

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

UNITED STATES OF AMERICA : **Case No: 21-cr-104 (RJL)**
:
v. :
: **18 U.S.C. § 1512(c)(2), 2**
KLETE DERIK KELLER, :
:
Defendant. :

STATEMENT OF OFFENSE

Klete Keller's Participation in the January 6, 2021, Capitol Riot

1. On January 5, 2021, I flew from Colorado to the Washington, D.C., metropolitan area.
2. On January 6, 2021, in the morning, I attended a rally and listened to various speakers before going to the United States Capitol.
3. At around 2:30 p.m., I joined a crowd of people and unlawfully entered the restricted grounds of the U.S. Capitol, wearing a red, white, and blue jacket with the letters "USA" on the back.
4. At around 2:39 p.m., I and other individuals unlawfully entered the U.S. Capitol building through a hallway on the West side of the building. I was wearing a light-blue neck gaiter and sunglasses along with my USA jacket.
5. At the time I entered the Capitol building, I knew that I did not have permission to enter the building, and I believed that I and others were trying to obstruct, influence, and impede an official proceeding, that is, a proceeding before Congress, specifically, Congress's certification of the Electoral College vote as set out in the Twelfth Amendment of the Constitution of the United States and the statutes listed in sections 15 through 18 of title 3 of the U.S. Code.

6. At the time, I acted to affect the government by stopping or delaying the Congressional proceeding, and, in fact, did so. I accomplished this by intimidating or coercing government personnel who were participating in or supporting the Congressional proceeding.

7. At 2:39 p.m., I entered the Rotunda and took photographs and videos of my surroundings. Multiple other individuals were also unlawfully inside the Rotunda, yelling and chanting.

8. At 2:41 p.m., I exited the Rotunda and entered the Ohio Clock Room hallway, where I and others stood in front of a line of law enforcement officers clad with riot gear preventing me and others from advancing. I stood with the others and began filming the law enforcement officers and did not leave. I began yelling "Fuck Nancy Pelosi!" and "Fuck Chuck Schumer," and other individuals repeated the same words. At around this time, other individuals began pushing forward toward the law enforcement officers.

9. At 2:51 p.m., I reentered the Rotunda where I continued to take photographs and videos of my surroundings and interact with other individuals unlawfully in the Rotunda.

10. At 3:02 p.m., law enforcement officers began entering the Rotunda and herding other individuals out of the Rotunda and eventually toward the east exit. I did not exit. I pulled out my phone and began recording the officers and other individuals and moved away from an exit and toward the center of the Rotunda.

11. At 3:08 p.m., I jerked my elbow, shaking law enforcement officers off me while they attempted to remove me and other individuals from the Rotunda.

12. At 3:13 p.m., I exited the Rotunda and entered the East Rotunda Doors area. While in the East Rotunda Doors area, I clapped my hands, interacted with other individuals unlawfully

in the building, and did not exit, all while law enforcement officers deployed chemical irritants in the area and addressed a number of other individuals assaulting law enforcement officers.

13. At 3:30 p.m., I exited the Capitol building through the East Rotunda Doors.

14. On January 6 and 7, 2021, I destroyed the phone and memory card that contained the photographs and videos I recorded from inside the Capitol building, and I threw away my red, white, and blue "USA" jacket.

15. Later in January, I arranged to and did surrender to law enforcement immediately after learning that law enforcement was seeking my arrest.

Limited Nature of Factual Basis

16. This proffer of evidence is not intended to constitute a complete statement of all facts known by me. Rather, it is a limited statement of facts intended to provide the minimal necessary factual predicate for my guilty plea.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 2nd day of September 2021.



Klete Derik Keller
Defendant

DEFENDANT'S ACKNOWLEDGMENT

I, Klete Derik Keller, 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: 9-2-21


Klete Derik Keller
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: 9-2-2021


Edward B. MacMahon, Jr.
Attorney for Defendant Klete Derik Keller