

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
 :
 v. : Case No. 21-cr-128 (RC)
 :
 MICHAEL POPE, :
 :
 Defendant. :

DEFENDANT MICHAEL POPE'S STATEMENT OF THE OFFENSE
FOR RULE 11 GUILTY PLEAS TO MISDEMEANORS

Pursuant to Fed. R. Crim. P. 11, the defendant, Michael Pope, with the concurrence of undersigned counsel, admits to the below statement of the offense as a factual basis for the defendant's guilty pleas on the charges in counts Three and Six of the Second Superseding Indictment, misdemeanor violations of 18 U.S.C. § 1752(a)(1) (Entering and Remaining in a Restricted Building or Grounds) and 40 U.S.C. § 5104(e)(2)(G) (Parading, Demonstrating, or Picketing in a Capitol Building).

Admitted Facts

In the first days of January 2021, Michael Pope traveled from his home in Idaho to Washington, D.C. for the purpose of protesting there on January 6, 2021 over suspected election fraud in the 2020 Presidential Election. That is, Michael Pope suspected at the time that the U.S. system of government and the democratic election process were being undermined by fraud.

On January 6, 2021, Michael Pope attended the rally at and around the White House Ellipse, at which President Trump and others spoke from morning

until mid-day, and then Michael Pope marched in a crowd with many thousands of others towards the U.S. Capitol.

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. The U.S. Capitol features 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.

On the afternoon of January 6th, a joint session of the United States Congress convened at the U.S. Capitol, for the purpose of tabulating and certifying the vote count of the Electoral College of the 2020 Presidential Election. As Michael Pope generally knew at the time, Vice President Michael Pence was at the U.S. Capitol to preside over the vote count and certification proceedings. Vice President Pence was a person protected by the Secret Service at all times. As the proceedings continued, a large crowd gathered outside the U.S. Capitol. Temporary and permanent barricades were at many places around the exterior of the U.S. Capitol building, while at some locations barriers had been removed. U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At approximately 2:00 p.m., certain other individuals in the crowd forced their way through, up, and over barricades, and through 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, and no members of the crowd submitted to security screenings or weapons

checks by U.S. Capitol Police Officers or other authorized security officials. Michael Pope was in the large crowd outside when certain other individuals at different places around the building began to break in. The march on the U.S. Capitol had begun at various locations to result in civil disorder.

At approximately 2:18:08 p.m., after the certification proceedings had gotten underway and were not yet completed, Michael Pope entered the Capitol through the Senate Carriage Doors. Just prior to his entry, police were ushering protestors out of the Senate Carriage Doors. Michael entered the Capitol knowing that his presence there was not authorized. Michael remained inside the Capitol, demonstrating about problems that he then perceived with the conduct of the 2020 presidential election, still knowing that his presence there was not authorized. Michael Pope left the Capitol approximately 20 minutes after entering, at about 2:37:56 p.m.

Elements of the Offenses

A violation of 18 U.S.C. § 1752(a)(1) (Entering and Remaining in a Restricted Building or Grounds) requires the following elements:

First, the defendant entered or remained in a restricted building or grounds without lawful authority to do so.

Second, the defendant did so knowingly.

A violation of 40 U.S.C. § 5104(e)(2)(G) (Parading, Demonstrating, or Picketing in a Capitol Building) requires the following elements:

First, the defendant paraded, demonstrated, or picketed in any of the United States Capitol Buildings.

Second, the defendant acted willfully and knowingly.

Defendant's Acknowledgments

Defendant Mihcael Pope knowingly and voluntarily admits to all the elements of both offenses as set forth above. As to 18 U.S.C. § 1752(a)(1), he acted knowingly in that he knew there were restrictions on his access to the U.S. Capitol and he knew that the Vice President, a person protected by the Secret Service, would be temporarily visiting the U.S. Capitol.

Respectfully submitted,


/s/ Bruce H. Searby
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COUNSEL FOR DEFENDANT
MICHAEL POPE

DEFENDANT'S ACKNOWLEDGMENT

I, Michael Pope, 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: 12/11/23



Michael Pope
Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of December, true and genuine copies of **DEFENDANT MICHAEL POPE'S STATEMENT OF THE OFFENSE FOR RULE 11 GUILTY PLEAS TO MISDEMEANORS** were served via electronic mail by this Court's CM/ECF system, which will serve a copy on all counsel of record.

Respectfully submitted,

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