

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

SAMUEL FISHER

Defendant.

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Case No.: 21-CR-142-CJN

18 U.S.C. § 1752(a)(1)

STATEMENT OF OFFENSE

Pursuant to Fed. R. Crim. P. 11, the United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, Samuel Fisher, with the concurrence of his attorney, agree and stipulate to the below factual basis for the defendant's guilty plea—that is, if this case were to proceed to trial, the parties stipulate that the United States could prove the below facts beyond a reasonable doubt:

The Attack at the U.S. Capitol on January 6, 2021

1. The U.S. Capitol, which is located at First Street, SE, in Washington, D.C., is secured twenty-four hours a day by U.S. Capitol Police (USCP). Restrictions around the Capitol include permanent and temporary security barriers and posts manned by USCP. Only authorized people with appropriate identification are allowed access inside the Capitol.

2. On January 6, 2021, the exterior plaza of the Capitol was closed to members of the public.

3. On January 6, 2021, a joint session of the United States Congress convened at the Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the Capitol to certify the vote count of the Electoral College of the 2020

Presidential Election, which had taken place on Tuesday, November 3, 2020. The joint session began at approximately 1:00 PM. Shortly thereafter, by approximately 1:30 PM, the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

4. As the proceedings continued in both the House and the Senate, and with Vice President Pence present and presiding over the Senate, a large crowd gathered outside the Capitol. Temporary and permanent barricades, as noted above, were in place around the exterior of the Capitol, and USCP officers were present and attempting to keep the crowd away from the Capitol and the proceedings underway inside.

5. At approximately 2:00 PM, certain individuals in the crowd forced their way through, up, and over the barricades. Officers of the USCP were forced to retreat and the crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks as required by USCP officers or other authorized security officials.

6. At such time, the certification proceedings were still underway, and the exterior doors and windows of the Capitol were locked or otherwise secured. Members of the USCP attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 PM, individuals in the crowd forced entry into the Capitol, including by breaking windows and by assaulting members of law enforcement, as others in the crowd encouraged and assisted those acts. The riot resulted in substantial damage to the Capitol, requiring the expenditure of more than \$1.4 million dollars for repairs.

7. Shortly thereafter, at approximately 2:20 PM, members of the House of Representatives and of the Senate, including the President of the Senate, Vice President Pence, were instructed to—and did—evacuate the chambers. Accordingly, all proceedings of the United States Congress, including the joint session, were effectively suspended until shortly after 8:00 PM on January 6, 2021. In light of the dangerous circumstances caused by the unlawful entry to the Capitol—including the danger posed by individuals who had entered the Capitol without any security screening or weapons check—Congressional proceedings could not resume until after every unauthorized occupant had been removed from or left the Capitol, and USCP confirmed that the building was secured. The proceedings resumed at approximately 8:00 PM after the building had been secured. Vice President Pence remained in the Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

Samuel Fisher's Participation in the January 6, 2021, Capitol Riot

8. The defendant, Samuel Fisher, lives in New York. On January 5, 2021, defendant traveled from New York to Washington, D.C., via automobile. The purpose of the defendant's trip to Washington, D.C., was to protest Congress' certification of the Electoral College.

9. Leading up to January 6, 2021, Fisher posted several messages on Facebook, including the following:

- December 3, 2020: "We must stand up to these people and take our world back" / "It's time to bring the pain upon them"
- December 30, 2020: "im headed to dc on the 5th"
- December 31, 2020: "they cant arrest us all man" / "gotta stand up" / "I think there gonna be over a million patriots in DC" / "I'm going there" / "on the 6th"
- December 31, 2020: "just march on DC on the 6th" / "bring ur guns sr" / "I'll be there man" / "if you wanna roll with" / "you have firearms?" / "i'd exercise my 2A legal rights there"

- January 3, 2021, in response to a request to take video on January 6th when “Real Patriots will fall upon the capital in protest”: “Yea dude” / “I’m there” / “Just booked my Room”
- January 5-6, 2021, in response to question “You in DC?”: “Yea” “I’ve been here for a day” “I think it’s game over for Trump. The swamp and pedophiles in Hollywood are immortal” / “If millions of patriots don’t show up with guns” / “It could be over” / “I’m in some nasty air b n b in the Hood” / “Haven’t slept in 2 days basically” / “Feel like shit and tmo they’re gonna steal the election then I have to drive 10 Hours back home”

10. In a public post on his own website, on the evening of January 5, 2021, defendant

wrote:

I am writing this from my Air B n B in Washington D.C. Tomorrow, Trump and We The People will be betrayed again by every so called representative who said they’d fight for us. Ted Cruz, Dan Crenshaw, all of these supposed hardcore constitutionalist republicans... all are compromised. They will allow the steal to go on There’s really three outcomes I foresee happening.

- Trump has an Ace card up his sleeve. He plays it. The Deep State is arrested and hanged on the White House lawn for the High Treason
- Trump fails, Biden gets installed... Patriots are ineffective and we live under the rule of the elite pedophiles and chinese communist party
- Trump fails, Biden gets installed... Patriots show up in the millions with guns. They execute all treasonous members of government and rebuild.

Each of these, I believe are equally likely. At the Stop The Steal rally today... I was disappointed at the lack of numbers of patriots If there are over 1 million patriots that show up tomorrow for trumps 11AM speech. At 1 when congress certifies the election... Trump just needs to fire the bat signal... deputize patriots... and then the pain comes. 1 Million Pissed off men with guns... bad idea. We aren’t looking to fight or hurt anyone... but the odds that this is going to be solved any other way... is next to nothing (formatting altered).

11. On January 6, defendant attended the “Stop the Steal” rally and then marched with other protestors to the Capitol.

12. At about 2:30 p.m., defendant was on restricted grounds on the east side of the Capitol.

13. At approximately 2:37 p.m., defendant entered the Capitol through the Memorial Door and traveled among a large crowd to the Rotunda. At approximately 2:55 p.m., defendant exited the Capitol on the east side through the Rotunda doors.

14. On January 7, 2021, on Facebook, defendant was asked, “Did you get to the frontlines?” Defendant’s responses included, among other statements, the following: “i was there . . . it was awesome” / “it was dangerous and violent” / “people died . . . but it was fucking great if you ask me”

Elements of the Offense

15. Defendant knowingly and voluntarily admits to all the elements of 18 U.S.C. § 1752(a)(1). Specifically, defendant admits that he knowingly entered and remained in a restricted building and grounds without lawful authority.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney
D.C. Bar No. 481052

By:




~~Luke M. Jones~~ FRANCESCO VALENTINI
~~Assistant United States Attorney~~ TRIAL ATTORNEY
~~VA-BAR-75053~~ DC BAR 486769

FV
6/30/22

DEFENDANT'S ACKNOWLEDGMENT

I, Samuel Fisher, have read this Statement of the Offense and have discussed it with my attorney. I fully understand this Statement of the Offense. I agree and acknowledge by my signature that this Statement of the Offense is true and accurate. I do this voluntarily and of my own free will. No threats have been made to me nor am I under the influence of anything that could impede my ability to understand this Statement of the Offense/fully.

Date: 4/14/2022

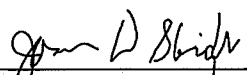


Samuel Fisher
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read this Statement of the Offense and have reviewed it with my client fully. I concur in my client's desire to adopt this Statement of the Offense as true and accurate.

Date: 4/15/2022



Joanne Slaight, Esq.
Attorney for Defendant