

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

UNITED STATES OF AMERICA	:	CASE NO. 23-cr-449 (TSC)
	:	
v.	:	
	:	VIOLATIONS:
TONY LEE GILL,	:	
	:	18 U.S.C. § 1752(a)(1)
Defendant.	:	(Entering or Remaining in a Restricted Building or Grounds)

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, Tony Gill, 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.

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. On January 6, 2021, Tony Lee Gill travelled from his residence in Front Royal, Virginia to a hospital in Washington D.C. as part of his employment. After his work obligation, Gill learned about the ongoing riot at the United States Capitol. Gill drove to the Capitol and parked his vehicle near 500 New Jersey Avenue NW at around 4:17 p.m. He parked roughly 0.7 miles from the Capitol. Prior to his arrival at the U.S. Capitol, Gill was generally aware of what was occurring at the U.S. Capitol on January 6, 2021, including the fact that the Vice President was temporarily visiting the U.S. Capitol that day.

9. At 4:23 p.m., Gill walked towards the Capitol along New Jersey Ave. N.W., passing the intersection of New Jersey Ave. N.W. and Louisiana Ave. N.W., approximately one block from the Capitol. See Image 1.



Image 1: CCTV footage captured Gill walking from his car to the Capitol.

10. Gill continued along New Jersey Ave. N.W., eventually arriving at the intersection of New Jersey Ave. N.W. and Constitution Ave. N.W. at 4:25 p.m. This intersection is adjacent to the north side of the Capitol. See Image 2.



Image 2: CCTV footage of Gill at New Jersey Ave. N.W. and Constitution Ave. N.W.

11. Gill then entered the restricted area of the Capitol, walking along the north and northwest side of the Capitol to the Capitol's West Plaza to join the ongoing riot. *See Image 3.* After arriving at the West Plaza, Gill moved deeper into the crowd, eventually climbing the stairs leading to the Lower West Terrace. Gill arrived at the Lower West Terrace at approximately 4:34 p.m. *See Image 4.*



Image 3: Gill within the restricted perimeter of the United States Capitol.

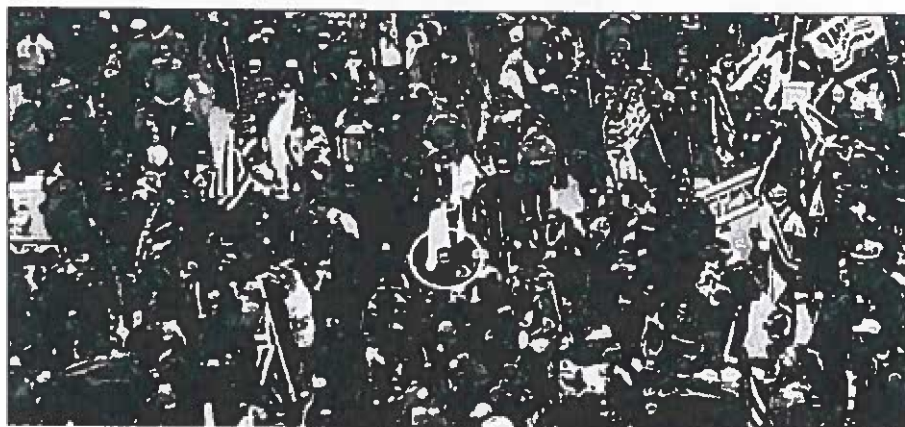


Image 4: CCTV footage of Gill entering the Lower West Terrace.

12. Gill remained with the mob on the Lower West Terrace for approximately 20 minutes, slowly making his way through the crowd toward a broken mezzanine window near the Inauguration Tunnel Entrance ("Tunnel"). *See Image 5, 6.* Rioters had shattered this window at

approximately 4:30 p.m. to enter the Capitol interior. Here, Gill recorded and took photos of the ongoing riot around him. As Gill approached the broken window and Tunnel, he chanted with other rioters, encouraging the ongoing riot. *See Image 7.*



Image 5: Gill among the mob on the Lower West Terrace.



Image 6: Gill engaging with the mob near the Tunnel.

13. Just before 5 p.m., Gill reached the broken window adjacent to the Tunnel, where some of the most intense fighting occurred on January 6, 2021. Despite observing the fighting, he climbed through the window and into the Capitol interior with the assistance of other rioters. *See Image 7, 8.*

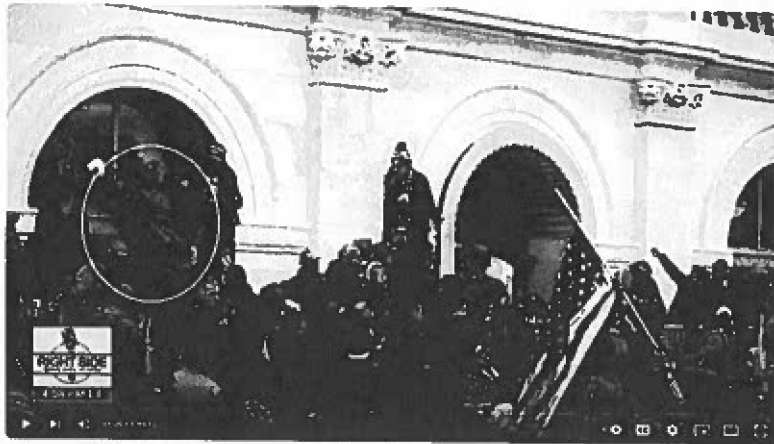


Image 7: Gill climbing into the Capitol through a broken window.

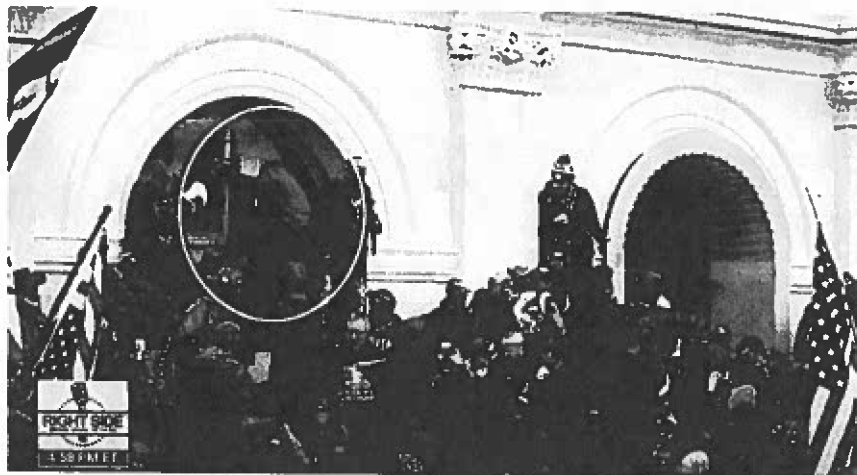


Image 8: Gill climbing into the Capitol through a broken window.

14. After Gill climbed through the window, Gill entered a room inside the Capitol. In this room, other rioters in Gill's vicinity destroyed property and used this property to try to move further into the Capitol interior. Gill remained inside this room with these rioters. *See Image 9.*



Image 9: Gill inside the Capitol.

15. After Gill entered the Capitol, additional officers arrived at the Tunnel and on the west side of the Capitol. At approximately 5:04 p.m., these reinforcements began deploying flashbangs and tear gas to disperse the mob near the Tunnel and Lower West Terrace. At this point, Gill left the Capitol interior through the broken window and travelled to the Capitol's West Plaza, where he continued to loiter among the mob, recording and photographing the chaotic scene around him. *See Image 10.*



Image 10: Gill recording and photographing the riot on the West Plaza after departing the Capitol.

16. During this time, Gill also stood with other rioters in front of a police line on the West Plaza, where rioters heckled and assaulted law enforcement while Gill was present. See Image 11.

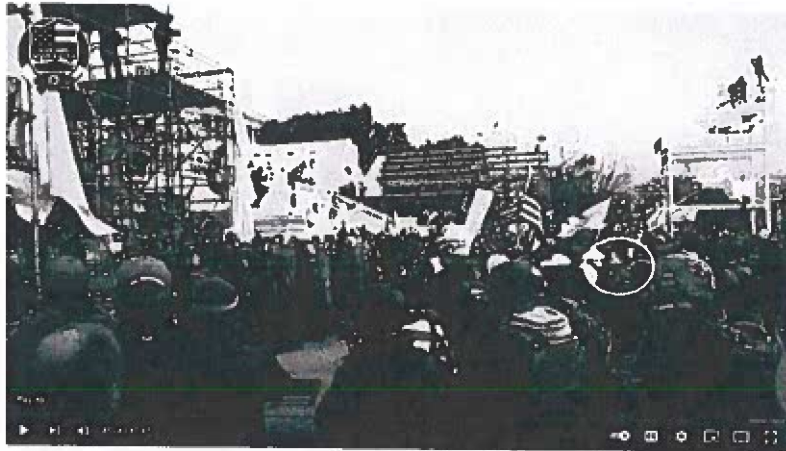


Image 11: Gill near a police line on the West Plaza after leaving the Capitol.

17. After retreating to the West Plaza, Gill departed Capitol grounds along the north and northwest side of the Capitol at approximately 5:23 p.m.

18. The following day, Gill drafted a message on his phone referencing his actions the day before where he stated, “Domestic Terrorist, how about American loving patriot? Hey snowflakes, we’re fighting for you too.” Gill also drafted a note on his phone shortly after the 2020 election stating, “If Trump don’t win, The World will go to Hell!”

Elements of the Offense

19. The parties agree that 18 USC § 1752(a)(1) requires the following elements:
 - a. The defendant entered or remained in a restricted building or grounds without lawful authority to do so.
 - b. The defendant did so knowingly.

Defendant's Acknowledgments

20. The defendant knowingly and voluntarily admits to all the elements as set forth above. Specifically, the defendant admits that he knowingly entered a restricted building or grounds when joining an ongoing riot and climbing through a broken Capitol window to enter the U.S. Capitol on January 6, 2021. Additionally, the Defendant acknowledges that when he undertook these actions, he was aware the Vice President, a Secret Service protectee, was temporarily visiting the U.S. Capitol.

Respectfully submitted,

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/s/ Eli Ross

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DEFENDANT'S ACKNOWLEDGMENT

I, Tony Lee Gill, 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: 3-7-2024



Tony Lee Gill
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: 3-8-24



Chris Leibig
Attorney for Defendant