

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

UNITED STATES OF AMERICA : **Case No. 21-cr-540-PLF**
:
v. : **18 U.S.C. § 231(a)(3)**
:
TIMOTHY ALLEN HART, :
:
Defendant. :

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, Timothy Hart, 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 Michael R. 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 \$2.8 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.

Defendant's Participation in the January 6, 2021, Capitol Riot

8. The defendant was among the individuals who unlawfully entered the U.S. Capitol on the afternoon of January 6, 2021.

9. On January 4, 2021, the defendant traveled to Washington D.C. The defendant posted on social media a video he recorded of himself driving to Washington D.C. captioned as “Headed to DC from Dayton Ohio to support President Trump because the election was tainted.” On the video, the defendant says, “It’s 11:50 on Monday, the 4th of January, 2021 and I am headed to Washington DC to represent Donald J. Trump. See ya there.”

10. On January 6, 2021, the defendant was part of a large crowd gathered to the West of the U.S. Capitol around the Peace Monument commonly referred to as “Peace Circle.” Metal

barricades had been put in place by U.S. Capitol Police Officers. The metal barricades, with signs indicating “Area Closed” were intended to keep the public away from the Capitol building and the Congressional proceedings underway inside. The defendant was captured on publicly available YouTube video, along with many other individuals, moving down well-marked barriers manned by uniformed officers at the Peace Circle that allowed rioters further access to the U.S. Capitol grounds.

11. The defendant was on the left side of the barrier who helped move the barricade to allow himself and others to pass after it had been shoved and rocked out of place by the main group.

12. The defendant then proceeded towards the U.S. Capitol. Between around 1:01 p.m. and around 1:36 p.m., the defendant was standing adjacent to or on a small staircase at the north end of the lower west terrace of the U.S. Capitol. The staircase is depicted in the photographs below. The defendant is the individual on the staircase in the black hat, glasses, and red hooded sweatshirt with a black shirt over it.



13. In one open-source video, the defendant appears to be recording the events from his mobile device using a selfie stick. In that video, a person standing in front of the defendant is yelling, “We already voted and what have they done? They stole it! We want our f**king country back. Let’s take it!”, the man standing in front of the defendant yells, “COME ON!” and “LET’S GO!” multiple times.

14. The defendant can later be seen waving his arms towards others, a gesture that appears to be him directing others to move towards him.

15. During this time between approximately 1:01 p.m. and 1:36 p.m. on the staircase, the defendant was not sprayed directly by pepper spray or pepper gel. At no point during the day was the defendant sprayed by pepper spray or pepper gel by another member of the crowd (or by anyone other than law enforcement officers). The defendant engaged in no physical violence towards, did not throw objects at, and did not argue with, any law enforcement officers, either at this staircase or elsewhere, between his entrance into U.S. Capitol grounds and his entry into the U.S. Capitol building. Nor did the defendant have any disputes or arguments with any other

members of the crowd. The only other individual the defendant knew in the crowd that day was standing behind him on the staircase during this time. After he was told to leave these stairs after approximately 1:36 p.m., the defendant moved further north, to the left of the staircase in the image above. While there, the defendant was sprayed with pepper spray by a law enforcement officer or officers who were standing atop the small staircase where the defendant had previously been. The photograph below, in which the defendant is visible in the black hat and red hooded sweatshirt covered by a black shirt, shows officers spraying at the crowd, from the same location where the defendant was sprayed by officers.



16. The defendant experienced significant pain after having been sprayed by the officers. After having been sprayed by the officers, the defendant moved further north, where he used water bottles to attempt to clean out his eyes and relieve the pain.

17. The defendant later entered the U.S. Capitol through the Upper East door at 2:44 p.m. He entered the Rotunda where it appears the defendant was smoking marijuana with others. The defendant exited the U.S. Capitol through the Upper East Door at 3:06 p.m.

18. The defendant knew at the time he entered the U.S. Capitol building that he did not have permission to enter the building. The defendant obstructed, impeded, or interfered with law enforcement officers lawfully engaged in the lawful performance of their official duties incident to and during the commission of a civil disorder which adversely affected commerce and the performance of a federally protected function.

Respectfully submitted,

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

By: /s/ Joseph Huynh
Joseph Huynh
Assistant United States Attorney

DEFENDANT'S ACKNOWLEDGMENT

I, Timothy Allen Hart, 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: 4-26-23

Timothy A. Hart
TIMOTHY ALLEN HART
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: 4/26/23

John M. Pierce
JOHN M. PIERCE
Attorney for Defendant