

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal No. 21-CR-150 (TFH)
	:	
JAMES DOUGLAS RAHM, JR.,	:	
	:	
Defendant	:	

STATEMENT OF FACTS FOR STIPULATED TRIAL

The parties, by their undersigned counsel, hereby submit this Statement of Facts for the Stipulated Trial.

I. ELEMENTS

COUNT ONE

The essential elements of the offense of obstruction of an official proceeding and aiding and abetting, in violation of Title 18, United States Code, Section 1512(c)(2), each of which the government must prove beyond a reasonable doubt, are:

1. The defendant attempted to or did obstruct or impede an official proceeding;
2. The defendant intended to obstruct or impede the official proceeding;
3. The defendant acted knowingly, with awareness that the natural and probable effect of his conduct would be to obstruct or impede the official proceeding; and
4. The defendant acted corruptly.

The term “official proceeding” includes a proceeding before the Congress.

The government further alleges that the defendant aided and abetted others in committing obstruction of an official proceeding. To satisfy its burden of proof in proving that the defendant

aided and abetted others in committing this offense, the government must prove the following beyond a reasonable doubt:

1. Others committed obstruction of an official proceeding by committing each of the elements of the offense charged;
2. The defendant knew that obstruction of an official proceeding was going to be committed or was being committed by others;
3. The defendant performed an act or acts in furtherance of the offense;
4. The defendant knowingly performed that act or acts for the purpose of aiding, assisting, soliciting, facilitating, or encouraging others in committing the offense of obstruction of an official proceeding; and
5. The defendant did that act or acts with the intent that others commit the offense of an obstruction of an official proceeding.

COUNT TWO

The essential elements of the offense of entering or remaining in a restricted building or grounds, in violation of Title 18, United States Code, Section 1752(a)(1), each of which the government must prove beyond a reasonable doubt, are:

- 1 The defendant entered or remained in a restricted building or grounds without lawful authority to do so; and
2. The defendant did so knowingly.

COUNT THREE

The essential elements of the offense of disorderly or disruptive conduct in a restricted building or grounds, in violation of Title 18, United States Code, Section 1752(a)(2), each of which the government must prove beyond a reasonable doubt, are:

1. The defendant engaged in disorderly or disruptive conduct in, or in proximity to, any restricted building or grounds;
2. The defendant did so knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions;
3. The defendant's conduct occurred when, or so that, his conduct in fact impeded or disrupted the orderly conduct of Government business or official functions.

COUNT FOUR

The essential elements of the offense of disorderly or disruptive conduct in a Capitol building or grounds, in violation of Title 40, United States Code, Section 5104(e)(2)(D), each of which the government must prove beyond a reasonable doubt, are:

1. The defendant engaged in disorderly or disruptive conduct in any of the United States Capitol Buildings;
2. The defendant did so with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress; and
3. The defendant acted willfully and knowingly.

COUNT FIVE

The essential elements of the offense of parading, demonstrating, or picketing in a Capitol building, in violation of Title 40, United States Code, Section 5104(e)(2)(G), each of which the government must prove beyond a reasonable doubt, are:

1. The defendant paraded, demonstrated, or picketed in any of the United States Capitol Buildings;
2. The defendant acted willfully and knowingly.

II. STATEMENT OF OFFENSE

If the case proceeded to trial, the defendant agrees the government would have elicited the following evidence:

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. On January 6, 2021, the U.S. Capitol was closed to members of the public due to the COVID-19 pandemic and because the Vice-President of the United States was visiting. The presence of the Vice-President at the U.S. Capitol rendered it a restricted building.

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 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 \$2.7 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.

James Douglas Rahm, Jr. 's Participation in the January 6, 2021, Capitol Riot

8. Rahm, Jr. travelled from Philadelphia to Washington, D.C. on January 5, 2021.

On January 6, 2021, Rahm, Jr. attempted to attend the rally for then-President Trump at the Ellipse, however, he was not able to enter, so he walked to the U.S. Capitol.

9. Rahm, Jr. posted a picture of the east side of the Capitol building on Facebook and wrote, "They're in there counting the electoral votes we have the building surrounded we're ready to make a breach and take our Capitol back."



Exhibit 1

10. After rioters broke through the police line on the east side, Rahm, Jr. climbed the steps and joined rioters outside the East Rotunda Doors. Rahm, Jr. filmed a video outside the East Rotunda Doors wherein he stated, "We broke the door down. We're going in. My eyes hurt like shit from that pepper spray, but we're going in." This video has been provided to the Court as **Exhibit 2**. Prior to entering the Capitol, Rahm, Jr. also yelled to the crowd, "I think we stopped the vote" to which people around him cheered.

11. Rahm, Jr. entered the Capitol through the East Rotunda Doors at approximately 2:43 p.m. after rioters inside the building shoved police out of the way and opened the doors. Rahm Jr. was caught on CCTV while inside the Capitol, as depicted in **Exhibits 3, 5, 6, 7, 8, 9, and 10 below.**¹



Exhibit 3

12. While inside, Rahm, Jr. proceeded through the Rotunda toward Statuary Hall where he filmed a video in which he loudly and disruptively proclaimed, “We’re in. We’re taking our fucking house back. We’re here. Time to find some brass and kick some friggin’ ass.” This video has been provided to the Court as **Exhibit 4.**

¹ Times on the CCTV is in Coordinated Universal Time (also known as UTC). UTC is five hours ahead of Eastern Standard Time.



Exhibit 5

13. While in the Rotunda, Rahm Jr. paraded with his flag.



Exhibit 6

14. While filming on his phone, Rahm Jr. moved through the U.S. Capitol, including Statuary Hall.



Exhibit 7



Exhibit 8

15. Rahm, Jr. proceeded through Statuary Hall to the Statuary Hall Connector outside the House of Representatives Chamber. At this point, the rioters in the Connector were attempting to breach the Chamber Door to get to lawmakers who were sheltering inside the Chamber. Defendant turned around and proceeded back whence he came.

16. Rahm Jr. then moved through non-public areas of the U.S. Capitol.



Exhibit 9

17. Rahm Jr. exited the U.S. Capitol at approximately 2:53 p.m. through the East Rotunda Doors. Rahm Jr. spent approximately 11 minutes inside the Capitol building on January 6.



Exhibit 10

18. As seen in Exhibits 11, 12, and 13, Rahm, Jr. made multiple online posts about his conduct on January 6, including:

“do not believe the media there were no anarchists no antifa just patriots trying to take our country back. Yes I was there the pepper spray is just wearing off...”;



Exhibit 11

“riot Shields and pepper spray never hurt anyone did they. Home alive. History made. I walked right through Pelosi’s office I should have shit on her chair (3 laughing emojis)”; and

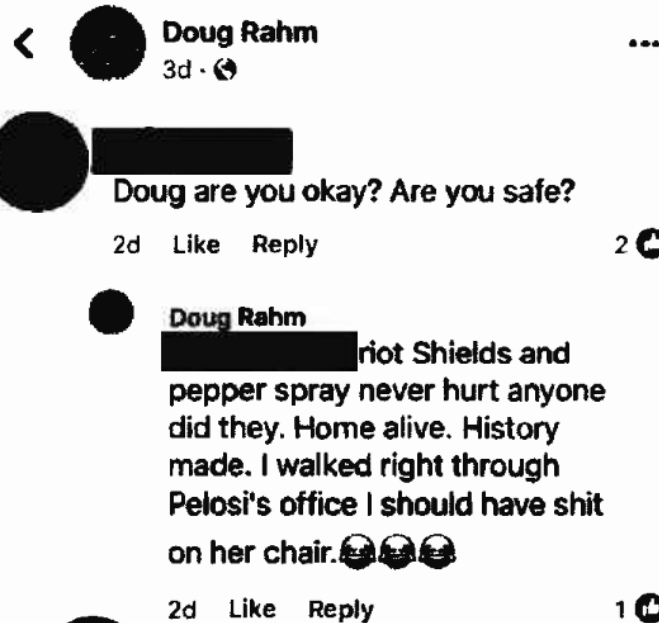


Exhibit 12

“From my experience it was Patriot’s (sic) trying to take our house back. Nobody burned anything, nobody broke anything except for a door and the window. All the papers running all over in the offices we’re (sic) done for news cameras we destroyed nothing we didn’t knock over one piece of paper only the front door. We the people tried to take our house back now they will blame it on Trump. Disgusting anti-Americans.”

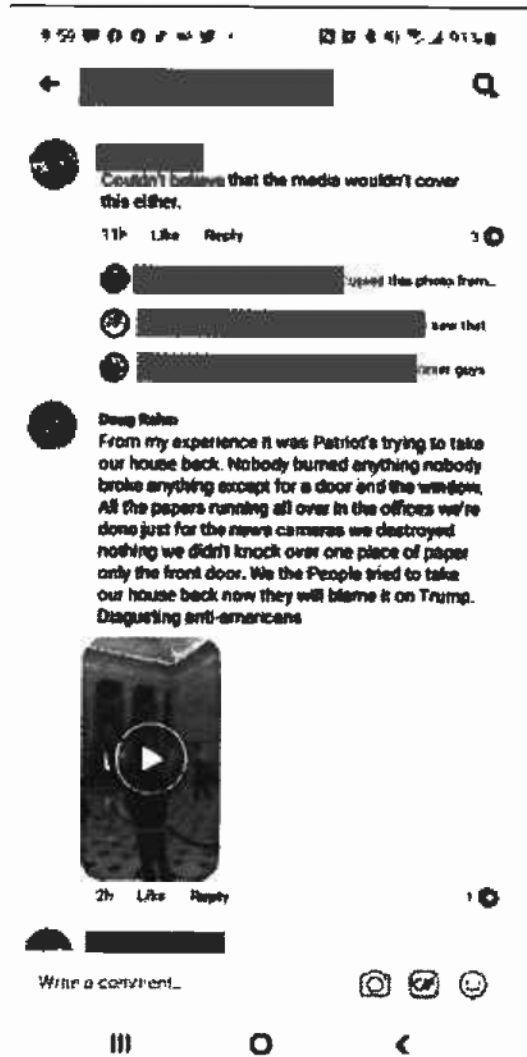


Exhibit 13

19. Rahm, Jr. knew at the time he entered the U.S. Capitol Building that he did not have permission to enter the building. The defendant obstructed, influenced, and impeded an official proceeding, that is, a proceeding before Congress, specifically, Congress's certification of the Electoral College vote as set out in the Twelfth Amendment of the Constitution of the United States and 3 U.S.C. §§ 15-18.

Without waiving any arguments set forth in Mr. Rahm's Motion to Dismiss Count 1, the parties agree that if the Court finds the existence of these facts beyond a reasonable doubt, this evidence would

establish each and every element of the charged offenses in light of the Court's ruling on the Motion and without waiving defendant's objection to the Court's ruling.

Respectfully submitted,

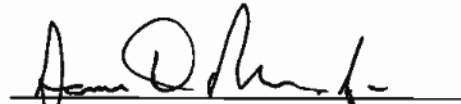
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DEFENDANT'S ACCEPTANCE

I have read the foregoing Statement of Facts for Stipulated Trial, and I have discussed this proffer fully with my attorney, Leigh Skipper, Esquire. I fully understand this proffer, and I accept it without reservation. 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 proffer fully.

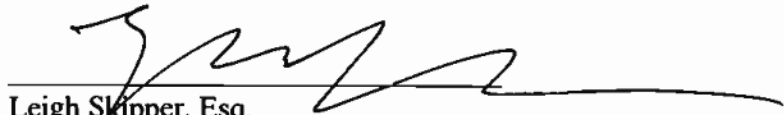
Date 9-26-22


James Douglas Rahm, Jr.
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read every page of this Statement of Facts with my client, James Douglas Rahm, Jr., and fully discussed it with my client.

Date: 9/26/22


Leigh Skipper, Esq.
Attorney for Defendant James Douglas Rahm, Jr.