

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

|                                 |   |                                 |
|---------------------------------|---|---------------------------------|
| <b>UNITED STATES OF AMERICA</b> | : |                                 |
|                                 | : | <b>Case No: 21-cr-00116 DLF</b> |
|                                 | : |                                 |
|                                 | : |                                 |
|                                 | : | <b>18 U.S.C. § 1752(a)(1)</b>   |
|                                 | : |                                 |
| <b>v.</b>                       | : |                                 |
|                                 | : |                                 |
| <b>VERDEN ANDREW NALLEY</b>     | : |                                 |
|                                 | : |                                 |
| <b>Defendant.</b>               | : |                                 |

**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, Verden Andrew Nalley, 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 \$1.4 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.

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

8. Verden Andrew Nalley traveled from Georgia to Washington, D.C. to attend the Trump rally scheduled for January 6, 2021. Mr. Nalley and his co-defendant, William Calhoun, drove in Mr. Nalley's vehicle and arrived late in the evening on January 5, 2021. Mr. Nalley and Mr. Calhoun stayed the night at a Holiday Inn Express located approximately 20 minutes outside of Washington, D.C.

9. On January 6, 2021, Mr. Nalley and Mr. Calhoun drove into Washington, D.C. to listen to the speeches.

10. At some point in the afternoon, Mr. Nalley and Mr. Calhoun observed large crowds gathering at the entrances to the U.S. Capitol building. The crowds were forcing their

way inside. Mr. Nalley and Mr. Calhoun understood that Congress was meeting on January 6, 2021, to certify the Electoral College votes from the 2020 United States Presidential Election. Mr. Nalley believed that everyone was upset that Vice President Mike Pence was going to certify the votes. Mr. Nalley and Mr. Calhoun followed the crowds and entered the Capitol building around 2:20 p.m. Mr. Nalley and Mr. Calhoun walked around the Capitol, including in the crypt area and the Rotunda of the building. Mr. Nalley and Mr. Calhoun remained in the Capitol for approximately 30 to 40 minutes.

11. Mr. Nalley and Mr. Calhoun left Washington, D.C. on the evening of January 6, 2021 and drove back to Georgia.

12. On January 8, 2021, Mr. Nalley posted photographs from inside the Capitol building on social media. He wrote, "The media is telling you lies we took the capital with no weapons only to show them We The People out number the government 10 thousand to 1 If we have to come back we will bring guns and take our country from them." He further wrote, "The capital take over was planned I was there," "I went inside," "We talk to cops inside," "Trump let the dirt politicians hang themselves again," "This time it drained the rest of the swamp," as well as, "Did he concede no. Did he not say they would be a new administration ? Yes his because the one we have has been arrested. Did he not say they will be a peaceful change in office of power? Because he is getting sworn in again. It's happening people. The man is a chess player. He let them run and hang themselves over and over again," and "Until it was drained just like he said would happen."

13. Finally, and also on January 8, 2021, Mr. Nalley wrote on social media "We took it with no weapons and we will be back with guns in two weeks if it's not fixed," as well as, "It

was Pence that cause this demonstration. 90% of the people that was at Washington feel the same.”

14. The defendant knew at the time he entered the U.S. Capitol building on January 6, 2021 that it was a restricted building. He further knew that he did not have permission or lawful authority to enter the building.

Respectfully submitted,

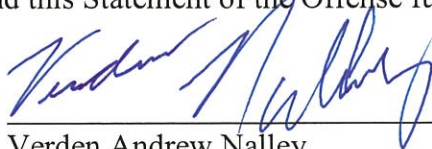
CHANNING D. PHILLIPS  
Acting United States Attorney  
D.C. Bar No. 415793

By: /s/ Jennifer M. Rozzoni  
Jennifer M. Rozzoni  
Assistant United States Attorney, detailee

DEFENDANT'S ACKNOWLEDGMENT

I, Verden Andrew Nalley, 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: 11-12-21

  
Verden Andrew Nalley  
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: 11-19-21

  
Thomas Hawker  
Attorney for Defendant