FILED

APR 22 2022

Clerk, U.S. District and Bankruptcy Courts

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No.: 21-CR-00485-BAH
v.	:	40 U.S.C. § 5104(e)(2)(G)
KERRY WAYNE PERSICK,	:	
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, **KERRY WAYNE PERSICK**, 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.

KERRY WAYNE PERSICK's Participation in the January 6, 2021, Capitol Riot

8. The defendant, KERRY WAYNE PERSICK, lives in Trophy Club, Texas. On January 5, 2021, defendant traveled from Dallas, Texas to the Washington, D.C. area, via plane. The purpose of the defendant's trip to Washington, D.C., was to protest Congress' certification of the Electoral College.

9. On January 6, defendant attended the "Stop the Steal" rally and then marched with other protestors to the United States Capitol ("the Capitol").

10. At about 2:11 p.m., EST, defendant was on restricted grounds on the Capitol as part of the mob that had gathered outside the Senate Wing Door. Once there, defendant entered the Capitol through the Senate Wing Door with others as other rioters entered the Senate through broken Senate Wing windows on his left and right.

11. Defendant was inside the Capitol for 18 minutes. While inside the Capitol, defendant used his cellular phone to record other rioters inside the breached Capitol. Defendant paraded through the Capitol, including the Rotunda, the Crypt, and restricted corridors. At about 2:29 p.m., EST, defendant exited the Capitol through a broken Senate Wing window as directed by law enforcement officers as other officers attempted to secure the Senate Wing door and prevent rioters from entering through the other broken Senate Wing window.

Elements of the Offense

12. KERRY WAYNE PERSICK knowingly and voluntarily admits to all the elements of 40 U.S.C. § 5104(e)(2)(G). Specifically, defendant admits that:

The defendant willfully and knowingly entered the U.S. Capitol Building knowing that that he did not have permission to do so. Defendant further admits that while inside the Capitol, defendant willfully and knowingly paraded, demonstrated, or picketed.

Respectfully submitted,

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DEFENDANT'S ACKNOWLEDGMENT

I, KERRY WAYNE PERSICK, 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: 4/4/22

KERRY WAYNE PERSICK
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: 4/4/22

James Joseph Mongaras, Jr.
Attorney for Defendant