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SELECT COMMITTEE TO INVESTIGATE THE
JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

CONTINUED INTERVIEW OF: STEPHEN AYRES

Wednesday, June 22, 2022

Washington, D.C.

The interview in the above matter was held via Webex, commencing at 12:00 p.m.

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2 Appearances:

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5 For the SELECT COMMITTEE TO INVESTIGATE

6 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7

8 [REDACTED] INVESTIGATIVE COUNSEL

9 [REDACTED] INVESTIGATIVE COUNSEL

10 [REDACTED] DEPUTY COMMUNICATIONS DIRECTOR

11 [REDACTED] INVESTIGATIVE COUNSEL

12 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

13

14 For STEPHEN AYRES:

15

16 EUGENE OHM

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2

██████████ Let's go on the record at noon.

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Good afternoon. This is the continuation of a transcribed interview of Mr. Stephen Ayres that's being conducted by the House Select Committee to Investigate the January 6th Attack on the United States Capitol, pursuant to House Resolution 503. We conducted the first part of the interview on Friday, June 17th.

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Present for the interview today, we have myself, ██████████ investigative counsel; we have ██████████, senior investigative counsel; ██████████, investigative counsel. And I believe that's it. There are no members present. And then we also have Mr. Stephen Ayres and his counsel, Mr. Eugene Ohm.

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Would you like to put anything on the record, Mr. Ohm?

Mr. Ohm. Nope. I'm good.

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EXAMINATION

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Q Okay. So, Mr. Ayres, we just wanted to ask you a few followup questions specific to some of the statements that we saw on your filings just to see where you are and what your feelings are about it today.

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One question I did have that I failed to ask last week regarding January 6th specifically, do you recall people protesting at the Department of Justice building that day?

21

22

A No, I don't remember hearing anything or seeing anything. I'm not even sure where that building is at myself.

23

24

Q Okay. So you don't remember even like walking by it or seeing anything at all?

25

A If I did, I wouldn't have known what -- I don't think I would've known what

1 building it was because I don't remember -- I don't remember hearing or seeing anything
2 about that -- the DOJ building itself.

3 Q Okay. Thank you. That's helpful.

4 A Uh-huh.

5 Q We also looked at the video that was in your criminal complaint.

6 A Uh-huh.

7 Q By the way, just letting you know, so we are also joined by [REDACTED]

8 [REDACTED] who is our deputy comms director for the committee; and [REDACTED]

9 [REDACTED], who is also an investigative counsel for the committee.

10 A Uh-huh.

11 Q So we reviewed a video. It was mentioned in the affidavit in support of
12 your criminal complaint. Do you know what video I'm talking about?

13 A Yeah, I do. Yes, I do.

14 Q When did you all record that video? I believe it was right after January 6th?

15 A Yeah, that was like right after we got back to the hotel, like, literally like
16 minutes.

17 Q So that night? That evening?

18 A Yes, correct.

19 Q And, in the video, it's Mr. Matthew Perna and a friend; I believe her name is
20 Ashley. What's her last name?

21 A I -- I don't even know. We just -- that was one of Matthew's friends. We
22 ran into her up at the Capitol literally like a half-hour before we walked back to the hotel
23 room. He knew her. I didn't know her up until that point right there.

24 Q So Mr. Perna was the connection with her and you all --

25 A Yes.

1 Q -- kind of being in the room together for that video?

2 A Yes, correct.

3 Q Okay. So the video is titled "It was all antifa breaking into the Capitol on
4 1/6/2021." I guess the question that just naturally arises is, do you believe today that
5 antifa led the attack --

6 A No, I --

7 Q -- at the Capitol?

8 A No, I don't. That wasn't really my -- I didn't even want to do the video to
9 begin with. We posted it on my account. For whatever reason, I can't remember
10 Mr. Perna's. I don't know if his account was already shut down or whatever the case
11 may be. That was basically, he wanted to get it up and going right then and there.

12 I personally was just agreeing with everything he said because he was kind of
13 running the video. I don't know if you could tell. But I personally don't remember
14 seeing like antifa there or anything like that. I was just kind of going along and just
15 basically agreeing with, you know, his statements.

16 Q So, sitting here in June of 2022, who do you think was responsible for
17 attacking the Capitol on January 6th?

18 A Oh, I definitely believe, you know, it was the Trump supporters, you know.
19 Not all of them were there to be bad and cause problems and drama, but definitely there
20 was, you know, definitely was some troublemakers in the mix that definitely got it all
21 started. I think there's a handful of people that got it started, and it just got out of
22 control --

23 Q Right.

24 A -- honestly.

25 Q Right. And you include yourself in the group of Trump supporters that

1 went in the Capitol that day?

2 A Yeah, yep. Yep, I was there.

3 Q Also in the video, it's discussed that the police let you all into the Capitol.

4 So, just another followup question, do you believe that it was the police that let the
5 rioters into the Capitol on January 6th?

6 A No. When I got down there, the place was already overrun. And, when
7 we went in through that door there was no -- I believe from where I could -- where I was
8 seeing, there was -- I don't think there was any officers there. But then, once we got in
9 there, officers showed up. So they basically pushed through and got through the door
10 themselves, and I think some people were breaking the windows right there as well.

11 Q Right. Because you came in through the Senate door, so there was like a
12 broken window and --

13 A Yeah, I think there was some broken windows there.

14 Q Okay.

15 A And then that door, that door right there, they pushed through.

16 Q And I think I touched on this a little bit on Friday, but I just want to go back
17 on it. You recall seeing violence as you were walking to the Capitol and approaching the
18 Capitol, correct?

19 A Yeah. When we were down on the ground, like the actual the ground level
20 before you start going up any steps there, I remember seeing up in the far -- it would've
21 been my far right corner up above the, you know, the scaffolding, and they had the whole
22 setup for the inauguration, I remember seeing skirmishes up on that far right corner
23 when I first got there with -- you know, they were -- police were using tear gas and stuff
24 towards people.

25 Q And, I guess, what made you continue walking towards the Capitol? Help

1 us understand why you still continued even though you witnessed what you saw.

2 A I think it was just everybody was pushing through. You know, like I said,
3 there was a bunch of people that had bullhorns kind of like directing traffic, and just -- we
4 were just kind of going with the flow. You kind of got packed in like sardines right there.
5 And everything -- you know, if you're going that way, you're kind of stuck going that way
6 as well, you know --

7 Q Right.

8 A -- just following the herd basically.

9 Q Yeah. One of the witnesses in the affidavit is cited as saying like you were
10 screaming and yelling, I guess, on your live stream inside the Capitol.

11 A Uh-huh.

12 Q Do you think that's accurate?

13 A No, I wasn't screaming and yelling. I think that was the people around me;
14 there was a lot of screaming and yelling. I was more standing there like in shock and
15 awe with my phone in my hand just showing what was taking place.

16 Q Gotcha. I guess, looking back to -- just help summarize it for me. Looking
17 back on you going in the Capitol, how would you describe that experience, and how
18 would you feel about your actions looking back on that day?

19 A Me, personally, I'm embarrassed, you know, from the whole situation. Like
20 I didn't realize, you know, when -- it took me for about a year before I realized just how
21 bad it was, before it like sat in. And I even told my attorney, I didn't realize how bad it
22 actually was until I saw one of the documentaries that were put out on like Netflix or on
23 TV or HBO or something, that I actually sat and watched the whole thing, and it kind of
24 like all sunk in just how bad it really was.

25 Because like, even up to that point, even after like the year, I was like, man,

1 they're really blowing this thing out of proportion. But then, when I sat and watched
2 that documentary -- I'm not sure whose it was, who put it out -- but that's when I -- really
3 kind of like sunk in. I was like, you know, that was pretty bad, you know.

4 And that's -- you know, like I'm embarrassed about it, you know. You know,
5 I'm -- you know, I was -- when I was younger, I had problems with, you know, drugs and
6 alcohol, and I finally got my name cleared up, and I've been doing good for so long, and
7 it's like, you know, I had -- then I get in this trouble. It's just like, for me, it was
8 embarrassing, shameful and, you know, kind of disgusting at the same time, you know --

9 Q Right.

10 A -- personally.

11 Q We also touched on this a little bit Friday, but I want to ask it more directly,
12 right. So, looking back to the -- you said the weeks before January 6th when you made
13 the decision to come --

14 A Uh-huh.

15 Q -- what inspired you to actually travel to Washington, D.C., and attend the
16 rally on January 6th?

17 A Me, personally, you know, I had in my head at the time that, you know, with
18 everything the President was putting out, President Trump was putting out, the election
19 was rigged, and, you know, the votes were wrong and stuff, you know. And I was on
20 social media a lot back then, you know, I'm talking hours a day. I think it just got into my
21 head and eventually, you know, got into my head and being in my head, oh, you know, it's
22 not good, you know. The President is calling on us to come. You know, we need to get
23 down there and, you know, show up basically.

24 Q So I know it was like the messages on social media, but President Trump,
25 was that kind of the singular person that was inspiring you to come or --

1 A Yeah, oh, for sure, for sure, because I probably wouldn't have -- you know, I
2 wanted to see one of his rallies, and that's like one of the reasons I went down there, but
3 him saying you must be there, get down there, be there, that's kind of like my thing of
4 like, you know, I need to make sure I'm down there.

5 Q After the election, even today, right, so President Trump is still making
6 claims that the 2020 election was stolen. I guess, for you, Mr. Ayres, what is your view
7 today about the election being stolen?

8 A Honestly, you know, after seeing some of the evidence, you know, all of his
9 filings, all the filings being put in, they're all one after another being shot down, you
10 know, saying there's no evidence, there's nothing to support this, and, you know, I kind of
11 feel like maybe I got caught up in all of it with, you know, the social media and everything.

12 Now, you know -- you know, I think that's all it really was because I don't feel the
13 same way now, you know. I'm the complete opposite, you know. I think I just got
14 caught up with the social media and the news and over -- you know, basically overtaken
15 by all that. And now that I'm outside of it and I could sit back and look at it all, it's kind
16 of like, all right, maybe I was a little clouded, kind of a little clouded judgment on the
17 whole thing, you know.

18 Q Right. So is it fair for me to say that you don't believe the election was
19 stolen sitting here today?

20 A No, no. I think I was all caught up in the -- all the hype on the social media.
21 I think it just really got to me, honestly.

22 Q When -- and just to follow up on that, you said when you kind of got outside
23 of it. When --

24 A Uh-huh.

25 Q When did you get outside, and I guess how did you -- how did you get

1 yourself where you were outside and able to start kind of considering things
2 independently?

3 A I think, once I started getting away from the social media, all within
4 like -- like I said, about the year -- I'd say right around the year mark is when I'm like, you
5 know, I started looking around, started reading up on stuff because I like to research
6 everything, and I'm just like everything that he -- him and his attorneys put in just kept
7 getting shot down.

8 I'm like, you know, if there was any evidence or prudence to the whole thing,
9 someone would've taken the case on, like, okay, we have something we could hear, we
10 have something we could see, but everything was being shot down, you know. So that's
11 basically like where I kind of felt like, okay, maybe it was just a big sham and a bunch of,
12 you know, stories being pushed on social media.

13 Q I understand.

14 [REDACTED] just came on camera. Do you have a question, [REDACTED]

15 [REDACTED]

16 Q Yeah. Thanks, Mr. Ayres. Thanks for speaking with us. I'm curious,
17 you're talking about the decision to travel to D.C. for January 6th, and then, in thinking
18 about your experience that day, did you think at any point during the day that your
19 presence or something you would do on that day would make a difference to help
20 President Trump?

21 A I think just being there and like showing support was supposed to -- kind of
22 how I felt like, you know, my President called on me; I'm here, you know what I'm saying.
23 That's kind of how I -- I feel like how I took it. I don't think I, per se, myself individually
24 could've made a change or made a difference, but I felt like as a collective, if I was there,
25 you know, I'm another person there to show some support.

1 Q Yeah. And I get that. And it sounds like your, you know, being on social
2 media and seeing all of that affected your perception of this. And I guess I'm just
3 curious if you could remember what you might have thought about what the importance
4 of having so many people there on January 6th might have been.

5 You know, like if you can -- maybe a different way to ask this is, putting yourself
6 back in your shoes that morning when you're going there to the rally, like what did you
7 think the best-case scenario was going to be having all these people in -- on January 6th in
8 Washington?

9 A I thought it was just showing support because, you know, Trump kept saying
10 there's a big reveal coming and this and that. So I thought maybe they were going to
11 say, hey, the election, you know, is getting turned around or, you know, Vice President
12 Pence was not, you know -- I'm not sure how to say it -- you know, agreeing with the
13 electorals or something. I thought, you know, he made it seem like there was
14 something big coming, and that's kind of like why I felt like maybe I needed to be down
15 there, you know.

16 Q And then, if you could remember, as that morning progressed into the
17 afternoon and you made your way down to the Capitol and ultimately ended up inside
18 the building, do you remember having any thoughts as that was happening about what
19 you were --

20 A I'm sorry; you're breaking up.

21 Q Oh, sorry. Can you hear me? Maybe I should --

22 A I was hearing bits and pieces.

23 Q Sorry. Can you hear me now?

24 A Not yet. I don't know if it's me. Am I lag -- am I lagging?

25 Q Can you hear me now?

1 A Yeah, I can.

2 Q So I'm curious if -- my question was, on the day of, as that progressed from
3 the rally towards people walking down the Capitol and ultimately you go in the building,
4 do you remember -- remember thinking what the purpose of that was, what was the
5 purpose of going into the Capitol?

6 A You broke up a little bit in the beginning, but I think I heard it all. I don't
7 think I really had a purpose. I was just following the crowd really. I don't think I really
8 had -- I don't think there was -- I didn't personally think there was going to make a
9 difference.

10 Q Okay. Thank you.

11 A I was just basically following the crowd and, you know, trying to walk
12 through myself. I just was like I wanted to walk through.

13

14 Q So this is a good followup that I -- so basically, you're talking about following
15 the crowd. I guess, why did you go to the Capitol and march towards the Capitol after
16 President Trump's speech in the first place?

17 A I'm sorry; you were breaking up again.

18 Q Oh, okay.

19 A I'm not sure if I'm having connection issues or if --

20 Q We can do a --

21 A -- everybody is.

22 Q Let's recess in place real quick.

23 [Recess.]

24

25 Q We'll go back on the record.

1 Mr. Ayres, I guess, what led you to actually go to the Capitol? What -- what
2 caused you to leave the Ellipse and walk towards the Capitol?

3 A Oh, I was -- I basically walked down there after Trump said, let's walk, you
4 know -- everybody head over to the Capitol and show your support or, you know, your
5 disdain or however he put it. That's basically why I walked over there, is I was just, you
6 know, basically, you know, he said let's -- when the rally is over, let's head over down to
7 the Capitol and show your support for me, or however he put it. I can't remember
8 exactly. That's why we walked down.

9 Q Were you tracking the Capitol even being an event until President Trump
10 said that in his speech?

11 A What was that? You said something about --

12 Q Were you even tracking that the Capitol would be an event until
13 President Trump said it in his speech?

14 A Yeah, I wasn't planning on walking down there until I heard that. We stood
15 around for 10, 15 minutes afterwards, maybe even a little bit longer, talking and stuff
16 before we even headed down there. But I don't -- we -- I do not recall ever talking about
17 having plans on heading down there prior to that -- to him saying: Head on down to the
18 Capitol.

19 Q Do you remember how or what route you walked to get to the Capitol?

20 A I didn't hear that last question thoroughly.

21 Q Do you remember the route you took to get to the Capitol?

22 A Yeah. I'm not sure what exact road it was. It was right behind the
23 security, where everyone was. Everyone that was sitting in front of the stage, there's a
24 road right there where the security detail started, that road that led -- we took that road
25 and walked straight down.

1 Q Okay. And then, also, we talked about this a little bit last week, can you
2 describe again President Trump's 4:17 message to go home, what you recall about that?
3 The video where he told people to go home, do you remember that message?

4 A I kind of caught pieces of that.

5 Q Okay.

6 A I think you said describe Trump's 4:17 message to go home?

7 Mr. Ohm. And, Mr. -- I don't know if this is going to mess things up, but, you
8 know, you can do the closed captioning thing. There's a cc on the bottom, and I think
9 maybe if you can't hear us, then if you could read it. It's on the bottom left-hand corner.

10 Mr. Ayres. Okay. Where -- let me see. Is it under "more options" maybe?

11 Mr. Ohm. On mine, it's right to the left of the mute button.

12 [REDACTED] Another option is for us to --

13 Mr. Ayres. Where would that be at?

14 [REDACTED] -- call --

15 Mr. Ayres. Oh, I see it on bottom left corner. There we go.

16 [REDACTED] So you can use your phone in addition to video if there are
17 internet problems.

18 Mr. Ayres. I got the closed captions on now, it looks like.

19 [REDACTED]

20 Q Okay. Great. So my question was, do you remember President Trump's
21 4:17 message telling the rioters to go home, and if you do, what was your reaction to that
22 message?

23 A Yeah. When we heard it, that's basically when, you know, we started
24 getting out of there. We -- you know, we were hanging around watching at that time,
25 but I remember people started bringing it up, and then that's when we actually left.

1 When we saw his tweet and we heard about his tweet, that's when we actually decided
2 to leave.

3 Q Was it a group of people that were discussing this video around you?

4 A I remember hearing it because there was so many people everywhere. So
5 it's like when something got out, it got out and spread very fast because everybody was
6 kind of on social media watching that as well. But I remember hearing about it, and it
7 seemed like it started to clear out pretty good. Once that come out, it seemed as
8 though it started to clear out pretty good.

9 Q Where were you? Do you remember where you were on the Capitol when
10 you saw the message?

11 A Yes. I was down on the very end. So the door that we went in, if you're
12 looking at that door on, you said -- I believe you said it was the Senate wing --

13 Q Yes.

14 A -- instead of -- if we would've took a left and went around the side of the
15 building right there, we were standing right on that end down over there where -- the
16 initial door I walked through.

17 Q Gotcha. The west side of the Capitol. Perfect. Okay. That's good to
18 know.

19 And then I just want to ask you kind of an overarching question. And I'm sorry if
20 this is a tough summary, but sitting here today, right, what are your views about
21 President Trump and any -- anything that he may have had to do with January 6th and
22 what happened at the Capitol Building?

23 A Me, personally, I'm upset with the whole thing because I basically feel like I
24 was used like a pawn in a chess match or something. That's how I feel. I feel like I was
25 used to basically do his dirty work, you know. He got everybody all hyped up at the rally

1 itself, and then he kind of like sent everybody on their way, you know. So I personally
2 feel like I was used in the situation, and, you know, I don't feel happy about it. I got in
3 trouble for it, you know.

4 Q Do you think President Trump could've done anything before the 4:17 tweet
5 message to maybe diffuse the situation?

6 A Yeah. Oh, yeah. I think I said it previously, I wish he would've come out
7 like at 1:30, because they said the stuff at the Capitol kind of started around 1 or a little
8 bit before 1, if I remember what I've seen on the news if that's correct or not. I mean, at
9 1:30, the place was probably overrun.

10 By time we got down there, you know -- if we stood around for 15, 20 minutes, by
11 the time we walked down there -- it took 10, 15 minutes -- by 1:30, 1:35, when we got
12 there, the place was completely overrun at that point, I believe. So, I mean, in my
13 opinion, he should have -- as soon as he saw that taking place, he should have come out
14 and said: Look, this is not what we're about. Yeah, we're here to rally and peacefully
15 protest, but this is not what we're about.

16 I wish he would've come out sooner and said, "Hey, guys, look, this is not -- we're
17 not here for this, you know," and said, you know, send people on their way or stand there
18 and peacefully protest. I wish he would've come out and done something like that.
19 Three hours later or 4 hours later, whatever it ends up being, 3 and a half, you know,
20 that's -- a lot of damage got done in that, you know, 3, 3 and-a-half hour window.

21 Q I want to go back to something I touched on last week, but -- I just want to
22 make sure we're clear, do you remember President Trump's December 19th tweet about
23 the rally on January 6th?

24 A I wouldn't be able to remember it offhand unless I like seen it or something,
25 or like I could look back through my phone and stuff, but I don't even have those accounts

1 anymore. So I don't remember like exactly right now.

2 Q Another thing I meant to ask -- I actually didn't ask you this on Friday, I
3 meant to ask it though, do you consider your -- did you consider yourself in this time as
4 like a follower of QAnon or anything like that?

5 A I was a little bit. I didn't follow it like hard core like some people did. I
6 was looking at some of it, and I was watching it and trying to see if any of it would
7 happen. I was kind of like on the fence. You know, it seems a little farfetched, but at
8 the same time, it was kind of interesting.

9 But I wasn't like 100 percent on it. I was like 50/50 on the fence and seeing if any
10 of that stuff was actually happening, which like a lot -- 99.9 percent of the time, nothing
11 ever happened from what they said anyway. So, you know, I was watching it, but I
12 wasn't like deep in it.

13 Q Okay. So you kind of touched on this. What are your views about QAnon
14 today then? I know you kind of touched at end of your answer, but what are -- what are
15 your views about QAnon today?

16 A Oh, I think it -- you know, excuse me language, I think it's total BS now, you
17 know, after seeing it, you know. I don't see none of the stuff that ever -- was said in
18 there ever come to light. So, you know, I think it's nothing but, you know, hearsay or
19 whatever they want to call it, I don't know.

20 Q Before I move on to another -- a different topic completely, I want to make
21 sure no one else on the call has any followup questions?

22

23 Q Yeah, I just have one quick question. You talked about your views of
24 President Trump and what you wish he had done differently. I know that you're
25 accepting responsibility for what you have done individually, and I can appreciate that

1 and how important that is for you to move on. I'm curious if you have thought at all
2 about sort of how you balance those two things, about what your individual responsibility
3 versus what you wish leadership had done that might have prevented this, if you've
4 thought about that at all?

5 A Yeah. You know, I, myself, like I said earlier, I'm embarrassed over the
6 whole situation, you know, but at the same -- you know, at the same time, I was
7 provoking it too, I feel like, you know, with the social -- my social media posts leading up
8 to all that. You know, I was on there basically just copying stuff I was seeing and hearing
9 off of TV and YouTube channels and stuff. So I probably hyped up a lot of stuff too, and,
10 you know, at the same time, it makes me mad that I let myself get so deep into it that I
11 couldn't realize or see what I -- what I was actually doing, you know.

12 I consider myself to be fairly intelligent, and it makes me mad that I let myself get
13 so deep and so, you know, indulging into it when I should have took a step back and say,
14 look, I really need to open my eyes and look at this stuff, you know. I don't know, I just
15 feel like I kind of was just following the pack, man, like basically following the pack, you
16 know, and -- I don't know.

17 Q Yeah. Well, no, I appreciate that. And I think that there's -- obviously
18 there's a lot of people who fall into that boat too, you know. But I just -- that's helpful
19 insight. I appreciate that.

20 A Thank you.

21 Q Thanks, [REDACTED]

22 [REDACTED]

23 Q So, again, Mr. Perna -- I -- look, we understand that -- Mr. Ayres, that
24 Mr. Perna took his life early in February. I'm sorry if I said Mr. Perna. I meant to say
25 Mr. Ayres. I was thinking about Mr. Perna when I said that. And I just wanted to ask

1 you a few followup questions about that event. So we are tracking the website
2 JusticeForMattPerna.com. Are you familiar with that website?

3 A No. I -- I didn't know about it until when I was talking to my attorney.

4 Q Okay. Gotcha. So that website, like others that -- like in other statements
5 we've seen where Mr. Perna's family is kind of, you know, advocating about the justice
6 system and other things that Mr. Perna was struggling with. I guess, what are your
7 views overall about what the family's statements have been since his death?

8 A I mean, those are their views. I mean, obviously, they're probably very
9 angry right now. You know, when you go through grief, you go through a lot of different
10 emotions. They say you go through all the emotions. I, personally, I just stand back,
11 you know. I'm sad from the situation, and usually every time his name gets brought up,
12 it breaks me down. But I don't know -- I can't speak for them and, you know, how they
13 feel. I just -- you know, it's a sad situation, so I can't imagine what they're going
14 through.

15 Q Right.

16 A I don't know.

17 Q I understand. And, look, I understand, and like I said last -- on Friday, I
18 know it's very difficult for you to talk about. Like it's reasonably your friend, right, who
19 has --

20 A Uh-huh.

21 Q -- passed away, so that's why I'm -- look, I try to bring this up as sparingly as
22 possible, but I do appreciate your candor in answering these questions about Mr. Perna,
23 because I know it can be tough.

24 And the last question I wanted to ask you about that is, let's say you were to
25 be -- have a more public statement about January 6th. I guess, what do you think

1 Mr. Perna's family, to the best of what you know about them, what they might say or how
2 they might feel about that?

3 A I'm not real sure. His aunt -- his aunt is pretty, you know, pretty fiery.
4 She's a good lady, but she's pretty fiery. I'm not sure how, you know, she would
5 respond or feel or, you know.

6 Q So it's really that Ms. Geri, I believe, is that her name?

7 A Yeah.

8 Q Okay.

9 A Yeah.

10 Q So that's the main individual that you kind of think of who might actually
11 speak out or something if you were to have a more public-facing testimony of some sort?

12 A Oh, yeah, probably. Yeah, because she's -- I believe she's been on a couple
13 shows already, you know, talking and stuff, so she's kind of -- I think she's kind of like
14 the -- she's kind of like the one spearheading the, you know, website and stuff and
15 whatnot.

16 Q And, from what I've seen, it seems like her grievances are mostly with the
17 Department of Justice's system. Is that fair?

18 A Yeah. I think that's kind of how I was taking it too. I don't talk to her.
19 I've talked to her a couple times since all this, so I -- you know, but from what I've seen on
20 TV and, you know, the shows that she's been on and whatnot, it kind of seems that way.

21 [REDACTED] Okay. Does that trigger any followup from any other counsel or
22 individuals on the call?

23 All right. Any other questions in general that I might not have touched on?

24 Mr. [REDACTED], I have a question.

25 [REDACTED] Yep.

1

2 Q Hi, Mr. Ayres. Thank you so much for being here. I apologize, my camera
3 isn't set up. But I'm just curious for your personal opinion, you know, given everything
4 that happened on January 6th and what you've learned since, you know, if Donald Trump
5 ran for President in 2024, do you think you would support him?

6 A Honestly, I -- I don't even -- I don't -- I couldn't say yes; I couldn't say no.
7 Right now, where I feel, like right now at this moment, I would say probably not because
8 I'm kind of upset with, you know, the way he kind of handled the situation. Like I said,
9 I'm an adult; I take my full responsibility. But, when you have that type of power and
10 that type of control and that type of following from people, I feel like you should
11 definitely be more careful with your words and the things you do and say and post
12 because a lot of people are looking to you and following you. So I don't know. Right
13 now I would say no. Right now I would say, no, I wouldn't.

14 Q Got it. That's really helpful. Thank you.

15 A Uh-huh.

16 [REDACTED] If there's no other questions, Mr. Ayres, again, I just want to say
17 thank you --

18 [REDACTED] if I might, I apologize.

19 [REDACTED] Yes, please. Yep.

20

21 Q Mr. Ayres, nice to meet you. My name is [REDACTED]

22 And, Gene, it's been some years, but it's good to see you too.

23 So, picking up on where you left off, Mr. Ayres, on talking about the words that
24 the President used, you said earlier today that, at the rally, that he was getting people
25 hyped up. Do you remember what in particular, the types of things he was saying, that

1 was having people have that reaction?

2 A I think it was basically just the same stuff that he was just repeating online,
3 you know. Everything that he said online he basically covered in that rally as well, you
4 know -- you know, the election was taken, and, you know, the votes weren't right here,
5 the votes weren't right there. It was just like a little bit of everything. Everything that
6 he was putting out he basically covered in that rally, if I believe -- from what I can
7 remember. It didn't seem like there was anything new that I heard from him that I
8 didn't already know or heard him say prior to that rally.

9 Q Sure. One of the things that at least was new was his public statements
10 about Vice President Pence. You know, he had started tweeting about the Vice
11 President in the day or two before and particularly that morning of the rally and directing
12 people's attention to the Vice President and what he could do. Do you remember
13 hearing that in --

14 A Yeah. Yeah, I remember seeing that stuff because I think he was saying
15 that he was part of the deep state or -- or I don't know, maybe I'm
16 making -- hearing -- not hearing it correctly, but I remember hearing stuff about him. He
17 did get pretty -- you know, start talking about him quite a bit prior to the rally as well, you
18 know, like you said.

19 Q And what was your feeling about Mike Pence that day and hearing the
20 President talk about him and then also walking towards the Capitol where he was
21 presiding over the joint session?

22 A Once we started hearing about -- when we were walking down there is when
23 they were saying that -- if I remember correctly, we were walking down there, and people
24 had like radios playing of what was being said into the Capitol and stuff, and they were
25 saying he ain't -- he's not doing what he was gonna -- supposed to do or this or that. I

1 remember it getting a lot of people mad from that. I think it just caused more anger
2 amongst people, you know, him highlighting Vice President Pence that way.

3 Q And it certainly seemed like the focus of that anger trained on Pence by that
4 point, in terms of that was the man that people were thinking about, at least is what you
5 were hearing as you were going toward the Capitol. Is that fair?

6 A Yeah, definitely, even before. On my way walking down there, I remember
7 hearing people hollering, you know, obscenities and whatnot about Mike Pence on the
8 way down. So they were already fired up as we were getting down there.

9 Q Had you ever seen that anger towards Vice President Pence before
10 January 6th --

11 A No.

12 Q -- became an issue?

13 A No, huh-uh, I don't recall, you know. I thought everybody was kind of like
14 on his side up until all that -- you know, until, you know, President Trump started going
15 his way or putting the words out there towards him.

16 Q There are a lot -- thousands of people who did not go in the Capitol, who
17 walked down to the building, stayed around the building, even stayed on the outside
18 close to but didn't go in. And so I understand that you were part of a large crowd. Can
19 you help us better understand why you kept making your way towards the building?

20 A Me, personally, like I just wanted to walk through. That was -- I mean, as
21 plain Jane as that sounds, I just wanted to -- that was my thinking. I just wanted to walk
22 through. I didn't care about, you know, the Vice President being in there or any of those
23 people. I just wanted to walk through.

24 And then, once we got up top towards where we actually went in, me and Matt
25 kept getting separated, so we kept finding each other, losing each other, finding each

1 other, losing each other. And I was just standing out there. Next thing you know, I see
2 everybody flooding through that door. I'm like, oh, they're letting people in, so I started
3 walking towards the door.

4 Q Okay.

5 A I didn't know at that time that they pushed through at that time.

6 Q Right.

7 A I wasn't sure at the time then.

8 Q So certainly we have a lot of footage from that day from a lot of people who
9 were in the crowd. And, as you approached the building, and it's a mile and a half, were
10 you hearing people say that folks were actually going into the Capitol itself before you
11 even --

12 A Oh, yeah.

13 Q -- got up there?

14 A Yeah, yeah. I thought they were already in the building by the time we got
15 up there. I thought people were going through by the time we were already getting up
16 there.

17 Q All right. And so, while I understand that you were part of a crowd, it
18 sounds like you made the choice at the time to keep going because you had heard people
19 were going in and you wanted to get up close and see if you could do that yourself?

20 A Yep. Yep, basically.

21 Q Okay. And, in terms of thinking that they were letting people in, I think
22 [REDACTED] went over it earlier, but no officer ever said or waved you into the building
23 that you saw. It's just you didn't get any opposition as you moved up.

24 A Yes.

25 Q Is that fair?

1 A Yes, that's correct. Yeah, I didn't see -- I didn't see anybody like say "hey,
2 come on over this way" or nothing like that. By the time I got down there, all the
3 barricades were overrun and everything. And then like I said, I didn't see any officers
4 like literally say "you can come in" or nothing like that.

5 Q Yeah. Now, the media coverage of the -- of that day was immediate and
6 quite a lot. And I know you said earlier today that it took about a year for you to realize
7 how serious it was. I mean, what about what you had been seeing right after the fact
8 didn't strike you as serious about that day?

9 A I'm not sure if maybe I was just a little bit -- I'm not sure if I -- if my brain
10 getting in the way of it, you know. Even some of the stuff I saw, you know, I seen some
11 people fighting with the cops there at one of the doors while I was standing back just
12 watching and recording and stuff, but -- I've seen it, but it's like it didn't set in or
13 something, you know.

14 And then, once I watched that video a few months ago, maybe a little longer ago,
15 that whole -- that whole documentary, I sat there and watched the whole thing myself,
16 and I'm like, wow, this thing was really a lot worse than I really like thought it to be. I
17 don't know if the media -- because, you know, watching them -- some -- you know, you
18 get -- depending what media or what social media or what news network you're
19 watching, some are downplaying it, and some are showing -- you know, telling you what it
20 is, what it really was.

21 And, you know, I don't know if maybe the people that I'm watching or was seeing
22 were downplaying it, so it was down -- I was downplaying it myself in my head, but it's
23 like, once I saw that -- the documentary on it, I was like, wow, that's pretty crazy, you
24 know. I realized just to the extent of just how bad it really was.

25 Q And, on that, you know, almost immediately that day, that afternoon, after

1 the Capitol was breached, certain people, social media started saying it was antifa -- I
2 mean, it was quick -- that these weren't Trump supporters. And so that night that
3 you -- when you filmed the video with Mr. Perna, had you been seeing some of those
4 early takes, you know, kind of the defensive "this couldn't have been us, it had to have
5 been antifa," and is that what you were picking up on?

6 A I don't recall seeing it. I was -- you know, Mr. Perna was a real big like
7 podcast guy. He did podcasts and stuff on Facebook and like on QAnon and healthy
8 living. He did a podcast on everything. As soon as we got back to the hotel room, you
9 know, he wanted to get up and do it. I didn't like putting videos out on myself. I think I
10 had like five in the whole 10 years I ever done.

11 And then we got on then, and, you know, he basically said it was antifa. But I
12 don't -- and I was just agreeing with him. I didn't recall seeing people down there I
13 could've pointed and said that's antifa right there. So I personally don't recall seeing
14 anybody that was actually antifa there or that I could look at them and say that's an -- you
15 know, somebody from antifa. I think I was -- I was basically just going along with his
16 statements in the video because I didn't recall seeing anyone I could prove was antifa or
17 even thought was antifa.

18 Q And you talked earlier about how you like to research things and that you're
19 spending several hours on social media a day. What about what you were seeing prior
20 to January 6th was most compelling to you about why the election was stolen? What
21 were some of the supposed facts or theories that were convincing you that
22 President Trump had won?

23 A The biggest one was that one where like there was a whole bunch of Biden
24 votes dropped in the middle of the night, you know, and Trump was winning, and then, all
25 of a sudden, he's losing. Then all -- you know, and then that and then, you know, they

1 were talking about a lot of the voting machines. They were run by one company while
2 the rest of the State was using a certain brand of machines, and, you know, all the -- that
3 was basically the stuff that I was seeing online that was kind of changing my perspective
4 in thinking it was, you know.

5 But, you know, I look at it this way, when you're sitting there and you're seeing
6 that type of stuff, and my whole -- my entire social media is covered with this stuff, it kind
7 of gets, you know -- you start believing it more, you know. If you say it enough, it
8 becomes the truth kind of thing, and I think that's kind of what happened.

9 Q Okay. And you, yourself, did you vote in the election?

10 A Yes.

11 Q And did you vote in person or by mail?

12 A I voted in person.

13 Q Did you have any views on mail-in voting prior to that day, and had you been
14 hearing the President's messaging about that?

15 A Yeah. Oh, yeah. Yeah, I did hear about that. And, you know, that was
16 one of the big things I thought about too, now that you mention it. I forgot all about
17 that. Yeah, you know, and I thought that was another thing that made me think, you
18 know, there was stuff going on with all the mail-in votes, because I remember receiving
19 like three or four at my house alone for me. I don't think they were actually ballots. I
20 think they were just invitations to get your ballot or something, you know. So that was
21 part of it that got me, you know, thinking that way as well.

22 Q Okay. I think that was -- I think -- well, let me ask this, in terms of -- I know
23 you might have covered this with [REDACTED] on Friday, so apologies, but in
24 understanding the context of Mr. Perna's family and talking about their views of how he
25 was treated, what is your view as how you've been treated through your case and the

1 process that it has gone through, just so we understand, you know, what your perspective
2 is on this? You've now been in this for over a year, I believe.

3 A Uh-huh.

4 Q So what are your views on how you've been treated by the system?

5 A Oh, by the system?

6 Q Yeah.

7 A Oh, yeah, I was going to ask that. I wasn't sure if you meant like the people
8 in the community or, yeah. No, I mean, I understand how the system works. You
9 know, there's over like 800-some people I think I've heard last time. I understand it
10 takes time to put this stuff together. And, you know, the biggest thing I recognize is, you
11 know, if you have two people with the same charges, obviously, you know, you've got to
12 treat them, you know, fairly the same way.

13 So I understand why it's taken so long, why some cases -- you've got to wait for
14 some cases to go through and stuff. So I understand why it takes so long, and, you
15 know, there's not going to be any quick answers, you know. I think I've been treated
16 fairly. I haven't had no issues.

17 Q Okay.

18 A Yeah. I mean, I have -- I think I've been treated fair. I don't have no
19 gripes.

20 [REDACTED] That was it for me. I don't know if anybody else has any other
21 questions. Sorry to interrupt.

22

23 Q I had one followup from [REDACTED]. You mentioned kind of, I guess, not
24 believing or not really seeing the violence after January 6th until you watched something
25 about a year later. What news sources were you watching though immediately after

1 January 6th, if you recall?

2 A Probably like FOX News. I started watching Newsmax, but I'm not sure if
3 they were out by then or not. If they were, that's kind of like a new place I watch
4 because I've been trying to stay away from all like the mainstream stuff. Even now to
5 this day, I watch -- I try to get -- I watch a lot of stuff on YouTube and, you know, or I'll
6 research it myself on my phone if I hear something that I'm interested in. I try to stay
7 away from the mainstream media now completely.

8 Q But even in -- right -- right after January 6th, right, of 2021, FOX News and, is
9 it fair to say, other conservative outlets?

10 A Yeah, I'd say FOX -- I was watching FOX pretty hard core around that time.

11 Q Okay.

12 A And then, like I said, Newsmax I was watching, but I'm not sure if they were
13 even out then. I know they're kind of a newer network. I started watching them. So,
14 if they were out then, I was probably watching some of them as well.

15 Q And you mentioned that you like to listen to Ms. Candace Owens and
16 Mr. Charlie Kirk before January 6th?

17 A Yeah.

18 Q So you're probably -- were you watching them right after January 6th as
19 well?

20 A Probably. I was following them, Charlie Kirk, Candace Owens, pretty
21 regularly, then a couple of the other bigger ones. I can't think of their -- off the top of
22 my head their names off the top of my -- their head -- my head, but that's usually who I
23 watched the most.

24 Does that trigger any followup from anyone else?

25 Mr. Ohm. Hey, there was one question I wanted to jump in with.

1 [REDACTED] Of course.

2 Mr. Ohm. In terms of -- Mr. Ayres, in terms of Mr. Perna and how he -- his
3 experience in the criminal justice system, do you have any sort of views as to what was
4 frustrating for him and how he might have been challenged by the circumstances?

5 Mr. Ayres. You're talking about Matthew?

6 Mr. Ohm. Yeah.

7 Mr. Ayres. My -- I think the biggest thing with him, and this is just my personal
8 opinion, and I believe it was just maybe the way he was led by his attorney. You know, I
9 think that we've been treated fairly. I don't know if maybe Matt couldn't handle the
10 length of all this and stuff, because I know with his aunt coming out towards DOJ and
11 stuff like that.

12 I, personally, you know -- I -- me, why I think he did what he did is I blame his
13 attorney for it myself, letting him -- having him charge -- you know, plead guilty to all
14 those charges and then, you know, not maybe trying to direct him better, maybe, you
15 know, plead not guilty and hope for lighter sentences and stuff like that. That's kind of
16 how I feel about it. I don't know if -- if I -- did I answer that correctly? Is that kind of
17 what you were asking?

18 Mr. Ohm. Yeah. I just wanted everybody to know that, you know, that, from
19 your perspective, it wasn't the DOJ so much as --

20 Mr. Ayres. Oh, yeah.

21 Mr. Ohm. -- how the case was handled.

22 Mr. Ayres. Yeah, no, I don't think that -- my personally, I -- I don't have an issue
23 with it. I think it's being handled as well as you can when you have 800-some people or
24 whatever the number is, and it's still growing or whatever. I think it's being handled as
25 well as it possibly can with the outcomes and the circumstances that they're dealing with,

1 with multiple cases and, you know, multiple people being charged with the same charges.
2 You know, I understand they've got to treat everybody as fairly as possible. So I
3 understand why they have to -- some cases have to wait before they could go through
4 and whatnot. So I think, you know, the DOJ has been basically doing their job as the way
5 it should be done.

6 Mr. Ohm. You all could assume that I didn't tell him to say that about the United
7 States Department of Justice.

8 [REDACTED] Noted, Mr. Ohm. Noted.

9 Well, thank you again, Mr. Ayres, for, on such short notice, sitting down with us
10 for another transcribed interview. We really appreciate it.

11 Mr. Ayres. No problem.

12 [REDACTED] And, like I said on Friday, when we're reading filings, we only can
13 judge what we saw off the paper, and so it is very helpful for us to hear your perspective
14 directly from you. And so we appreciate you taking the time to sit with us twice in less
15 than a week.

16 And, with that --

17 Mr. Ayres. No problem.

18 [REDACTED] With that, we will go off the record at 12:45.

19 [Whereupon, at 12:45 p.m., the interview was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date