

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

UNITED STATES OF AMERICA

v.

DERRICK EVANS,

Defendant.

Case No. 21-cr-337-RCL

NOTICE OF DEFENDANT’S POST-SENTENCING STATEMENTS

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby notifies the Court of public statements made by the defendant, Derrick Evans, following his sentencing hearing. In a 24-minute radio interview given by Evans on “The Tom Roten Morning Show,” which aired the morning following his sentencing,¹ Evans made several statements inconsistent with the contrition that the government credited and on which the Court relied in imposing Evans’s sentence. While Evans’s sentence has already been imposed and the government is not here seeking its modification, the speed and degree of Evans’s about-face warrants this notice, for the record and for the Court’s edification.

During the radio interview, Evans made multiple, self-exonerating statements that are directly contradicted by his own livestream video from January 6, 2021. Of his intent to move towards the Rotunda Doors and enter the Capitol building, Evans stated: “I had no intention of going up there [to the Rotunda Doors]. I never honestly thought that we was going to be inside the Capitol, never crossed my mind.” Later in the radio interview, Evans said, “Nobody was trying

¹ Evans’s interview is available at https://www.iheart.com/podcast/269-the-tom-roten-morning-show-70632979/episode/derrick-evans-first-media-interview-98649065/?cmp=web_share&embed=true.

to get inside [the building] at that point [when the barriers were breached]. They wanted to get to the Capitol steps, basically, make their voices heard.” These statements are clearly contradicted by the multiple points throughout Evan’s livestream video wherein he verbalizes his intent and the crowd’s intent to enter the Capitol building, as detailed in the government’s sentencing memorandum and notice of filing of Exhibit 2 (*see* ECF Nos. 43 and 48).

Evans further stated in his radio interview that a “lady police officer” waved rioters into the East Plaza, past the bike rack barriers, and that it was “on [his] video.” Evans stated in the radio interview that, after the barriers were breached, “I started to go and then I stopped, because honestly, I was thinking in the back of my head man there’s gunman on the roof... I didn’t know, so I stood there for a second and then they started waving people on ... so I was like ok it’s fine to go ... not a single sign anywhere [that it was a restricted area].” In Evans’s livestream video, rioters are screaming as they grapple with bike rack barricades and push against a line of police. There is no police officer visible on Evans’s livestream video waving rioters into the Plaza, and Evans himself states in the video, just after the barricades were breached: “They’re in. We’re in. Everybody’s in ... **There’s too many for them [the police] to do anything about it.** Every side, every angle!”

When asked whether he regretted what he’d done on January 6, 2021, Evans said: “I regret the situation I’m in. I regret I’m gonna be away from my family. If I had to do it all over again, maybe I wouldn’t have went inside the building. But I’m never going to regret standing up to tyranny and standing up for the people who believe in me and standing up for the future of my children. I’m never going to have regrets when it comes to standing up and doing what’s right, at the end of the day.” Evans stated throughout the interview that he believed that he was allowed to be in the areas that he breached on January 6, and that he did not see any violence or destruction,

despite seeing and smelling tear gas, seeing police officers trying to prevent the rioters from advancing, and laughing at a police officer running from the crowd that jammed officers against the Rotunda Doors.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney
DC Bar No. 481052

By: /s/ Kathryn E. Fifield
Kathryn E. Fifield
Trial Attorney
U.S. Department of Justice, Crim. Div.
Detailed to the D.C. U.S. Attorney's Office
601 D Street, N.W.
Washington, DC 20530
Kathryn.Fifield@usdoj.gov
(202) 320-0048