

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No.: 23-CR-357 (JMC)
	:	
v.	:	18 U.S.C. § 231(a)(3)
	:	(Civil Disorder)
RALLY RUNNER,	:	
F.K.A. DANIEL DONNELLY, JR.	:	
	:	
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, Rally Runner, 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.
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. 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. Rally Runner (formerly Daniel Donnelly, Jr.) traveled to Washington, D.C. on January 5, 2021, to attend former President Trump's rally at the Ellipse. On January 6, 2021, Runner attended the rally, then proceeded to the U.S. Capitol. Throughout the day, he wore a red "Keep America Great" hat, a red jacket, and red face paint.

9. Once on Capitol grounds, Runner made his way through the crowd and up to the entrance of the Lower West Terrace doorway (also known as the "tunnel") of the U.S. Capitol building.

10. At the time of Runner's approach, the Capitol's Lower West Terrace was filled with rioters, and law enforcement officers were positioned in the tunnel. The two groups faced off at the tunnel's entrance as rioters tried to make their way into the Capitol building, and police officers attempted to prevent them from doing so.

11. Runner, standing just outside the tunnel, first helped the crowd pass a ladder toward the tunnel's opening. He then moved forward, closer to the front of the tunnel.

12. At approximately 4:10 p.m., Runner moved to the very front of the crowd with other rioters at the threshold of the tunnel's entrance. He held a police riot shield that he had obtained earlier.

13. As Runner stood at the threshold of the tunnel holding the shield in front of him, law enforcement officers were attempting to push rioters back to secure the tunnel. Members of the crowd surged toward the police, attacking the officers while Runner held the line. Other rioters sprayed chemical irritants, threw items, and screamed at law enforcement officers. Runner continued to hold his position inches away from the confrontation.

14. While facing off with officers, Runner used his shield to form a wall with shields held by other rioters. Several other rioters used Runner and his shield as protection, lunging past him to attack police officers.

15. The crowd then surged forward as a group, with Runner in the lead. Runner was at the front of the crowd as he used his shield to push officers backward, aiding in the mob's advancement.

16. For the next several minutes, Runner, surrounded by other rioters, used his shield to push continuously against officers, gaining ground into the tunnel and managing to force the group of police nearly into the Capitol building.

17. Finally, after approximately ten minutes, other law enforcement officers came the aid of the officers in the tunnel. The officers were able to push Runner and the other rioters back out of the tunnel.

18. Having been pushed back to the tunnel's entrance, Runner peered out on the mass of rioters gathered on the Lower West Terrace. Triumphantly, he raised his fist and arm into the air.

19. Later in the day, Runner posted an approximately 26-minute-long video to his Facebook page in which he described his actions on January 6. In the video, Runner made the following comments:

I get a riot shield, and I'm not trying to cause any violence, but I'm trying to be the furthest person to get through all the way, or at least get the furthest.

I took up a lot of space, and I had the rioter shield, and I was right up there, and for some reason, like, the other people up there on the front lines with me, they did something similar... It's like they followed my lead, kind of, and it turned out to be a great strategy because the whole crowd was doing that, was able to push further than we had gotten the whole time, the entire time.

We pushed them all the way into the doors. It was working until more cops showed up. I'm right at the front of it and got through those doors into the Capitol, and that's when reinforcements came.

[T]he burning of the mace was horrible, I mean my skin is already sensitive so I think it affected me more than others, but I withstood it pretty well and I was like even when I was inside and I was breathing it in I was like alright I can handle this, this isn't that bad, I'm not going to let this deter me.

I got further than anyone, I literally got further than anyone. I helped us get that far.

#### *Elements of the Offense*

20. The parties agree that Civil Disorder in violation of 18 U.S.C. § 231(a)(3) requires the following elements:

- a. First, the defendant knowingly committed an act with the intended purpose of obstructing, impeding, or interfering with one or more law enforcement officers.
- b. Second, at the time of the defendant's act, the law enforcement officers were engaged in the lawful performance of their official duties incident to and during a civil disorder.
- c. Third, the civil disorder in any way or degree obstructed, delayed, or adversely affected commerce or the movement of any article or commodity in commerce, or the conduct or performance of any federally protected function.

***Defendant's Acknowledgments***

21. The defendant knowingly and voluntarily admits to all the elements as set forth above. Specifically, the defendant admits that he committed or attempted to commit an act to obstruct, impede, or interfere with one or more law enforcement officers carrying out their duties and in doing so he made physical contact with one or more law enforcement officers.

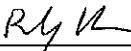
Respectfully submitted,

MATTHEW M. GRAVES  
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**DEFENDANT'S ACKNOWLEDGMENT**

I, Rally Runner, 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: 3-20-2024        
Rally Runner  
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: \_\_\_\_\_   
Nat Scott Rosenblum  
Attorney for Defendant