

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

<b>UNITED STATES OF AMERICA</b>	:	<b>Case No:</b>
	:	
<b>v.</b>	:	
	:	<b>18 U.S.C. § 1752(a)(1)</b>
<b>JAMES WYMAN,</b>	:	
	:	
<b>Defendant.</b>	:	
	:	

**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, James Wyman, 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 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. The riot resulted in substantial damage to the U.S. Capitol, requiring the expenditure of more than \$2.8 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.

***Defendant's Involvement in the January 6, 2021, Capitol Riot***

8. Defendant was present in Washington D.C. and inside the U.S. Capitol building on January 6, 2021 at the time of the certification proceedings described above.

9. Defendant traveled to Washington, D.C. and attended the “Stop the Steal” rally at the Ellipse on January 6, 2021. He then walked toward the U.S. Capitol. As Defendant walked with other protesters to the U.S. Capitol, he passed the fencing and barricades that showed that the Capitol grounds were restricted and ascended the building’s steps and entered the U.S. Capitol building on January 6, 2021, at 2:22 pm through the Senate Wing door. Defendant entered through the Door:



10. Defendant walked towards the Crypt and then to the Memorial Door. He made his way through the crowd to the hallway on the other side, before turning back to the Memorial door and up the stairs to the Rotunda. After a few minutes walking around the Rotunda, Defendant headed to the Rotunda Door, which at that time was closed.

11. At about 2:38 pm, Defendant joined the crowd pushing to open the Rotunda Door from the back of the assembled protesters.



12. Less than 10 seconds after Defendant engaged with the group, the officers at the Memorial Door became overwhelmed by the protesters and moved out of the way; the Rotunda Door was forced open; and more protesters streamed into the Capitol building:



13. For the next 35 minutes, Defendant walked back and forth between the Rotunda Door and the Rotunda. As Officers tried to move the protesters out of the Rotunda, Defendant became involved in communicating with the officers:



14. At 3:25 pm, over an hour after the Defendant entered the U.S. Capitol building, he left through the Rotunda Door.

15. On January 6, 2021, from 2:22 pm to 3:25 pm, Defendant willfully and knowingly entered the U.S. Capitol building, which at that time met the definition of a restricted building under 18 USC Sec. 1752(c)(1). Defendant had no lawful authority to enter the U.S. Capitol building, and he knew that the building and grounds were restricted and that he lacked the lawful authority to enter or remain there.

Respectfully submitted,

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

By:

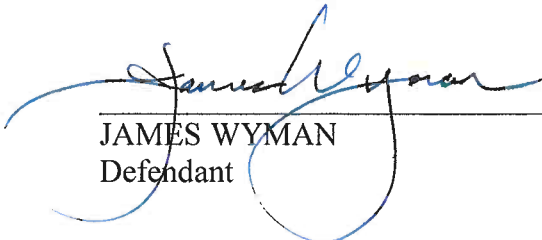


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ALEXANDRA F. FOSTER  
Assistant United States Attorney  
D.C. Bar No. 470096

DEFENDANT'S ACKNOWLEDGMENT

I, JAMES WYMAN, 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: 19 July 2023

  
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JAMES WYMAN  
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read this Statement of the Offense and have reviewed it with my client fully. I concur in my clients' desire to adopt this Statement of the Offense as true and accurate.

Date: 7/19/23

  
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RYAN WILLIS/CHRISTIAN DYSART  
Attorneys for Defendant