

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

UNITED STATES OF AMERICA	:	Criminal No. 21-cr-387-APM
	:	
v.	:	
	:	
AUDREY ANN SOUTHARD-RUMSEY,	:	
a/k/a Audrey Ann Southard,	:	
	:	
Defendant.	:	

STATEMENT OF FACTS FOR STIPULATED TRIAL

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, Audrey-Southard-Rumsey, with the concurrence of her attorney, hereby submit the Elements and Statement of Facts for Stipulated Trial as to Counts 1, 4, 5, 6, 7, 8, and 9 of the Second Superseding Indictment, ECF No. 38.

I. ELEMENTS

COUNTS ONE, FIVE, SEVEN

The essential elements of Civil Disorder, in violation of 18 U.S.C. § 231(a)(3), each of which the government must prove beyond a reasonable doubt, are:

1. The defendant knowingly committed an act or attempted to commit an act with the intended purpose of obstructing, impeding, or interfering with one or more law enforcement officers.
2. At the time of defendant's actual or attempted act, the law enforcement officer or officers were engaged in the lawful performance of their official duties incident to and during a civil disorder.
3. The civil disorder in any way or degree obstructed, delayed, or adversely affected either commerce or the movement of any article or commodity in commerce or the

conduct or performance of any federally protected function.

COUNTS FOUR, SIX, EIGHT

The essential elements of Assaulting, Resisting, or Impeding Certain Officers, in violation of 18 U.S.C. § 111(a), each of which the government must prove beyond a reasonable doubt, are:

1. That the defendant assaulted, resisted, opposed, impeded, intimidated, or interfered with any officer or employee of the United States or of any agency in any branch of the United States Government or any person assisting officers of the United States who were then engaged in the performance of their official duties
2. That the defendant did so with some use of force;
3. That the defendant did such acts voluntarily and intentionally;
4. That the defendant did so while the officer or employee was engaged in or on account of the performance of official duties or was assisting officers of the United States who were then engaged in the performance of their official duties and
5. That the defendant's act involved physical contact with the victim of an assault or was done with the intent to commit another felony.

COUNT NINE

The essential elements of the offense of obstruction of an official proceeding and aiding and abetting, in violation of Title 18, United States Code, Sections 1512(c)(2) and 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 her conduct would be to obstruct or impede the official proceeding; and

4. The defendant acted corruptly.

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.

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

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 (“USCP”). Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by USCP. 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 USCP 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 USCP, 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 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 U.S. 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 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 \$2.8 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.

8. The attack at the U.S. Capitol adversely affected the United States Secret Service, which was protecting Vice President Michael Pence, and the United States Capitol Police. It also affected commerce within the District of Columbia.

9. The attack at the U.S. Capitol was a “civil disorder” as defined in 18 U.S.C. § 232(1).

Southard-Rumsey’s Participation in the January 6, 2021, Capitol Riot

10. After the 2020 presidential election, Southard-Rumsey posted comments on Facebook reflecting her belief that the election had been “stolen” and her support for Donald Trump. These comments included:

- a. #StoptheSteal (November 7, 2020)
- b. Drain the swamp!!!! HANG the traitors!!! (November 8, 2020)
- c. We are about FREEDOM!!! WE WILL NOT QUIT TRUMP or the FIGHT....
get your big girl panties on and stay out of our way!!! (December 9, 2020)

11. On December 20, 2020, the day after Donald Trump had announced on Twitter that a “wild” protest was planned for January 6, Southard-Rumsey indicated in Facebook posts that she planned to attend. In several subsequent messages, she referred to plans to travel to Washington, D.C. for January 6. For example, on December 30, 2020, she wrote “I will be going to DC, to fight for all our Freedom!!”

12. She repeatedly referred to the year 1776 in Facebook posts at the end of 2020, including the following:

- a. Jan 6th go 1776 on these[] mfs.
- b. Jan 6th Congress does the right thing or We The People go 1776!
- c. We The People 1776!
- d. Here come the distractions... Call your Congress people and tell them there will
be no place to hide! 1776
- e. Piglosi...we're gonna go 1776 on your a\$\$
- f. Call your Senator's and put the fear of GOD into them...1776!!!!
- g. Call your employees and put the Fear of GOD into them...tell them the[y] will be
seen on the 6th and we will react accordingly...peace or 1776!!

13. On January 2, 2021, Southard-Rumsey wrote on Facebook, “I’m going there [to Washington, D.C.] to kick a\$\$es not going home till its finished.” She also wrote, “I hope Wed is gonna be a perp walk and execution!!” January 6, 2021 was a Wednesday.

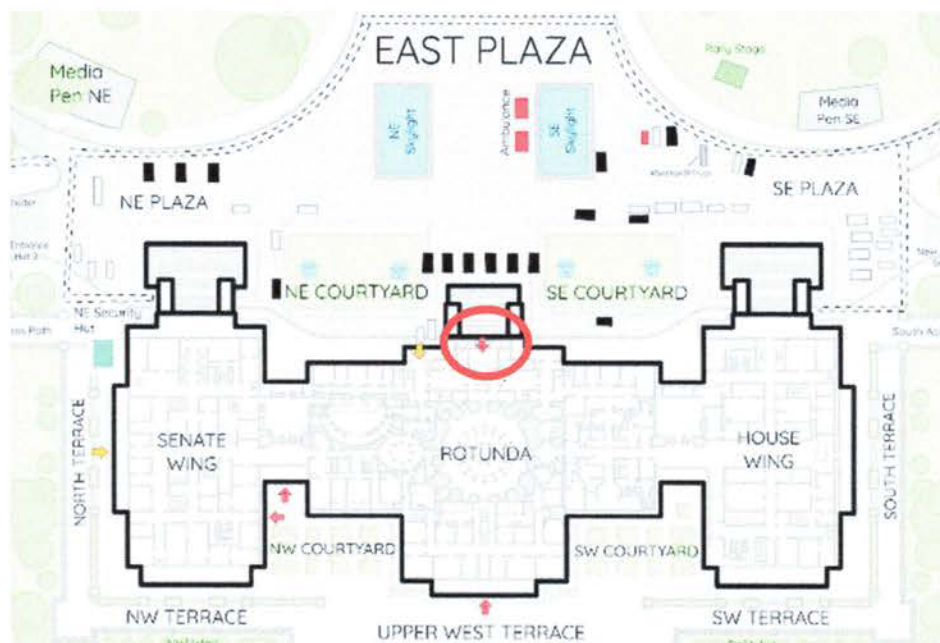
14. On January 3 and 4, 2021, Southard-Rumsey posted several more messages to Facebook relating to the January 6 certification of the 2020 presidential election:

- a. “repeat the declaration, seize the capital”
- b. “You MF Republicans better do your job!!! 1776!!”
- c. “Going to DC tomorrow...Patriot’s vs Traitors”
- d. “We The People are making a declaration...1776!”
- e. “You newbies better do the job WE THE PEOPLE hired you to do...or 1776 will be your fate!!”
- f. T R A I T O R S needs in home/ office visit... T R E A S O N needs to be addressed 1776 style!!!”
- g. “Use the bicycle cops as a fence and push them up the capital steps and storm the hill!”

15. On January 5, Southard-Rumsey traveled from Florida toward Washington D.C. by car with three other individuals, arriving in a rental accommodation the night of January 5. Her Facebook posts that day include “LOOK READY FIGHT” and “DC JAN 6TH.”

16. On January 6, 2021, the outer perimeter of the Capitol Grounds, made up of metal bicycle-rack style fencing, snow fencing and other barriers, bore numerous signs stating, “AREA CLOSED – By order of the United States Capitol Police Board[.]” United States Capitol Police (USCP) officers were stationed nearby as well as patrolling through the grounds. The image below is an open-source rendering of the Capitol Building and Grounds. The approximate

locations of the barricades on the East Front are indicated with dotted lines. A red circle denotes the Rotunda Doors.



17. On the morning of January 6, Southard-Rumsey and the three other individuals drove to Washington, D.C. When Southard-Rumsey's group arrived in Washington, D.C., they went to the U.S. Capitol and gathered on the East Front, near the metal bicycle-rack style barricades. Before entering the Capitol, Southard-Rumsey posted a picture of herself outside the Capitol Building on January 6, 2021, with the caption "DC Taking it back!!"

DC Taking it back!!



18. In a Facebook video from January 6 (before the breach of the Capitol occurred), Southard-Rumsey filmed a line of officers guarding the Capitol. She said, “[s]tanding here at the Capitol. Ready to take the line. Because Pence is a traitor.”

19. She also filmed herself in front of the Capitol, at the front line of the barriers on the East Front, and said, “Standing here at the Capitol Building. Ready to take it. As soon as we get enough people in here. To run the Capitol Building. It’s going to be fun.”



20. At about 1:58 p.m., individuals in the northeast corner began to tear down the barricades and move into the East Plaza, as seen in the image below.



21. At approximately 1:59 p.m., individuals, including Southard-Rumsey, pushed past the bicycle-rack barriers bordering the center of the East Plaza as well, moving toward police. Southard-Rumsey was at the front of the group.

22. U.S. Capitol Police, who had been guarding the barricades, retreated to the steps on the East Front of the Capitol, which led up to the Rotunda Doors, and formed a line there. The crowd that had breached the barricades moved up to the stairs and advanced up to the police line. Southard-Rumsey was at the front of this group.



23. One of the Capitol Police officers on the stairs was U.S. Capitol Police Officer R.S., who held a riot shield. At approximately 2:05 p.m., Southard-Rumsey grabbed Officer R.S.'s shield and attempted to rip it out of his hands. She also pushed against him. Below are photographs of the incident, with yellow arrows pointing to Southard-Rumsey.





24. Soon after this incident, the crowd of rioters, including Southard-Rumsey, pushed the U.S. Capitol Police officers back further and advanced to the area immediately outside the Capitol's Rotunda Doors.

25. Outside the doors, rioters deployed items including flagpoles, sticks, and tear gas against the police. At least one flash bang went off. At approximately 2:25 p.m., rioters inside the Capitol Building opened the Rotunda Doors.

26. At approximately 2:26 p.m., Southard-Rumsey knowingly entered the Capitol Building through the Rotunda Doors. She knew she did not have permission or authorization to enter.

27. Southard-Rumsey progressed to Statuary Hall and, minutes later, entered the Statuary Hall Connector, which leads to the House of Representatives Chamber. She was at the front of a growing crowd in the area. Southard-Rumsey paused to remove her jacket, which she

placed to the side of the room, and then advanced toward a line of U.S. Capitol Police officers, yelling along the way. The crowd filled in behind her.



28. U.S. Capitol Police line Sergeant N.V., wearing a mask, stood in front of the police line, which stood in front of two sets of doors leading to the House of Representatives Chamber. It was approximately 2:30 p.m.





29. Southard-Rumsey shouted at the officers, yelling comments including, “Tell Pelosi we’re coming for that bitch,” “Tell fucking Pelosi we’re coming for her, fucking traitorous cunt,” “There’s a hundred thousand of us, what’s it going to be?” She said to Sergeant N.V., ““You ready, you ready?” and then turned around to address the crowd behind her and yelled, “alright, push in here!” She said, “you ready to go again?” She turned back toward the police and said, “Last breath, last bullet. What’s it gonna be?” She yelled at the officers, “there’s a hundred thousand of us!”

30. The crowd behind her began to chant, “We want Trump!”



31. Southard-Rumsey turned to face the crowd again and yelled, “Let’s go! Move up!” and “we need more people!” As she did so, she raised a flag in the air.



32. At one point, a male rioter attempted to calm the crowd, and Southard-Rumsey responded by calling toward him, “get out of the way, old man.”

33. Southard-Rumsey pressed the flagpole against Sergeant N.V.’s chest. With her face close to his, she yelled, “you’re a traitor to our country! All of them are traitors!” She shouted, “For my son!”



34. Members of the crowd began chanting at the police, “kneel!” Southard-Rumsey continued to yell at Sergeant N.V., remaining close to him.

35. Another rioter called for calm; Southard-Rumsey, still holding the flagpole, yelled, “bullshit!” She turned toward the crowd behind her and called out, “This is our fucking country! Take it back!” She then turned back toward Sergeant N.V. and the police line and began yelling at the officers again.

36. A rioter took a bullhorn and told the crowd not to be violent; that “we have a mission and we have to be respectful.” Southard-Rumsey shook her head and said, “no.”

37. Southard-Rumsey, using the flagpole, and the other rioters then began to push Sergeant N.V. and other officers back, toward the House Chamber.



38. The floor was slippery. Southard-Rumsey pushed Sergeant N.V. into one set of doors, which flung open, and back toward a second set of doors, which led directly to the House Chamber. Sergeant N.V. was pinned into the space between the two sets of doors and hit his head on a marble statue.

39. Southard-Rumsey advanced up to the main doors of the House Chamber. At the time, the evacuation of the House Chamber had not been completed. A crowd amassed in the vestibule outside the main door to the chamber, with Southard-Rumsey near the front. Others in the crowd broke windows in the door leading to the Chamber, allowing members of the crowd to see inside.

40. On the other side of the doors, officers and members of Congress used furniture to barricade the entrance to the House Chamber and drew their guns.



41. Southard-Rumsey yelled, “Pelosi, we’re coming for you, socialist cunt, we know where you live.”



42. She also yelled, “I’m fighting for my son.” After the crowd realized that one of the individuals inside the Chamber, near the door, was from Texas, Southard-Rumsey yelled, “Texas, you know better than this. One of the reddest states in this country.” She also yelled, “we own this house, not you.”

43. Southard-Rumsey was ultimately removed from the area by officers. She then returned to the Rotunda.

44. At approximately 3:00 p.m., Southard-Rumsey joined a group of rioters that confronted officers at an entrance to the Rotunda. Members of the group believed that the officers were blocking access to Speaker Nancy Pelosi’s office. Southard-Rumsey and others in the group pushed officers back and down a staircase before retreating back into the Rotunda.

45. Officers then began to clear the crowd rioters from the Rotunda. Southard-Rumsey resisted officers' efforts to do so. At approximately 3:08:59 p.m., she grabbed Metropolitan Police Department Sergeant M.H.'s baton and said words to the effect of, "Get off!" Sergeant M.H. had to twist his baton to get it loose. Southard-Rumsey pointed at Sergeant M.H. and said, "you're an asshole. You're going to get your ass kicked."

46. She turned away from the officers, faced the crowd, and yelled, "It's now or never! Freedom!" She turned back toward the officers and, seconds later, grabbed Metropolitan Police Department Officer R.D.'s baton; they struggled over it for a few seconds before she released her grip.

47. Soon thereafter, another Metropolitan Police Department officer, Investigator A.V., using her hands, began pushing Southard-Rumsey back. Southard-Rumsey attempted to charge at the officer, but other rioters stood in her way. At approximately 3:10 p.m., she moved to where there was an opening in the crowd and grabbed a metal stanchion with both hands. Investigator A.V. and Officer T.C. feared she was going to pick up the pole and use it to assault them.



48. Officer T.C. rushed toward Southard-Rumsey and yelled “don’t do that!” She backed away from the pole.

49. At approximately 3:17 p.m., Southard-Rumsey exited the building through the Rotunda Doors.

50. Outside the doors, on the Capitol's steps, Southard-Rumsey filmed a video, where she tearfully noted that they had gotten all the way to the doors of the House Chamber, but "the fuckers backed away." She said, "I would have broke through the doors, but they would have killed us." She referred to the people around her as "pussies" and said "you deserve to be a slave if you don't fight for your freedom." She filmed a shot of the crowd gathered on the Capitol steps, and said, "all of these people deserve to be slaves if you don't come up these steps and start fighting for your fucking freedom!!"

51. On January 7, Southard-Rumsey wrote on Facebook, "the Patriot's were unarmed!!! Antifa who infiltrated us damaged stuff! We The People we're there for the congress people!"

52. On January 8, she wrote, on Facebook, "Hey Pelosi, WE got you! Soon you will be git mod!!!" She also wrote, "Yesterday was glorious!! Im on the Right side of the fence, I love this country and I fought for freedom all the way to the House Doors..literally!!!"

53. On January 11, Southard-Rumsey sent a Facebook message to one of the individuals who had been in Washington, D.C., with her. She said, "Just wanted to thank you again for your chivalry on the battle field, I would have never gotten to the doors without you!! . . . I hope we get to have more fun making History in our Country, it has been an honor."

Elements of the Offenses

54. With respect to Count One, Southard-Rumsey further admits that, on January 6, 2021, at the U.S. Capitol, she knowingly committed an act or attempted to commit an act with the intended purpose of obstructing, impeding, or interfering with Metropolitan Police

Department Investigator A.V. and Officer T.C. At the time she did so, Investigator A.V. and Officer T.C. were engaged in the lawful performance of their official duties incident to and during a civil disorder. The civil disorder obstructed, delayed, or adversely affected commerce and the movement of any article or commodity in commerce, and the conduct or performance of a federally protected function.

55. With respect to Count Four, Southard-Rumsey further admits that, on January 6, 2021, at the U.S. Capitol, she intentionally assaulted Metropolitan Police Department Investigator A.V. and Officer T.C., with force, and with the intent to commit another felony, namely, obstruction of an official proceeding (18 U.S.C. § 1512(c)(2)) and civil disorder (18 U.S.C. § 231(a)(3)), while the officers, who were employees of an agency in a branch of the United States government or who were assisting such officers or employees, were engaged in the performance of official duties.

56. With respect to Count Five, Southard-Rumsey further admits that, on January 6, 2021, at the U.S. Capitol, she knowingly committed an act or attempted to commit an act with the intended purpose of obstructing, impeding, or interfering with U.S. Capitol Police Officer R.S. At the time she did so, Officer R.S. was engaged in the lawful performance of his official duties incident to and during a civil disorder. The civil disorder obstructed, delayed, or adversely affected commerce and the movement of any article or commodity in commerce and the conduct or performance of a federally protected function.

57. With respect to Count Six, Southard-Rumsey further admits that, on January 6, 2021, at the U.S. Capitol, she intentionally assaulted U.S. Capitol Police Officer R.S., with force, with physical contact, and with the intent to commit another felony, namely, obstruction of an official proceeding (18 U.S.C. § 1512(c)(2)) and civil disorder (18 U.S.C. § 231(a)(3)), while the

officer, who was an employee of an agency in a branch of the United States government, was engaged in the performance of official duties.

58. With respect to Count Seven, Southard-Rumsey further admits that, on January 6, 2021, at the U.S. Capitol, she knowingly committed an act or attempted to commit an act with the intended purpose of obstructing, impeding, or interfering with U.S. Capitol Police Sergeant N.V. At the time she did so, Sergeant N.V. was engaged in the lawful performance of his official duties incident to and during a civil disorder. The civil disorder obstructed, delayed, or adversely affected commerce and the movement of any article or commodity in commerce and the conduct or performance of a federally protected function.

59. With respect to Count Eight, Southard-Rumsey further admits that, on January 6, 2021, at the U.S. Capitol, she intentionally assaulted U.S. Capitol Police Sergeant N.V., with force, with physical contact, and with the intent to commit another felony, namely, obstruction of an official proceeding (18 U.S.C. § 1512(c)(2)) and civil disorder (18 U.S.C. § 231(a)(3)), while the officer, who was an employee of an agency in a branch of the United States government, was engaged in the performance of official duties.

60. With respect to Count Nine, Southard-Rumsey admits that, while inside the Capitol, she corruptly obstructed or 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.

61. Southard-Rumsey further admits that on January 6, 2021, others committed obstruction of the same official proceeding by committing each of the elements of the offense charged, that she knew that obstruction of an official proceeding was going to be committed or was being committed by others, that she performed an act or acts in furtherance of the offense for

the purpose of aiding, assisting, soliciting, facilitating, or encouraging others in committing the offense of obstruction of an official proceeding, and did that act or acts with the intent that others commit the offense of obstruction of an official proceeding.

If the Court finds the existence of these facts beyond a reasonable doubt, the defendant stipulates that this evidence would establish each and every element of the charged offenses for Counts 1, 4, 5, 6, 7, 8, 9 of the Second Superseding Indictment.

Respectfully submitted,

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

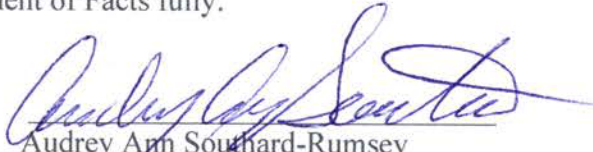
By: /s/ Alexis J. Loeb
Alexis J. Loeb
Assistant United States Attorney

DEFENDANT'S ACKNOWLEDGMENT

I, Audrey Ann Southard-Rumsey, have read this Statement of Facts for Stipulated Trial and have discussed this proffer fully with my attorney, Maria Rodriguez. I fully understand this Statement of Facts, 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 Statement of Facts fully.

Date:

12/9/22

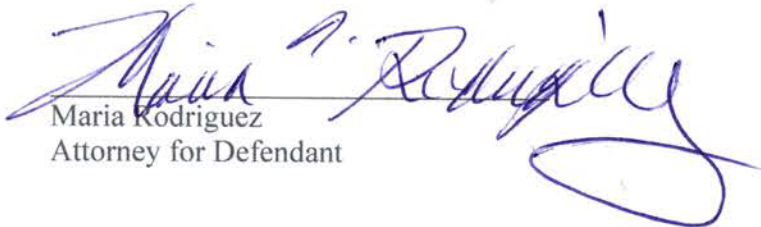

Audrey Ann Southard-Rumsey
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read every page of this Statement of the Facts with my client, Audrey Southard-Rumsey, and have fully discussed it with her. I concur in my client's desire to adopt this Statement of Facts as true and accurate.

Date:

12/9/22


Maria Rodriguez
Attorney for Defendant