

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

ANTON LUNYK,

Defendant.

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Case No.: 21-CR-410 (RC)

40 U.S.C. § 5104(e)(2)(G)

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, **ANTON LUNYK**, 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 (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, 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 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. 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.

ANTON LUNYK's Participation in the January 6, 2021, Capitol Riot

8. The defendant, ANTON LUNYK, lives in Brooklyn, New York City, New York. On January 5, 2021, defendant and co-defendants Francis Connor and Antonio Ferrigno drove from Brooklyn to Washington, D.C. The purpose of the defendants' trip to Washington, D.C. was to protest Congress' certification of the Electoral College.

9. Prior to January 6, Lunyk participated in a group message chat on Instagram that included co-defendants Connor and Ferrigno and others. From November 3 through the end of November, 2020, the group exchanged messages about the 2020 Presidential Election, expressing a belief that the election had been stolen and was fraudulent, expressing concerns about what would happen if the Democratic Party came to power, and discussing how to respond. In this context, the co-defendants sent the following messages in their Instagram group chat:

- a. On November 3, 2020, Connor said, “Get after it! Don’t let the Democrat party which has been taken over by the radical left destroy our country,” and later, “Preparing for war.”
 - b. On November 5, 2020, Connor said, “WASHINGTON D.C. BLM terrorist have surrounded Police,” followed by, “Hopefully civil war comes.” Ferrigno responded, “This election ain’t over ... The shit we have to deal with smh, it’s gonna be a fight but we got this.”
 - c. On November 6, 2020, Ferrigno said, “It’s ok guys let Biden when [sic]. Sit back and watch what happens when we go to court,” and later, “The whole dem party is going down.”
 - d. On November 10, 2020, Lunyk said, “we’re gonna be at the epicenter of the civil war.”
10. On December 8, 2020, Lunyk messaged a different Instagram user, “Biden can’t get inaugurated bro it just cannot happen.”
11. In the same group chat, the three co-defendants discussed plans to travel to Washington, D.C. for a November 14, 2020, rally in support of former President Trump.
12. On December 12, 2020, in a different Instagram group chat including Ferrigno, Lunyk messaged, “Btw electoral colleges [sic] final vote is on January 6.” Over the next four weeks, Lunyk discussed plans to travel to Washington, D.C. on January 6 with multiple people via Instagram messenger.
13. On January 5, 2021, Lunyk sent a message in an Instagram group chat including Connor and Ferrigno, “This is history in the making.”

14. On January 6, 2021, Lunyk, Connor, and Ferrigno attended the “Stop the Steal” rally and then marched with other protestors to the Capitol.

15. The defendants entered the U.S. Capitol Building together on January 6 through the Senate Wing Door, on the West Side of the building, at approximately 3:08 p.m. The defendants then entered the workspace of Senator Jeff Merkley, where they were captured in a livestream recorded by Anthime Gionet, a.k.a. “Baked Alaska.” Connor looked through books and papers in the workspace. The defendants proceeded through the U.S. Capitol Crypt and then to the House Wing on the opposite side of the building from where they entered. The defendants turned around exited the building at approximately 3:18 p.m. through a broken window next to the Senate Wing Door. Lunyk and Ferrigno recorded events on their cellphones throughout their time in the building.

16. After the riot, a screenshot of Baked Alaska’s livestream inside the Capitol appeared in the New York Post, showing Lunyk in the background. In their Instagram group chat on January 8, 2021, the defendants speculated whether Lunyk would be arrested and one participant suggested that Lunyk delete his social media. Connor addressed Lunyk in the chat: “Now you will he [sic] arrested for a federal crime ... was it worth it?” Lunyk replied, “Yea.” Later in the chat, Lunyk described the events of January 6 as “The most historically active dc event in us history.”

17. On January 9, 2021, Lunyk messaged the Instagram group chat: “We are officially in some serious shit,” and later, “CUS I WAS IN DC 50 FEET FROM THE DON ... AND I WAS IN THE CAPITOL ... PEACEFULLY.”

18. On January 10, 2021, Lunyk sent a photograph of Lunyk, Connor, and Ferrigno inside the Capitol Crypt to the Instagram group chat. Connor replied, “YOU RAT I SAID DON’T

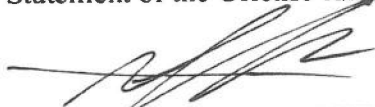
19. ANTON LUNYK knowingly and voluntarily admits to all the elements of 40 U.S.C. § 5104(e)(2)(G). Specifically, defendant admits that

- By: /s/
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DEFENDANT'S ACKNOWLEDGMENT

I, ANTON LUNYK, 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: 4/21/22



ANTON LUNYK
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: 4/22/22



MICHAEL WEIL
Attorney for Defendant