

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

UNITED STATES OF AMERICA	:	Case No.: 21-CR-248 (RDM)
	:	
v.	:	40 U.S.C. § 5104(e)(2)(G)
	:	
TYRONE McFADDEN, JR.,	:	
	:	
Defendant.	:	

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, Tyrone McFadden, Jr., 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 at least approximately \$2.7 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.

Tyrone McFadden's Participation in the January 6, 2021, Capitol Riot

8. In January 2021, the defendant, Tyrone McFadden, Jr., lived in Baltimore, Maryland, along with his fiancée Carrie Williams. On January 6, 2021, Ms. Williams' cousin Aaron Mileur was visiting Baltimore from Alaska. Mr. Mileur, Ms. Williams, and Mr. McFadden took the train from Baltimore to Washington, D.C. The initial plan was to attend the Stop the Steal rally and for Mr. Mileur to protest Congress' certification of the Electoral College, but they realized they were too late to attend. They decided to go to Washington D.C. anyway to go to the Mall to go sightseeing.

9. On January 6, after arriving at Union Station in Washington D.C., Mr. Mileur, Mr. McFadden, and Ms. Williams ate lunch at the food court. Ms. Williams injured her leg coming off of the train and the three agreed not to go sightseeing. Upon leaving Union Station, they saw then-President Trump's speech on a screen outside of Union Station. They joined a

crowd watching the speech. An individual approached Mr. Mileur and told him that then-President Trump was speaking at the U.S. Capitol and that the Capitol was two blocks away. The three approached the building from the southeast side and joined a gathering crowd. After a few hours, the three eventually made their way up the East Stairs to the Rotunda door, part of the restricted area of the Capitol. To reach the doors at the top of the East Stairs, Mr. Mileur, Ms. Williams, and Mr. McFadden joined a large crowd that was pushing toward the doorway.

10. At about 2:45 pm, Mr. Mileur, Ms. Williams, and Mr. McFadden entered the Capitol building through the Rotunda door, without having received permission to enter. While they were in the Rotunda itself, Mr. Mileur, Ms. Williams, and Mr. McFadden paraded around and took photos and videos. Mr. Mileur also posted a selfie video and a video of others in the Rotunda to his Facebook page. Mr. Mileur, Ms. Williams, and Mr. McFadden left the Capitol building through the Rotunda doors at approximately 2:51 pm. As they left the restricted area, Mr. Mileur saw and heard, as he later reported to a Facebook friend, “flash bangs and tear gas[.]”

11. After exiting the east side of the building, Ms. Williams and Mr. McFadden spoke to an interviewer and camera operator about what had transpired. The individual next to Ms. Williams reported, “We were definitely within the first 100-150 people to get in that building,” to which Ms. Williams responded, “Yeah, we were too, we definitely were too.” Mr. McFadden told the interviewer, “They were going to lock us in there, you feel what I’m saying? They bombed us twice.” Ms. Williams later added, “We made it out safe. We’re good. We made history. We was not expecting this mess at all today. But we did it. We’re here. We’re still alive, we’re still kicking.”

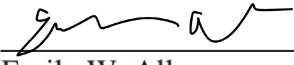
Elements of the Offense

12. Defendant knowingly and voluntarily admits to all the elements of Parading, Demonstrating, or Picketing in any of the Capitol Buildings, in violation of 40 U.S.C. § 5104(e)(2)(G). Specifically, Mr. McFadden admits that he willfully and knowingly paraded inside the U.S. Capitol Building.

Respectfully submitted,

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


By:



Emily W. Allen
Assistant United States Attorney
Cal. Bar No. 234961

DEFENDANT'S ACKNOWLEDGMENT


I, Tyrone McFadden, Jr., 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: 12/17/22 

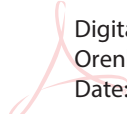
Tyrone McFadden, Jr.
Defendant

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: _____ 

Allen Orenberg
Attorney for Defendant

 Digitally signed by Allen H. Orenberg
Date: 2022.12.18 09:26:06 -05'00'