

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

UNITED STATES OF AMERICA	:	Case No.: 22-cr-389 (TJK)
	:	
v.	:	
	:	18 U.S.C. § 1752(a)(2)
ISAIAH GIDDINGS,	:	
	:	
Defendant.	:	
	:	

STATEMENT OF OFFENSE

Pursuant to Federal Rule of Criminal Procedure 11, the United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, Isaiah Giddings, with the concurrence of his 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.

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.

Background

8. The Proud Boys describes itself as a “pro-Western fraternal organization for men who refuse to apologize for creating the modern world; aka Western Chauvinists.” Throughout the United States, there are local Proud Boys chapters, which are typically led by chapter “presidents.” Each chapter has a degree of autonomy. As of January 6, 2021, Isaiah Giddings, Zachary Rehl, Brian Healion and Freedom Vy were members of the Philadelphia chapter of the Proud Boys organization, of which Rehl was the president. Giddings joined the Proud Boys on July 4, 2020, when he was initiated into the group by the Proud Boys’ chairman, Enrique Tarrio.

9. Giddings understood that there were different membership levels within the Proud Boys, and a clear hierarchy under which officers and other leaders would exert a level of command over lower-level members. Members who did not follow this chain of command would face

repercussions. Giddings came to learn that Joseph Biggs, “Noble Beard,” “Rufio” and “Yut Yut” were Proud Boys leaders.

10. In November and December 2020, Giddings, Tarrio, Rehl and other members of the Proud Boys attended rallies in Washington, D.C. to protest the results of the November 2020 presidential election. Tarrio made decisions for the Proud Boys at these rallies. The rallies were intended to show support for former President Trump, but at these rallies members of the Proud Boys also fought individuals whom the Proud Boys believed were members of “Antifa.”

11. At the November rally, Giddings believed that the Proud Boys typically waited for Antifa to engage them before responding with violence. By December, however, this had changed, and some Proud Boys were acting as the aggressors in these clashes. At the December rally, Giddings was present during a fight between multiple Proud Boys and members of Antifa. Afterwards, Giddings pretended to have knocked out an Antifa member. Giddings believed that if the other Proud Boys members believed that he had not participated in the fight, he would have been chastised. During the evening after the December rally, several individuals, including Proud Boys members, were involved in another altercation in downtown Washington, D.C. During that altercation, “Noble Beard,” among others, was stabbed.

12. At the December rally, police officers arrested members of the Proud Boys and stopped them from fighting Antifa. After the December rally, Giddings understood, based on conversations that he had with other Proud Boys members, that the Proud Boys increasingly viewed police as the enemy, including Rehl, who called them “traitors.”

13. The Proud Boys frequently communicated using the encrypted messaging platform Telegram. After joining the Proud Boys, Giddings joined Telegram and participated in multiple Proud Boys chat groups. The Proud Boys frequently discussed the 2020 Presidential Election in

these chats. The sentiment amongst the Proud Boys was that the election had been stolen from former President Trump, and many members made comments about preventing Joseph Biden from being certified as the winner. Rehl shared this sentiment and told Giddings, in sum and substance, that “someone had to do something” about the stolen election.

14. The Proud Boys Telegram chats were also used in advance of rallies, including the November and December rallies described above, as well as the January 6, 2021 rally described below.

Isaiah Giddings’ Participation in the January 6, 2021, Capitol Riot

15. On December 19, 2020, plans were announced for a protest event in Washington, D.C., on January 6, 2021, which would coincide with Congress’s certification of the Electoral College vote. In the Proud Boys’ Telegram chats, there were discussions about meeting at the Washington Monument on the morning of January 6, 2021.

16. On January 5, 2021, Giddings traveled with Rehl, Vy and Healion from Philadelphia to Washington, D.C. to attend the events of January 6. Giddings, who did not hold a leadership position within the Proud Boys, was not privy to discussions before January 6 regarding the Proud Boys’ plans to go to the Capitol on that day. Indeed, before January 6, Giddings did not even know that Congress would be certifying the election results in the Capitol building on January 6.

17. As discussed on Telegram, on the morning of January 6, Giddings met a large group of Proud Boys at the Washington Monument. Biggs, “Rufio,” and other Proud Boys leaders then led the Proud Boys on a march to the U.S. Capitol building. During the march, Giddings noticed that leaders, including Rehl, Biggs and “Rufio,” would meet separately from the larger group. Because of the Proud Boys’ commitment to a chain of command, Giddings understood that he was

expected to follow Rehl, who was his chapter president, that day. Giddings believed that a failure to do so would result in punishment.

18. When the Proud Boys group was in front of the restricted grounds of the Capitol, the Proud Boys group, including Rehl, Biggs, and “Rufio,” began to hype up the other Trump supporters who were present by leading them in chants including “Whose Capitol? Our Capitol!” and “1776!” After the Proud Boys arrived, the crowd of Trump supporters appeared emboldened.

19. Shortly after the Proud Boys arrived at the Capitol’s restricted perimeter, they and other members of the crowd crossed the protective barricades and overwhelmed the police officers who were guarding the perimeter. Giddings followed the crowd, including Rehl, Biggs and “Rufio,” after they breached barriers meant to protect the Capitol. On the west front of the Capitol, Giddings observed Proud Boys pushing and fighting police officers and spraying them with what he believed to be mace. Rehl was angrier on January 6 than Giddings had ever seen him at other political events. His face was red, and he yelled aggressively at the police. At one point, Rehl asked other rioters if they had bear spray. While Rehl did not obtain any bear spray, Giddings believed that had Rehl gotten the spray, he would have deployed it against the police.

20. Giddings, Rehl, Vy and Healion later traveled to the Upper West Terrace of the Capitol, where they posed for pictures. With Rehl’s assent, the men then entered the Capitol building at approximately 2:53 p.m. through the Senate Wing Door. Inside, they entered Senator Jeff Merkley’s hideaway office, where the men posed for pictures and where Rehl smoked. Giddings and Rehl then briefly traveled to the Crypt. After spending approximately twenty minutes inside the Capitol building, Giddings, Rehl, Vy, and Healion exited through a window that had been smashed by another rioter.

21. During his participation in the breach of the Capitol, Giddings knew what he was doing was wrong. He persisted in his conduct, in part, because he understood that the Proud Boys' norms would subject him to punishment if he left.

22. Giddings spent the evening of January 6 with Rehl and other Proud Boys. Rehl, and the other Proud Boys were laughing and celebrating what they had done; namely, stopping the certification proceeding. Rehl and the other men appeared proud.

23. The following day, Giddings traveled back to Philadelphia with Rehl. During the car ride, Rehl was acting paranoid about facing charges for what they had done at the Capitol. Rehl instructed Giddings to delete any items on his cellular telephone that could incriminate Rehl. Giddings later deleted the photographs and videos that he had taken at the Capitol.

24. Giddings knew at the time he entered the U.S. Capitol Building that he did not have authority to do so and that the building was restricted.

25. Because of the dangerous circumstances caused by the unlawful entry into the Capitol by Giddings, Rehl, Vy, Healion and others, including the danger posed by individuals who had entered the Capitol without any security screening or weapons checks, Congressional proceedings could not resume until after law enforcement had removed every unauthorized occupant from the Capitol and confirmed the building was secured. Accordingly, the proceedings did not resume until approximately 8:00 p.m. on January 6, 2021, 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.

26. The attack on the Capitol resulted in substantial damage, requiring the expenditure of more than \$2.7 million for repairs.

Limited Nature Of Factual Basis

27. This proffer of evidence is not intended to constitute a complete statement of all facts known by Giddings or the government. Rather, it is a limited statement of facts intended to provide the necessary factual predicate for Giddings' guilty plea.

Respectfully submitted,

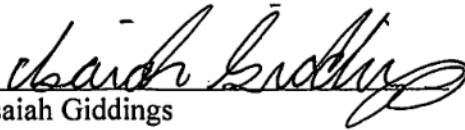
MATTHEW GRAVES
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By: /s/ Nadia E. Moore
AUSA Nadia E. Moore
Assistant United States Attorney

DEFENDANT'S ACKNOWLEDGMENT

I, Isaiah Giddings, 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: 11/25/2022


Isaiah Giddings
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: 11/25/2022


Nancy MacEoin, Esq.
Attorney for Defendant