

Thursday, January 7, 2021

STATEMENT REGARDING DERRICK EVANS  
AND THE EVENTS OF JANUARY 6, 2021

I am the civil rights attorney who will be representing Derrick Evans in regards to the events which occurred on January 6, 2021. In addition to being a duly elected member of the West Virginia House of Delegates, District 19, Mr. Evans is also an independent activist and journalist, who has long exercised his constitutional rights to engage in peaceful protest, activism and amateur journalism. In the past day, there have been nationwide media reports containing false and/or misleading allegations against Mr. Evans. In addition, there have been political leaders and government officials who have chosen to make reckless and derogatory statements about Mr. Evans which are false, misleading and absent from proper context. Mr. Evans did nothing wrong on January 6, 2021. He was exercising his First Amendment rights to peacefully protest and film a historic and dynamic event. He engaged in no violence, no rioting, no destruction of property, and no illegal behavior.

Mr. Evans traveled to Washington D.C. for the peaceful protest which had long been planned for January 6, 2021. He did not organize, nor did he lead, any group to the event. He was part of no organization. To the contrary, Mr. Evans personally purchased a charter bus ticket in order to travel to the protest. The bus was occupied by other individuals from the West Virginia Tri-State Area, who were also attending a planned peaceful protest at the Capitol. Attending the planned peaceful protest is consistent with Mr. Evans' long history of exercising his constitutional rights in this manner. He has previously traveled throughout the country for similar in furtherance of his activism and amateur journalism to other planned peaceful protests and potentially historic events. His social media page attests to this history.

Throughout the day on January 6, Mr. Evans livestreamed onto his social media page, which is dedicated to his activities related to political activism and amateur journalism. This page maintains over 32,000 followers who follow his activities and the information he provides. Evans was not engaged with, nor did he organize, any group of protestors that day. Rather, as evidenced by his videos, Evans can be observed interviewing attendees, who were strangers to him, and also generally documenting the event using his smart phone camera and social media live streaming.

Following the crowd which he had been documenting, Mr. Evans found himself on the East side of the U.S. Capitol, which is the rear of the building. He was not on the front-facing West side of the Capitol, which had been the subject of much of the day's media footage and public commentary. Much of the media reporting thus-far on Mr. Evans' presence at the event represents or implies that Mr. Evans was involved in the body of protestors who engaged in violence and destruction of property. However, that representation is false.

Mr. Evans absolutely was not part of the main body of protestors who were on the West side of the U.S. Capitol, or elsewhere. He had no knowledge at the time of what was happening on the other side of the complex, nor inside the Capitol after the other group forcibly entered. At no point was Mr. Evans located in the crowd on the West side of the building, nor anywhere else on the Capitol grounds, where violence and destruction of property was, or had been, occurring. Evans was following an entirely different group, wholly detached from the tragic events which occurred that day.

Mr. Evans was consistently documenting the progress of the protest, which was streaming to his activism page containing his real name. He made no efforts to conceal his identity in any way. The footage filmed by Evans, which has been the subject of nationwide media reports condemning him, show that Evans was located inside a crowd of protestors standing before the East side entrance to the Capitol. At that time, there had already been numerous - perhaps hundreds of - protestors inside the Capitol. They had already entered from doors on both the East side, as well as the West side, and possibly other entrances. However, at the entrance through where Mr. Evans entered the Capitol, there had been no physical destruction, nor forced entry, of the door or windows by the crowd. Instead, the doors were physically opened - either by Capitol Police, or by other protestors who were already inside. At that point, the group surged in.

From Mr. Evans point of view in the crowd, it appeared that the crowd was being allowed by law enforcement into the Capitol. He was not at the front of the group. Given the sheer size of the group walking in, Mr. Evans had no choice but to enter. Evans continued to film once inside. His footage shows that members of the public were already inside the Capitol by the time he entered. Evans' footage shows no riotous behavior taking place at that time. Protesters can be observed calmly walking around.

Upon entering, Evans observed a police officer to his right, who was calmly standing watch inside the doorway through which he entered. No members of the protest were assaulting or resisting the officer in any way. Nor was the officer asking the protestors to leave. Instead, the officer gave Evans a "fist-bump" which can be observed on the video footage. This is consistent with Evans obviously having a belief that the crowd was being allowed into this public area of the Capitol at that time. Again, he had no knowledge of what had already occurred on the other side of the Capitol grounds.

This area of the U.S. Capitol is generally open to the public year-round, and is only closed at the time due to COVID-19 concerns. It wasn't apparent to Mr. Evans that

he wasn't allowed to follow the crowd into this public area of the Capitol, inside which members of the public were already located. There was no violence or destruction of property taking place in the vicinity of the crowd that Mr. Evans was following. To the contrary, he can be seen and heard on the video looking around to ensure that there was no vandalism by others. He had no knowledge at that time that a woman had been shot inside the Capitol, which had presumably already occurred elsewhere inside the Capitol. Evans never ventured outside the public areas usually open to the public. He brought no weapons with him inside the Capitol. Filming video, which was the only action engaged in by Evans, is allowed inside this area of the Capitol.

Derrick Evans takes his responsibility and oath as the duly elected voice of the people of West Virginia House District 19 extremely seriously. His constituents knew that they were electing an activist to the office. He was acting in good faith to this regard at all times. Just as the courts don't judge police officers with 20/20 hindsight for the split second judgments they're often forced to make, Derrick Evans should not be condemned as a member of the group of violent and destructive protestors elsewhere at the Capitol that day. He had no involvement with them and never witnessed their behavior.

Therefore, Delegate Derrick Evans will not be resigning his public office. He stands firmly behind the right of every American to be considered innocent until proven guilty. He committed no criminal act that day. To the contrary, he was exercising his constitutionally protected rights to engage in peaceful protest and to film the events which were unfolding. I will help him in enforcing those rights against any commentators or public officials who seek to retaliate against his political expression, or who further disparage his name by alleging that he was part of that separate group who engaged in despicable acts of violence and destruction of property that day. Derrick Evans was not associated with that group, and like most of us, deeply regrets that such actions occurred during an otherwise peaceful and expressive day.

John H. Bryan