

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

JONATHON OWEN SHROYER,

Defendant.

Case No: 1:21-cr-00542 (TJK)

18 U.S.C. § 1752(a)(1)

STATEMENT OF OFFENSE

Pursuant to Federal Rule of Criminal Procedure 11, the United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, Anthony Sargent, 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 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol.

2. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.

3. On January 6, 2021, a joint session of the United States Congress convened at the United States 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 United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., 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 U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

5. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the U.S. Capitol Police, 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 by U.S. Capitol Police Officers or other authorized security officials.

6. At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. 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 U.S. Capitol, requiring the expenditure of more than \$2.8 million dollars for repairs.

7. Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and United States 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 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 p.m. after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

Jonathon Shroyer's Participation in the January 6, 2021 Capitol Riot

8. Prior to the events of January 6, 2021, on December 9, 2019, the defendant was arrested in Washington, D.C., after disrupting a House Judiciary Committee meeting in the Longworth House Office Building by jumping out of his seat and shouting in a loud manner. On January 17, 2020, the defendant was charged by a Criminal Information in the Superior Court of the District of Columbia case number 2020 CMD 00820 with (1) Disorderly and Disruptive Conduct on United States Capitol Grounds, in violation of 10 D.C. Code § 503.16(b)(4); and (2) Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 10 D.C. Code § 503.16(b)(7).

9. On February 25, 2020, the defendant entered into a Community Service Deferred Prosecution Agreement (“DPA”) with the government. As part of the agreement, the defendant agreed not to violate any laws and to perform 32 hours of verified community service. Due to the nature of the offense, the defendant also agreed to follow certain special conditions listed in an addendum to the deferred prosecution agreement, including that the defendant “agrees not to utter loud, threatening, or abusive language, or to engage in any disorderly or disruptive conduct, at any place upon the United States Capitol Grounds or within any of the Capitol Buildings.” The deferred prosecution agreement included a map that demarcated the “U.S. Capitol and Grounds.” The defendant and his attorney signed the DPA on February 25, 2020.

10. While the deferred prosecution agreement was for a 4-month term, the COVID pandemic emergency tolled this time period for the defendant to complete his hours. As of January 5 and 6, 2021, the defendant had not completed any hours of community service, and the deferred prosecution agreement was still active.

11. Prior to January 6, 2021, the defendant traveled from his home in Austin, Texas, with his employer, InfoWars, to Washington, D.C. to attend the Stop the Steal rally and surrounding events. On January 5, 2021, the defendant addressed a camera and crowd at Freedom Plaza in Washington, D.C.: “Americans are ready to fight. We’re not exactly sure what that’s going to look like perhaps in a couple of weeks if we can’t stop this certification of the fraudulent election of Joe Biden.” He added, “We are the new revolution! We are going to restore and we are going to save the republic!” That day, the defendant also called into a live broadcast on the “InfoWars,” stating “What I’m afraid of is if we do not get this false certification of Biden stopped this week, I’m afraid of what this means for the rest of the month, I’m afraid of what this is gonna mean to these Trump supporters, and I’m afraid about what this is going to mean about January

21st ... Everybody knows this election was stolen ... Are we just going to sit here and become activists for four years or are we going to actually do something about this, whatever that cause or course of cause may be?"

12. On January 6, 2021, the defendant attended the speeches at the Ellipse in downtown Washington, D.C., as a part of the Stop the Steal rally. Early that afternoon, crowds of people began to gather and head toward the Capitol perimeter. The defendant took to a megaphone in front of one of those crowds on Pennsylvania Avenue:

In 1776, the American patriots sent a loud message to the entire world: Tyranny will not exist in the West. And so now the Democrats are posing as communists, but we know what they really are: they're just tyrants, they're tyrants. And so today, on January 6, we declare death to tyranny! Death to tyrants! Death to tyrants! Death to tyrants!

13. En route to the U.S. Capitol, the defendant continued shouting to the crowd walking behind and around him through his megaphone: "The traitors and communists that have betrayed us know we're coming. We're coming for all you commie traitors and communists that have stabbed us in the back. You've stabbed us in the back one too many times!" He continued, "We will not accept the fake election of that child-molesting Joe Biden, that Chinese Communist agent Joe Biden, we know where he belongs and it's not the White House!" The defendant then led chants of "Stop the steal!" and "1776!"

14. The defendant entered the Capitol Grounds on the West Front of the Capitol, within both the restricted area on January 6 and the broader Capitol Grounds boundaries on the defendant's deferred prosecution agreement map. There, he stood on stacks of chairs and other equipment with Person One and led a crowd of hundreds of individuals on the Capitol grounds in chants of "USA! USA! USA!"

15. Eventually, the defendant and others walked east along the Capitol lawn and around the north side of the Capitol Building. As the defendant and his group curved around the Capitol Building, another individual stated, "Here's an opening right here." The defendant and his group then walked toward where that individual pointed, passing downed and moved temporary barricades and stepping over at least one fallen sign that appeared to read "Area Closed."

16. Ultimately, the defendant and others in his group approached and entered the Capitol Building's east steps with their hands on each other's backs and shoulders in a "stack," snaking through hundreds of other rioters and deeper into the restricted area. Once the defendant and others nearly reached the top, he began to use his megaphone to lead the large crowd in various chants, including "USA!" and "1776!"

Elements

18. By his actions on January 6, 2021, the defendant violated 18 U.S.C. § 1752(a)(1).

19. Specifically, the defendant admits that he knowingly entered and remained on restricted grounds without lawful authority to do so. On January 6, 2021, the U.S. Capitol building and grounds were restricted, as meant by 18 U.S.C. § 1752(a)(1), because of the presence of U.S. Secret Service protectee, Vice President Mike Pence, on the Capitol grounds.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney

By: /s/ Kimberly L. Paschall
Kimberly L. Paschall
Assistant United States Attorney

DEFENDANT'S ACKNOWLEDGMENT

I, Jonathon Owen Shroyer, 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: 6/21/23


Jonathon Owen Shroyer
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: 6/23/23


Norm Pattis
Attorney for Defendant