

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>Case No: 21 CR 232 (CRC)</b>
	:	
	:	
<b>v.</b>	:	<b>18 U.S.C. §§ 1512(c)(2), (2)</b>
	:	
<b>RICHARD MICHETTI,</b>	:	
<b>Defendant.</b>	:	

**STATEMENT OF OFFENSE**

Pursuant to Federal Rule of Criminal Procedure 11, the United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, Richard Michetti, 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.

***Richard Michetti's Participation in the January 6, 2021, Capitol Riot***

8. The defendant, Richard Michetti, traveled from his home in Ridley Park, Pennsylvania on January 5, 2021, to Washington D.C. to attend the Stop the Steal rally and listen to a speech by then President Trump on January 6, 2021. The defendant walked to the Capitol building afterward, and texted individual W1 at approximately 2:06 p.m. on January 6, 2021, stating "...it's going down here we stormed the building they held us back with spray and teargas and paintballs." At approximately 2:09 p.m., Michetti texted W1, "Gotta stop the vote it's fraud this is our country." Additionally, texts sent by Michetti stated, "my eyes are burnitin[sic]" and "thousands of people storming."

9. The defendant entered the Upper West Terrace Door with other rioters at approximately 2:35 p.m., minutes after the door was initially breached. By approximately 2:43 p.m., the defendant was in the Rotunda where he took several videos.

10. At approximately 2:44 p.m., on January 6, 2021, the defendant sent two videos to W1 from his telephone, showing rioters inside the U.S. Capitol Building.

11. Michetti was then in a crowd of people also about 2:44 p.m. trying to get past a police line of Metropolitan Police Officers in the hallway by the Old Senate Chamber. He remained near the front of the crowd, yelling at the police “we feed your family”; “you are just taking orders”; and “we pay you”. He gesticulated at the officers and at one point briefly pinched the sleeve of one officer as the officers were trying to do their lawful duty and keep the mob from penetrating further into the building. At one point he made it into a stairwell off the Senate hallway by the Old Senate Chamber but was herded out by the police.

12. The crowd in the Old Senate Chamber hallway then dispersed into the Rotunda when they could not get to the Senate side of the Capitol. Michetti walked around the Rotunda until about 3:00 p.m. During this time, he yelled to officers standing in the Rotunda “you are starting a civil war”.

13. Michetti then went into the inner entry area by East Rotunda doors. He attempted to leave but was pushed back toward inside at the threshold by a second surging mob. As he turned toward the interior, he faced a U.S. Capitol Police bicycle officer, and yelled and gesticulated toward him. He continued inside to the inner door to the Rotunda at about 3:12 p.m., again pushing with the mob against a police line there. He then came back into the Rotunda lobby, stumbling and rubbing his eyes. Michetti left the building to go outside through the East Rotunda doors at approximately 3:15 to 3:20 p.m.

14. At approximately 4:26 p.m., Michetti texted W1, “If you can’t see the election was stolen you’re a moron,” and “This is our country do you think we live like kings because no one sacrificed anything?” The defendant continued texting, saying “. . . [T]he vote was fraud

and trump won but they won't audit the votes. We are patriots we are not revolutionaries the other side is revolutionaries they want to destroy this country and they say it openly. When the left banged on the doors of congress when they congratulated for Brett kavanaugh no one got touched not one of them. We were outside and they were shooting tear gas and pepper spray"; "They were shootin and throwin tear gas before we even were near the building. It's public property."

15. The defendant left the Capitol grounds at approximately 5:26 p.m.

16. At around 6:04 p.m., Michetti sent a series of text messages to W1, which reads as follows: "I understand your point but what I'm saying is [W1's name] the election was rigged and everyone knows it. All's we wanted was an investigation that's it. And they couldn't investigate the biggest presidential race in history with mail in ballots who everyone knows is easy to fraud"; "This is tyranny they say there and told us 'we rigged the election and there's nuthin you can do about it' what do you think should be done?"

17. Michetti willfully and knowingly entered the U.S. Capitol Building knowing that that he did not have permission to do so. Michetti further admits that while inside the Capitol, he obstructed, influenced, and impeded an official proceeding, that is, a proceeding before Congress, specifically, Congress's certification of the Electoral College vote as set out in the Twelfth Amendment of the Constitution of the United States and 3 U.S.C. §§ 15-18.

Respectfully submitted,

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DEFENDANT’S ACKNOWLEDGMENT

I, Richard Michetti, 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: 5/27/2022



Richard Michetti  
Defendant

ATTORNEY’S ACKNOWLEDGMENT

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

Date: 5/27/2022

*Perry de Marco*

Perry DeMarco, Sr.  
Attorney for Defendant