

**PRESS RELEASE**

Missouri Man Pleads Guilty to Two Felony Charges and is Convicted of Third Related to Actions During Jan. 6 Capitol Breach

Wednesday, April 3, 2024

For Immediate Release

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

WASHINGTON – A Missouri man pleaded guilty today to two felony charges and was convicted of a third related to his conduct during the breach of the U.S. Capitol on Jan. 6, 2021. His actions and those 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.

Nicholas L. Kennedy, 43, of Sikeston, Missouri, pleaded guilty in the District of Columbia to two felony offenses of obstruction of law enforcement during a civil disorder and tampering with records, documents, or other objects. As part of the plea agreement, Kennedy agreed to proceed to a stipulated bench trial regarding the third felony charge, where U.S. District Judge Colleen Kollar-Kotelly found Kennedy guilty of obstruction of an official proceeding.

Judge Kollar-Kotelly will sentence Kennedy on Aug. 28, 2024.

According to court documents, Kennedy, who was on Jan. 6, 2021, a member of the Proud Boys organization, sent, received, or created over one hundred images that reflected his belief that the 2020 Presidential election had been “stolen,” his knowledge of the Electoral College

certification process, and his intent to stop Congress from certifying the Electoral College vote on Jan. 6, 2021.

On Jan. 5, 2021, Kennedy and a small group of others drove from St. Louis, Missouri, to Washington, D.C. On the morning of Jan. 6, 2021, Kennedy met up with a group of Proud Boys members from the Kansas City chapter at a bar in the District and proceeded to the Washington Monument, where they combined forces with a larger group of more than 100 Proud Boys.

Shortly after 10:30 a.m., leaders of the group organized the men into a column and began their march toward the Capitol building. The group, including Kennedy, arrived at the east side of the Capitol, and one member yelled, “Let’s take the f—ing Capitol.” The group then made their way to the west side of the building and later arrived at the Peace Circle. At about 12:53 p.m., a crowd of rioters surged toward police barricades and breached the restricted perimeter that had been established. Court documents say that Kennedy was among the first wave of rioters to advance into the restricted perimeter of the Capitol grounds.

At approximately 1:45 p.m., Kennedy and others assembled near the base of a concrete set of stairs, partially covered by the Inaugural scaffolding, that led to the Upper West Terrace of the Capitol building. The rioters, including Kennedy, eventually overwhelmed police officers in this area and advanced up the stairs toward the Upper West Terrace. As he climbed the stairs, Kennedy carried a 2 x 4 wooden plank. Kennedy made his way toward the building and entered via the Senate Wing Door at approximately 2:14 p.m. Immediately upon entering, he pulled a black gaiter over his face and pumped his fists in the air.

Once inside, Kennedy made his way deeper into the Capitol building and confronted a police line near the Senate Carriage Door. He then moved upstairs, where he was among the group of rioters that overran a police line and amassed at the door to the House Chamber, while some members of Congress remained sheltered inside. He later exited the building at approximately 3:02 p.m.

On Jan. 7, 2021, national media outlets widely reported that law enforcement authorities were searching for participants in the Capitol riot and that such individuals could be charged with crimes. That same day, Kennedy performed a factory reset of his iPhone in an attempt to destroy incriminating evidence. On April 14, 2021, Kennedy sent a text message to a friend, saying, “Erase my phone all the time. Feds and s—.”

The FBI arrested Kennedy on July 28, 2021, in Sikeston, Missouri.

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 Eastern District of Missouri provided valuable assistance.

This case was investigated by the FBI’s St. Louis and Washington Field Offices. 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.

Updated April 3, 2024

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VIOLENT CRIME

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Press Release Number: 24-293

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