

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

UNITED STATES OF AMERICA	:	
	:	Case No. 21-CR-274 (RDM)
v.	:	
	:	18 U.S.C. § 1752(a)(2)
JOHNNY HARRIS,	:	
	:	
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, Johnny Harris, 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 U.S. 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.

Johnny Harris' Participation in the January 6, 2021, Capitol Riot

8. The defendant, Johnny Harris, who lives in Shelby, North Carolina, travelled to Washington, D.C., on or about January 5, 2021. On January 6, 2021, Harris marched with other protestors from the National Mall to the U.S. Capitol. Throughout his time in Washington, D.C., and at the U.S. Capitol, Harris used his cell phone and GoPro camera to record video of the events.

9. Harris entered the restricted area of the U.S. Capitol grounds in the early afternoon of January 6, 2021. Harris made his way to the West Lawn and then to the Lower West Terrace. After police lines were breached, Harris entered the Lower West Terrace and walked up the

Southeast Staircase to the Upper West Terrace. There, Harris climbed on a viewing platform that had been erected for the inaugural ceremony. At approximately 2:46 p.m., Harris entered the U.S. Capitol building through the breached Upper West Terrace Door, while alarms were sounding.

10. Inside the U.S. Capitol building, Harris travelled to a corridor outside the Old Senate Chamber, to the Rotunda, to the East Front doors, and back to the Rotunda. While in the Rotunda, Harris used a megaphone to start a call-and-response chant, yelling, “Whose house? Our house!”

11. Also, while in the Rotunda, Harris was interviewed on camera by a member of the press. The reporter asked whether Harris was “trying to disturb the debate?” Harris initially responded “no” but then quickly changed his answer to: “Oh yeah, we’re trying to upset their decision. We’re trying to make them make the right decision. Donald Trump won this election. By far. We’re not gonna [sic] let it be stolen from us.” The reporter then asked if Harris intended to stay in the Capitol, to which Harris responded: “Until Donald Trump is the president, yes. Well, he is the president. Until he gets his reelection, we will be here. Siege of the White House—or the Capitol Building.” Harris further claimed, “We’re not here to hurt anybody, [but] ... we’re just here to let them know that there’s a million of us, or more out there, that will come through this building if necessary.” The reporter finally asked Harris what he was expecting, and he responded, “What should rightfully be done. Donald Trump is our president and he will be re-elected, and the rest of ‘em [sic] will go to jail.”

12. At approximately 3:02 p.m., reinforcement law enforcement officers arrived to force the remaining rioters out of the Rotunda and towards the exit through the East Front doors. Rioters in the Rotunda, including Harris, actively and passively resisted officers’ efforts to clear

that area. Harris repeatedly approached the line of officers but was rebuffed and directed back towards the exits.

13. According to video footage from inside the Rotunda, Harris appears to have dropped his cell phone in this commotion. After dropping his cell phone, Harris placed his hand on a law enforcement officer's chest and pushed the officer. At another point during law enforcement's attempts to clear the Rotunda, an officer's body worn camera captured a conversation between Harris and the officer, in which Harris argued that he only wanted to remain in the Capitol building to retrieve his personal belongings, including a flag and a megaphone.

14. Harris was repeatedly told by officers to leave the Rotunda, but he remained inside the Rotunda until approximately 3:27 p.m., when he was finally forced out of the Rotunda by officers. The government estimates that Harris was one of the last rioters to be removed from the Rotunda on January 6. Finally, at approximately 3:29 p.m., Harris exited the U.S. Capitol building through the Memorial Door and did not reenter.

15. Harris was subsequently interviewed by FBI agents on January 19, 2021. During that interview, he admitted to entering the U.S. Capitol building on January 6, 2021, with a GoPro camera, cell phone, megaphone, and flag. Harris confirmed that he filmed the events of January 6 in Washington, D.C., and at the U.S. Capitol.

16. The defendant did unlawfully and knowingly, and with the intent to impede or disrupt the orderly conduct of Government business, engage in disorderly or disruptive conduct in, or within such proximity to, the United States Capitol and its grounds, where the Vice President was and would be temporarily visiting, without lawful authority to do so, and where such conduct impeded and disrupted the orderly conduct of Government business.

Respectfully submitted,

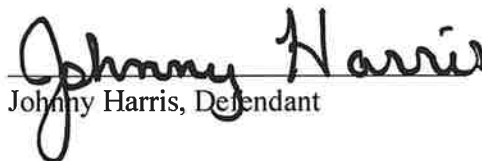
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DEFENDANT'S ACKNOWLEDGMENT

I have read the Statement of Offense setting forth the facts related to my guilty plea to Disorderly and Disruptive Conduct in a Restricted Building, in violation of Title 18, United States Code, Section 1752(a)(2). I have discussed this proffer fully with my attorney, Samuel Randall. I fully understand this proffer and I acknowledge its truthfulness, agree to it and accept it without reservation. 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 proffer fully.

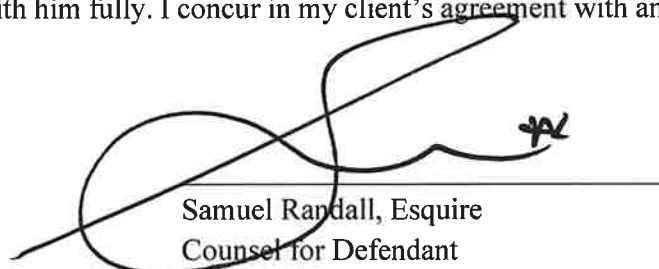
Date: 02/13/23


Johnny Harris, Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read each of the pages constituting the Government's proffer of evidence related to my client's guilty plea to Disorderly and Disruptive Conduct in a Restricted Building, in violation of Title 18, United States Code, Section 1752(a)(2). I have reviewed the entire proffer with my client and have discussed it with him fully. I concur in my client's agreement with and acceptance of this proffer.

Date: 2/13/2023


Samuel Randall, Esquire
Counsel for Defendant