

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

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| <b>UNITED STATES OF AMERICA</b> | : | <b>CRIMINAL NO. 1:23-cr-29</b>             |
|                                 | : |  |
| <b>v.</b>                       | : |  |
|                                 | : | <b>VIOLATION:</b>                          |
| <b>BOBBY WAYNE RUSSELL,</b>     | : | <b>18 U.S.C. § 111(a)(1)</b>               |
|                                 | : | <b>(Assaulting, Resisting, or Impeding</b> |
| <b>Defendant.</b>               | : | <b>Certain Officers)</b>                   |
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**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, Bobby Wayne Russell, 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 \$2.8 million dollars for repairs.

7. Shortly thereafter, at approximately 2:20 PM, 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 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 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.

*Russell's Participation in the January 6, 2021, Capitol Riot*

8. The defendant, Bobby Wayne Russell, lives in Falkville, Alabama.

9. On January 6, 2021, the defendant was inside the restricted area of the Capitol grounds when he assaulted Metropolitan Police Department Officer Michelle Turner. The assault occurred at approximately 1:56 P.M., on the southwest side of the Capitol on the stairs leading to the lawn. At that time, the defendant can be seen on body-worn camera (BWC) footage standing at the bicycle barricades and using his back and buttocks to press up against the barricade while at least one officer tells him to “back off the fence” and “back up.” At one point, the defendant is holding the bike rack pressed between his upper arm and side. MPD and Capitol Police Officers attempted to remove him from the barricade, and Officer Turner sprayed him

with OC spray, but he continued to cling to the barricade with his hands and arms. Due to the involvement of other rioters, the barricade broke apart. The defendant grabbed the jacket of MDP Officer Michelle Turner, pulling her down with him as he fell headlong down a short flight of stairs. They both ended up on the ground.

10. When interviewed and shown BWC footage, Officer Turner remembered the defendant and said that she tried to spray him with OC spray because he and other rioters were attempting to pull down the bicycle barricades and break the police line. She said that, once she sprayed him, he tried to grab the OC spray cannister and pulled her down the stairs.

11. Later, at about 3:25 P.M., the defendant can be seen standing in front of and interacting with officers on the Upper West Terrace in the area outside of the Senate Wing doors. He can be heard telling Officer Clarence Boyd, "I'm not scared of you, and I'm not weak." At 3:25, he joins in a "who's house – our house" chant. At 3:30 P.M., he says to officers, "Did y'all think it was gonna come to this? I knew it was gonna come to this." At 4:20 P.M., officers guarding the area formed a line, began walking towards the rioters gathered in the area, including the defendant, shouted, "move back," repeatedly, in an effort to clear the area. Despite these orders, the defendant refused to move and instead pushed his back and buttocks into the shields of at least one Prince George's County police officer, Corporal John Baker. When interviewed and shown BWC footage, Corporal Baker remembered the defendant from what he was wearing and because he had said to Corporal. Baker, "There's more of us than you guys; you're gonna lose." He remembers the defendant refusing orders to move and then pushing back against his and other officers riot shields as they were trying to clear the area.

*Elements of the Offense*

12. The defendant knowingly and voluntarily admits to all the elements of 18 U.S.C. § 111(a). Specifically, defendant admits that he forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with any person designated in 18 U.S.C. § 1114, that is, an MPD officer, while engaged in or on account of the performance of the officer's official duties. He admits that he grabbed the jacket of Officer Turner and pulled her down the stairs, and that Officer Turner was tasked with protecting the United States Capitol building and grounds on January 6, 2021. He further admits that he knew at the time of the assault that Officer Turner was engaged in the performance of her official duties, or that he assaulted Officer Turner on account of the performance of her official duties.

13. The defendant further admits that he assaulted the officer with the intent to commit another felony, that is, to impede and interfere with the officer in the lawful performance of her official duties during a civil disorder that obstructed the performance of a federally protected function and adversely affected interstate commerce, in violation of 18 U.S.C. § 231(a)(3).

Respectfully submitted,

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

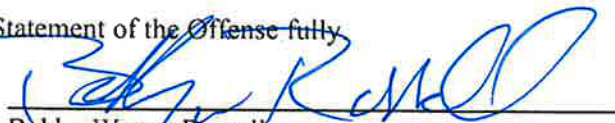
By: /s/ David J. Perri

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**DEFENDANT'S ACKNOWLEDGMENT**

I, Bobby Wayne Russell, 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: 6/14/23

  
\_\_\_\_\_  
Bobby Wayne Russell  
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: 6/14/23

  
\_\_\_\_\_  
Jake Watson  
Attorney for Defendant

  
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James Gibson  
Attorney for Defendant