

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

DANIEL WARMUS,

Defendant.

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Case No.: 21-CR-00417-PLF

40 U.S.C. § 5104(e)(2)(G)

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 Defendant, Daniel Warmus, with the concurrence of his attorney, agree and stipulate to the below factual basis for 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 \$1.4 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.

Daniel Warmus' Participation in the January 6, 2021, Capitol Riot

8. Defendant traveled to Washington, D.C. from Alden, New York to attend the rally for former President Donald Trump. Defendant wore a black button on his sweatshirt which read “Stop the Steal.”

9. After the rally, on January 6, 2021, Defendant went to the U.S. Capitol. There, on the grounds, he witnessed other rioters antagonizing and pushing past law enforcement lines on the upper west terrace. Defendant also saw rioters using mace on law enforcement. Defendant saw law enforcement shoot tear gas and flash bangs into the crowd to keep rioters back and away from the inside of the U.S. Capitol.

10. At approximately 2:17 p.m., Defendant entered the Capitol building through the Senate Wing doors, as other rioters were climbing through broken windows. Defendant remained

in the Capitol building, traveling between various areas until at approximately 2:33 p.m., when he exited out the same doors he entered.

11. While inside the U.S. Capitol, Defendant walked toward the Crypt on the first floor and climbed the staircase near the Memorial Door to the second floor around 2:23 p.m. Defendant entered the Rotunda around 2:24 p.m., where he walked around and put an unknown dark object on a statute.

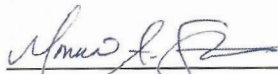
12. On a date after January 6, but by no later than January 12, Defendant told others at a dentist office that he entered the U.S. Capitol and showed a video.

13. Defendant willfully and knowingly entered the U.S. Capitol Building. At the time that he entered, he knew that that he did not have permission to do so. Defendant further admits that while inside the Capitol, Defendant willfully and knowingly paraded, demonstrated, or picketed.


Respectfully submitted,

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

By:



MONICA A. STUMP
Assistant United States Attorney
PA Bar No. 90168

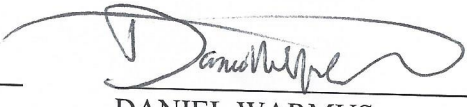


Kathryn E. Fifield
Trial Attorney
U.S. Department of Justice, Crim. Div.
Detailed to the D.C. U.S. Attorney's Office

DEFENDANT'S ACKNOWLEDGMENT

I, *Daniel Warmus*, 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: 2/16/22

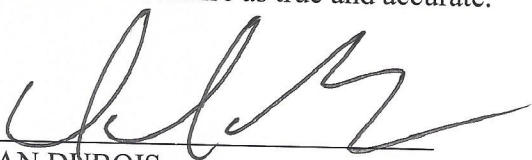


DANIEL WARMUS
Defendant

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: 2/11/22



DAN DUBOIS
Attorney for Defendant