IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	**Case No.: 21-CR-93 (RC)**
v.	:	**18 U.S.C. §§ 1512(c)(2) and 2**
JOHN D. ANDRIES,	:	
Defendant.	:	

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, **JOHN D. ANDRIES**, 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 $2.7 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.

Andries's Participation in the January 6, 2021, Capitol Riot

8. The defendant, John D. Andries, lives in Maryland. On January 6, 2021, the defendant travelled to Washington, D.C., to attend the rally at the Ellipse for then-President Trump.

9. On January 6, the defendant entered the U.S. Capitol Building through a broken window near the Senate Wing Door at approximately 2:15 pm, just two minutes after rioters' initial breach of the Capitol at that location. Once he was inside the building, the defendant proceeded to the Crypt and was among a crowd that attempted to push past U.S. Capitol Police officers. The defendant walked up to USCP officers several times and got within inches of them. Eventually, the defendant and other rioters were able to surge forward past the police and further into the Capitol building.

10. The defendant went through the Crypt and up the stairs to the second floor. He crossed through Statuary Hall and made his way to the House of Representatives Chamber. He

went around the Chamber to the area near the Speaker's Lobby. There, the defendant filmed himself and talked to the camera. In the video, the defendant stated, *inter alia:*

- "We're in the U.S. Capitol." (00:07)
- "Hey y'all think they hear us now?" (00:15)
- "Stop the steal." (00:50)
- "Knock-knock motherfuckers." (1:03)
- "Think they're scared yet." (1:36)
- "I think the police have gotten the message, we ain't back'n down." (1:46)

11. Following the shooting of a rioter, the defendant left the Speaker's Lobby area and was about to exit the Capitol through the Upper House Door at 2:56 pm when he saw another rioter involved in a scuffle with a police officer. The defendant briefly pushed past a police officer to the rioter and then exited the Capitol.

12. On the portico outside, the defendant filmed himself again and, in the video, stated, "We made it to the speaker's chambers . . . I think we're on the right side of history." He also said, "Sounds like they're on the way out, I don't know if it was me or somebody else, but I know I tried to pull the fire alarm. I wasn't sure if I was successful, but I know somebody did it this time for sure. I hear it (audible beeping in the background)."

13. At approximately 4:25 pm, officers attempted to move the crowd away from the Capitol, however, the defendant pushed against the officers trying to get the crowd to move and then sat down on a ledge and refused to move. Officers were forced to physically drag the defendant away from the Capitol building.

Elements of the Offense

14. John D. Andries knowingly and voluntarily admits to all the elements of Obstruction of an Official Proceeding. Specifically, defendant willfully and knowingly entered the U.S. Capitol Building knowing that he did not have permission to do so. Defendant further admits that while inside the Capitol, he corruptly 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,

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

By: _____

Douglas G. Collyer
Assistant United States Attorney
D.C. Bar No. 519096

DEFENDANT'S ACKNOWLEDGMENT

I, John D. Andries, 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: 8/16/2022

John D. Andries
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: 8-16-2022

Maria Jacob, Esq.
Attorney for Defendant