

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

UNITED STATES OF AMERICA : **Case No. 21-cr-407-DLF**
 :
 v. : **18 U.S.C. § 231(a)(3)**
 :
 DARYL JOHNSON, :
 :
 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, DARYL JOHNSON, 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.

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

8. On January 6, 2021, at approximately 2:20 p.m., DARYL JOHNSON and his son, Daniel Johnson, unlawfully entered the Capitol building by climbing through a broken window next to the Senate Wing Door on the West side of the Capitol. DARYL JOHNSON and Daniel Johnson remained in the Capitol building for approximately 26 minutes, and they remained together for the duration of their time inside the Capitol.

9. While inside the building, JOHNSON walked near the Memorial Door, climbed a flight of stairs to the second floor, and walked into the Rotunda. At 2:37 p.m., JOHNSON walked out of the Rotunda toward the East Rotunda doors, where he encountered a line of law enforcement officers. The officers were standing in front of the East Rotunda doors to prevent rioters outside

of the building from entering. Along with a group of other rioters, JOHNSON and his son, Daniel Johnson, rushed the line of law enforcement officers and helped push through the officers and push open the East Rotunda doors, allowing rioters outside of the building to enter. JOHNSON was at or near the front of the group of rioters on the interior of the Capitol when the doors were opened. JOHNSON and his son, Daniel Johnson, remained inside the Capitol and climbed another flight of stairs to the third floor before exiting on the first floor at approximately 2:46 p.m.

10. After January 6, 2021, JOHNSON posted to Facebook about his participation in the Capitol riot. On January 7, 2021, JOHNSON posted:

Mark my words Yesterday will be the beginning of the revolution That crowd was full of several million patriots that got off the couch and came to DC – most of them had never been to a rally EVER! Think about it – if can get 50+ year old men and women upset enough to spend thousands of \$ to come to a rally what happens when those same people decide to throw out the “elected officials” It will be hangings on the front lawn of the capitol – that crowd is not messing around – I now understand what our founding gathers gave up their fortunes for freedom – Thai generation will follow suit (sic).

On January 13, 2021, JOHNSON posted, “It was a large group that was in the capital But the left is going to do all they can to paint all conservatives as evil Put on your big girl panties! It’s going to get very ugly and probably result in some version of a civil war (sic).”

On February 7, 2021, JOHNSON posted, “Bring it on Biden! I have no problem dying in a pool of empty shell casings.”

11. JOHNSON knew at the time he entered the U.S. Capitol building that he did not have permission to enter the building. JOHNSON obstructed, impeded, or interfered with law enforcement officers lawfully engaged in the lawful performance of their official duties incident to and during the commission of a civil disorder which adversely affected commerce and the performance of a federally protected function.

Respectfully submitted,

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

By: /s/ Laura E. Hill
Laura E. Hill
Trial Attorney

DEFENDANT'S ACKNOWLEDGMENT

I, Daryl Johnson, 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.

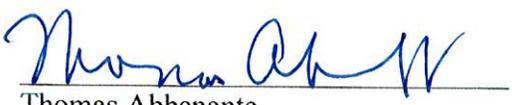
Date: 12-15-2021


Daryl Johnson
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: 12-18-21


Thomas Abbenante
Attorney for Defendant