

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

UNITED STATES OF AMERICA	:	
	:	Case No.: 21-cr-224 (TSC)
v.	:	
	:	18 U.S.C. § 231(a)(3)
KENNETH GRAYSON,	:	(Civil Disorder)
	:	
Defendant.	:	

STATEMENT OF OFFENSE

Pursuant to Federal Rule of Criminal Procedure 11, the United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, Kenneth Grayson, with the concurrence of his 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 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol.
2. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.
3. On January 6, 2021, a joint session of the United States Congress convened at the United States 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 United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., 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 U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

5. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the U.S. Capitol Police, 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 by U.S. Capitol Police Officers or other authorized security officials.

6. At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. 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 U.S. Capitol, requiring the expenditure of more than \$1.4 million dollars for repairs.

7. Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and United States 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 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 p.m. after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

GRAYSON's Participation in the January 6, 2021, Capitol Riot

8. In the weeks leading up to January 6, 2021, Grayson made several Facebook posts and sent Facebook messages regarding January 6, 2021. He made a public post about then-President Trump wanting to see people in Washington, D.C. and specifically at the U.S. Capitol at 1 p.m. on January 6, 2021. In a private message on December 23, 2020, Grayson stated, “I’m there for the greatest celebration of all time after Pence leads the Senate flip!! OR IM THERE IF TRUMP TELLS US TO STORM THE FUKIN CAPITAL IMA DO THAT THEN! We don’t want any trouble but they are not going to steal this election that I guarantee bro!!”

9. On January 5, 2021, Grayson rented a vehicle and drove himself and others to Washington, D.C.

10. On January 6, 2021, Grayson attended the rally at the Ellipse in Washington, D.C., and then walked towards the U.S. Capitol.

11. As Grayson approached the U.S. Capitol Building, law enforcement officers were attempting to stop people from entering the building. He entered the U.S. Capitol through the Senate Wing doors at approximately 2:20 p.m. and proceeded to the Crypt.

12. Grayson also entered the Rotunda. While in the Rotunda, a group of rioters began standing in front of a row of law enforcement officers. The rioters began pushing against the officers in an attempt to gain access to the adjoining hall. Grayson then joined the rear of the group that began pushing into the police officers. Grayson then moved to the side of the group towards the wall. Moments later, another rioter yelled “Push!” and the group of rioters began to push against the officers. Grayson again joined the rear of the group.

13. Grayson later exited the Capitol at approximately 3:07 p.m.. Additionally, while inside of the U.S. Capitol, Grayson live streamed a video of the Crypt and the Rotunda on his Facebook account.

14. Grayson knowingly and voluntarily admits to all the elements of Civil Disorder, 18 U.S.C. §231(a)(3). Specifically, Grayson admits that he committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officer lawfully engaged in the lawful performance of his/her official duties incident to and during the commission of a civil disorder which in any way and degree obstructed, delayed, and adversely affected commerce and

the movement of any article and commodity in commerce and the conduct and performance of any federally protected function.

Respectfully submitted,

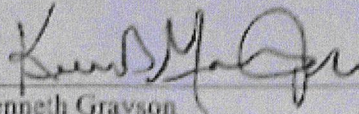
MATTHEW M. GRAVES
United States Attorney
D.C. Bar No. 481052

By: /s/ Maria Y. Fedor
Maria Y. Fedor
Attorney, detailed to the
United States Attorney's Office
for the District of Columbia

DEFENDANT'S ACKNOWLEDGMENT

I, Kenneth Grayson, 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.

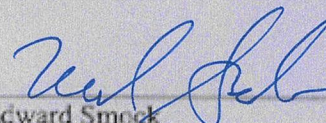
Date: 9.9.22


Kenneth Grayson
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: 9/9/22


Edward Smock
Attorney for Defendant