

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

UNITED STATES OF AMERICA

Case No.: 23-CR-427 (DLF)

v.

DAVID SCOTT KUNTZ,

Defendant.

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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, David Scott Kuntz, with the concurrence of the defendant’s 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. The grounds around the Capitol were posted and cordoned off, and the entire area as well as the Capitol building itself were restricted as that term is used in Title 18, United States Code, Section 1752 due to the fact that the Vice President and the immediate family of the Vice President, among others, would be visiting the Capitol complex that day.

3. On January 6, 2021, a joint session of the United States Congress convened at the Capitol. 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. This joint session of Congress was an official proceeding as that term is used in Title 18, United States Code, Section 1512. 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. Officers with the D.C. Metropolitan Police Department were called to assist officers of the USCP who were then engaged in the performance of their official duties. 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 \$2.9 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.

David Scott Kuntz's Participation in the January 6, 2021, Capitol Riot

8. As early as November 24, 2020, the defendant, David Scott Kuntz, was the member of an encrypted Telegram Messenger chat, organized by other individuals, including Dan Edwin Wilson, called the “Coalition of the Unknown.” The “Coalition of the Unknown” was created by another individual at the Defendant’s direction.

9. On December 1, 2020, a member of the Coalition of the Unknown group shared a YouTube video titled, “Trump Lawyers Push Call for MARTIAL LAW As More Evidence Of

FRAUD Emerges, DEMAND New Election.” Two minutes later, the Defendant responded, “This is Reaper. You must choose is it war or do we allow marshall law. The decision must be made.” “Reaper” was a moniker used by the Defendant.

10. In early December 2020, the Defendant and others in the Coalition of the Unknown group discussed traveling to Washington, D.C. for January 20, 2021—the date for President Joe Biden’s inauguration. On December 6, 2020, the Defendant wrote, “[L]ets go train and remove the Democratic party it is a must.”

11. On December 14, 2020, in the Coalition of the Unknown group, the Defendant wrote, “This is Reaper. January the 20th in Washington D.C. is our day they will see we are not playing anymore we are going fully armed. No more fucken games guy’s you are in this 100% or your out and be a couch keyboard patriot we go in numbers they will not be able to do shit to us you must not be scared and be ready to not go home if something goes down you must start making a big stand no more rules this is our country no there’s if you are in then say you are in and mean it no i will be there and not show up tell all groups you no to be thete in force. Tell all guy’s no fucken around on this time to do what we have been training for.” Wilson responded, “Everyone needs to start reaching out to everybody you know every state you know this is not gonna be an easy task to organize but we have to organize and go in together come out together or none of us come the fuck out.” The defendant responded, “Tell and bring all on this we go in numbers they won’t do shit guy’s but watch. Dan3% is right on this one we go together.” Later that day, the defendant added, “The 20th is are date period.”

12. In his Facebook account, the Defendant also tried to rally others to travel to Washington, D.C. for January 20, 2021. On December 14, 2020, the Defendant posted a Facebook status update: “This is Reaper. This is to all groups January the 20th we go to Washington. D.C.

armed no matter what they say we go in for the million milita march we go in numbers they wont be able to do shit. Its time to show them we have had enough this is our time guy's we got this no more games. We only want true patriots. We are tired of the games they will no who owns this country. You groups must start standing up this is what we all have been training for." An individual responded, "Hate to say this, but you need permits in DC to carry. Not saying it is a bad idea, but adds some problems." The Defendant responded, "No more playing we go in numbers we do not care about there gun laws thats why we go in numbers they won't be able to do shit."

13. On or about December 19, 2020, then-President Trump tweeted, "Peter Navarro releases 36-page report alleging election fraud 'more than sufficient' to swing victory to Trump <https://washex.am/3nwaBCe>. A great report by Peter. Statistically impossible to have lost the 2020 Election. Big protest in D.C. on January 6th. Be there, will be wild!" On December 20, 2020, on Facebook, the Defendant posted a screenshot of the Tweet from then-President Trump with a red line under the words "Be there, will be wild!" To that image, the Defendant added the following message: "This is Reaper. Washington D.C. is listing to us we have there attention for the 6th and the 20th that the militia groups are coming. They have evacuated all none essential personnel out of D.C."

14. On or about December 22, 2020, the Defendant made the following statement in the Coalition of the Unknown Telegram group: "January the 6th will be the target date for D.C. this goes to all groups that can help to defend those that can not defend themselves." Wilson, using the Telegram moniker "Live Wire," responded by stating, "Ooh Rah. Curb stomp crew all in!!!" The Defendant responded, "Hell ta D.C. here we come." Later that same day, Wilson wrote, "We are willing to work and coordinate with others but I am a gray ghost ranger." "Gray ghost ranger"

refers to Wilson's affiliation with a Three Percenter militia known as the "Gray Ghost Militia," which the defendant was also a member of.

15. On or about December 22, 2020, the Defendant posted to the Coalition of the Unknown Telegram group, "For new members in case you are not aware DC on the sixth here we come." That same day, the Defendant wrote, "Some of us in here are extremely active patriots so if you want to start getting boots on the ground reach out we do the damn thing."

16. On December 22, 2020, on Facebook, the Defendant updated his status to read, "This is Reaper. Spread the fast January 6th in D.C. A must show for all groups that are willing to help." Along with this status, the Defendant posted an image that included the following language: "Fight For America. Patriot Party. Jan. 6th Washington D.C. Capitol. Join The Official Patriot Party Inc. to March on the Capital to fight corruption, fight for our rights and demand election integrity."

17. On December 22, 2020, on Facebook, the Defendant updated his status to read, "This is Reaper. This is to all groups going to D.C. on the 6th because i do believe after that we must defend our states. I believe after this date antifa and blm will start there shit big time. So this is how i see it i would not show up on the 20th they will have the city shute down were we can not get in unless we fight our way in. Im almost shure you will be defending your states after the 6th so to all groups you must be on high alert if i am wrong pls let me no i am only human this is my appinion only. But i do believe from the 6th on we all will be very busy. So pls let me no what you all think on this. Thank you all for your time on this matter." Wilson responded, "Everything is definitely fluid at this time we continue to try to plan and prepare as best we can we just have to play it by ear." The Defendant replied, "dan we are going to D.C. on the 6th and ready to fight no more games."

18. The Defendant and Wilson also planned for January 6, 2021, in another Telegram group organized by the Defendant, called "United Front." For example, on December 23, 2020, in the United Front group, another individual asked, "What is the goal of this group or chat? What are we trying to accomplish?" The Defendant responded, "Getting groups in here to fig shit out what are next move will be when shit goes crazy." The Defendant asked that person, "are you still going on the 6th to D.C." The individual responded, "Groups over here are talking about it now. The 6th is when they count the electoral votes. Republican Senators and Congressmen will be objecting to the votes, this is where things can change." The Defendant responded, "Yes but i do believe thats when shit will get crazy what you think." The other individual replied, "It will get nuts if the vote is sent to the House to vote and the People's vote is considered null and void." He added, "That's where Trump will win, but it's a long shot." The Defendant responded, "I think eaither way its not gonna be good."

19. On or about December 24, 2020, the Defendant discussed in the United Front Telegram group, including with another individual, his plan to travel to Washington D.C. on January 6th. Among other messages, another individual messaged the group, "Yes a lot is happening legally and a lot can happen on the 6th. The most important thing is for the Electoral College results to get contested and that Patriotic Militias set differences aside and gather together." The defendant responded, "In my opinion I don't think it's time to gun up for the sixth we have to play this out but if they seat biden on the 20th all bets are off it's gonna happen even if Trump wins we have to get this government under control it's been crossing my mind if we go to a Civil War do we try to take Washington DC first or do we try to take state capitals first."

20. On December 27, 2020, in the United Front Telegram group, an individual shared an image of a building labeled "BIDEN HARRIS" being blown up, with the message, "Betrayed

by nearly everyone in Congress...WE MUST FIGHT. He's the only chance anyone has got. DONALD J. TRUMP. FIGHT HARD." Wilson responded, "I am ready to lay my life on the line. It is time for good men to do bad things." The Defendant responded later that morning, "Ok guy's lets get this clear once and for all thete will be no talking about taking over nothing or blowing up shit period on here if you do you are out. So stop that shit now keep it to yourself act like the law is right beside you. Reaper out."

21. On or about December 27, 2020, in the United Front Telegram group, another individual asked, "Is Reaper going to DC?" Wilson responded, "We will be there." The other individual responded, "Yall in the same Squad trip Wire?" Wilson responded, "Yes." Later that day, Wilson posted, "The time is now." The other individual responded, "Yup." The Defendant responded, "The 6th will tell it all im ready."

22. On or about December 27, 2020, in the United Front Telegram group, Wilson wrote, "I ain't nobody but when it comes down to it follow me and I'll show you a symphony of destruction." The Defendant responded, "Come on the 6th lets do this shit."

23. On or about December 27, 2020, in the United Front Telegram group, the Defendant shared an image of a tweet from then-President trump, which stated, "See you in Washington, D.C. on January 6th. Don't miss it. Information to follow!" The defendant wrote, "He is asking us to be there." Wilson responded, "Y'all wanna do it. Ask your self. Are you really ready. This is not for the faint of heart." The defendant responded, "Good he does need us im going armed period." He added, "alot of groups are going in hot."

24. The Defendant agreed with Wilson and others to travel to Washington, D.C. for the events of January 6, 2021. The Defendant and Wilson traveled to Washington, D.C. together in Wilson's vehicle on January 5, 2021. Their intent was to corruptly obstruct or impede Congress,

including through their unlawful presence at the U.S. Capitol building, with respect to the certification of the 2020 electoral college vote. In order to accomplish this goal, the Defendant and others, including Wilson, agreed to work together and to coordinate their actions.

25. In the early morning of January 6, 2021, the Defendant and Wilson gathered with others in the area of the Lincoln Memorial. Later that morning, the Defendant and Wilson gathered with other individuals in the area of the Ellipse and the Washington Monument, during the time when then-President Donald Trump, among others, addressed the crowd.

26. From the Ellipse, the Defendant walked with others, including Wilson, toward the U.S. Capitol building, where they passed fencing and barricades and joined with thousands of other rioters on the grounds of the U.S. Capitol.

27. The Defendant entered the Upper West Terrace by approximately 2:22 p.m., from the northeast side of the U.S. Capitol building. From there, the Defendant walked toward the area of the Parliamentarian Door and Senate Wing Door, on the Upper West Terrace.

28. At approximately, 2:42 p.m., rioters breached the Parliamentarian Door on the Upper West Terrace of the U.S. Capitol building. The Defendant was present in the area at the time of this breach. As rioters swarmed the Parliamentarian Door, the defendant called out, "Fuck the police!"

29. While on the Upper West Terrace, the Defendant held up a radio to his mouth and can be heard referring to "Live Wire"—the moniker used by Wilson.

Elements of the Offenses

30. David Scott Kuntz knowingly and voluntarily admits to all the elements of Conspiracy To Impede or Injure Officer. Specifically, the defendant admits that on or about January 6, 2021, the defendant willfully and knowingly, did conspire with one or more other

persons to prevent, by force, intimidation, or threat, any person, that is, Members of the United States Congress and law enforcement officers, from discharging any duties of any office, trust, or place of confidence under the United States, and to induce by force, intimidation, and threat, any officer of the United States, that is Members of the United States Congress and law enforcement officers, to leave the place, where their duties as officers were required to be performed.

Respectfully submitted,

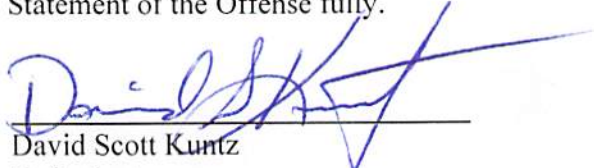
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DEFENDANT'S ACKNOWLEDGMENT

I, David Scott Kuntz, 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: 12-2-24




David Scott Kuntz
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: 12/2/24



William Lee Shipley, Jr.
Attorney for Defendant