

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

KEVIN SCOTT FAIRLAMB,

Defendant.

Case No. 1:21-cr-120-RCL

*has this be filed
with original
defendant signature
Roger C. Lawrence
U.S.D. 8/6/21*

STATEMENT OF OFFENSE

1. The Government respectfully submits the following Statement of Offense in support of a plea of guilty by defendant KEVIN SCOTT FAIRLAMB (hereinafter "FAIRLAMB") to Counts 2 and 3 of the Superseding Indictment in the above-captioned matter.

2. If this case were to go to trial, the government would prove the following facts beyond a reasonable doubt:

3. 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.

4. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.

5. 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 Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

6. 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.

7. 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.

8. 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 \$1.4 million dollars for repairs.

9. 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.

10. FAIRLAMB traveled to Washington, D.C. on January 6, 2021 to attend the “Stop the Steal” rally, which was organized to protest the result of the presidential election. As the “Stop the Steal” rally was finishing, FAIRLAMB joined a large crowd at the Capitol, where the Joint Session to certify the Electoral College vote was underway—a fact of which FAIRLAMB was aware.

11. After arriving on the Capitol grounds, FAIRLAMB climbed the scaffolding that was erected on the West Terrace. While on the scaffolding, FAIRLAMB recorded and posted a video to Instagram in which he stated, “We ain’t fucking leaving either! We ain’t fucking leaving!”

12. FAIRLAMB then joined a large crowd of rioters who forcefully pushed through a line of police officers and metal barricades. FAIRLAMB then obtained a collapsible police baton from the ground. FAIRLAMB recorded a video and posted it to Facebook in which he displayed

the police baton and stated, "What Patriots do? We fucking disarm them and then we storm the fucking Capitol."

13. At approximately 2:13 p.m., as legislators and their staff were being evacuated to secure locations, rioters smashed through a window of the U.S. Capitol using a riot shield and unlawfully entered the Capitol Building through that window, which was adjacent to the Senate Wing Door. The locked Senate Wing Door was then kicked out by rioters, and FAIRLAMB entered the Capitol Building approximately two minutes after the breach of the window. FAIRLAMB entered the Capitol Building carrying the police baton and walked past the broken glass of the shattered window.

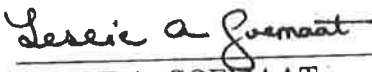
14. After exiting the Capitol Building, FAIRLAMB followed a line of Metropolitan Police Department ("MPD) Officers who had been deployed to the U.S. Capitol on January 6 to assist the Capitol Police in responding to the riot. While following them, FAIRLAMB screamed at the MPD officers, "Are you an American? Act like a fucking one! . . . You guys have no idea what the fuck you're doing!" FAIRLAMB then inserted himself into the line of MPD officers, cutting off Officer Z.B. from the rest of the line. When Officer Z.B. attempted to reach the rest of the line, FAIRLAMB shoved and then punched Officer Z.B. FAIRLAMB admits that he was not acting in self defense at the time he shoved and punched MPD Officer Z.B.

15. When FAIRLAMB unlawfully entered the Capitol building, armed with a police baton, he was aware that the Joint Session to certify the Electoral College results had commenced. FAIRLAMB unlawfully entered the building and assaulted Officer Z.B. with the purpose of influencing, affecting, and retaliating against the conduct of government by stopping or delaying the Congressional proceeding by intimidation or coercion. FAIRLAMB admits that his belief that the Electoral College results were fraudulent is not a legal justification for

unlawfully entering the Capitol building and using intimidating to influence, stop, or delay the Congressional proceeding.

Respectfully submitted,

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Defendant's Acceptance

I have read this Statement of Offense and carefully reviewed every part of it with my attorney. I am fully satisfied with the legal services provided by my attorney in connection with this Statement of Offense and all matters relating to it. I fully understand this Statement of Offense and voluntarily agree to it. 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 Offense fully.

8-4-21
Date




SCOTT KEVIN FAIRLAMB
Defendant

Defense Counsel's Acknowledgment

I am Defendant SCOTT KEVIN FAIRLAMB's attorney. I have reviewed every part of this Statement of Offense with her. It accurately and completely sets forth the Statement of Offense agreed to by the defendant and the Office of the United States Attorney for the District of Columbia.

August 3, 2021
Date



Harley Breite
Attorney for Defendant