

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No: 21-CR-161 RBW
	:	
v.	:	
	:	18 U.S.C. § 641, 2
ROBERT LYON,	:	18 U.S.C. § 1752(a)(2)
	:	
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, Robert Lyon, 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 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.

Robert Lyon's Participation in the January 6, 2021, Capitol Riot

8. The defendant, Robert Lyon, lives in Columbus, Ohio. On January 5, 2021, Lyon received a text message from his co-defendant, Dustin Thompson, that said: "Leaving for dc in the morning this is your notice soldier." Later that day, Thompson and Lyon drove from Ohio to Silver Spring, Maryland, in Lyon's car. Lyon parked the car at a local hotel, where they stayed overnight. On the morning of January 6, 2021, Thompson and Lyon took an Uber to the area around the Washington Monument. They left shortly after 10:30 a.m. and arrived after 11:00 a.m. During the January 6, 2021 speech given by former President Trump, Thompson and Lyon twice went to get food from nearby food trucks. Thompson was also on his phone on various occasions during the speech.

9. Later that afternoon, at approximately 2 p.m., Thompson and Lyon entered the restricted area of U.S. Capitol Grounds. Thompson was wearing a bulletproof vest, which he kept on him during the entire time Lyon was with him that day.

10. After the crowd breached the entrances to the U.S. Capitol Building, Thompson entered the U.S. Capitol Building at 2:48 p.m. Lyon told Thompson several times—before and after Thompson went into the building—not to go into the U.S. Capitol Building, but could not dissuade Thompson. Lyon told Thompson that Lyon thought it was unlawful to enter the U.S. Capitol Building. While inside the U.S. Capitol Building the first time, Thompson stole two bottles of liquor.

11. After Thompson left the U.S. Capitol Building, he found Lyon and asked Lyon to follow him inside. At 2:56 p.m., Lyon and Thompson entered the U.S. Capitol Building, walked a short distance down a hallway, and turned right into the Senate Parliamentarian's office. At around that time, approximately a dozen other members of the crowd of rioters were stealing and destroying or damaging property inside the Senate Parliamentarian's office, which had been significantly vandalized. Lyon knew at the time he entered the U.S. Capitol Building that that he did not have permission to enter the building, and that it was wrong to do so. When he saw the state of the Senate Parliamentarian's office, he also knew that what he and Thompson were doing was unlawful.

12. At some point, Thompson filmed himself inside the Parliamentarian's office. He later sent that video to Lyon via text message.

13. Thompson stole a coat rack from the Parliamentarian's office. The coat rack was the property of the United States or a department or agency thereof, which Lyon knew, and had been assigned to the Senate Parliamentarian. The value of the coat rack is less than \$1,000. At

3:01 p.m., Thompson and Lyon left the U.S. Capitol Building using the same door through which they had entered. Thompson brought the coat rack with him. At 4:03 p.m., Lyon texted Thompson when the two of them were apart from one another. The message stated: "We need to get the fuck out with this trophy." At the time, Lyon had the coat rack with him. Thompson replied: "Follow the tear gas n ill find me." Lyon said: "Im fighting people off". Thompson said: "Leave by the tree let's g0". Lyon replied: "Im bout to get shot or arrested for this bs. People WANT IT." Thompson replied: "Going inside" and "Sell it \$500". Lyon replied: "Some girl died already," to which Thompson replied: "Was it Pelosi"? During this time, Thompson was at the North Doors of the U.S. Capitol. Thompson later texted: "I'm taking our country back".

14. In entering the building with Thompson and later taking possession of the coat rack, Lyon aided, abetted, and counseled Thompson in committing the offense of Theft of Government Property under 18 U.S.C. § 641.

15. In engaging in these acts, Lyon knowingly engaged in disorderly and disruptive conduct within a restricted building or grounds as defined in 18 U.S.C. § 1752(c), intending to impede or disrupt the orderly conduct of Government business or official functions (that is, Congress's certification of the Electoral College vote). Lyon's conduct in fact impeded or disrupted the orderly conduct of Government business or official functions.

16. At approximately 6 p.m. that night, two U.S. Capitol Police Special Agents approached Thompson and Lyon while the two of them were sitting on the sidewalk at the northwest corner of South Capitol Street and C Street, SW. Thompson and Lyon told the Special Agents they were waiting for an Uber. When Thompson and Lyon began to leave, Thompson picked up the coat rack, which he still possessed. At that point, the Special Agents recognized

the coat rack as one that appeared to have been taken from the U.S. Capitol Building, and instructed Thompson to drop the coat rack. Thompson did so, but then fled on foot. The agents interviewed Lyon, who did not attempt to flee, but were unable to find Thompson.

17. At 8:04 p.m., Thompson texted Lyon the video Thompson had filmed of himself inside the Senate Parliamentarian's office earlier that day. Thompson's wife, S.T., replied: "I will not post bail". At 8:26 p.m., Lyon sent a text message to Thompson that stated: "Maybe don't send incriminating shit to my phone might get warranted or something lol." Thompson replied by texting Lyon a photograph of Thompson posing for a photograph with the coat rack just outside of the U.S. Capitol Building.

18. In his interview with these Special Agents on January 6, 2021, and in a later interview on January 12, 2021 with two Federal Bureau of Investigation Special Agents, Lyon denied entering the building. Those denials were untruthful. Lyon admitted that he had met Thompson and that Thompson had taken a coat rack from the U.S. Capitol Building. Lyon also identified Thompson as the individual who had possessed the coat rack and who had fled. Lyon provided Thompson's phone number (which is 614-424-9685) to law enforcement.

Respectfully submitted,


MATTHEW M. GRAVES
United States Attorney
D.C. Bar No. 481052

By: /s/ William Dreher
WILLIAM DREHER
Assistant United States Attorney

DEFENDANT'S ACKNOWLEDGMENT

I, Robert Lyon, 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: 3/1/2022

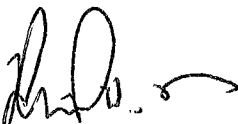


ROBERT LYON
Defendant

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: 3/14/22
from P.O. to the PD
3/1/22



DAVID BOS
Attorney for Defendant