PRESS RELEASE

South Carolina Man Found Guilty of Obstruction and Other Charges During Jan. 6 Capitol Breach

Tuesday, November 14, 2023

For Immediate Release

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

WASHINGTON – A South Carolina man was convicted on Monday, Nov. 13, 2023, of one felony and four misdemeanor charges related to his conduct during the Jan. 6, 2021, breach of the U.S. Capitol. His 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.

Derek Cooper Gunby, 43, of Anderson, South Carolina, was convicted by a jury of one count of obstruction of an official proceeding, a felony, and four misdemeanor counts of entering and remaining in a restricted building or grounds, disorderly and disruptive conduct in a restricted building or grounds, disorderly conduct in a Capitol building, and parading, demonstrating, or picketing in a Capitol building.

U.S. District Court Judge Paul L. Friedman will sentence Gunby on March 1, 2024.

According to evidence presented during the trial, Gunby drove from his residence in South Carolina to Washington, D.C., to attend the “Stop the Steal” rally at the Ellipse on Jan. 6, 2021. On the morning of January 6th, Gunby posted a photo of himself in fatigues traveling on

the Metro, with the caption, "Up at Zero Dark Thirty to stop this steal." Gunby attended the "Stop the Steal" rally and afterward headed toward the U.S. Capitol building.

Gunby entered the restricted grounds on the west side of the Capitol at around 2:15 p.m. and approached the northwest stairs. Gunby narrated a recording on his phone stating, "I think that the building's been breached. . . . We're trying to head up and get in there. The scaffolding up there is just crawling with people and these steps, they've already made it up all the way up the stairs. And tear gas has been deployed over here."

As Gunby made his way up the northwest stairs, he continued to narrate the scene, "We're on the Capitol steps… and we are trying to storm the Capitol building. We're taking the country back. You don't get to do this to my country and not suffer consequences." Gunby then made his way into the Northwest Courtyard, where he joined the crowd of rioters pushing their way into the Capitol building through the Senate Parliamentarian Door. As he moved closer and closer towards the building's entrance, Gunby explained, "We've got some breaches in the Capitol building… in which I'm about to go, because enough is enough… We're depending on Mike Pence to do the right thing in certifying this vote? No." Gunby also encouraged other rioters in front of him to push their way into the Capitol building by shouting, "Push forward! Push forward!"

At around 2:58 p.m., Gunby entered the Capitol building via the Senate Parliamentarian Door and recorded video as he moved further into the building. However, police positioned further down the hallway forced rioters out of the building. At approximately 3:01 p.m., officers pushed Gunby and the rest of the rioters back out of the Senate Parliamentarian Door.

Immediately after his expulsion from the building, Gunby remained on Capitol grounds and made his way to the Upper West Terrace. From that vantage point, Gunby witnessed rioters and police clash below and joined in a "Police stand down!" chant. He then moved closer to the Lower West Terrace Tunnel, closer to where the violence was taking place, and recorded additional video of the confrontations between police and rioters. Gunby remained on restricted Capitol grounds for well over two hours.

Shortly after the riot, Gunby recorded a video while on the Metro. During the video, Gunby spoke for almost ten minutes about the riot and why he believed it occurred. Gunby stated, in part, that "We all pretty much surrounded the Capitol. We are at a point now in this country where they are going to listen to us, they have to listen to us" and "If the American patriot wanted to storm this Capitol, take over this building, and take care of all of Congress in there, they could do it. They could do it…"

The FBI arrested Gunby on Aug. 10, 2021, in South Carolina. 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 District of South Carolina.

This case is being investigated by the FBI's Columbia and Washington Field Offices. Valuable assistance was provided by the United States Capitol Police and the Metropolitan Police Department.

In the 34 months since Jan. 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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VIOLENT CRIME

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USAO - District of Columbia

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