

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

UNITED STATES OF AMERICA

v.

DONALD HAZARD,

Defendant.

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Case No.: 22-CR-117 (RDM)

18 U.S.C. § 111(a)(1) and (b)

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, **DONALD HAZARD**, 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 \$2.8 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.

Donald Hazard's Preparations for January 6, 2021

8. The defendant, **DONALD HAZARD**, is a member of a Texas-based militia called the Patriot Boys of North Texas ("PBONT"). In Facebook messages, Hazard explained that PBONT, whose logos incorporate Three-Percenter imagery, was "affiliated with the proud boys which have folks of all races as there's several thousand members. It's not at all about race it's about patriotism and the willingness to protect property, communities, people, their livelihoods/businesses etc and to be willing to fight evil people who threaten these things or people."

9. On or about December 25, 2020, Lucas Denney, the self-proclaimed President of PBONT, in anticipation of attending the "Stop the Steal" rally in Washington, D.C. on January 6, 2021, appointed Hazard as the sergeant-at-arms of PBONT and explained that a sergeant-at-arms "watches the president's back. Kinda like security."

10. In the weeks prior to January 6, 2021, Hazard and Denney discussed preparations for their trip to Washington, D.C. For example:

- a. On or about December 26, 2020, Denney and Hazard engaged in the following exchange over Facebook messenger:

Denney: If you know any other guys that can go that's like us and will fight we could use them. And it will be paid for. Read my last post.

Hazard: Alright 10-4. I'll see who I can find.

- b. Between approximately December 30, 2020 and January 1, 2021, Denney and Hazard engaged in the following exchange over Facebook messenger:

Denney: January 6th. It begins brother

Hazard: Can't wait!!!

Denney: Do you have to work Saturday?

Denney: If you're off then I want to pick you up and take you to get a helmet and pick up some other gear. We also have a [PBONT] chapter meeting at 4pm in the Stockyards. You can stay with me Saturday night because we are gonna leave Sunday and head out. We have 3 guys so far. But we are meeting hundreds of others at our hotel.

* * *

Denney: Just picked us each up a bottle of police grade pepper spray from the Fort Worth police store. I'm gonna have you a vest to.

Hazard: Alright!!!

* * *

Denney: We got to go out tomorrow and get you a helmet for your head.

11. Hazard also used Facebook to encourage others to travel with him and Denney to Washington D.C. for the “Stop the Steal” rally on January 6, 2021 and to discuss his expectations of what would occur. On or about January 2, 2021, Hazard engaged in the following exchange over Facebook messenger with another Facebook user (“Individual-1”):

Individual-1: Hazard are you going to dc

Hazard: Yeah we leave in the morning.

Hazard: Wanna go bust some head’s with us??

Individual-1: Let me see if I can get off work I will drive

Hazard: We probably got body armor for you and probably a pair of knuckle gloves. You’ll want a helmet and maybe eye protection. And unfortunately DC is a very liberal place with terrible gun laws. So we are having to leave all guns here in Texas.

* * *

Individual-1: Are you ready?

Hazard: Yeah brother I’m ready. I got a helmet today I got knuckle gloves I got goggles I got a body armor. And I just checked we have a helmet for you we have gloves we have body armor only thing you might need is some safety glasses. And Luke said you’re more than welcome to drive and meet us out there or you’re more than welcome to just jump in with us tomorrow at 9 a.m. and head out there with us. But like I said earlier and he said the same thing we’d love to have you.

Hazard: We also have a patriot boys hoodie for you. Which is uniform.

Hazard:



Hazard:



Hazard: Our militia group is called the Patriot boys. We're directly affiliated with the proud boys. So we have literally thousands upon thousands of members backing us up.

* * *

Hazard: Friend request Lucas denny. He's the president of this chapter and I'm riding out there with him. I won't have phone service so friend request him so that we can stay in communication.

12. On or about January 3, 2021, Hazard engaged in the following exchange over Facebook messenger with another Facebook user ("Individual-2"):

Hazard: I got a helmet knuckle gloves goggles to protect my eyes and body armor

Individual-2: Thank god please be careful n watch one another's back

Hazard: No worries. We also got walkie talkies.

Hazard: So in Washington DC BLM Plaza. Our goal is to take several thousand militia guys down there and kick them out of their own Plaza and take total control of it.

Hazard: Sorry it's supposed to say in Washington DC they have BLM Plaza

* * *

Hazard: Myself I'm proud of all the militia folks who are willing to take a stand against evil. We're literally called three percenters because it's estimated that only 3% of the population will actually stand up and fight.

Hazard: It's a very low percentage of folks but one that I'm very proud to be a part of and just wouldn't have it any other way.

Hazard: I'm also really proud of Luke [Denney] for spearheading this whole deal and making it happen. He's smart he's strategic and he's been to war. He makes a great president of our chapter of the Patriot boys.

13. On or about January 3, 2021, Hazard posted the following comments on Facebook:

a. "Joe Biden Kamala Harris and the whole Democratic Party are nothing but a bunch of worthless communist whose sole purpose is nothing but to do away with the Constitution and take all of our freedoms away. They've made it perfectly clear they're rolling with black lives matter and antifa thugs. Well I'm rolling with a bunch of patriot militia men. So Uncle Joe I'm heading out to DC tomorrow. And you can bet I'm gonna bust as many antifa and BLM skulls as I possibly can for you. So much love for you even though in this fight between good and evil. You sir are on the wrong side."

b. "And as for militia groups. The one I'm in is all about the Constitution so make no mistake about that. Also we have sat by and tried to be peaceful while watching antifa and BLM terrorize America with no repercussions. So the time to sit back and be peaceful is over. There's a Civil War coming and I for one will be on the front lines taking out as many of those sons of bitches as I possibly can."

Donald Hazard's Participation in the January 6, 2021, Capitol Riot

14. On January 6, 2021, Hazard was marching on a street in Washington, D.C., where he was filmed by a newspaper photographer. Hazard stated: "Make sure you get my face and everything on your news channel. I want the enemy to know exactly who is coming after them." At the time, and throughout the day on January 6, 2021, Hazard was wearing a khaki-colored

tactical vest. At other points during the day on January 6, Hazard wore a black helmet with an image of a confederate battle flag on the side.

15. By approximately 2:00 p.m. on January 6, 2021, Hazard had entered the restricted grounds of the Capitol and was positioned under scaffolding that had been erected over the stairs on the northwest side the of the Capitol building. USCP officers were positioned on a landing at the mid-point of the stairs, where a set of metal doors had been erected. As rioters approached, USCP officers attempted to close the doors, but rioters climbed the scaffolding and were able to pass the officers. Hazard and others attempted to climb up the stairs; Hazard recalls being maced as he did so by unknown individuals.. Hazard attempted to get past one of the officers positioned on the stairs, USCP Officer T.S. Officer T.S. engaged Hazard in order to force Hazard back. USCP Technician T.L. watched as Hazard grabbed Officer T.S., as Hazard fell. Technician T.L. also fell down the stairs and attempted to shield Officer T.S.'s service weapon so that rioters could not grab it. Hazard continued to fight with Officer T.S. as the two fell down the stairs. Officer T.S. hit his head and was knocked unconscious. Hazard also fell on top of Sgt. T.L., who hit his head on the concrete.

16. Subsequently, Officer T.S. was treated for a concussion, injuries to his foot, and bruising to his arm. [REDACTED]

[REDACTED]

The injuries to Officer T.S.'s foot required multiple surgeries, [REDACTED]

[REDACTED]

17. During the events described in paragraph 15, Officer T.S., Technician T.L., and Sgt. T.L. were wearing full USCP-issued uniforms, which included badges, duty belts, and arm patches with USCP insignia.

18. By approximately 2:10 p.m., Hazard was positioned, along with Denney and other rioters, on the west side of the Capitol building, with metal bike rack barricades separating the crowd from the police officers protecting the Capitol. Hazard, Denney, and other rioters were yelling at the police officers. In particular, Hazard slapped the tactical vest he was wearing and yelled "We're patriots, motherfucker! Fuck you! You're bought out by China, you communist fuck!"

19. At another point during the day, Hazard and Denney advanced towards the line of police officers protecting the west side of the Capitol building, each with an arm raised, holding a canister of pepper spray.

20. At approximately 2:56 p.m., Hazard entered the Capitol building via the Parliamentarian Door. At approximately 2:57 p.m., Hazard stood briefly in the doorway of the Senate Parliamentarian's office, then continued down the hallway, further into the Capitol building. At approximately 3:01 p.m., Hazard was present in the Parliamentarian's office as police officers were attempting to clear rioters from the building. Hazard, along with other rioters, was then corralled out of the Capitol building via the Parliamentarian Door.

21. When Hazard engaged in the conduct described in paragraphs 15 and 19, he knew that the officers involved were engaged in the performance of official duties as officers with the USCP and with the Metropolitan Police Department, who were assisting the USCP.

22. Throughout the day on January 6, 2021, Hazard filmed several “selfie-style” videos, which he posted to Facebook on January 6 and 7, 2021. In those videos, he made the following statements:

a. “So you want to be a Patriot? This is what it looks like. We have stormed our nation’s capitol. We’re in. Look at all these good patriots here. I’ve been maced. I’ve been beat up by cops. Shit’s getting real here in D.C.”

b. “What up everybody back home? We’re here at the nation’s capitol and we’re storming it. We’re taking the Capitol. Shit is real here. This is America baby.”

c. “We are storming our nation’s capitol. This is America. Look at all these patriots. We are storming the fucking Capitol.”

23. After Hazard returned to his hotel on January 6, 2021, he erased all of the photographs and videos he had taken on his cellphone while at the Capitol.

Donald Hazard’s Post-January 6, 2021, Conduct

24. Hazard continued to post on Facebook regarding the events of January 6, 2021. In the late evening on January 6, 2021 through January 7, 2021, Hazard posted the following comments on Facebook, among others:

a. “1st time since the 1800s!!! Now they knowlike the Patriots are pissed!!!”

b. “[I]t wasn’t easy at all. I had to fight several cops.and didn’t make it on my 1 st attempt. I charged the cops and got in a fight with a lot of them. I got beat up and beat with they’re clubs and maced. But the 2nd time I won!!

c. “[I]f you’re a patriot then you would realize we made a huge bold statement today. And that statement is the Patriots have had enough!!! Make no mistake about it. What we did today was totally epic!!! We took over the capital and had Democrat politicians hiding like the

cowards they are. And Mike pence is a coward 2. He had to run away through an underground tunnel and be flown away. We made history today. The capital hasn't been taken since the 1800s. Until we came to town."

d. "I'm fantastic!! The way I see it .it was an honor to be here and be apart of something so epic!!! And If I died here today it would be an honor as well!!!!"

e. "I'm beat up been maced gased had flashbang grenades thrown at me beat down by the cops. But I'm blessed and wouldn't have it any other way."

f. "We the people had an election stolen from us so we took our capital/NOT THERE's back. IF THIS WAS BACK IN THE DAY OUR FORFATHERS WOULD HAVE STORMED IN AND DRUG POLITICANS OUT AND HUNG THEM FOR TREASON."

25. On or about January 9, 2021, Denney sent a message to Hazard on Facebook, stating "remember to keep quite [sic] this week." On January 13, 2021, Hazard asked Denney to return his gun to him, stating "I've been stressing not having a gun in the house. Especially in these times." Later in the conversation, Denney stated "Great. See you tonight. Remember don't talk about certain things to anyone. You know what I mean" to which Hazard responded "Yep I know exactly what you mean."

26. On or about January 14, 2021, Hazard send a message to another Facebook user stating "I found out the worst I could be facing was a misdemeanor. Now I wish I hadn't erased my pics and videos."

Respectfully submitted,

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

By:


BENET J. KEARNEY
Assistant United States Attorney, Detailee
NY Bar No. 4774048
1 Saint Andrew's Plaza
New York, NY 10007
(212) 637-2260
Benet.Kearney@usdoj.gov

DEFENDANT'S ACKNOWLEDGMENT

I, DONALD HAZARD, 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:

2/16/2023

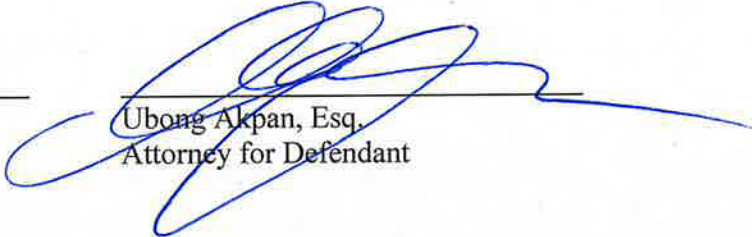

DONALD HAZARD
Defendant

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:

2/16/2023


Ubong Akpan, Esq.
Attorney for Defendant