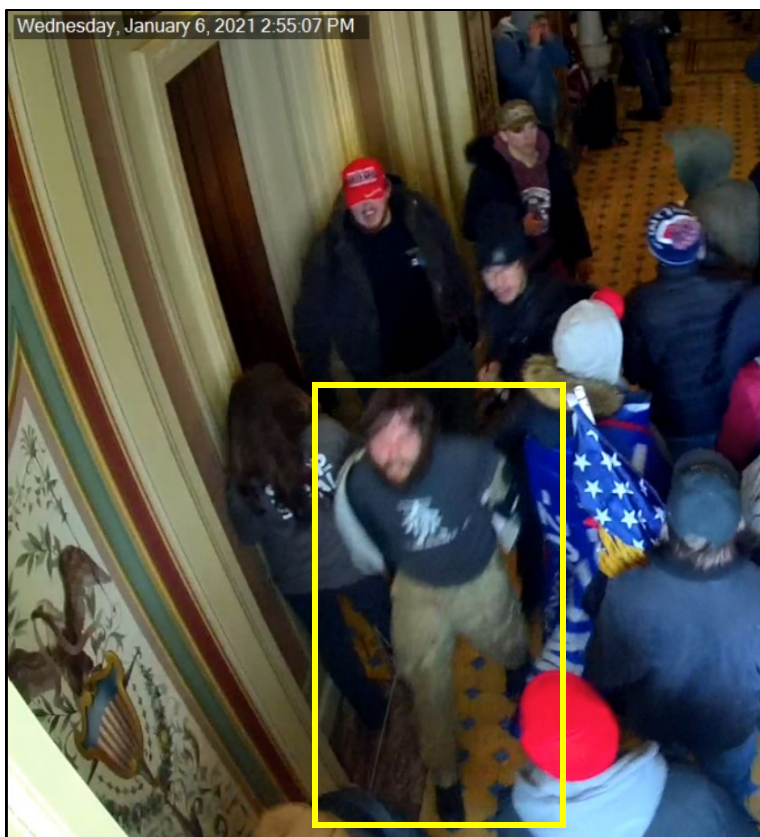
At some point inside, however, Rumson lost, abandoned, or otherwise removed the panda headpiece, but he continued wearing the backpack, as shown in the image below, where officers are responding to the rioters' advances by deploying pepper spray.



Ex. 415: Rumson, outlined in yellow, without panda headpiece, but with backpack strap visible; USCP Officer R.P. is outlined in blue.

As Officer R.P. will testify, as the above photo was taken, the rioters at the front of the mob were becoming violent towards the officers. Ex. 416-418. Officer R.P. did not see what happened immediately after this photo was taken, and documentary evidence of this altercation is limited. However, as a result of the altercation, Rumson was placed in handcuffs.

Rumson exited the Capitol building at 2:55 p.m. through the Parliamentarian Door without his backpack or the panda headpiece and was still in handcuffs. His face and hands were red and irritated, consistent with the effects of pepper spray. After he left the building, other rioters removed his handcuffs just outside the Parliamentarian Door, in the Northwest Courtyard.



Ex. 314: Rumson exiting Capitol Building without panda headpiece and backpack, but with hands behind his back in handcuffs.



Ex. 427: Rumson celebrates as handcuffs are removed outside Parliamentarian Door on Upper West Terrace.

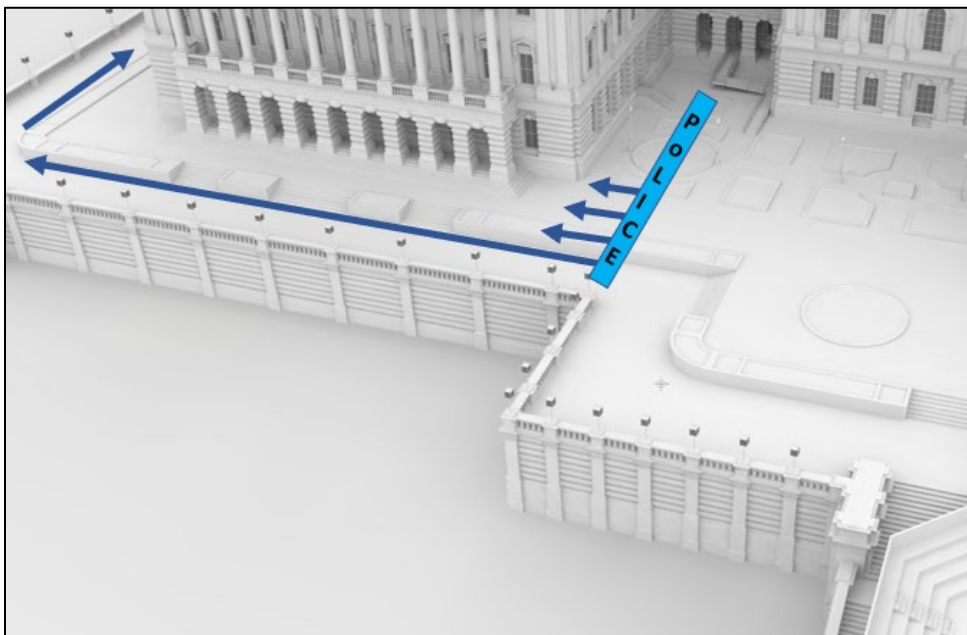
***Rumson lingers near Senate Wing Door for 90 minutes,
heckling officers and revving up the crowd.***

Rumson lingered on the Upper West Terrace for ninety minutes. During that time, among other things, he stood near the Senate Wing Door (location E on the above 3D-rendering) and yelled, “GET A RAM!” as rioters attempted to breach the windows adjacent to that door for a second time. Ex. 315 (CCTV showing area from inside as rioters re-breach those windows around 3:52 p.m.). He also heckled officers inside the building through a nearby window yelling, “Join us or die!” at them, and encouraged the crowd to begin a “Join us, join us” chant.



Ex. 429 (top, timecode: 00:12): Rumson, circled in yellow, yells, “GET A RAM!”
Ex. 431 (bottom, timecode 7:32): Rumson, circled in yellow, starts “join us” chant.

By approximately 4 p.m., reinforcements from nearby law enforcement agencies had arrived at the Capitol and gathered on the Upper West Terrace, including officers from MPD and PGPD. MPD Sergeant Luke Foskett and other supervisory MPD officers quickly implemented a plan to form two officer lines, one that would move rioters northward, off the Upper West Terrace, and another that would move rioters westward, off the inaugural staging area. The police line planned to pushed rioters northward, around the corner of the building, and, eventually, off the Upper West Terrace, as shown in the 3D-rendering below (Ex. 122). As the Upper West Terrace police line began moving north to clear the terrace, the rioters resisted.



Rumson pushed back against the police line for 50 seconds, then assaulted Corporal S.A. by grabbing and yanking at his open face shield.

At 4:12 p.m., as the police line was forming, Rumson left the Senate Wing Door area, crossed in front of the police line, and positioned himself at the front of the rowdy mob facing off with the police line. Anticipating the police line's movement, rioters began fighting the officers in the line. *See* Ex. 813 (CCTV of NW Courtyard). Rumson joined them, pushing against the police line for approximately 50 seconds.



Ex. 810 (timecode: 00:00 (top), 00:35 (bottom)): Rumson, circled in yellow, moves to front of mob of rioters and begins physically pushing back against police line.

As the rioters clashed with the police line, Rumson was momentarily pushed backwards. Undeterred, however, he charged back at the line, where he reached up with his right hand and grasped the face shield of PGPD Corporal S.A.



Ex. 435: Rumson grabs Corporal S.A.'s face shield with his right hand.

Rumson yanked Corporal S.A.'s face shield, whipping S.A.'s head back and downward, which forced Corporal S.A. to keel over in pain. *See Exs. 810, 811, 812, 814* (open-source and BWC assault videos). The body-worn cameras of several MPD officers near Corporal S.A. capture Rumson approaching the police line at 4:22:31 p.m. and walking away at 4:22:48 p.m. after assaulting Corporal S.A. *See Exs. 812, 814.*



*See Ex. 812 ((BWC), timecode 0:44):
Rumson, outlined in yellow, approaches police line at 4:22:31 p.m.*



*Ex. 502 ((BWC), timecode 1:02):
Rumson, circled in yellow, walks away from police line post-assault,
as other rioters fall to the ground in front of him at 4:22:48 p.m.*

Officers eventually force Rumson off the Upper Terrace.

After continued battling with rioters, the police line was able to eventually force rioters on the Upper West Terrace northward. The police line then moved the rioters around the corner of the Capitol building, and onto the North Terrace.



Ex. 438: Rumson, circled in yellow, looks down from North Terrace after police line forced rioters from western part of terrace.

Eventually, the rioters were forced off the North Terrace, too, as shown as location and pathway G in the 3D-rendeing above. After leaving the North Terrace, Rumson crossed back over the north lawn area and headed back towards the Capitol's west front.



Ex. 439 (timecode: 00:22): Rumson, circled in yellow, crosses north lawn towards west front.

Defendant’s Post-January 6, 2021 Admissions

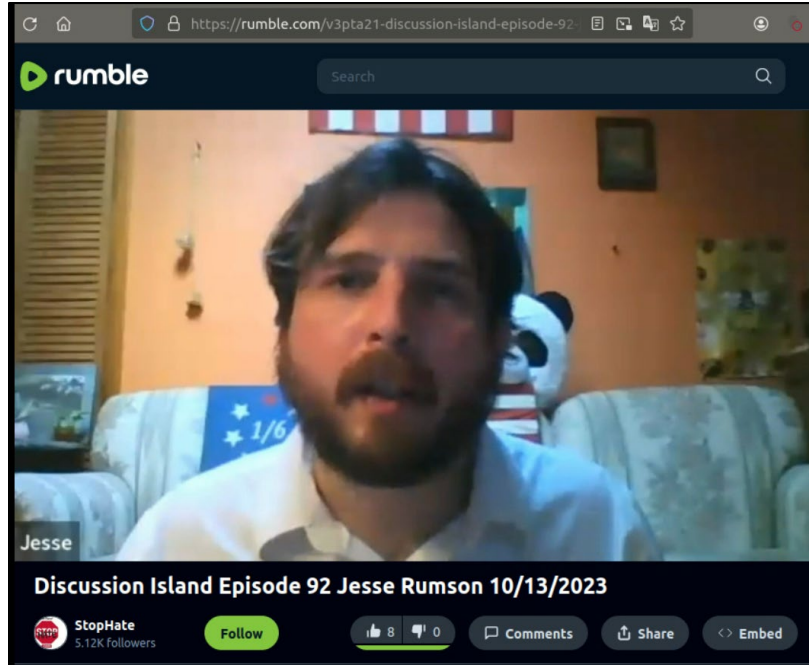
Rumson was indicted in this matter on March 8, 2023 (ECF 8). He was charged with eight crimes, including two felonies. Approximately six months later, in or around September 2023, Rumson began publicizing and promoting his January 6 “story” in live and internet-based speeches and interviews. Exs. 440-446, 448. For example, in October 2023 and March 2024, Rumson traveled, in violation of his conditions of release, to speak at two iterations of the “Rod of Iron Freedom Festival.” For the March 2024 event, Rumson was listed as a speaker on the schedule as follows: “Jesse James Rumson J6 Patriot.” Ex. 448.

Rumson admits to hearing President Trump’s speech at the Ellipse.

In multiple of those speeches and interviews, Rumson admits to hearing then-President Trump’s speech in full at the Ellipse on January 6, 2021. *See, e.g.*, Ex. 440 (“[W]hen I went to see the President, he gave a nice little speech . . . told us to go peacefully assemble at the Capitol[.]”); Ex. 442 (approx. 01:12) (“So, I got there, and Trump gave his beautiful speech and the crowd was pretty jubilant and receptive . . . and he said ‘go down to the Capitol and make your voices patriotically and peacefully heard.’”); Ex. 443 (approx. 9:26) (“Trump came out, delivered a great speech and at the end said, ‘go down and have your voice peaceably heard.’”).

Rumson admits to trespassing at the Capitol.

In certain of those speeches and interviews, Rumson admits that he was the individual in the panda headpiece on January 6, 2021, that he went inside the Capitol building, and that he left in handcuffs. *See* Ex. 440-446. Notably, Rumson appears to own another panda headpiece, given the one worn on January 6 was lost inside the Brumidi Corridor.



Ex. 444 (timecode: 33:49): Rumson giving online interview with panda headpiece on couch behind him.

He also admits that at the time he was detained and placed in handcuffs inside the Capitol building, he knew he was illegally trespassing: “I thought they [the police] were going to pull me behind the line, handcuff me, and tell me to sit down, while they got the rest of the situation under control . . . [I thought the police would] maybe be like, ‘you know, this is an unlawful, you know, you guys are trespassing, you know, we need you guys to exit the property.’” *See* Ex. 444 (approx. 20:00 – 20:18). “I expected to be handcuffed and sat down, and that way they could be like, ‘get him for trespass’ . . . I was expecting to be detained.” *Id.* (approx. 20:18 – 20:31).

Rumson admits to making physical contact with PGPD Corporal. S.A.

Rumson also admits to making physical contact with PGPD Corporal S.A., as is charged in Count Two. In Rumson’s September 2023 speech in Citrus County, Florida, he explained the assault as follows: “That day, I was pushed up against a police line, and they nailed me in the ribs with a baton, and as my hand went up, it brushed the officer’s helmet for a hundredth of a second, and they claim that that is enough to put in jail under federal assault charges. I don’t know about

you guys, but I'd say an incidental reflex action is not worth dozens of years in prison." *See* Ex. 440 (approx. 8:00 – 8:20). He told his "story" again the next month, in October 2023, as follows: The police "formed a big line to push everybody off the [Upper West Terrace] and I noticed what was coming so I started to leave. And as I left, they [the police officers] got closer to me, until finally, they were right next to me, and one of them jammed me in the ribs with the baton, cracking my bottom rib. And when I got struck in the ribs, I covered my head, in fear that they might smash me again. And when I went to cover my head, my hand brushed up against the visor of an officer's helmet for a hundredth of a second." *See, e.g.*, Ex. 442 (approx. 4:58).

***Rumson admits to having an understanding of the Capitol building,
its typical security measures, and the Electoral College Certification process.***

Rumson also admits in various speeches and interviews that his illegal entry onto Capitol Grounds and into the Capitol on January 6, 2021 was not his first time at the U.S. Capitol Building because he formerly lived in the Washington, D.C. area. *See, e.g.*, Ex. 444 (approx. 15:46 (noting Rumson "lived there" meaning D.C.)). Further, Rumson demonstrates an understanding of the Capitol building, noting "this is one of the most secure buildings in the world, this is [where] one third of the U.S. government" sits. *See* Ex. 444 (approx. 11:00); *see also, e.g.*, Ex. 442 (approx. 2:13) ("[S]o in my head I'm thinking, this has gotta' be one of the most secure buildings in the world, one third of the U.S. government is here.").

He also demonstrates an understanding of both the normal required security measures to enter the building and the typical process of the Electoral College Vote Certification: "I know they just installed the, uh, uh metal detectors on the inside, there's probably a little security perimeter, they're probably gonna' invite you in, give you a little frisk pat down, walk through the metal detector . . . and then you get to . . . stand on the upper level" of the Senate or House chamber, and "get to look down on the people as they vote . . . I'm sure they'd tell you to, you know, tell you to

‘be quiet’ or whatever during the votes, but I was definitely – wanted to be one of the first people in line to get in that room – I know there’s probably a capacity[.]” *See, e.g.*, Ex. 444 (approx. 11:00-12:13).

Rumson also admits in various speeches and interviews that, around January 6, he was closely following global politics and, domestically, the Supreme Court cases involving election fraud. For example, he admits that he wore a “heaven will destroy the CCP Hong Kong protest shirt” and the panda headpiece to January 6 because, at the time, he hoped to spread awareness; specifically, he said he went to D.C. in that outfit because he wanted to get others “more viscerally engaged in what’s going on in the global, global situation. So, between the Hong Kong and the *Texas v. Pennsylvania* lawsuit, Trump had said come on up, all the Patriots” *See, e.g., id.* (approx. 8:00 – 8:43).

CONCLUSION

Rumson was an educated and knowledgeable man on January 6, 2021 who possessed a situational awareness of the Capitol complex. Despite this knowledge, Rumson chose to attack law enforcement on that day, including by assaulting Corporal S.A. At trial, the evidence will prove beyond a reasonable doubt that Rumson committed each offense charged in the Indictment.

Respectfully submitted,

MATTHEW M. GRAVES
UNITED STATES ATTORNEY
D.C. Bar Number 481052

By: /s/ Samantha R. Miller
SAMANTHA R. MILLER
Assistant United States Attorney
New York Bar No. 5342175
United States Attorney’s Office

For the District of Columbia
601 D Street, NW 20530
Samantha.Miller@usdoj.gov

SEAN P. MCCAULEY
Assistant United States Attorney
NY Bar No. 5600523
United States Attorney's Office
601 D Street NW
Washington, DC 20530
Sean.McCauley@usdoj.gov