

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

<b>UNITED STATES OF AMERICA</b>	:	<b>Case No: 21-cr-28 (APM)</b>
	:	
<b>v.</b>	:	
	:	
<b>DONOVAN CROWL (2),</b>	:	
<b>and</b>	:	
<b>JAMES BEEKS (19),</b>	:	
	:	
<b>Defendants.</b>	:	

**STATEMENT OF ELEMENTS AND FACTS FOR STIPULATED TRIAL**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendants, Donovan Crowl and James Beeks, with the advice of their counsel, hereby submit this Statement of Elements and Facts for Stipulated Trial as to Counts One and Seven of the Eighth Superseding Indictment.

The parties have agreed to dispose of this matter by way of a stipulated trial. There is no plea agreement among the parties except that the stipulated trial will proceed only on Count One, which charges a conspiracy to obstruct an official proceeding, in violation of 18 U.S.C. § 1512(k), and Count Seven, which charges interference with law enforcement officers during a civil disorder, in violation of 18 U.S.C. §§ 231(a)(3), 2. At the conclusion of the proceedings, the government will move to dismiss the remaining counts in the Indictment for the defendants. There is no agreement between the parties about the estimated United States Sentencing Guidelines range, and there is no agreement concerning what sentence either party will request or what sentence the Court will impose.

To facilitate the stipulated trial, the parties submit this agreement as to the elements that must be proven by the government and the facts and evidence that the Court should consider in adjudicating the defendants' guilt.

**I. Elements of the Offenses<sup>1</sup>**

**a. COUNT ONE**

Count One of the Indictment charges that, from in and around December 2020 through in and around January 2021, the defendants participated in a conspiracy to obstruct an official proceeding in violation of 18 U.S.C. § 1512(k). The essential elements of this offense, each of which the government must prove the following beyond a reasonable doubt are:

1. First, that the defendant conspired or agreed with at least one other person with the goal of committing the crime of obstructing an official proceeding; and
2. Second, that the defendant knowingly joined or entered into that agreement with awareness of its unlawful goal and the intent to achieve the illegal object of the charged conspiracy.

Here, the unlawful object alleged in the indictment was the obstruction of an official proceeding, to wit, Congress's certification of the Electoral College vote on January 6, 2021.

In order to find a defendant guilty of corruptly obstructing an official proceeding, you must find that the government proved each of the following four elements beyond a reasonable doubt:

1. First, the defendant obstructed or impeded an official proceeding;
2. Second, the defendant intended to obstruct or impede the official proceeding;

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<sup>1</sup> Defendants Crowl and Beeks raise and/or renew objections to particular elements in Counts One and Seven. Specifically, the defendants propose a different definition of "corruptly" than the Court has previously presented, and propose a unanimity requirement on the actus reus in Count Seven that is different than the Court has previously presented. The defendants object that the conspiracy instruction omits the requirement that the Court find the defendants acted with "specific" intent to further the goal. Defendants rely on a long line of DC Circuit cases including *Gaskins*, *Childress and Tarantino*; and *United States v. Bailey*, 444 U.S. 394, 404 (1980). The parties propose addressing these differences at the start of the stipulated trial.

3. Third, the defendant acted knowingly, with awareness that the natural and probable effect of the defendant's conduct would be to obstruct or impede the official proceeding; and
4. Fourth, the defendant acted corruptly.

*Definitions:*

The term "official proceeding" includes a proceeding before the Congress. If the official proceeding was not pending at the time of the offense, the government must prove beyond a reasonable doubt that the official proceeding was reasonably foreseeable to the defendant. As used in Counts One and Two, the term "official proceeding" means Congress's Joint Session to certify the Electoral College vote.

A person acts "knowingly" if that person realizes what he or she is doing and is aware of the nature of his or her conduct, and does not act through ignorance, mistake, or accident. In deciding whether a defendant acted knowingly, you may consider all of the evidence, including what the defendant did or said.

To act "corruptly," the defendant must use unlawful means or have an improper purpose, or both. The defendant must also act with "consciousness of wrongdoing."

"Consciousness of wrongdoing" means with an understanding or awareness that what the person is doing is wrong.

**b. COUNT SEVEN**

Count Seven of the Indictment charges the defendants with committing an act to obstruct, impede, or interfere with law enforcement officers lawfully carrying out their official duties incident to a civil disorder, on or about January 6, 2021, in violation of 18 U.S.C. §§ 238(a)(3), 2. The essential elements of this offense, each of which the government must prove the following beyond a reasonable doubt are:

1. First, the defendant knowingly committed an act;
2. Second, in committing that act, the defendant intended to obstruct, impede, or interfere with one or more law enforcement officers;
3. Third, at the time of the defendant's actual act, the law enforcement officer or officers were engaged in the lawful performance of their official duties incident to and during a civil disorder; and
4. Fourth, the civil disorder in any way or degree obstructed, delayed, or adversely affected either commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function.

## **II. Statement of Facts for Stipulated Trial<sup>2</sup>**

The parties agree and stipulate to the following facts and evidence:

### **Background**

As a 17-year old, Defendant Crowl enlisted in the United States Marine Corps. He served his country from 1987 until he was honorably discharged in 1994. While a Marine, he served in a combat zone in the Persian Gulf for a period of time as an aircraft mechanic. His father was a Marine who served in Vietnam. His uncle also served in Vietnam. His grandfathers served in World War II. His great grandfather fought in World War I.

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<sup>2</sup> As explained in the hearing on the morning of July 10, 2023, Defendant Crowl raises and renews objections to the admissibility of the evidence contained in certain paragraphs recounting certain out of court statements made by himself and others. Without waiving any previously made arguments, Crowl submits that the Court's rulings in earlier cases cannot bind him in the instant case because the Federal Rule of Evidence 104(b) preliminary finding of a conspiracy is fact-specific as to each defendant. In addition, Crowl submits that statements the government seeks to use against him are protected by the First Amendment and are inadmissible hearsay that were not made during and in furtherance of any conspiracy that he joined. Understanding that the Court has already ruled these items of evidence to be admissible, Crowl preserves these issues for appeal.

Crowl's father suffered severe injuries during his service in Viet Nam, including a brain injury that caused seizures throughout the rest of his life. He was prescribed pain medication and also often self-medicated with alcohol. As a child and teenager, Crowl would step in to defend his mother and younger siblings from their father's physical abuse during times when the father drank to excess. He himself was often physically abused by his father.

His two siblings, a sister and brother, both live in Illinois.

He has been married twice. He has three adult children – a daughter from his first marriage, and a son and step son from his second marriage.

When Crowl's son was 12 years old, he and his wife separated and he raised his son by himself until the young man became an adult and struck out on his own. During part of that time, the child's mother went through a rough spot and lost all contact with the child.

For nearly 20 years, Crowl coached pee wee baseball and football for his son and step son. He continued coaching even after his sons stopped playing.

After his military service, Crowl worked at the Bushnell factory in Bushnell, Illinois. He also later worked building barns in Ohio, Illinois, and Iowa for a company, where he was the crew foreman. Around 2018, he moved to Woodstock, Ohio, a town of about 200 people. He used to frequent the Woodstock Bar, which served pizza and liquor. In around 2019, Watkins and Montana purchased the bar and operated it as the Jolly Roger. He joined the Ohio State Regular Militia. He is currently self-employed doing construction work on various projects.

Finally, Crowl was diagnosed with melanoma several years ago. He also is receiving treatment through the Veteran's Administration for PTSD.

Defendant James Beeks grew up in Jacksonville, Florida. He was raised by his grandmother (from age 5-18), and his adopted father, who is a former chief-of-police for the police

departments of Jacksonville, Florida, and Clarksville, Tennessee. At the times relevant to this proceeding, Beeks resided in Florida. Beeks overcame many obstacles in his life. His very first memories are of being abused and abandoned in the foster care system to near death, to living in poverty, and getting out of that situation with no criminal record, becoming a five-time Broadway star, award-winning TV personality, and world traveler (on his 4th passport).

### **The Transfer of Presidential Power in the United States and the 2020 Election**

1. The United States Constitution and federal statutes codify the procedures and dates governing the transfer of presidential power in the United States. The Twelfth Amendment requires presidential electors to meet in their respective states and certify “distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each.” It further requires that the Vice President “shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted.” Title 3, Section 15 of the United States Code provides that the United States Congress must convene during a joint session proceeding (“the Joint Session”) at 1:00 p.m. “on the sixth day of January succeeding every meeting of the electors,” with the Vice President presiding, to count the electoral votes, resolve any objections, certify their validity, and announce the result (“Certification of the Electoral College vote”). The Twentieth Amendment provides that the terms of the President and Vice President shall accordingly end at noon on the 20th day of January, “and the terms of their successors shall then begin.”

2. The 2020 United States Presidential Election (“Presidential Election”) occurred on November 3, 2020. As of November 7, 2020, the incumbent President Donald J. Trump was projected to have lost the Presidential Election, and Joseph R. Biden Jr. was projected to have won the election.

3. Many Americans protested the results of the election, which they believed were fraudulent.

4. The summer and fall of 2020 was also a time of great civil unrest in the United States that included violence against innocent citizens.

### **The Oath Keepers' Response to the Election**

5. The Oath Keepers is a large but loosely organized collection of individuals, some of whom are associated with militias. Though the Oath Keepers will accept anyone as members, they explicitly focus on recruiting current and former military, law enforcement, and first-responder personnel. The organization's name alludes to the oath sworn by members of the military and police to defend the Constitution "from all enemies, foreign and domestic." On their website, the "Oath Keepers declare they will not obey unconstitutional orders."

6. On November 5, 2020—two days after the Presidential Election—the leader of the Oath Keepers, Elmer Stewart Rhodes III, sent a message to an encrypted Oath Keepers group chat stating, "We MUST refuse to accept Biden as a legitimate winner. Call out the fraud and theft. Protect and defend all who are publicly standing against it (officials, reps, media, the people, and President Trump). Prepare to defend against communist terrorism and prepare to win the coming war. We aren't getting through this without a civil war. Too late for that. Prepare your mind, body, spirit." Florida Oath Keeper Kelly Meggs, who became the state chapter leader on December 24, 2020, was a participant on this chat. The government does not have evidence that Crowl or Beeks was a participant on this Signal group chat.

7. On November 7, 2020—the date that President Trump was projected to have lost the Presidential Election—Rhodes wrote to the same Oath Keepers group chat: "[W]e must now do what the people of Serbia did when Milosevic stole their election. Refuse to accept it and march



en-mass on the nation's Capitol." He then sent a link to a Bitchute.com video titled "STEP BY STEP PROCEDURE, HOW WE WON WHEN MILOSEVIC STOLE OUR ELECTIONS."

Rhodes continued:

I am in direct context with the Serbian author of that video. His videos are excellent. Here is his written advice to us:

"- Peaceful protests, good, well played round 1

- A complete civil disobedience, they are not your representatives. They are FOREIGN puppet government.

- Connect with the local police and start organize by neighborhoods to stay safe (we didn't need this step)

- We swarmed the streets and started confronting the opponents. I know, not nice, but it must be done if the institutions stop to exist

- Millions gathered in our capital. There were no barricades strong enough to stop them, nor the police determined enough to stop them

- Police and Military aligned with the people after few hours of fist-fight

- We stormed the Parliament

- And burned down fake state Television!

WE WON!"

Later, on November 10, 2020, Rhodes publicly published this plan of action under the headline "WHAT WE THE PEOPLE MUST DO" on the Oath Keepers website in a "Call to Action!" That same post, which is shown in Government's Exhibit 1002, encouraged Oath Keeper members and affiliates to travel to Washington, D.C., for the "Million MAGA March" scheduled to occur on November 14, 2020.

8. Rhodes also encouraged Oath Keepers to oppose the election results and travel to the District of Columbia for the "Million MAGA March" during a virtual "GoToMeeting" held on November 9, 2020. That meeting was attended by Ohio Oath Keepers member Jessica Watkins



and by Kelly Meggs. A recording of the meeting is submitted as Government's Exhibit 1000. The government does not have evidence that Crawl or Beeks was a participant on this GoToMeeting.

9. On December 14, 2020—the same day that presidential electors from each state and the District of Columbia cast their votes in the Presidential Election—Rhodes published an “Open Letter” to President Trump on the Oath Keepers website. In the letter, which is submitted as Government's Exhibit 1005, Rhodes encouraged President Trump to “NOT concede,” but rather, “act NOW as a wartime President.” Rhodes continued, “We are already in a fight. It's better to wage it with you as Commander-in-Chief than to have you comply with a fraudulent election, leave office, and leave the White House in the hands of illegitimate usurpers and Chinese puppets.” Rhodes offered that “millions of American military and law enforcement veterans, and many millions more loyal patriotic American gun owners stand ready to answer your call to arms, and to obey your orders to get this done.”

10. On December 19, 2020, President Trump issued a Tweet in which he encouraged Americans to come to Washington, D.C., for the events of January 6, 2021.

11. On December 25, 2020, Kelly Meggs, who had become the leader of the Florida chapter of Oath Keepers, messaged a Florida Oath Keepers group chat that on January 6, “We need to make those senators very uncomfortable with all of us being a few hundred feet away.” Rhodes then wrote to the same chat, “I think Congress will screw him [President Trump] over. The only chance we/he has is if we scare the shit out of them and convince them it will be torches and pitchforks time is they don't do the right thing. But I don't think they will listen.” Rhodes also suggested the Oath Keepers needed to make clear to President Trump that “if he fails to act, then we will. He needs to understand that we will have no choice.” The government does not have evidence that Crawl or Beeks was a participant in this Florida Oath Keepers group chat.

12. In late December 2020, the Oath Keepers created an encrypted Signal application chat group for leaders to discuss planning and logistics for January 6. The group was called “DC OP: Jan 6 21.” Rhodes, Kelly Meggs, and Watkins were all participants on this group chat. The government does not have evidence that Crowl or Beeks was a participant in this group chat.

13. On December 30, 2020, Rhodes messaged the “DC OP: Jan 6 21” group chat, “I’m putting Don Siekerman in overall command of this op. And then Whip, Josh and Kelly as his seconds because they have been to DC prior.”

### **THE DEFENDANTS’ ACTIONS PRIOR TO JANUARY 6**

#### *Defendant Crowl*

14. On November 9, 2020, during the Oath Keepers GoToMeeting with Rhodes, Watkins messaged Crowl, “Be ready to march on D.C. on Saturday. Driving out Friday night. Hooah?” In addition to being an Oath Keepers member, Watkins was the leader of the “Ohio State Regulars Militia,” of which Crowl was also a member. Crowl resided in Ohio at the time. Crowl responded, “I’m on board Capt’n. I’ll make some eggs. N nightsticks. Let’s party!!!” Watkins continued, “This is what we’ve been waiting for. It’s not just an Oath keeper mission. Patriots everywhere. 3 Percenters too. Let’s make history motherfucker.”

15. Two days later, Watkins asked another Oath Keeper member, “[Y]ou still do vetting for OK’s? I have one of my militia guys coming to DC that needs to be vetted in order to participate.” Watkins then provided Crowl’s name and stated, “He said he will join up Oathkeepers before Friday.” A short while later, the other Oath Keepers member responded, “Stuart said good to go vetted in tell my new brother welcome.” The government does not have any evidence that Crowl did in fact sign up on the Oath Keepers website or pay dues to join the organization.

16. Crowl then traveled to Washington, D.C. and attended the march along with Watkins, Rhodes, and other members and affiliates of the Oath Keepers. Crowl and Watkins stayed at the residence of Thomas Caldwell during this trip.

17. After the event, Crowl sent a message to Caldwell in which he stated, "Howdy Tom. Hope this evening finds y'all well. I just wanted to thank Sharon and yourself, for opening your home and hearts to us. True Patriots. You have My utmost respect Sir. That is how Men love. A good leader knows how to handle people, take charge, and take care of them. Doesn't look down on a lesser Man, but endear yourself to him. Makes him laugh...then puts a boot in his ass when needed. I truly treasure your Friendship. Brother. War is on the Horizon. Until We go to ground...Semper Fidelis. Watch these next couple videos...at you leisure... I believe you will like them. Good evening Sir."

18. Crowl, Watkins, and Caldwell all continued to exchange text and Facebook messages in the weeks that followed.

19. This includes on December 10, 2020, Crowl texted Watkins, "You..are My Captain.

My Boss is Jess."

20. On December 22, 2020, Crowl sent a message to a group chat that included Watkins in which he stated, "Gun smoke, lead, God n country. Law abiding citizens are fix'in to act 'out of character.' I'm one of 'em ..one of many. Time for talk'in is over." The parties stipulate that Defense Exhibit DC-1 is a fair and accurate representation of part of this message thread. After sending this message, Crowl sent a video that is being submitted as Defense Exhibit DC-2. This same video has been posted to the website of the National Park Service at the following link: <https://www.nps.gov/media/video/view.htm?id=3DCD0772-155D-451F-67246B82830C8851>.

21. Between December 29, 2020, and January 1, 2021, Watkins and Crawl exchanged the following messages:

- a. Watkins: "You still going to Illinois? We plan on going to DC on the 6th, weather permitting."
- b. Crawl: "No. Didn't have the funds. Went up to my son's house instead. What's going on on the 6th?"
- c. Watkins: "DC. Trump wants all able bodied Patriots to come. I'm sure Tom would love to see us as well. If Trump activates the Insurrection Act, I'd hate to miss it."
- d. Watkins: "So, looks like we might be security for Roger Stone, if we end up rolling with the Oathkeepers. Just fyi."
- e. Crawl: "Lol. Ok. I wondered how long it would be before Stewey's dickskinners were in the mix. Am I still asking Jed for a place? Who's driving? Where is our rally point?"
- f. Watkins: "Stewie isn't coming. Don (former LEO) is running the Op. We will be sleeping on a hotel floor with Paul on Tuesday night. Probably Jed's on Monday night though. I'm down to be security for Roger Stone. Seems like a sweet gig."
- g. Crawl: "I'm good with that. I just didn't wanna deal with Stewie."
- h. Watkins: "Don't blame you at all. Looks like we would be doing Private Security Details the whole time we're there."
- i. Crawl: "Nice. Soo, we are leaving Monday, right?"
- j. Watkins: "Yes. Early. Like 10am early. Be here Sunday to square away gear."

22. On December 31, 2020, Watkins sent a message to the “DC OP: Jan 6 21” Signal group chat stating that she was bringing a group of “currently 3, potentially 5” from Ohio for the event.

23. On January 1, 2021, Crowl reached out to Caldwell to ask, “Will probably call you tomorrow...mainly because...I like to know wtf plan is. You are the man Commander.” Caldwell responded by stating, “Like they said trying to make their escape in Thunderdome: ‘plan?....there ain’t no PLAN...!’” Caldwell then provided a link to the Comfort Inn Ballston and stating: “Sharon and I are setting up shop there. Paul has a room and is bringing someone. He will be the quick reaction force. Its going to be cold. We need a place to spend the night before minimum. Stewie never contacted me so Sharon and I are going our way. I will probably do pre-strike on the 5th though there are things going on that day. Maybe can do some night hunting. Oathkeeper friends from North Carolina are taking commerical buses up early in the morning on the 6th and back same night. Paul will have the goodies in case things go bad and we need to get heavy. This is an older hotel with quick access to the city via Interstate 66. Sharon and I will go into town 7 a.m. or so on the 6th. Paul just passed me the latest on road closures so I will make new annotated maps subject to change. Whoever Paul brings with him, if he is fit enough, will ride in with Sharon and me. All else fails, this hotel is 3 blocks from a metro subway station so we could get out on the subway at some point, then back in for the car if we have to. Parking should be a bit of a challenge but I will figure it out for us. Trying to help Ranger Doug and his bus driver, too. Last MAGA I actually went in with a bus group so that I would know what the challenges are and how the cops handle them so that I could better advise.” Crowl did not respond to Caldwell’s message.

24. On January 1, 2021, a family member messaged Crowl asking “What’s fappenin?” Crowl responded, “Not shit. Making plans for DC again for the 6th. Supposed to be security for Roger Stone. Leaving on Monday. Will probably stay at Jed’s Monday night.”

25. On or about January 3, 2021, Watkins posted to Parler, “Sound off if you’re going to DC next week. We will be available there to assist you. If you feel unsafe, let us know and we will escort you to your hotel or vehicles safely! #megamagarally #millionmegamarch #stopthesteal #backtheblue #ohiomilitia.

26. On January 3, 2021, an acquaintance messaged Crowl, “You’ve been quiet ... whatcha up to? Trouble?” Crowl responded, “Packing my gear. Leaving for Virginia in the morning. Will be in DC Tuesday and Wednesday. Part of Roger Stone’s Oathkeeper security detail. Should be fun.”

27. On January 4, 2021, Watkins and Crowl traveled to the D.C. area from Ohio with two other individuals, Bennie and Sandra Parker. Before leaving, Watkins told one of these other individuals, “Weapons are ok now as well. Sorry for the confusion.” The government does not have evidence Crowl was a participant on this message thread.

28. That same day, Crowl messaged a Facebook acquaintance, “[B]een busy planning for this week. Lemme give you a holler later tonight. We are enroute to DC right now for a few days on an Oathkeepers Op.”

29. On the evening of January 5, 2021, Crowl Facebook messaged the same acquaintance, “We are doing the W.H. in the am and early afternoon, rest up at the Hotel. Then headed back out tomorrow night ‘tifa hunt’in.”

*Defendant Beeks*

30. On December 21, 2020, Beeks purchased a one-year membership in the Oath Keepers and joined the chat group on their website.

31. Around this time, Beeks also began following the page for the Oath Keepers of Florida on the social media site Parler, where he saw a post about the Oath Keepers' plans to travel to the District of Columbia for January 6.

32. Beeks saw the following message describing the Oath Keepers that appealed to him: "Oath Keepers USA is a group of proud American Patriots who are dedicated to upholding the Constitution of the United States of America. Our members have rich, diverse backgrounds and include prior and current military, law enforcement, firefighters, first responders and civilians, all of whom have taken a solemn oath to support and defend the Constitution against all enemies, foreign and domestic. Our Mission is to honor our Oath to support and defend the Constitution of the United States of America against all enemies, foreign and domestic. Our Vision is that the United States of America endure in perpetuity as a Constitutional Republic. We invite you to find out the truth about our organization and members, and if you are interested in supporting or joining our cause, we would be honored to serve alongside you."

33. On December 30, 2020, Beeks made a reservation through Orbitz.com at Kasa Apartments in Alexandria, Virginia, for the time period of January 5-8, 2021. The same day, Beeks also made a reservation for a Budget Rental Car vehicle through Orbitz.com. The rental car was scheduled to be picked up on December 30, 2021 at the Orlando International Airport and returned on January 14, 2021 at the same location, for a total cost of about \$1,700.

34. Rental car and toll records show that Beeks did in fact pick up the rental car vehicle on December 30.

35. On or about January 4, 2021, Beeks began driving from Florida, where he resided at the time, towards Washington, D.C. He spent the night at a LaQuinta hotel in Pooler, Georgia, and then continued driving to the D.C. area the next day.



## **The Events of January 6, 2021**

### *The Civil Disorder at the Capitol Begins*

36. The United States Capitol, which is located at First Street, SE, in Washington, D.C., is secured twenty-four hours a day by United States Capitol Police. Restrictions around the Capitol include permanent and temporary security barriers and posts manned by Capitol Police. Only authorized people with appropriate identification are allowed access inside the Capitol.

37. On January 6, 2021, the exterior plaza of the Capitol was closed to members of the public as the Joint Session convened inside the building. During the Joint Session, elected members of the United States House of Representatives and the United States Senate met to certify the vote count of the Electoral College of the 2020 Presidential Election. 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. United States Vice President Michael R. Pence was present and presiding, first in the Joint Session, and then in the Senate chamber.

38. As the proceedings continued in both the House and Senate chambers, and with Vice President Pence present and presiding over the Senate, a large crowd gathered outside the Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the Capitol, and Capitol Police were present and attempting to keep the crowd away from the Capitol and the proceedings underway inside.

39. Certain individuals in the crowd began to force their way through, up, and over the barricades, and pushed past the officers of the Capitol Police who were attempting to keep them back. During these events, a number of barricades were torn down by members of the crowd. The crowd advanced to the exterior façade of the building. The crowd was not authorized to enter or

remain in the building and, prior to entering the building, no members of the crowd submitted to required security screenings or weapons checks by Capitol Police Officers or other authorized security officials.

40. At such time, the Joint Session was still underway, and the exterior doors and windows of the Capitol were locked or otherwise secured. Members of the 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 Capitol, including by breaking windows and by assaulting members of law enforcement, as others in the crowd encouraged and assisted those acts.

41. Shortly thereafter, at approximately 2:20 p.m., members of the House of Representatives and Senate, including the President of the Senate, Vice President Pence, were instructed to—and did—evacuate the chambers. Accordingly, all congressional proceedings, including the Joint Session, were suspended.

#### *Defendants' Participation*

42. On the morning of January 6, Crawl traveled with Watkins into D.C. and, with other Oath Keepers members and affiliates, attended a rally to protest the election that occurred in the area near the White House.

43. Crawl was wearing a camouflage helmet, yellow goggles, sunglasses, and a protective vest with a walkie talkie attachment on January 6. He also had an "Oath Keepers" patch attached to the left sleeve of his jacket. Watkins' significant other would testify that the patch belonged to him, and Crawl borrowed it. Government Exhibit 1042 is a photograph of Crawl on January 6, in which he appears on the right side of the group as you face the photograph.

44. Beeks met up with this group of Oath Keeper members and affiliates in the late morning/early afternoon at the rally area near the White House. Beeks told at least one member of the group that he had been following the Florida Oath Keepers on social media, saw posts about the group traveling to the District of Columbia for January 6, and had been looking for them at the rally.

45. Beeks was wearing a Michael Jackson "BAD" World Tour jacket. He was also wearing a helmet on his head and carrying a homemade shield. Government Exhibit 1042 is a photograph of Beeks on January 6, in which he appears on the left side of the group as you face the photograph.

46. On January 6, Beeks encountered a woman who was attending the rallies and protests in Washington, D.C., that day. This witness would testify that Beeks told her that he was there to "protect everyone" from violence.

47. Government's Exhibit 1500.5 is a summary exhibit containing video, audio, photographs, and messages capturing the actions and statements of the defendants and other Oath Keeper members and affiliates on January 6. As shown in the exhibit, at 1:25 p.m., Rhodes messaged the "DC OP: Jan 6 21" Signal chat, "Pence is doing nothing. As I predicted." Moments later, Watkins shouted to the group around her, which included Crawl and Beeks, "Move!" The group, including Crawl and Beeks, then began moving toward the Capitol.

48. Several witnesses who moved with Crawl and Beeks' group toward the Capitol, have stated that it was their belief that the group was escorting an individual whose relative was supposed to be a speaker at an event near the Capitol. At some point, the group lost contact with that individual and continued moving towards the Capitol.

49. On the way to the Capitol, Crowl helped a woman (not previously known to him) who appeared to have injured her ankle. A video of this encounter is being submitted to the court as Defense Exhibit DC-3. The parties ask for leave to submit a redacted version of this video to remove any personally identifying information before this exhibit is publicly released.

50. As the group marched, at 1:50 p.m., Watkins made an announcement on the “Stop the Steal J6” channel on Zello: “It has spread like wildfire that Pence has betrayed us, and everybody’s marching on the Capitol . . . We have about 30-40 of us. We are sticking together and sticking to the plan.” About ten minutes later, she made another announcement on the channel stating, “Y’all, we’re one block away from the Capitol right now. I’m probably gonna go silent when we get there, because I’m gonna be a little busy.” The group, including Crowl and Beeks, approached the Capitol grounds and entered the restricted area. As they moved inside the restricted area of the Capitol grounds, the group (including Crowl and Beeks) stopped twice. During one of these huddles, Kelly Meggs told the group they “were going to try and stop the vote count.”

51. Crowl, Beeks, and approximately ten other members of the group then walked up the stairs on the east side of the U.S. Capitol in a line, with each person keeping a hand on the shoulder of the person in front of them. On the steps, two additional Oath Keeper members/affiliates joined them. These actions are captured in Government’s Exhibit 1050.1.E.4.

52. At around 2:40 p.m., Crowl, Beeks, and the others in the group joined the crowd on the plaza outside the east Rotunda doors of the U.S. Capitol. Some members of the crowd pushed against U.S. Capitol Police officers and the east Rotunda doors, eventually forcing open the doors. Government’s Exhibit 1503.1 is a summary exhibit containing video, audio, and photographs, capturing the actions and statements of Crowl, Beeks, and other Oath Keepers members and affiliates prior to their entry into the Capitol, including these moments outside the

east Rotunda doors. Defense Exhibit JB-1 (video at <https://rumble.com/v13p5du-pulled-and-pushed-into-the-u.s.-capitol-on-jan.-6-2021.html>) also captures activity at the east Rotunda doors. Members of the group then entered the U.S. Capitol Building itself through those same east Rotunda doors.

53. Once inside the Capitol, the group entered the Rotunda and then split up. Half of the group headed toward the House of Representatives. Part of this group's actions around a United States Capitol Police Officer, and across from Speaker of the House Nancy Pelosi's suite of offices, is captured in Exhibit 1092.1. Kelly Meggs would later say that they were looking for Speaker of the House Nancy Pelosi. They did not find Speaker Pelosi and ultimately left the building.

54. The other half of the group, including Crowl and Beeks, joined a group of other individuals that was trying to push their way through a line of D.C. Metropolitan Police Department officers guarding a hallway that led to the Senate Chamber. These officers had deployed to the Capitol in response to the events occurring at the Capitol and were attempting to protect the Senate Chamber at the time. Government's Exhibit 1505 is a summary exhibit containing video, audio, and photographs, capturing the actions and statements of Crowl, Beeks, other Oath Keepers members and affiliates, and other individuals in this area of the Capitol on January 6. Government's Exhibits 1091.1, 1091.4, and 1077.6.A are all individual videos that capture the activity during the hallway at this time.

55. As the group pushed against the officers, Watkins commanded those around her to "push, push, push," and to, "get in there, get in there," while exclaiming, "they can't hold us." Law enforcement officers deployed chemical spray and repelled the crowd's advance.

56. Crowl, Beeks, and the other participants in this half of the group then went back to the Rotunda and ultimately left the building.

57. While inside the Capitol on January 6, Crowl and Watkins filmed a video of themselves inside the Rotunda, during which Crowl stated, “We took over the Capitol! Overran the Capitol!” This video is depicted in Government’s Exhibit 1504, a summary exhibit containing video, audio, and photographs capturing the actions and statements of Crowl, other Oath Keepers members and affiliates, and other individuals in the Rotunda area of the Capitol on January 6.

58. Crowl, Watkins, and other members and affiliates of the Oath Keepers then left the Capitol grounds and were eventually stopped by Metropolitan Police Department officers. Crowl had a bullet proof plate, Vexor MK3 chemical-irritant spray, and no license or ID card. The government has no evidence that Crowl deployed or otherwise used pepper spray or other irritant on January 6. The MPD officers who stopped Crowl, Watkins, and the Parkers during this encounter did not confiscate anything from the group or inform the group that they were in violation of the law. Photographs from this encounter are being submitted as Exhibit DC-4.

59. Beeks and other members of the group then met up with other Oath Keepers members and affiliates, including Rhodes and Kelly Meggs, on the plaza outside the east side of the Capitol building.

#### **Effects of the Civil Disorder at the Capitol**

60. Because of the circumstances caused by the entry into the Capitol by the defendants and thousands of others, including the risk posed by individuals who had entered the Capitol without any security screening or weapons checks, Congressional proceedings could not, and did 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.

61. Vice President Pence remained in the Capitol from the time he was evacuated from the Senate Chamber until the session resumed. As a result of the events at the Capitol on January 6, the United States Secret Service, which is responsible for protecting the Vice President, had to alter its protection plans for the day and expend resources to relocate the Vice President, his family, and others to a secure location.

62. Also because of the events at the Capitol and surrounding area, at about 2:31 p.m. on January 6, District of Columbia Mayor Muriel Bowser ordered a citywide curfew for the District to be effective from 6:00 p.m. on Wednesday, January 6, until 6:00 a.m. on Thursday, January 7, 2021, because of what the Mayor asserted was a civil disorder occurring at the United States Capitol on January 6, 2021. During the hours of the curfew, no person, other than persons designated by the Mayor, was legally able to walk, bike, run, loiter, stand, or motor by car or other mode of transport upon any street, alley, park, or other public place within the District of Columbia. As a result, the Safeway chain of grocery stores was unable to receive their daily shipments of goods from warehouses in Pennsylvania. All Safeway grocery stores in the District also lost revenue because of the early closures.

#### **Post-January 6 Statements and Conduct**

63. On the evening of January 6, Kelly Meggs sent a video recording to a Florida Oath Keepers Signal group chat, showing a line of Oath Keepers (including the defendants) breaching the Capitol building. Kelly Meggs added the caption, "Florida OK takes the Capitol." The government has no evidence that Crowl or Beeks were on this Signal group chat.



64. Around this same time, the Oath Keepers of Florida Parler account, which was controlled by Kelly Meggs at the time, posted a video that appeared to be taken from the eastside exterior steps of the Capitol on January 6, along with the message, “These are not the chants of Rioters or enemies of the United States!! Turn off the news and turn on your minds!! We have to take back our Republic !!!”

65. On the evening of January 6, Watkins sent a Signal message to another individual, stating, “We were in the thick of it. Stormed the Capitol. Forced our way into the Senate and House. Got tear gassed and muscled the cops back like Spartans.” The government has no evidence that Crowl or Beeks were on this Signal message thread.

66. On the evening of January 6 Crowl forwarded to Caldwell an image, submitted to the Court as Exhibit 2002.T.68.A. The image had been sent to Crowl by a friend. Caldwell responded by sending photographs of himself and his wife on the Capitol grounds that he described as “Us storming the castle.” Caldwell told Crowl, “We stormed the gates of corruption together (although on opposite sides of the building).” Caldwell continued, “We need to do this at the local level. Lets storm the capitol in Ohio. Tell me when!” Crowl responded, “Damned Straight!! We are gonna leave about 1030 in the am. You wanna have coffee and share war stories? Got any Crown?”

67. Later that evening, Crowl sent a message to a Facebook acquaintance stating, “Yes...we went in through the east ‘back’ door. Just as they broke through the front door. I’ll have to tell you about it...It....was...EPIC!!! Hope they got the message. The Storm has arrived. We’ve been laughing about it. We are rioters, thugs, and violent.....😁😁.”

68. Crowl messaged another Facebook acquaintance, “History was made today Sugar. We will fight.”

69. After January 6, Crowl shared videos of himself on January 6 with others, describing one video as, “You will see the Oathkeepers push through the flag bearers in front of the door. Yellow goggles.” He shared another video with Caldwell, who responded, “I am SO DAMN PROUD OF YOU!”

70. On January 11, Watkins sent Crowl a message stating, “America just took one up the pooper. Not sure how fine it will be though.” Crowl responded, “I’m with you Cap. Keep the faith. We will have our answers by the 20th.” Watkins followed up, “We’ve been organizing a bugout plan if the usurper is installed. . . . Something like 20+ Oathkeepers going to Kentucky mountains on hundreds of acres apparently. . . . Gives us the high ground, and makes tunneling out fighting positions great (above water line). Be like the NVA and network tunnels.”

71. On January 14, news media reports identified Watkins and Crowl as being among those who participated in the civil disorder at the Capitol. Crowl messaged a family member, “Cap and I are bugging out of here for a few days. We will be at the Commander’s place in Berryville. Fuckers are stalking her.” Later that day, Watkins and Crowl drove from Ohio to Virginia, where they stayed with Caldwell for several days.

72. When they learned that there was a warrant for their arrest, Watkins and Crowl drove back to Ohio and turned themselves in to law enforcement authorities. At the time, Crowl appeared to be intoxicated. Crowl told law enforcement that he believed he had left his phone in Watkins’ vehicle. Law enforcement ultimately recovered Crowl’s cell phone from Watkins’ partner, who had access to the vehicle after Watkins and Crowl turned themselves in.

73. In November 2021, law enforcement executed search warrants at all known residences and storage locations utilized by Beeks and was unable to locate his Michael Jackson “BAD” World Tour jacket, nor was law enforcement able to locate the shield Beeks was carrying

on January 6. Beeks was traveling extensively for employment between January 2021 and November 2021.

Respectfully submitted,

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DEFENDANT'S ACKNOWLEDGMENT

I, Donovan Crowl, have read this Stipulation of Facts and have discussed it with my counsel, Carmen Hernandez. I fully understand this Stipulation of Facts. I agree and acknowledge by my signature that this Stipulation of Facts 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 Stipulation of Facts fully.


Date: 7/11/23

  
Donovan Crowl  
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read this Stipulation of Facts and have reviewed it with the defendant, Donovan Crowl, fully. I concur in my client's desire to adopt this Stipulation of Facts as true and accurate.

Date: 7-11-23

  
Carmen Hernandez  
Counsel for Defendant Donovan Crowl

DEFENDANT'S ACKNOWLEDGMENT

I, James Beeks, have read this Stipulation of Facts and have discussed it with my standby counsel, Greg Hunter. I fully understand this Stipulation of Facts. I agree and acknowledge by my signature that this Stipulation of Facts 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 Stipulation of Facts fully.

Date: 7/10/23

James Beeks  
James Beeks  
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read this Stipulation of Facts and have reviewed it with the defendant, James Beeks, fully. I concur in my client's desire to adopt this Stipulation of Facts as true and accurate.

Date: 11 July 2023

Greg Hunter  
Greg Hunter  
Standby Counsel for Defendant James Beeks