

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA : Case No.: 23-MJ-141 (MAU)
 :
 v. : 40 U.S.C. § 5104(e)(2)(G)
 : 40 U.S.C. § 5104(e)(2)(D)
 CHRISTIAN PETER TYNER, :
 :
 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 CHRISTIAN TYNER**, 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.

Christian Peter Tyner's Participation in the January 6, 2021, Capitol Riot

8. On January 5, 2021, the defendant, CHRISTIAN PETER TYNER (hereinafter, "CHRISTIAN TYNER"), drove from his home in Highlands Ranch, Colorado, to Washington, D.C. CHRISTIAN TYNER traveled with his father, DAVID CHRISTIAN TYNER (hereinafter, "DAVID TYNER").

9. On January 6, 2021, CHRISTIAN TYNER and DAVID TYNER attended the "Stop the Steal" demonstration at the Ellipse.

10. Sometime prior to 3:00 PM, CHRISTIAN TYNER and DAVID TYNER walked from the area around the National Mall to the East Front of the United States Capitol.

11. Starting at around 1:00 PM on January 6, 2021, a large crowd began amassing on the East Front of the Capitol. Between 1:00 PM and 1:57 PM, 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. At approximately 1:57 PM, a

group of rioters overwhelmed the barricades on the south side of the East Plaza. Rioters approached the East Steps and eventually mounted the steps to the East Rotunda Door. At 2:25 PM, rioters briefly breached the East Rotunda Door but were quickly dispersed by police officers, who resecured the door. At 2:39 PM, rioters breached the East Rotunda Door for a second time and, due to the overwhelming nature of the crowd of rioters, police were not able to resecure the doors. A crowd of rioters then began to flow into the Capitol through the East Rotunda Doors.

12. At approximately 3:01 PM, CHRISTIAN TYNER, dressed in faded, ripped blue jeans, a yellow-brown overcoat, gray hoodie, ski goggles, white shoes, a red, white and blue “Trump” branded hoodie, and a red bandana that he had fashioned into a face covering entered the Capitol through the East Rotunda Door. CHRISTIAN TYNER was accompanied by DAVID TYNER, who entered the Capitol via the East Rotunda Door seconds before CHRISTIAN TYNER.

13. CHRISTIAN TYNER and DAVID TYNER entered the Rotunda at 3:02 PM.

14. CHRISTIAN TYNER and DAVID TYNER began exiting the Rotunda at approximately 3:09PM.

15. CHRISTIAN TYNER and DAVID TYNER exited the Capitol via the East Rotunda Doors at approximately 3:17 PM.


Elements of the Offenses

16. CHRISTIAN TYNER admits to all the elements of parading, demonstrating, or picketing in any of the Capitol buildings. CHRISTIAN TYNER admits to all the elements of disorderly conduct in a capitol building. CHRISTIAN TYNER willfully and knowingly entered the Capitol through the East Rotunda Door. At the time of his actions, CHRISTIAN TYNER knew that he was not permitted to enter the Capitol and that his conduct was unlawful.

Respectfully submitted,

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

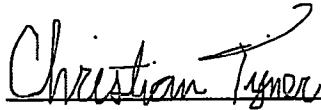
By:


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DEFENDANT'S ACKNOWLEDGMENT

I, CHRISTIAN PETER TYNER, 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: 10/10/23

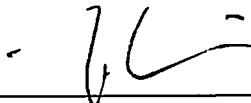


Christian Peter Tyner
Defendant

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: October 10, 2023



Edward M. Robinson
Attorney for Defendant