

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No.: 21-CR-292 (RCL)
	:	
v.	:	18 U.S.C. § 1512(c)(2)
	:	18 U.S.C. § 111(a)(1)
DANIEL SCOTT,	:	
	:	
Defendant.	:	

*see this re filed.
T. Ayers C. L. Smith
U.S.S. 2/9/23*

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, Daniel Scott, 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 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.

Daniel Scott's Participation in the January 6, 2021, Capitol Riot

8. The defendant, Daniel Scott, lives in Englewood, Florida. Scott and his co-defendant Christopher Worrell are members of the Proud Boys organization. Scott's nickname among the Proud Boys is "Milkshake." Worrell's nickname is "Loach" or "LoachGanEagla." The Proud Boys organization is divided into semi-autonomous chapters. Scott and Worrell were members of the "Hurricane Coast" chapter, also called Florida's "Zone 5" chapter, which covered portions of southwest Florida.

9. On December 12, 2020, Scott and Worrell attended a rally for members of the Proud Boys organization in Washington, D.C. The rally was intended to show support for former President Trump and occurred two days before the Electoral College met to formally vote for the winner of the 2020 presidential election.

10. At some point in the second half of December 2020, Scott became aware that Proud Boys from across the country were planning to travel to Washington, D.C. on January 6, 2021 to protest Congress's certification of the Electoral College vote. He and other Proud Boy members from his chapter agreed to travel to Washington, D.C. for this January 6, 2021 Proud Boy event.

11. Prior to January 6, 2021, Scott, Worrell, and other Proud Boys members participated in discussions via the encrypted messaging application Telegram. Scott's Telegram user ID during this time was 686617063, and his Telegram username was "Milkshake." Worrell's Telegram user ID during this time was 1387834575, and his Telegram username was "Loach Gan Eagla." The following Telegram messages are just examples of those sent or received by Scott.

12. On December 19, 2020, a Telegram user stated in a chat that was sent to Scott and others: "Trump is asking all his supporters to show up January 6th in DC to fight for him. We all going or what? Our stand down and stand by order is officially canceled". Another user replied: "If he's gonna install himself as a Fascist dictator, sure. But if it's just gonna be a gay MAGA protest which accomplishes nothing, count me out." The first user stated: "January 6th is when congressmen can object to the electors. The last chance to stop the steal. If millions of Trump supporters show up, congress might do the right thing. Maybe ..."

13. On January 4, 2021, at 3:56 PM, a Telegram user stated in a chat that was sent to Scott, Worrell, and others: "You know, if congress is blocked from the joint session on the 6th, they don't certify and trump stays. Would be shame if protest kept them from doing that."

14. On January 3, 2021, Daniel Scott, Worrell, and other members of their local Proud Boy chapter attended a "Stop the Steal" rally in Naples, Florida. The headline speaker at this event was Roger Stone. Daniel Scott helped Stone up a ladder that Stone used to talk to the crowd. During this speech, Stone asserted that the 2020 presidential election was rigged due to voting

fraud, and urged Florida's U.S. Senators to vote against the certification of the Electoral College vote. Stone stated: "Rick Scott has a fundamental choice. He will either stand up for the Constitution ..." At that point, Daniel Scott yelled "Or give him the rope!" At another point in the rally, Daniel Scott chanted "Stop the Steal!" into a megaphone, along with the crowd at the rally.

15. On January 5, 2021, Scott flew from Sarasota Bradenton International Airport to Baltimore-Washington International Airport on Delta Airlines. Scott flew with three other individuals who planned to attend events protesting the certification of the Electoral College vote on January 6, 2021. Scott did not attend any meetings with Ethan Nordean, Joseph Biggs, or Zachary Rehl on January 5, 2021. Scott also was not a member of the Proud Boys' coordination chats on Telegram, "Ministry of Self-Defense" (or "MOSD") or "Boots on the Ground," and did not know the content of the messages in those chats.

16. On the morning of January 6, Scott traveled from his hotel in Washington, D.C. to the Washington Monument, where he met his co-defendant Worrell, other members of his chapter, and several non-Proud Boys with whom Scott had traveled to Washington, D.C. Scott was wearing a bulletproof vest under his jacket, and brought ski goggles with him.

17. Scott and Worrell then met with a larger group of 100 or more Proud Boys who had gathered at the Washington Monument. This larger group was led by Nordean, Biggs, and Rehl. Shortly after 10 AM, Scott, Worrell, and this larger group of Proud Boys marched east to the Capitol reflecting pool, and then east on Constitution Avenue NW past the Capitol, before entering Capitol grounds near the Delaware Avenue entrance on the east side of the Capitol. Nordean, Biggs, and Rehl led the march, at times using megaphones to direct the group.

18. At approximately 11:28 AM, as the group passed in front of a group of USCP officers who were donning protective gear, Worrell yelled at the officers, "Honor your oath! Honor your oath! We are on your side, don't make us go against you! These are our streets!"

19. Around 11:45 AM, while the group was rallying on the east side of the U.S. Capitol building, Scott yelled "Let's take the fucking Capitol!" Another Proud Boy stated to Scott: "Let's not fucking yell that, alright?" Shortly thereafter, another Proud Boy said: "Don't yell it, do it."

20. Between noon and approximately 12:45 PM, this group of Proud Boys marched west on Constitution Avenue NW and stopped at a group of food trucks at the corner of Louisiana Avenue NW and Constitution Avenue NW. At around 12:45 PM, Nordean led the group of Proud Boys to the traffic circle around the Peace Monument. Scott, Worrell, and the three other Proud Boys from their zone walked to that traffic circle, which was directly adjacent to a barricaded sidewalk entrance to U.S. Capitol Grounds.

21. At approximately 12:55 PM, shortly after police lines were breached at that entrance, Scott, Worrell, and the three other Proud Boys from their zone moved in a group together onto Capitol grounds. While moving onto Capitol grounds, the following conversation occurred amongst Scott, Worrell, and the other Proud Boy members or individuals from their zone—although Scott does not recall hearing every statement below at the time:

- Scott: "Oh god, we're going to the Capitol, guys."
- Another Proud Boy member of Scott's zone: "Kicking the doors in."
- Worrell: "Trump is coming to the Capitol."
- Another Proud Boy member of Scott's zone: "Taking that motherfucking Capitol back."

- Scott: "I've never been to the Capitol before."¹
- Another Proud Boy member of Scott's zone: "Zone 5, stay tight!"
- Scott: "Hey Zone 5, stay tight! Nobody gets around us."
- An individual off-camera: "This is our Capitol!"
- An individual off-camera: "That's right! Storm the Capitol!"
- An individual off-camera: "Take the Capitol!"
- Later, an individual off-camera: "We're storming the Capitol, because we want justice! Justice!"

22. Prior to his entry onto Capitol grounds, Scott had not been told the details of any plans made by Proud Boy leaders, such as Nordean, Biggs, and Rehl, for January 6.

23. Worrell, Scott, and the three other Proud Boys from their zone moved to the front of the crowd facing a line of law enforcement officers on the lower west plaza. Between approximately 1 PM and 1:48 PM, Scott and these other Proud Boys remained in this area, which was a restricted area of the Capitol. Scott's purpose in being in this restricted area was to influence or impede Congress's certification of the results of the 2020 presidential election, which was occurring inside the U.S. Capitol Building.

24. At around 1:30 PM, while Scott and Worrell were both on the lower west plaza, Worrell pepper-sprayed law enforcement officers restraining the crowd and defending the Capitol. Scott did not witness Worrell's assault. But Worrell later gloated to Scott that he had pepper-sprayed law enforcement officers, saying, among other things: "I got those motherfuckers." Worrell admitted to Scott on several other occasions that he had pepper-sprayed law enforcement

¹ Mr. Scott acknowledges that, as to this statement, the government's position is that he states: "I've never been *in* the Capitol before." (emphasis added).

officers while at the U.S. Capitol on January 6, 2021. Worrell then changed his Telegram moniker to include the word “pepper” as a reference to his pepper-spray assault on law enforcement officers.

25. Between approximately 1:30 PM and 1:48 PM, Scott and Worrell moved a police barricade that was in front of the line of USCP officers guarding the northwest stairs of the West Terrace of the Capitol.

26. During this period, other members of Scott’s Proud Boy chapter moved toward the base of the same stairs and stood behind Scott. In addition, other Proud Boys, including Joseph Biggs, Ethan Nordean, and Dominic Pezzola, also moved toward these stairs and stood in the crowd behind Scott.

27. At about 1:48 PM, Scott was standing in front of and at the foot of the northwest stairs of the West Terrace of the Capitol. By this point, Scott had put on his ski goggles. Scott was facing two USCP officers, N.C. and C.C. Scott suddenly moved forward and up several steps of the northwest stairs, pushing the two officers backward and up the stairs with both hands. Scott then grabbed C.C. and pulled C.C.’s torso and head down, into the crowd, before letting go. During the time that C.C. was held by Scott, C.C. was punched in the shoulder. (Scott asserts that he did not see this punch.) C.C. and N.C. retreated up the stairs a few seconds later, with other USCP officers.

28. Scott assaulted USCP officers N.C. and C.C. with the corrupt intent to obstruct, impede, or influence Congress’s certification of the Electoral College vote. Scott’s assaults in fact influenced and impeded Congress’s ongoing certification, because violence inflicted on the USCP officers defending the Capitol—and any breach of the police line—impeded the police force’s ability to provide the security necessary for the certification to proceed. Scott’s assaults also aided

and abetted other individuals in corruptly obstructing, impeding, or influencing Congress's certification of the Electoral College vote. Scott knew that his conduct in assaulting these offices was wrong.

29. Members of the crowd behind Scott, including Biggs, Pezzola, and numerous other Proud Boy members, surged up the stairs after Scott's and others' assaults and ultimately were among the first group of rioters to enter the U.S. Capitol building. Scott did not go up the stairs after the assault. Once he saw them going up the stairs, Scott believed that that the group of Proud Boys led by Nordean, Biggs, and Rehl would attempt to enter the building to obstruct Congress's certification of the vote, including through the use of force if necessary.

30. Worrell filmed Scott shortly after Scott's assault. Scott yelled "Proud of your fucking boy!" Worrell then said: "Yeah! Taking the Capitol!"

31. On January 7, 2021, Scott flew from Baltimore-Washington International Airport to Sarasota Bradenton International Airport on Delta Airlines. That day, Worrell texted Scott about a dispute they were having with the leadership of their local Proud Boy chapter. Scott texted Worrell: "Siege the chapter." Worrell replied: "Much easier than the Capitol".

Elements of the Offense

32. Daniel Scott knowingly and voluntarily admits to all the elements of violations of Sections 1512(c)(2) and 111(a)(1) of Title 18 of the United States Code. Specifically, Scott admits that

- Scott willfully and knowingly entered portions of the U.S. Capitol grounds knowing that that he did not have permission to do so. While on Capitol grounds, Scott corruptly intended to impede and obstruct Congress's certification of the Electoral College vote as set out in the Twelfth Amendment of the Constitution of the United States and 3 U.S.C. §§

15-18. Specifically, Scott assaulted officers N.C. and C.C. to corruptly impede and obstruct Congress's certification of the Electoral College vote, in violation of 18 U.S.C. § 1512(c)(2), or to aid, abet, facilitate, or encourage other individuals in the crowd in corruptly impeding and obstructing Congress's certification of the Electoral College vote, with the intent that others commit that offense. Scott knew that Congress was certifying the Electoral College vote that day. Scott's assaults were an attempt to, and did in fact, impede and obstruct Congress's certification of the Electoral College vote, in violation of 18 U.S.C. § 1512(c)(2). Rioters who went up the stairs through the breach of the USCP police line created by Scott's and others' assaults also impeded and obstructed Congress's certification of the Electoral College vote.

- Scott also forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with two individuals designated in 18 U.S.C. § 1114 while those two individuals were engaged in, or on account of, the performance of their official duties. Specifically, Scott admits that he pushed USCP officer N.C. and pushed and then grabbed and pulled down USCP officer C.C. The defendant further admits that he knew at that time of the assault of these officers that the officers were engaged in the performance of their official duties and that he assaulted the officers on account of their performance of their official duties.

Respectfully submitted,

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

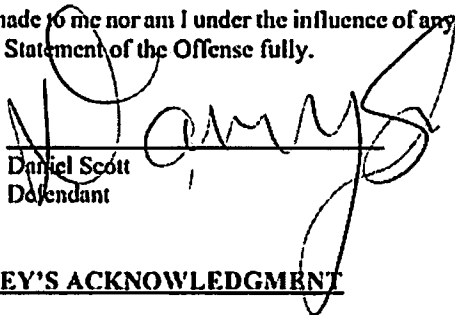
By: *s/ William Dreher*
WILLIAM DREHER
Assistant United States Attorney

D.C. Bar No. 1033828

DEFENDANT'S ACKNOWLEDGMENT

I, Daniel Scott, 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.

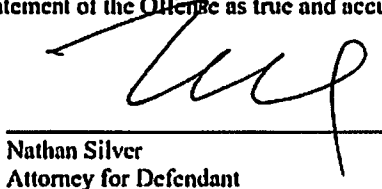
Date: 12-19-22


Daniel Scott
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: 12/19/2022


Nathan Silver
Attorney for Defendant