

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

UNITED STATES OF AMERICA	:	Case No.: 23-cr-275-JMC
	:	
v.	:	40 U.S.C. § 5104(e)(2)(D)
	:	40 U.S.C. § 5104(e)(2)(G)
	:	
DAVID SCOTT STAPP,	:	
	:	
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, David Scott Stapp (hereinafter, “the defendant” or “Stapp”), with the concurrence of the defendant’s 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. The grounds around the Capitol were posted and cordoned off, and the entire area as well as the Capitol building itself were restricted as that term is used in Title 18, United States Code,

Section 1752 due to the fact that the Vice President and the immediate family of the Vice President, among others, would be visiting the Capitol complex that day.

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. This joint session of Congress was an official proceeding as that term is used in Title 18, United States Code, Section 1512. 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. By shortly after 1:00 PM, the situation at the Capitol had become a civil disorder as that term is used in Title 18, United States Code, Section 231, and throughout the rest of the afternoon the civil disorder obstructed the Secret Service's ability to perform the federally protected function of protecting Vice President Pence.

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. Officers with the D.C. Metropolitan Police Department were called to assist officers of the USCP who were then engaged in the performance

of their official duties. 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 \$2.9 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.

The Defendant's Participation in the January 6, 2021, Capitol Riot

8. DAVID SCOTT STAPP ("STAPP"), a Mississippi resident, was one of the individuals who made unlawful entry at the U.S. Capitol on January 6, 2021.

9. According to records provided by Delta Airlines, STAPP traveled on a flight from Mobile, Alabama to Reagan National Airport in Arlington, Virginia on January 5, 2021. Additionally, records showed STAPP traveled from Arlington, Virginia to Mobile, Alabama on January 7, 2021.

10. According to records provided by Phoenix Park Hotel, STAPP checked in as a guest on January 5, 2021. The hotel is located at 520 North Capitol Street NW, Washington, D.C., which is approximately one half of a mile from the U.S. Capitol.

11. On January 6, 2021, STAPP attended the former President's rally at the White House Ellipse on January 6, 2021 with co-defendant JAMES ALLEN KNOWLES. There, STAPP and KNOWLES gave video-recorded interviews to Sky News. In that interview, STAPP spoke about seeing videos of election workers ripping up Trump ballots, and, thus, claimed that voter fraud occurred in the 2020 presidential election. In addition, the following exchange was captured between STAPP, KNOWLES, and the Sky News interviewer:

Q: Can I ask you a question? Just one more thing. Obviously the inauguration is in two week's time. What do you see happening?

KNOWLES: Donald Trump being inaugurated as president of the United States. Absolutely. Absolutely.

Q: You truly believe Donald Trump will be reinaugurated in two week's time?

KNOWLES: That's right.

Q: What do you think?

STAPP: [Inaudible]...What do I think? I don't know. We're going to see. . . . You can go back and see voter fraud, voter fraud, voter fraud, and we always say we're going to fix it for the next one. If we don't fix it now, when are we going to fix it?

12. STAPP then made his way to the U.S. Capitol with a crowd of people. According to CCTV footage from the U.S. Capitol Police, STAPP entered the U.S. Capitol building through the Parliamentarian Door at approximately 2:53 p.m. and exited through the same door at approximately 2:57 p.m. The Parliamentarian Door is located in the northwest quadrant of the U.S. Capitol building. Crowds began banging on the Parliamentarian Doors at approximately 2:40 p.m. and breached the doors at 2:42 p.m.

13. A search warrant was executed on Stapp's Facebook account. On January 6, 2021, at approximately 10:01 p.m., STAPP sent another Facebook user the following message, "May or may not have got (sic) a tour of the inside of the capital (sic) today." STAPP followed the post with a photograph of the hallway that the Parliamentarian Door leads to.

14. In a Facebook post from January 7, 2021 at approximately 11:07 p.m., STAPP wrote, "It was one of the best things I have ever gotten to do. That was history. We took over the fucking capital (sic). Shows them what a small percentage of unarmed Americans can do. Just think of all the patriots came and cane (sic) armed[.]"

Elements of the Offense

15. The parties agree that disorderly conduct in a Capitol building, in violation of 40 U.S.C. § 5104(e)(2)(D), requires the following elements:

- a. First, the defendant engaged in disorderly or disruptive conduct in any of the United States Capitol buildings or grounds.
- b. Second, the defendant did so with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress.
- c. Third, the defendant acted willfully and knowingly.

16. The parties agree that parading, demonstrating, or picketing in a Capitol building, in violation of 40 U.S.C. § 5104(e)(2)(G), requires the following elements:

- a. First, the defendant paraded, demonstrated, or picketed in any of the United States Capitol Buildings.
- b. Second, the defendant acted willfully and knowingly.

Defendant's Acknowledgments

17. The defendant knowingly and voluntarily admits to all the elements as set forth above. Specifically, the defendant admits that he engaged in disorderly conduct in a Capitol building and did so with the intent to disrupt the orderly conduct of a session of Congress or either House of Congress. The defendant further admits that he paraded, demonstrated, or picketed in a Capitol building. The defendant further admits that he acted willfully and knowingly.

Respectfully submitted,

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DEFENDANT'S ACKNOWLEDGMENT

I, David Scott Stapp, 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: 16 FEB 24


David Scott Stapp
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: Feb. 19, 2024


Nathan Silver
Attorney for Defendant