

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

|                          |   |                           |
|--------------------------|---|---------------------------|
| UNITED STATES OF AMERICA | : | Case No.: 21-CR-517 (CKK) |
|                          | : |                           |
| v.                       | : | 18 U.S.C. §§ 231(a)(3)    |
|                          | : | 18 U.S.C. §§ 111(a)       |
|                          | : |                           |
| KEVIN GALETTO,           | : |                           |
|                          | : |                           |
| 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, **KEVIN GALETTO**, 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 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.

***Kevin Galetto's Participation in the January 6, 2021, Capitol Riot***

8. The defendant, KEVIN GALETTO, traveled by plane on January 5, 2021, from his then-home in Westminster, California to Washington, D.C., to attend the “Stop the Steal” rally on January 6, 2021.

9. In December 2020, GALETTO told a group of friends via text that he was going to Washington to “fight for [their] freedom.”

10. Around 2:40 PM on January 6, GALETTO approached the Lower West Terrace (LWT) tunnel entrance. He was wearing a black Trump baseball hat, a black headband/ear warmer, a tan jacket, and a gray hoodie as he entered the tunnel. He was one of the first individuals inside the tunnel and was met with a large police presence denying him and the larger crowd entrance into the Capitol building.

11. The crowd in the LWT was significant and numbered well more than three individuals. This assemblage, of which GALETTO was a part, confronted the police officers in the LWT who were attempting to hold the crowd from entering the Capitol through the tunnel. Some members of this assemblage engaged in acts of violence.

12. Evidence from Body Worn Camera (BWC) of a Metropolitan Police Department (MPD) Officer B.S. captured GALETTO at the entryway doors of the LWT tunnel. At approximately 2:43:26 PM, BWC captured GALETTO with his arms extended and pressed up against MPD officer shields. At approximately 2:44:14 PM, BWC captured GALETTO's body pressed up against officer shields. At approximately 2:46:20 PM, the BWC captured a scuffle involving GALETTO. Officer B.S. was knocked to the ground. At approximately 2:46:28 PM, BWC captured GALETTO on one knee with a hand on the ground. At approximately 2:47:02 PM, GALETTO rose to his feet and retreated from the area of the tunnel.

13. As he made his way from the inside to the tunnel entrance, GALETTO shouted to the crowd outside, "More people!" in an attempt to summon more rioters to the tunnel entrance.

14. GALETTO remained at the tunnel for over an hour and a half and was part of one of the last pushes against officers at approximately 4:15 PM. GALETTO'S extended presence in the tunnel and his violent confrontation with officers as part of the crowd presented an immediate risk of injury to person or damage to property.

15. On the evening of January 6, 2021, GALETTO texted an individual on his cell phone noting that the politicians "need to be overthrown," and that Mike Pence "is a trader [sic]".

*Elements of the Offenses*

16. KEVIN GALETTO admits to all of the elements of civil disorder. GALETTO willfully and knowingly entered the Lower West Terrace of the U.S. Capitol Building as part of

an assemblage of more than three persons. Acting as a part of that assemblage, GALETTO acted to obstruct, impede, or interfere with law enforcement officers who were lawfully engaged in the lawful performance of their duties. By his actions, GALETTO obstructed, delayed, or adversely affected commerce or the performance of a federally protected function.

17. KEVIN GALETTO further knowingly and voluntarily admits to all the elements of assault on a federal officer. Specifically, defendant admits that he forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with any person designated in 18 U.S.C. § 1114 while engaged in or on account of the performance of his official duties. Specifically, GALETTO admits that he pushed up and against the riot shield of MPD Officer B.S. The officers in the tunnel, including Officer B.S., were people assisting the United States Capitol Police, that is, officers from the Metropolitan Police Department. The defendant further admits that he knew at that time of the assault of the officers that the officers were engaged in the performance of their official duties.

Respectfully submitted,

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

By: Sean P. McCauley  
Sean P. McCauley  
Assistant United States Attorney  
NY Bar No. 5600523  
601 D Street NW  
Washington, DC 20579  
(202)252-1897  
Sean.McCauley@usdoj.gov

**DEFENDANT'S ACKNOWLEDGMENT**

I, KEVIN GALETTO, 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.

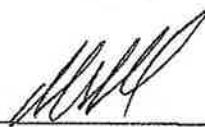
Date: 2/15/2023

  
\_\_\_\_\_  
KEVIN GALETTO  
Defendant

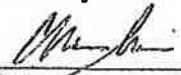
**ATTORNEY'S ACKNOWLEDGMENT**

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: 2/27/23

  
\_\_\_\_\_  
RICHARD PORTALE  
Attorney for Defendant

Date: 2/26/2023

  
\_\_\_\_\_  
CHAD MAIR  
Attorney for Defendant