

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No: <u>21-CR-413</u>
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	:	
	:	18 U.S.C. § 5104(e)(2)
	:	
v.	:	
	:	
PHILIP KRAMER	:	
	:	
Defendant.	:	
	:	

FILED

DEC 09 2021

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

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, Philip Kramer, 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 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.

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

3. 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.

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 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.

5. 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.

6. 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.

7. 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.

Philip Kramer's Participation in the January 5, 2021, Capitol Riot

8. On or about January 5, 2021, the defendant traveled from Ontario, California, to Washington, D.C. to attend the “Stop the Steal” rally that was scheduled to take place at the Ellipse, the 52-acre park located south of the White House, on January 6, 2021. The morning of January 6, 2021, because he had previously attended rallies and protests in California, the defendant packed a helmet, a strap with a master lock attached to it, and a walking cane into a backpack to use in the event he needed to defend himself in the event he met with resistance from others present in Washington, D.C. who were not supporters of President Trump.

9. The defendant attended the rally at the Ellipse and when it ended, he joined the crowd of people that headed to the U.S. Capitol. At the Capitol, he purportedly intended to get to the gallery of the Capitol to watch the proceedings and was among a crowd that surged into a

doorway on the west side of the building without going through security or being given access to the building. Afterward, the defendant remained in the Capitol, holding the cane that he brought with him, but not using it or the other defensive tools that he had in his backpack. He admittedly made a video of his presence inside the Capitol and sent it only to his spouse. After a short period of time, he and the crowd he was with were forced out of the building by U.S. Capitol Police officers. The officers were spraying the rioters with pepper spray to force them to leave the building and the grounds.

10. While on the grounds of the U.S. Capitol and prior to him entering the building, the defendant found and took a "Do Not Enter" sign, approximately two feet in length, that had been posted on the grounds. He considered the sign a souvenir and brought the sign with him when he returned to California, but destroyed it afterward because he became scared.

11. Location data reveals and the defendant admits that he was inside the Capitol building without permission.

12. While inside the U.S. Capitol Building on January 6, 2021, the defendant carried the walking cane in his hands and wore a backpack and distinctive clothing. Subsequently, law enforcement recovered the backpack and items of clothing worn by the defendant during the riot as further evidence of the defendant's participation in the riot.

13. The defendant knew at the time he entered the grounds and the U.S. Capitol Building that they were restricted and he neither had permission to enter the grounds and building

nor remain in either as he paraded, demonstrated, and/or picketed during the riot.

Respectfully submitted,

CHANNING D. PHILLIPS
Acting United States Attorney
D.C. Bar No. 415793

By: /s/ Anita Eve
AUSA ANITA EVE
Assistant United States Attorney
PA Bar No. 45519

DEFENDANT'S ACKNOWLEDGMENT

I, Philip Kramer, 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.

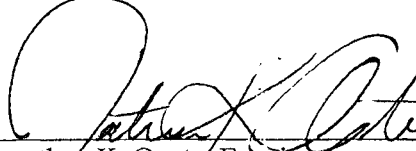
Date: 9-28-21


Philip Kramer
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: 9/28/2021


Jonathan K. Ogata, Esquire
Attorney for Defendant