

**PRESS RELEASE**

Four Three Percenters from California Found Guilty of Conspiracy and Other Charges Related to Jan. 6 Capitol Breach

Wednesday, November 8, 2023

For Immediate Release

U.S. Attorney's Office, District of
Columbia

Defendants Conspired Together to Travel and Obstruct Official Proceedings on Jan. 6

WASHINGTON – Four Three Percenters from California were found guilty in the District of Columbia on Tuesday, Nov. 7, 2023, of conspiracy to obstruct an official proceeding and other charges related to their conduct during the Jan. 6, 2021, breach of the U.S. Capitol. Their actions and the actions of others disrupted a joint session of the U.S. Congress convened to ascertain and count the electoral votes related to the 2020 presidential election.

Erik Scott Warner, 48, of Menifee, California; Felipe Antonio Martinez, 50, of Lake Elsinore, California; Derek Kinnison, 42, of Lake Elsinore, California; and Ronald Mele, 54, of Temecula, California, were all convicted of conspiracy to obstruct an official proceeding and obstruction of an official proceeding, both felony offenses, following a 17-day jury trial before U.S. District Judge Royce C. Lamberth. Warner and Kinnison were also convicted of tampering with documents or proceedings, a felony.

In addition to the felony convictions, all four were also found guilty of misdemeanor offenses of entering and remaining in a restricted building or grounds and disorderly and disruptive conduct in a restricted building or grounds.

Judge Lamberth will sentence the defendants at a date to be determined.

According to evidence presented during the trial, in the weeks and months prior to January 6th, the men, all of whom were members of a Three Percenter militia in southern California, coordinated and conspired together to arrange travel from California to Washington, D.C., to attend the “Stop the Steal” rally and protest Congress’ certification of the Electoral College. Among other methods of communication, the men used a Telegram chat entitled “The California Patriots – DC Brigade” to coordinate logistics and to discuss their intentions for January 6.

On January 6, the group went to the Ellipse for the rally and afterward headed toward the Capitol. As the four men approached the Capitol at approximately 2:00 p.m., Kinnison announced, “This is the storm of the Capitol,” as they moved through the crowd. By approximately 2:10 p.m., Warner was joining rioters ascending the northwest stairs to the Upper West Terrace, at a location police had been defending moments earlier.

At the same time, Martinez, Kinnison, and Mele advanced on a police line on the northwest lawn. Mele called out for the crowd to “Push! Push! Push!” as the officers on the lawn were surrounded. At approximately 2:13 p.m., Warner broke into the Capitol building through a smashed window. When Martinez, Kinnison, and Mele heard by phone that Warner had broken into the Capitol, they all moved together to ascend to the Upper West Terrace to join him. As they ascended the northwest stairs, Mele shot a “selfie” style video, in which he proclaimed, “Storm the Capitol!” The group stormed the Capitol wearing plate carriers and other tactical gear and carrying cans of bear spray.

In the days and weeks following the events of January 6, Warner and Kinnison deleted the DC Brigade Telegram chat from their cell phones to conceal their involvement on January 6 from investigators.

The court will determine any sentence after considering the U.S. Sentencing Guidelines and other statutory factors.

This case is being prosecuted by the U.S. Attorney’s Office for the District of Columbia and the Department of Justice National Security Division’s Counterterrorism Section. Valuable assistance was provided by the U.S. Attorney’s Office for the Central District of California.

This case is being investigated by the FBI’s Los Angeles Field Office, as well as the Metropolitan Police Department and U.S. Capitol Police, with significant assistance provided by the FBI’s Washington Field Office.

In the 34 months since January 6, 2021, more than 1,200 individuals have been charged in nearly all 50 states for crimes related to the breach of the U.S. Capitol, including more than 400 individuals charged with assaulting or impeding law enforcement, a felony. The investigation remains ongoing.

Anyone with tips can call 1-800-CALL-FBI (800-225-5324) or visit tips.fbi.gov.

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Topic

VIOLENT CRIME

Component

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**District of Columbia**

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