

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No:
	:	
v.	:	
	:	18 U.S.C. §§ 641 and 1752(a)(1)
SHELLY VARNEY	:	
	:	
Defendant.	:	

**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, Shelly Varney, with the concurrence of her 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 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol.

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

3. On January 6, 2021, a joint session of the United States Congress convened at the United States 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 United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., 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 U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

5. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the U.S. Capitol Police, 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 by U.S. Capitol Police Officers or other authorized security officials.

6. At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. 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 U.S. Capitol, requiring the expenditure of more than \$1.4 million dollars for repairs.

7. Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and United States 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 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 p.m. after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

***Shelly Varney's Participation in the January 6, 2021, Capitol Riot***

8. On or about January 5, 2021, Defendant Shelly Varney and her husband, Neil Ashcraft,<sup>1</sup> drove together from their home in Sanford, Florida to Washington D.C. On January 6, 2021, the defendant and Ashcraft were among a crowd outside the U.S. Capitol.

9. At approximately 12:55 p.m. on January 6, 2021, rioters overwhelmed a police perimeter stationed near the Peace Circle. The Peace Circle is due west of the Capitol Building and marks the end of Pennsylvania Avenue, N.W. Within about a minute, rioters had surged from the Peace Circle into the ground-level plaza to the west of the Capitol Building (the West

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<sup>1</sup> Ashcraft has been separately charged in case number 1:22-cr-295-CKK.

Plaza). The defendant was present near Peace Circle at around the time of the breach, and reached the West Plaza minutes after the breach, as part of this initial wave of rioters.

10. At this point, Ashcraft and the defendant separated. Ashcraft scaled the exterior wall of the Capitol Building. Many other rioters did the same. The defendant remained on the ground.

11. Ashcraft also scaled scaffolding erected on the west side of the Capitol Building as part of the stage for the upcoming Presidential Inauguration. From his perch on the scaffolding, Ashcraft exhorted other rioters to storm the Capitol. The defendant remained on the ground with the crowd of rioters.

12. While on the scaffolding, Ashcraft used a knife, which had been handed to him by another rioter, to cut approximately ten to twelve feet of white sheathing away from the scaffolding. Ashcraft's intent in doing so was to allow other rioters to see inside the scaffolding and to create an area for rioters to hang flags.

13. Ashcraft descended the scaffolding and climbed exterior stairs to the Capitol Building's Upper West Terrace, an area elevated about two flights above ground level. From there, Ashcraft walked with other rioters to the Senate Wing Door. The defendant remained on the ground outside the Capitol.

14. At approximately 2:13 p.m., rioters broke windows next to the Senate Wing Door, entered the Capitol Building, and broke open the Senate Wing Door from inside the building. Approximately one minute later, at 2:14 p.m., Ashcraft entered the Capitol Building through the now-open Senate Wing Door.

15. Ashcraft spent approximately 40 minutes inside the Capitol Building. During that time, Ashcraft stole a United States flag and flagpole from one of the rooms or hallways near the Rotunda.

16. At approximately, 2:55 p.m., Ashcraft exited the Capitol, taking the stolen U.S. flag and flagpole with him.

17. While Ashcraft was inside the Capitol Building, the defendant was waiting for him outside. At approximately 2:45 p.m., the defendant decided to enter the Capitol Building as well to look for Ashcraft.

18. The defendant entered the Capitol Building through the Upper West Terrace door. She then walked through hallways and entered the Rotunda, where she remained before exiting the building at approximately 3:05 p.m., having spent approximately twenty minutes inside the Capitol Building.

19. The defendant then rendezvoused with Ashcraft after he contacted her using another individual's phone.

20. The defendant and Ashcraft left Washington, D.C. together and traveled together back to their home in Florida.

21. Ashcraft brought the stolen U.S. flag and flagpole home with him to Florida. Fearing discovery by law enforcement, in the weeks after January 6, 2021, the defendant and Ashcraft conspired to hide the evidence of his theft. The defendant burned the flag and flagpole.

#### **Elements of the Offenses**

22. Shelly Varney knowingly and voluntarily admits to all the elements of Theft of Government Property, in violation of 18 U.S.C. § 641 (Count One); and Entering and Remaining

in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1) (Count Two).

Specifically, the defendant admits that:

- In violation of 18 U.S.C. § 641, the defendant knowingly stole and converted to her personal use a United States flag and flagpole. The defendant and the government agree that these items are collectively valued at less than \$1,000.
- In violation of 18 U.S.C. § 1752 (a)(1), the defendant knowingly and without authority to do so, entered and remained in a restricted building, specifically the United States Capitol, where the Vice President was temporarily visiting.

Respectfully submitted,

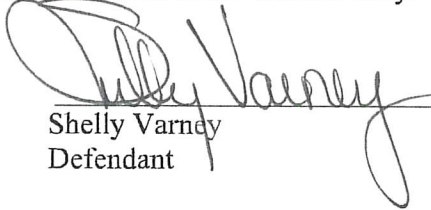
MATTHEW M. GRAVES  
United States Attorney  
DC Bar No. 481052

By: /s/Michael M. Gordon  
Michael M. Gordon  
Assistant United States Attorney

DEFENDANT'S ACKNOWLEDGMENT

I, Shelly Varney, 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.

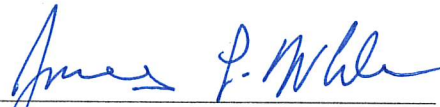
Date: 11/1/22

  
Shelly Varney  
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: 11/8/2022

  
James Whalen  
Attorney for Defendant