IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
v.	:	**MAGISTRATE NO. 23-MJ-353**
KYLE TRAVIS COLTON,	:	**VIOLATION: 18 U.S.C. § 1752(a)(2)**
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, **Kyle Travis Colton**, 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. 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.

Colton's Participation in the January 6, 2021, Capitol Riot

8. On January 6, 2021, the defendant, Kyle Colton, attended then-President Trump's rally at the Washington Monument. After the rally, he walked to the United States Capitol with other rioters.

9. Colton entered the restricted grounds of the Capitol and continued through the Capitol grounds up towards the Senate Wing Door.

10. At approximately 2:16 p.m., Colton entered the United States Capitol Building through the Senate Wing Door. At the time he entered the U.S. Capitol building, the glass had been broken on the Senate Wing Door and adjacent windows and there was an alarm sounding.

11. Shortly after Colton entered the building, the certification proceeding (and in fact, all business within Congress) was halted due to the presence of the mob outside and inside of the premises.

12. Colton remained inside the Capitol building for approximately one hour and fifteen minutes. Once he entered the building, he traveled through the Crypt, near the Memorial Doors, into the Rotunda, and through Statuary Hall.

13. At approximately, 2:35 p.m., there was a line of USCP officers standing at one end of the Statutory Hall Connector trying to prevent rioters from entering the main entrance to the House Chamber. Colton joined the large mob outside of the House Chamber, where certain members of Congress were being evacuated, while other members hid in the gallery awaiting word that it was safe to evacuate. Colton remained outside the House Chamber for approximately fifteen minutes, before proceeding back through Statuary Hall and joining a large mob in the Rotunda at approximately 2:59 p.m.

14. Colton was in the Rotunda with the large mob of rioters as USCP formed a police line and attempted to clear the premises. Colton was at the very front of the mob, close to and facing the USCP line. Despite the USCP's repeated commands for rioters to leave, Colton remained in the Rotunda and near the Rotunda Interior Doors for approximately a half hour. Upon being physically pushed towards the exit, Colton departed the Capitol building at approximately 3:30 p.m.

Elements of the Offense

15. The parties agree that Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2), requires the following elements:

First, the defendant engaged in disorderly or disruptive conduct in, or in proximity to, any restricted building or grounds.

Second, the defendant did so knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions.

Third, the defendant's conduct occurred when, or so that, his conduct in fact impeded or disrupted the orderly conduct of Government business or official functions.

Defendant's Acknowledgments

16. The defendant knowingly and voluntarily admits to all the elements as set forth above. Specifically, the defendant admits that he engaged in disorderly or disruptive conduct in the United States Capitol Building with the intent to impede or disrupt the orderly conduct of Government business or official functions, and that he did in fact impeded or disrupt the orderly conduct of Government business or official functions. The defendant further admits that, when he entered the Capitol building, he knew he was not authorized to do so and that he knew that Vice President Pence was or would be visiting the Capitol building that day.

Respectfully submitted,

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DEFENDANT'S ACKNOWLEDGMENT

I, Kyle Travis Colton, 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: 9/6/2024

Kyle Travis Colton
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: 9/06/2024

Douglas J. Beevers
Attorney for Defendant