

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

RILEY KASPER,

Defendant.

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Case No.: 21-CR-148-RCL

18 U.S.C. § 111(a)(1)

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, **Riley Kasper**, 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 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 \$2.7 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.

Riley Kasper's Participation in the January 6, 2021, Capitol Riot

8. The defendant, Riley Kasper, lives in Green Bay, Wisconsin. On January 5, 2021, the defendant traveled from Wisconsin to Washington, D.C., via a personal vehicle. The purpose of the defendant's trip to Washington, D.C., was to protest Congress' certification of the Electoral College. On January 2, 2021, Kasper posted a photograph of Donald Trump to Facebook with the header "TAKE AMERICA BACK" and a footer of "BE THERE WASHINGTON D.C. JANUARY 6, 2021 WILL BE WILD."

9. On January 6, the defendant attended the Stop the Steal Rally near the Ellipse and then marched along Pennsylvania Avenue towards the U.S. Capitol. At around 12:55 p.m., Kasper was in a crowd of people along a police line at the Peace Circle, west of the Capitol Building, and advanced into the Capitol Building's West Plaza, which is on the ground level. At that time, Kasper recorded a video of rioters pushing and breaking down the barriers near the Peace Circle, which

clearly bore an “Area Closed” sign. He later sent the video to a friend via Facebook, and the friend replied, “[t]hat’s nuts you were right there when they pushed that fence back lol.” Kasper responded, “[f]uck yeah bro! I didnt [sic] drive 14 hours for nothing.”

10. Kasper followed the crowd through the broken barriers and entered the restricted grounds of the Capitol. At approximately 1:50 p.m., officers with the U.S. Capitol Police and the Metropolitan Police Department attempted to maintain a perimeter that would prevent rioters from advancing deeper into the Capitol grounds and, ultimately, into the Capitol Building. Kasper, who was wearing a grey-patterned jacket, camouflage facemask and head covering, and a tan camouflage backpack, was observed at that time near the Lower West Terrace police perimeter. On numerous open-source videos, Kasper can be seen holding an aerosol cannister of pepper spray, more specifically, a product commonly marketed as one designed to deter a bear attack, or “bear spray.”

11. At approximately 1:50 p.m., Kasper lifted the cannister of chemical spray and deployed it at and in the direction of law enforcement officers guarding the perimeter on the Lower West Terrace, including MPD Officer M.V. Kasper’s deployment of the spray could be seen both on open-source videos and on Officer M.V.’s body worn camera.

12. From January 6-7, 2021, Kasper sent a series of messages to his Facebook friends, including the following:

- “I pepper sprayed 3 cops so bad they got undressed and went home, gently brazed [sic] many others several times. I basically organized my own little militia and we fucking took over Congress.”
- “I mean the rest of the crowd gave support, but as you can see in that video it was my group that busted the first gate and kept chasing the cops down and pushing them back into the capital [sic].”
- I don’t know what it is, can’t quite put my finger on it. But there is definitely something satisfying about pepper spraying cops in riot gear and watching them

run from you like a bitch even though they have face masks, billy clubs and full fucking body armor.”

Following his arrest, Kasper placed a phone call through the jail telephone system, which was recorded. During the call, Kasper referred to himself holding a can of pepper spray “like a fuckin’ badass.”

Elements of the Offense

13. Riley Kasper knowingly and voluntarily admits to all the elements of 18 U.S.C. 111(a)(1). Specifically, the defendant admits that the defendant forcibly assaulted, resisted, opposed, impeded, intimidated, and interfered with police officers designated in 18 U.S.C. § 1114 while engaged in or on account of the performance of their official duties. Specifically, the defendant admits that he deployed a cannister of “pepper spray” or “bear spray,” a chemical irritant, at and in the direction of numerous law enforcement officers, including Officer M.V. The defendant admits that the chemical spray he used was a dangerous weapon as that term is defined in the U.S. Sentencing Guidelines, Section 1B1.1, Note 1(E), in that the spray was capable of inflicting serious bodily injury. The defendant further admits that Officer M.V. was a Metropolitan Police Officer who was assisting the United States Capitol Police, and he knew at that time of the assault that Officer M.V. and other officers in that area were assisting federal officers in the performance of their official duties, and the defendant assaulted Officer M.V. and the other officers

for that very reason and with the intent to commit another felony, specifically, obstructing officers during a civil disorder, in violation of 18 U.S.C. § 231(a)(3).

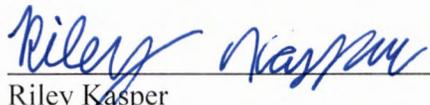
Respectfully submitted,

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D.C. Bar No. 481052

By: /s/Christopher Brunwin
Christopher Brunwin
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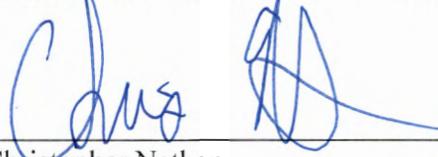
DEFENDANT'S ACKNOWLEDGMENT

I, Riley Kasper, 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: 08/31/23 
Riley Kasper
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: 8/31/23 
Christopher Nathan
Attorney for Defendant