



PRESS RELEASE

Indiana Men Arrested for Assaulting Law Enforcement and Other Charges During Jan. 6 Capitol Breach

Thursday, March 7, 2024

For Immediate Release

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

WASHINGTON — Two men from Indiana have been arrested on felony and misdemeanor charges, including for assaulting law enforcement during the breach of the U.S. Capitol on Jan. 6, 2021. 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.

Donald Lee Moss, 62, of Elizabethtown, Indiana, and James Link Behymer, 61, of Hope, Indiana, are charged in a criminal complaint filed in the District of Columbia with felony offenses of civil disorder and assaulting, resisting, or impeding certain officers. The two men are also charged with several misdemeanor offenses, including entering or remaining in any restricted building or grounds, disorderly or disruptive conduct in a restricted building or grounds, disorderly conduct in a Capitol building or grounds and parading, demonstrating, or picketing in a Capitol building or grounds.

The FBI arrested the men on March 6, 2024, in Indiana. The two made their initial appearance in the Southern District of Indiana.

According to court documents, on Jan. 6, 2021, at approximately 2:00 p.m., a group of approximately fifteen Metropolitan Police Department (MPD) officers, wearing riot gear, walked

toward the Lower West Terrace of the United States Capitol building to assist in managing a growing crowd of rioters. Here, on the Lower West Terrace, angry and violent rioters descended on, and surrounded, the officers and began shouting obscenities and curses at them.

At approximately 2:01 p.m., body-worn camera video footage shows two men, later identified as defendants Moss and Behymer briefly speaking to each other and pointing at the officers before approaching. Officers then directed the two men move back, but they refused. Behymer raised his right arm with a closed fist and repeatedly shouted, “USA! USA! USA!” At the same time, Moss pointed towards the U.S. Capitol building and shouted, “[Unintelligible]. This is our f—ing house!” A few seconds later, an officer extended their hand and touched Behymer’s right arm, and attempted to keep him back. Moss then forcefully shoved the officer’s hand off of Behymer. After Moss shoved the officer’s arm, he shouted, “[Unintelligible] . . . your f—ing hand off of him!” and “Keep your f—ing hand off of him!”

Behymer then shoved another officer’s arm as that officer attempted to keep Behymer and other rioters away from the surrounded MPD officers. After Behymer pushed the second officer’s arm, Moss pointed at the second officer and shouted for the third time, “Keep your f—ing hand off of him!” Behymer then raised his fist in the air and again shouted, “USA! USA! USA!”

Court documents say that Moss and Behymer continued to engage with police. In one instance, Moss swung his right arm downward and struck an officer’s hand and baton and in another, forcefully pushed an MPD officer from behind. Behymer repeatedly physical confronted police and grabbed at their hands and batons.

After their physical confrontation with police, the two men climbed a staircase to the Upper West Terrace and entered the Capitol building via the Senate Wing doors at approximately 2:13 p.m. The two men then made their way to the Capitol Crypt. At about 2:31 p.m., Moss was recorded on Capitol closed-circuit television (CCTV) in the Crypt Lobby, carrying a chair across the room and placing it directly in the path of a retractable ceiling door, which would prevent the door from closing. Court documents say that immediately before Moss moved the chair into the door’s path, police were attempting to close off the area by closing the retractable doors. Moss and Behymer then exited the Capitol at approximately 2:41 p.m. and 2:43 p.m.

At about 2:48 p.m., rioters broke through a barricade set up by Capitol Police at the Senate Wing doors. Roughly two minutes later, Moss and Behymer re-entered the Capitol again via the Senate Wing doors and walked toward the Crypt before exiting at 3:34 p.m.

The U.S. Attorney’s Office for the District of Columbia and the Department of Justice National Security Division’s Counterterrorism Section are prosecuting this case. The U.S. Attorney’s Office for the Southern District of Indiana provided valuable assistance.

The FBI's Indianapolis and Washington Field Offices are investigating this case. Moss was listed as BOLO (Be on the Lookout) #401 on the FBI's website. Valuable assistance was provided by the U.S. Capitol Police and the Metropolitan Police Department.

In the 38 months since Jan. 6, 2021, more than 1,358 individuals have been charged in nearly all 50 states for crimes related to the breach of the U.S. Capitol, including more than 486 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.

A complaint is merely an allegation, and all defendants are presumed innocent until proven guilty beyond a reasonable doubt in a court of law.

Updated March 11, 2024

Attachment

[moss_an_behymer_sof.pdf](#) [PDF, 12 MB]

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**District of Columbia**

Main Office:

601 D Street, NW

Washington, DC

Email USAO-DC



Telephone: (202) 252-7566