

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA : Case No.: 23-CR-55 (JMC)
 :
 v. : 18 U.S.C. §§ 231(a)(3)
 : 18 U.S.C. §§ 111(a)
 : 18 U.S.C. §§ 111(a)
 :
 KENNETH JAY BONAWITZ, :
 :
 Defendant. :
 :

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, **Kenneth Jay Bonawitz**, 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 (hereinafter, “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, including the West Front, 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 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.

Kenneth Bonawitz's Participation in the January 6, 2021, Capitol Riot

8. On January 5, 2021, the defendant, KENNETH BONA WITZ, traveled via bus from his home state of Florida to Washington, D.C., to attend the “Stop the Steal” rally on January 6.

9. BONA WITZ arrived in Washington early in the morning of January 6, 2021, and attended the “Stop the Steal” rally at the Ellipse. Sometime prior to approximately 2:00pm, the BONA WITZ walked from the area around the National Mall to the West Front of the United States Capitol.

10. Starting at around 1:00 p.m. on January 6, 2021, a large crowd began amassing on the West Front of the Capitol. Between 1:00 p.m. and 2:28 p.m., the crowd became increasingly hostile to the Washington, D.C., Metropolitan Police Department (hereinafter, “MPD”) and USCP officers who were attempting to hold the line on the West Front and prevent the crowd from advancing towards the Capitol while the Joint Session was meeting. Shortly before 2:28pm, the

officers at the West Front of the Capitol lost the line to the advancing crowd, which broke through on the south side. The Defendant was among the first of those rioters to push through the collapsed line on the West Front. The Defendant was dressed in a red “Make America Great Again” hat, a black leather jacket, brown leather shoes, blue jeans, and a red, white, and blue neck gaiter. The Defendant was also armed with what appears to be an approximately eight-inch hunting knife, which was in a nylon sheath attached his belt on his right hip.

11. The crowd on the West Front was significant and more than a thousand individuals. This mob, of which BONA WITZ was a part, confronted the police officers who were attempting to re-establish the police line on the West Front. Many members of this mob engaged in acts of violence against law enforcement officers and committed acts of property destruction.

12. At approximately 2:29pm, BONA WITZ mounted the stage that had been built for the upcoming Inauguration. After BONA WITZ mounted the stage, he turned south and ran in the direction of the edge of the stage. Just before the stage platform ended, BONA WITZ raised both of his arms and hurled himself in the direction of USCP Sergeant F.R. and another USCP officer, who were standing below the stage. The Defendant collided with the officers and the weight of his body travelling through the air took both officers to the ground.

13. As a result of the Defendant’s assault against him, Sergeant F.R. suffered from injuries to his neck and shoulder.

14. Multiple officers assisted in pulling BONA WITZ off Sergeant F.R. and the other officer. While the officers were removing BONA WITZ, they observed that he had the knife in a nylon sheath attached to his belt on his right hip. The officers confiscated the knife and released BONA WITZ back into the crowd.

15. Before rejoining the crowd, BONAWITZ removed his jacket, revealing a gray tee-shirt reading “Getcha some freedom” over a red, long sleeve undershirt. BONAWITZ then yelled to the officers who were surrounding him following his assault on Sergeant F.R., stating “What are you guys doing?” BONAWITZ also removed his red hat, revealing a clean-shaven, bald head. He continued to hold the hat in his hands as he rejoined the crowd of rioters on the West Front as MPD and USCP officers were attempting to re-establish the line against those rioters.

16. At approximately 2:31pm, BONAWITZ again confronted officers at the police line on southern side of the West Front of the Capitol. Almost immediately after he rejoined the crowd, BONAWITZ assaulted four separate MPD officers in a seven second melee.

17. Another rioter began to push against an MPD officer as he and other officers tried to re-establish the line. Multiple MPD officers attempted to assist this officer, including MPD Officer E.M. BONAWITZ, positioned behind Officer E.M., shoved her, causing her to stumble forward. When Officer E.M. tried to turn to face BONAWITZ, he wrapped his arms around her neck from behind, inserted his forearm under the face shield of her helmet, and pulled upwards on her neck with his forearm, briefly lifting her off the ground and causing her to gag from the pressure on her throat. Officer E.M. was able to struggle free of the Defendant’s grip and push herself away from him.

18. After assaulting two more officers, BONAWITZ began to exit the area around the West Front after being sprayed in the face with chemical agent

19. As he exited Capitol grounds, BONAWITZ gave two brief interviews to media outlets. In the first, BONAWITZ stated, “I was up on the stage breaking through the lines. D.C. police maced me, hit me over the head with batons, and was kicking me in the side of the face.”

In another video, when the reporter appears to ask BONA WITZ his name and where he is from, he replies, “Kenneth Bonawitz. Florida.”

20. In another video, taken in South Florida on or about January 9, 2021, BONA WITZ lifted up his shirt to show purported bruises and stated, “Look, dude, I was there [at the Capitol]. This is compliments of the D.C. Police.”

Elements of the Offenses

21. KENNETH BONA WITZ admits to all of the elements of civil disorder. BONA WITZ willfully and knowingly entered the restricted area on the West Front of the United States Capitol Building as part of an assemblage of more than three persons. Acting as a part of that assemblage, BONA WITZ acted to obstruct, impede, or interfere with law enforcement officers who were engaged in the lawful performance of their duties. By his actions, BONA WITZ obstructed, delayed, or adversely affected commerce or the performance of a federally protected function.

22. BONAWITZ further knowingly and voluntarily admits to all the elements of assault on a federal officer. BONAWITZ admits that he forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with any person designated in 18 U.S.C. § 1114 while engaged in or on account of the performance of his official duties. Specifically, BONAWITZ admits that he tackled USCP Sergeant F.R. to the ground and further admits that he placed MPD Officer E.M. in a chokehold and lifted her off the ground. Sergeant F.R. was an officer of the United States Capitol Police and Officer E.M. was an officer of the Metropolitan Police Department, assisting the United States Capitol Police. The defendant further admits that he knew at that time of the assault of the officers that the officers were engaged in the performance of their official duties.

Respectfully submitted,

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

By:


SEAN P. McCAULEY

Assistant United States Attorney
New York Bar No. 5600523
United States Attorney's Office
For the District of Columbia
601 D. Street, NW
Washington, DC 20530
Sean.McCauley@usdoj.gov

DEFENDANT'S ACKNOWLEDGMENT

I, KENNETH JAY BONAWITZ, 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: 7/18/23



KENNETH JAY BONAWITZ
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: 7/18/23



MICHAEL E. LAWLOR
Attorney for Defendant

Date: 7/18/23



ADAM DEMETRIOU
Attorney for Defendant