

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No.: 21-CR-337 (RCL)
	:	
v.	:	18 U.S.C. § 231(a)(3)
	:	
DERRICK EVANS,	:	
	:	
Defendant.	:	
	:	

*Let this be filed
Respect. Lomata
U.S.D. 3/15/22*

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, **DERRICK EVANS**, 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.

DERRICK EVANS's Participation in the January 6, 2021, Capitol Riot

8. The defendant, **DERRICK EVANS**, lives in Pritchard, West Virginia. On January 5, 2021, defendant traveled from Burlington, Ohio to Washington, D.C., via charter bus. The purpose of the defendant's trip to Washington, D.C., was to protest Congress' certification of the Electoral College.

9. Prior to January 6, defendant had been recently elected to the West Virginia House of Delegates. Using his public Facebook account, under the name "Derrick Evans – The Activist," the defendant posted about going to Washington, D.C. to protest. For instance, on December 28, 2020, the defendant posted an image of former President Trump including the words, "FIGHT FOR TRUMP" and "JANUARY 6, We're Comin'!" The defendant included the caption "Anyone else going to DC on Jan 6th?" On December 30, 2020, the defendant posted another image of the former president, with the words, "TAKE AMERICA BACK. BE THERE WILL BE WILD. D.C."

JANUARY 6, 2021,” and the defendant added the caption, “One week from today! Who’s going?” On December 31, 2020, the defendant posted another image of the former president, with the text, “A STORM IS COMING... AND THERE IS NOTHING THE LEFT CAN DO TO STOP IT!”

10. On January 5, 2021, at 6:59 p.m., the defendant posted a photo of Washington, D.C., with the caption, “We have two charter buses leaving the local area in 3 hours. I can’t wait for tomorrow. #StopTheSteal.” At 10:06 p.m., the defendant posted a photo that appeared to show individuals seated inside a charter bus with the caption, “Two bus loads of Patriots from WV, KY, and Ohio are loaded up and heading to DC. #StopTheSteal.”

11. At 1:21 a.m. on January 6, 2021, the defendant posted a screenshot of a tweet by the former president that read, “Just happened to have found another 4000 ballots from Fulton County. Here we go!” The defendant added the caption, “This is why we are going to DC. #StopTheSteal.”

12. On January 6, defendant tried to attend the former president’s “Stop the Steal rally,” but, seeing the length of the line, decided to go straight to the Capitol building.

13. The defendant made his way to the East Side of the Capitol, where he spent several hours and observed the crowd swell from approximately 50 to thousands of people. At about 1:45 p.m., the defendant saw and video-recorded rioters overwhelm law enforcement and breach the barriers blocking the East Plaza of the Capitol. The defendant followed the crowd toward the Capitol building and continued to video-record the events.

14. The defendant made his way up the East Steps of the Capitol and joined a mob of rioters outside the East Rotunda Doors, where law enforcement officers were attempting to hold the rioters back. Rioters screamed at, pushed, pulled, and otherwise assaulted these law enforcement officers guarding the Doors, eventually breaching that entryway.

15. In a video that the defendant live-streamed to his public Facebook account and then later deleted, the defendant is shown to be approximately 20 feet away from the Rotunda Doors before they are breached. This video captures and the defendant narrates what he sees and hears immediately before and as he enters the Capitol:

- a. As the screaming crowd pushes in the direction of the Doors, Evans says, "It's time to go; they're in on the other side! The other side's in! The other side's in!"
- b. Another rioter sprays a chemical irritant in the direction of law enforcement. The defendant coughs and chokes: "They're pepper spraying." The defendant later states that he can't see and that he was pepper-sprayed in his right eye.
- c. The defendant's video pans away from the Doors, appearing to capture a law enforcement officer getting away from the doors. The defendant says: "The cops are running. The cops are running!" then, "Here we go! Here we go! Open the doors." Another rioter shouts, "Whose house?!" and the defendant yells back, "Our House!" These chants continue for several rounds.
- d. The defendant states, "We're at the door now. There's cops on the inside stopping us now."
- e. The defendant flips the camera around to "selfie mode," and shows himself, wearing a helmet and yelling "Trump!" in response to another rioter shouting, "Who's your president?!" The defendant enthusiastically yells, "Wooooo!"
- f. As the Rotunda Doors are pried open, the defendant yells, "The door's cracked! We're goin' in!" Alarms blare overhead as the defendant approaches the Doors. The defendant sees another rioter with a law enforcement riot shield and narrates this for the video. The defendant, along with others, begins yelling, "Move! Move!

DEFENDANT'S ACKNOWLEDGMENT

I, **DERRICK EVANS**, 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: Feb 3, 2022 Derrick Evans
DERRICK EVANS
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: Feb 3, 2022 David Tyson
DAVID TYSON
Attorney for Defendant