

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

<b>UNITED STATES OF AMERICA</b>	:	Case No.: 22-CR-222 (CRC)
	:	
v.	:	18 U.S.C. § 1752(a)(1)
	:	
<b>RYAN KELLEY,</b>	:	
	:	
<b>Defendant.</b>	:	

**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, Ryan Kelley, 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. 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 \$2.8 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.

***Ryan Kelley's Participation in the January 6, 2021, Capitol Riot***

8. The defendant, Ryan Kelley, lived in Allendale, Michigan. Defendant traveled from Michigan to Washington, D.C. prior to the January 6, 2021 “Stop the Steal” rally. The purpose of the defendant’s trip to Washington, D.C., was to protest Congress’s certification of the Electoral College.

9. On January 6, Defendant joined the protestors from the “Stop the Steal” rally as they marched to the U.S. Capitol building. At approximately 1:30 p.m. Defendant was part of a crowd gathering at the northwest scaffolding on the west side of the U.S. Capitol, within the restricted perimeter. Over the next twenty minutes the Defendant, along with the crowd, rushed past U.S. Capitol police officers and started climbing the northwest scaffolding. At approximately 2:00 p.m., after climbing through the scaffolding, the Defendant climbed onto an architectural feature next to the North West stairs and began gesturing to the crowd below by waving his hand towards the stairs leading up to the U.S. Capitol building. The Defendant then used his hands to



support another rioter who was pulling a metal bike rack onto the scaffolding. The bike rack had a sign on it stating, “property of U.S. Capitol Police”.

10. At approximately 2:05 p.m. Defendant, still standing on the architectural feature, used his hands to pull a covering off of the temporary structure that U.S. Capitol personnel had erected in support of the upcoming Presidential Inauguration. At approximately 2:20 p.m., the Defendant was in roughly the same position, still gesturing to the crowd, consistently indicating that they should move toward the stairs that led to the entrance to the U.S. Capitol building. At approximately 2:25 p.m., the Defendant used his cell phone to take a picture of blood that was on the architectural feature. At approximately 2:28 p.m., the Defendant ran along a stair railing leading up to the U.S. Capitol building. At approximately 2:29 p.m., the Defendant arrived at the top of the stairs and enters the U.S. Capitol’s Northwest Courtyard. The Defendant continued to use his thumbs to motion the crowd toward the U.S. Capitol building. At approximately 3:26 p.m., the Defendant was still in the U.S Capitol’s North West Courtyard, while U.S. Capitol Police were directing rioters out of the interior of the U.S. Capitol building.

#### *Elements of the Offense*

11. The parties agree that Title 18, United States Code, Section 1752(a)(1) requires the following elements:

- a. First, the defendant entered or remained in a restricted building or grounds without lawful authority to do so.
- b. Second, the defendant did so knowingly.

*Defendant's Acknowledgments*

12. The defendant knowingly and voluntarily admits to all the elements as set forth above.

Respectfully submitted,

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

A handwritten signature in black ink, appearing to read "Michael L. Jones", written over a horizontal line.

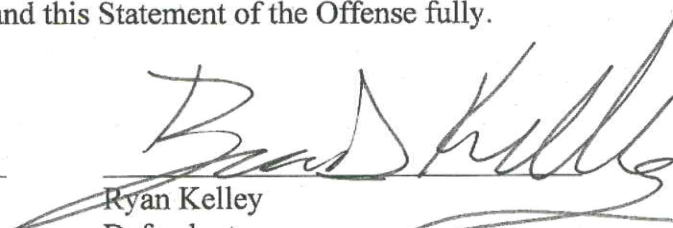
By:

Michael Jones  
Trial Attorney, U.S. Department of Justice

**DEFENDANT'S ACKNOWLEDGMENT**

I, Ryan Kelley, 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.

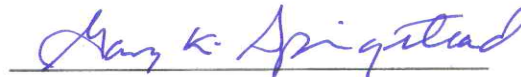
Date: 6/21/23

  
Ryan Kelley  
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: 6/21/2023

  
Gary Springstead  
Attorney for Defendant