

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

UNITED STATES OF AMERICA	:	Case No.: 21-CR-50(CRC)
	:	
v.	:	18 U.S.C. § 1752(a)(2)
	:	
KATHERINE STAVELY SCHWAB,	:	
Defendant.	:	

STATEMENT OF OFFENSE

Pursuant to Fed. R. Crim. P. 11, the United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, Katherine Stavely Schwab, with the concurrence of her attorney, agree and stipulate to the below factual basis for the defendant’s guilty plea—that is, if this case were to proceed to trial, the parties stipulate that the United States could prove the below facts beyond a reasonable doubt:

The Attack at the U.S. Capitol on January 6, 2021

1. The U.S. Capitol, which is located at First Street, SE, in Washington, D.C., is secured twenty-four hours a day by U.S. Capitol Police (USCP). Restrictions around the Capitol include permanent and temporary security barriers and posts manned by USCP. Only authorized people with appropriate identification are allowed access inside the Capitol.
2. On January 6, 2021, the exterior plaza of the Capitol was closed to members of the public.
3. On January 6, 2021, a joint session of the United States Congress convened at the Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting

in separate chambers of the Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on Tuesday, November 3, 2020. The joint session began at approximately 1:00 PM. Shortly thereafter, by approximately 1:30 PM, the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

4. As the proceedings continued in both the House and the Senate, and with Vice President Pence present and presiding over the Senate, a large crowd gathered outside the Capitol. Temporary and permanent barricades, as noted above, were in place around the exterior of the Capitol, and USCP officers were present and attempting to keep the crowd away from the Capitol and the proceedings underway inside.

5. At approximately 2:00 PM, certain individuals in the crowd forced their way through, up, and over the barricades. Officers of the USCP were forced to retreat and the crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks as required by USCP officers or other authorized security officials.

6. At such time, the certification proceedings were still underway, and the exterior doors and windows of the Capitol were locked or otherwise secured. Members of the USCP attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 PM, individuals in the crowd forced entry into the Capitol, including by breaking windows and by assaulting members of law enforcement, as others in the crowd encouraged and assisted those acts. The riot resulted in substantial damage to the Capitol, requiring the expenditure of more than \$1.4 million dollars for repairs.

7. Shortly thereafter, at approximately 2:20 PM, members of the House of Representatives and of the Senate, including the President of the Senate, Vice President Pence, were instructed to—and did—evacuate the chambers. Accordingly, all proceedings of the United States Congress, including the joint session, were effectively suspended until shortly after 8:00 PM on January 6, 2021. In light of the dangerous circumstances caused by the unlawful entry to the Capitol—including the danger posed by individuals who had entered the Capitol without any security screening or weapons check—Congressional proceedings could not resume until after every unauthorized occupant had been removed from or left the Capitol, and USCP confirmed that the building was secured. The proceedings resumed at approximately 8:00 PM after the building had been secured. Vice President Pence remained in the Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

Katherine Stavely Schwab's Participation in the January 6, 2021 Capitol Riot

8. The defendant lives in Tarrant County, Texas. She accepted an invitation from a Facebook friend, codefendant Jason Lee Hyland, to fly in Hyland's personal aircraft to Washington, D.C to attend the Save America rally on January 6, 2021.

9. On January 4, 2021, in preparation for the trip, Schwab sent a message to Hyland stating "You me and [another member of the group] will be in the center. Most likely s*** will go down. As much as I want to avoid it, I also want to stand my ground and defend myself and my rights against those fascist groups." Schwab sent a message to Hyland several minutes later stating, "we have to stop the steal. I have a feeling this will be the most backlash from us in any given rally if it doesn't happen."

10. On January 5, 2021, Schwab and Hyland flew with codefendant Jennifer Leigh Ryan and two other individuals from Texas to a Manassas, Virginia airport near Washington, D.C. Members of the group then checked in to a District of Columbia hotel.

11. On the morning of January 6, 2021, the group, including Schwab, walked to the rally on the Ellipse. During that walk, codefendant Ryan broadcast over Facebook Live that the day was a prelude to war, explaining that war “is what’s going to happen if we do not win.”

12. When the morning rally on the Ellipse concluded, Schwab and her group walked to the Capitol, but then decided to return to their hotel. From their hotel room, Ryan and Schwab watched news coverage of rioters confronting police and attempting to breach the Capitol. Schwab sent messages to a third party stating “Patriots just stormed the capital [sic] building” and “Broke through the baracades [sic].” At approximately 2:27 p.m., Hyland, Ryan, and Schwab received a text message from another member of their group forwarding a tweet that described rioters breaching the Capitol. The tweet stated:

Trump supporters have breached all security barriers and are now actively destroying and occupying the Capitol building. I repeat. The feds have lost control of the Capitol building [.] Revolution in progress[.] Not a drill[.]

...
Trump supporters have breached the Capitol building, tearing down 4 layers of security fencing and are attempting to occupy the building—fighting federal police who are overrun[.]

13. Hyland, Ryan, and Schwab then returned to the Capitol, arriving at the east front. Schwab subsequently told law enforcement that she knew she wanted to enter the Capitol.

14. Schwab was the first of the three to enter the Capitol. She approached the East Rotunda door at 3:21 p.m., ahead of and separately from Hyland and Ryan. At that time, building alarms were audible and windows in the East Rotunda door were visibly broken.

15. Approximately 26 seconds later, Hyland and Ryan entered the Capitol together through the East Rotunda door. Surveillance footage shows that by this time, Schwab had crossed the Rotunda lobby and reached the entrance to the Rotunda. The crowd separating Schwab from Hyland and Ryan was large enough to block Schwab from their view. Hyland recorded his entry on his cellular phone. Ryan also recorded and broadcast their entrance over Facebook. Both recordings show that as Hyland and Ryan entered the Capitol they passed doors with visibly broken windows while building alarms sounded.

16. At approximately 3:23 p.m., codefendants Hyland and Ryan turned back and exited from the Capitol through the East Rotunda doors. At the time her codefendants left the building, Schwab remained by the entrance to the Rotunda. By 3:26 p.m., Schwab had entered the Rotunda, where, after a short time, she joined members of the crowd who appeared to follow police officers out of the Rotunda. Schwab crossed the Statuary Hall connector hallway at approximately 3:27 p.m., and exited from the Capitol.

17. After leaving the Capitol building, Schwab located Hyland and Ryan. Ryan recorded a short video of the group, where Schwab stated, “I went into the f***ing Capitol. . . . I made my movement. I stood my ground” (interjections from Ryan omitted). Video recovered from Hyland’s and Schwab’s phones includes a recording of U.S. Capitol Police pushing a crowd from the exterior of the Capitol, while Schwab calls the police “traitors,” “sheep,” and “pathetic,” among other insults. In the recording, Schwab states, “You want a revolution, the revolution’s gonna come . . . you want a f***ing revolution, it’ll happen.”

18. Before leaving the Capitol grounds, Hyland, Schwab, and Ryan arrived at a press enclosure where members of the crowd were attacking media equipment. Schwab joined the

assault, kicking media equipment and throwing one piece of equipment on the ground while Hyland and Ryan observed.

19. After the three left the Capitol grounds and returned to the hotel, Schwab broadcast a video over Facebook Live recording herself and Ryan; Hyland is also visible in the recording. In the broadcast, Schwab states, “I stormed the Capitol.” Ryan then interjects, in reference to Schwab, “She was the first one, out of all of us, to go through the Capitol . . . she went through those doors, and they were putting stuff on us, whaddya call it, spray?” Schwab responds, “They were macing us . . . pepper-spraying us, I just tucked and hid . . . ”

20. In the same recording, after Ryan states that anyone posting negative comments about the broadcast will be blocked from Schwab’s Facebook account, Schwab declares, “We will show you what we did at the Associated Press” and then agrees with Ryan’s interjection that “It was not pretty. It was not a pretty sight.” Schwab criticized the media’s portrayal of the mob at the Capitol, stating, “There was no vandalism. All we did was push the doors open” and added, “we went back in because Pence f***ed us over.”

21. On January 7, 2021, Schwab and the rest of her group flew back to Texas.

Elements of the Offense

22. Defendant Katherine Stavely Schwab knowingly and voluntarily admits to all the elements of knowingly entering a restricted building or grounds in violation of 18 U.S.C. § 1752(a)(2). Specifically, defendant admits that she engaged in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds; that her conduct occurred when, or so that, such conduct in fact impeded or disrupted the orderly conduct of Government business or official functions; and that the defendant did so knowingly and with intent to impede or disrupt

the orderly conduct of Government business or official functions.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney
D.C. Bar No. 481052

By:

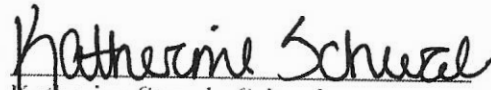
A handwritten signature in black ink, appearing to read 'Karen Rochlin', is written over a horizontal line. The signature is stylized and includes a small square mark at the end.

Karen Rochlin
Assistant United States Attorney
D.C. Bar No. 394447

DEFENDANT'S ACKNOWLEDGMENT

I, **KATHERINE STAVELY SCHWAB**, have read this Statement of the Offense and have discussed it with my attorney. I fully understand this Statement of the Offense. I agree and acknowledge by my signature that this Statement of the Offense is true and accurate. I do this voluntarily and of my own free will. No threats have been made to me nor am I under the influence of anything that could impede my ability to understand this Statement of the Offense fully.


Date: 8-15-2022


Katherine Stavelly Schwab
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read this Statement of the Offense and have reviewed it with my client fully. I concur in my client's desire to adopt this Statement of the Offense as true and accurate.

Date: 8/15/22


Jeffrey D. Zimmerman, Esq.
Attorney for Defendant Schwab