



PRESS RELEASE

Indiana Men Plead Guilty to Assaulting Law Enforcement During Jan. 6 Capitol Breach

Friday, October 4, 2024

For Immediate Release

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

USADC.Media@usdoj.gov

WASHINGTON – Two men from Indiana pleaded guilty on Oct. 3, 2024, to assaulting law enforcement 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.

Donald Lee Moss, 62, of Elizabethtown, Indiana, and James Link Behymer, 61, of Hope, Indiana, each pleaded guilty to one count of assaulting, resisting, or impeding certain officers before U.S. District Judge Tanya S. Chutkan. The two men will be sentenced on Feb. 13, 2025.

According to court documents, at about 2:00 p.m. on Jan. 6, 2021, in Washington, D.C., a group of Metropolitan Police (MPD) officers, wearing riot gear, walked toward the Lower West Terrace of the U.S. Capitol building as angry and violent rioters descended on, and surrounded, the officers and began shouting obscenities and curses at them.

The surrounded officers repeatedly issued commands to "move back." They also began to move rioters away from their positions with their hands and batons. At approximately 2:01 p.m., Behymer approached the MPD officers with his friend, Donald Lee Moss. An MPD officer then

extended his hand toward Behymer and said, "Sir, step back for your own safety." Other officers directed Behymer and Moss to move back, but they did not. Behymer raised his right arm with a closed fist and repeatedly shouted, "USA! USA! USA!" At the same time, Moss pointed toward the U.S. Capitol building and shouted, "This is our f — house!"

At 2:01 p.m., an MPD officer extended their hand, attempting to keep Behymer back. Behymer then swung his fist down, striking the officer's wrist. A few seconds later, the MPD officer placed their right hand on Behymer to keep him back; however, Behymer swung his left fist downward and struck the officer's arm a second time while Moss forcibly shoved the officer's hand off Behymer.

Behymer continued to shout, "USA! USA! USA!" and Moss told the officer to "Get your f — hand off of him!" as the mob constricted the officers' movements and pushed into them. Some members of the mob threw objects, including a traffic cone, at the officers. Amidst the chaos, rioters screamed: "F — You! F — Nazis!", "Go back to the Gestapo training camp!" "You're the traitors!" and "You wanna take us all on?!" Shortly after striking the officer's arm, Moss leaned in and forcefully pushed another MPD officer from behind.

At approximately 2:02 p.m., Behymer was at the front of the rioters, physically pressed into the officers. A rioter shouted at police: "Y'all surrounded." Behymer then grabbed an officer's hand and baton while the officer attempted to keep Behymer away. At approximately 2:03 p.m., Behymer re-engaged with police — again grabbing an officer's baton.

Ten minutes after assaulting and opposing officers on the Lower West Terrace, at approximately 2:13 p.m., Behymer and Moss entered the U.S. Capitol building through the Senate Wing doors. At approximately 2:21 p.m. Moss stood at a shattered window and waived other rioters towards the Capitol building, encouraging them to enter the building. The two men then made their way toward the Crypt and the hallway linking toward the Senate Wing Doors. At about 2:31 p.m., Moss carried a chair across the Crypt lobby and placed it directly in the path of the retractable ceiling door to prevent the door from closing.

Moss and Behymer exited the Capitol at approximately 2:41 p.m. and 2:43 p.m., respectively. 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, Behymer and Moss 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 44 months since Jan. 6, 2021, more than 1,504 individuals have been charged in nearly all 50 states for crimes related to the breach of the U.S. Capitol, including more than 560 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.

Contact

USADC.Media@usdoj.gov

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