



PRESS RELEASE

California Man Sentenced for Assaulting Law Enforcement with a Dangerous Weapon During Jan. 6 Capitol Breach

Friday, August 9, 2024

For Immediate Release

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

WASHINGTON — A California man was sentenced to prison today after previously pleading guilty to assaulting law enforcement with a dangerous weapon 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.

David Dempsey, 37, of Santa Ana, California, was sentenced to 240 months in prison, 36 months of supervised release, and ordered to pay \$2,000 in restitution by U.S. District Judge Royce C. Lamberth. Dempsey previously pleaded guilty to two felony counts of assaulting, resisting, or impeding certain officers with a deadly or dangerous weapon on Jan. 4, 2024.

According to court documents, Dempsey traveled to Washington, D.C., with others from his home in California and, on the morning of Jan. 6, 2021, attended the "Stop the Steal" rally at the Ellipse. Dempsey was later interviewed standing near a wooden structure representing a hanging gallows, which was fitted with a noose and sign stating, "This is Art." Dempsey wore a black helmet, vest, sunglasses, and an American flag gaiter covering his neck, mouth, and nose.

During the interview, Dempsey was asked what he thought of this "work of art" (the gallows), to which he replied, in part: This isn't just art. This is necessary" and "Them worthless f — s — holes like f — Jerry Nadler, f — Pelosi, uh Clapper, Comey, f — all those pieces of garbage, you know, Obama, all these dudes, Clinton f — all these pieces of s —. That's what they need. They don't need a jail cell. They need to hang from these m — f — while everybody videotapes it and f — spreads it on YouTube, B — Tube or whatever f — social media there is."

Later, Dempsey walked with others toward the U.S. Capitol building and made his way to the Lower West Terrace Tunnel, the site of some of the most violent attacks against law enforcement on January 6th. Here, Dempsey joined the crowd, pushing into a line of police officers defending the Tunnel. At about 3:36 p.m., Dempsey climbed atop other rioters' shoulders, arms, and backs to get to the front line. Upon reaching the front, Dempsey threw a short pole-like object into the Tunnel, striking a police officer. Dempsey shouted, "F — you b — ass cops." Dempsey then grabbed onto a police riot shield and continued to yell insults at police.

At approximately 3:57 p.m., Dempsey attempted to throw a flagpole at officers in the Tunnel, but his throw was inadvertently blocked by a police riot shield held by another rioter. He then grabbed onto an officer's baton and attempted to pull it away. At about 3:59 p.m., Dempsey, using the Tunnel's wooden frame as support, kicked the shields of law enforcement officers four times.

At about 4:01 p.m., Dempsey took a long pole from the crowd and swung it at officers in the Tunnel, striking their shields. He then used his foot to push away a crowd member attempting to take the pole away from him. Court documents say that a short while later, at about 4:07 p.m., Dempsey sprayed two separate bursts of pepper spray into the line of officers.

For the next several minutes, Dempsey continued his assault on officers in the Tunnel including by throwing water bottles at police, spraying pepper spray at officers, swinging a metal crutch, which struck police; swinging an aluminum pole, which also struck police; throwing a folded-up metal pole; and swinging and throwing a long wooden pole, which struck police.

At about 4:42 p.m., Dempsey retreated from the crowd to rinse pepper spray from his eyes and face. He then returned to the front line and swung a flagpole at the line of officers, striking an officer's riot shield. Finally, at 5:03 p.m., Dempsey threw two objects at officers in the Tunnel.

The FBI arrested Dempsey on Aug. 26, 2021, in California.

This case was 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 was investigated by the FBI’s Los Angeles and Washington Field Offices, which identified Dempsey BOLO #399 in its seeking information photos. Valuable assistance was provided by the United States Capitol Police and the Metropolitan Police Department.

In the 43 months since Jan. 6, 2021, more than 1,488 individuals have been charged in nearly all 50 states for crimes related to the breach of the U.S. Capitol, including nearly 550 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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February 4, 2025



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