

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

UNITED STATES OF AMERICA	:	Case No. 21-CR-206 (RDM)
	:	
v.	:	
	:	
JONATHAN MELLIS,	:	
	:	
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, Jonathan MELLIS, 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 \$2.8 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.

Jonathan Mellis' Participation in the January 6, 2021, Capitol Riot

8. MELLIS traveled to Washington, D.C. on January 6, 2021 to attend the “Stop the Steal” rally, which was organized to protest the result of the presidential election. As the “Stop the Steal” rally was finishing, MELLIS joined a large crowd at the Capitol, where the Joint Session to certify the Electoral College vote was underway—a fact of which MELLIS was aware.

9. MELLIS unlawfully entered the Capitol grounds. While there, MELLIS recorded and posted on videos to Instagram in which MELLIS stated, “We ain’t fucking leaving either! We ain’t fucking leaving!” and “So you ever wonder where they do the inaugurations? I beat Joe Biden here. That mother***** will never come up here. We’re banging on the goddamn doors, is what we’re doing. Storming the fucking castle.”

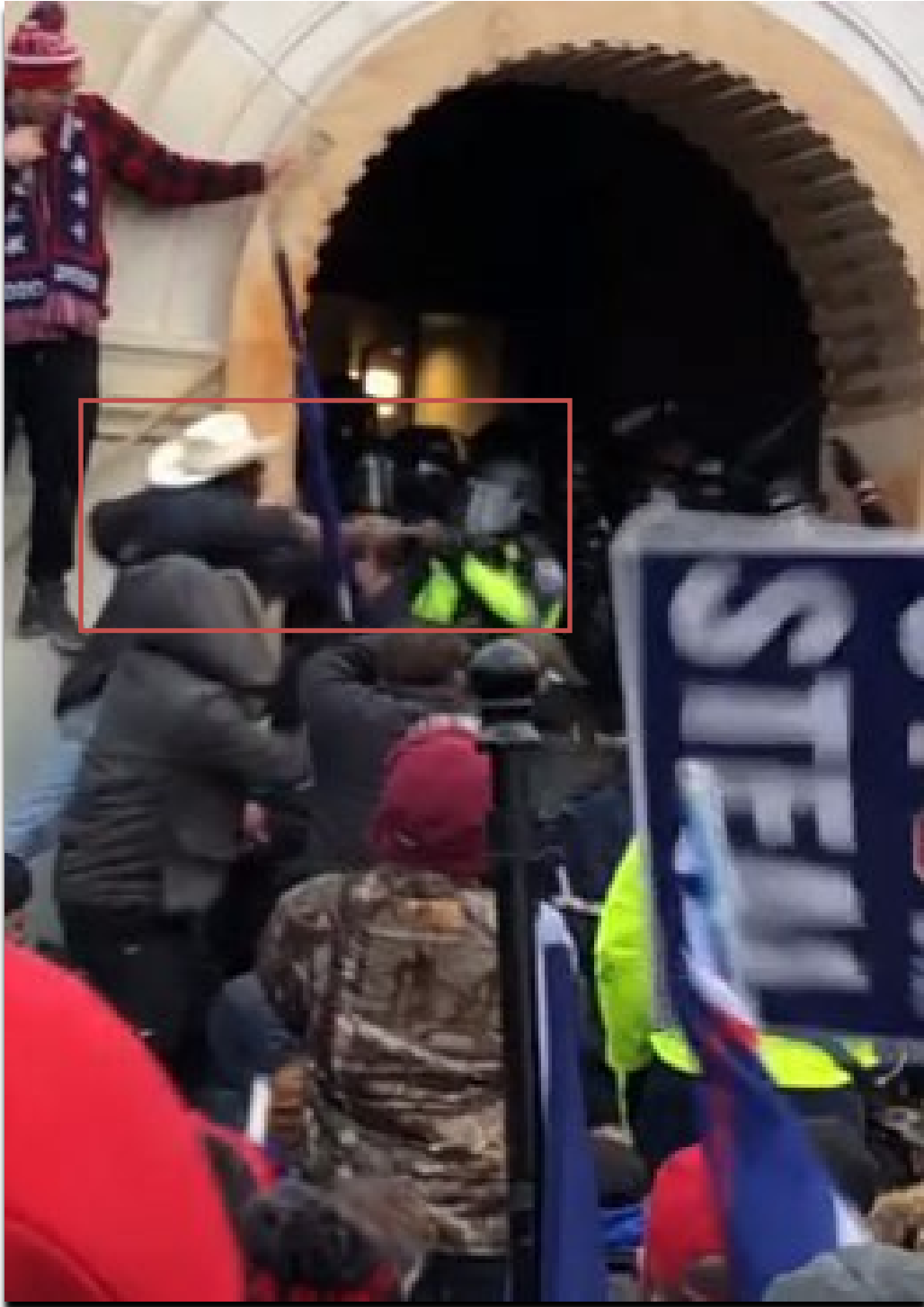
10. MELLIS subsequently went to the Lower West Terrace area of the Capitol where MELLIS used a large wooden stick, to repeatedly strike or stab at Officers D.P. and L.M. MELLIS

was not acting in self-defense at the time he used that weapon to repeatedly strike or stab at Officers D.P. and L.M., in the face, head, neck, and body area. See below photos.

MELLIS (in White Cowboy Hat) Striking Law Enforcement Officers with weapon/stick):



MELLIS (in White Cowboy Hat)(Stabbing at Law Enforcement Officers with a stick):



11. MELLIS violently attacked at Officers D.P. and L.M., in the face, head, neck, and body area. He used physical violence against at Officers D.P. and L.M. who were protecting the entrance of the Lower West Terrace of the U.S. Capitol Building, and his individual participation in the larger mob heightened the overall violence and dangerousness of the day.

Elements of the Offense

12. The defendant forcibly Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of 18 U.S.C. §§ 111(a)(1) and (b) while engaged in or on account of the performance of their official duties. Specifically, the defendant admits that he (1) forcibly assaulted MPD Officers D.P. & L.M.; (2) used a deadly or dangerous weapon; (3) on officers who were assisting the United States Capitol Police; and (4) the defendant further admits that he knew at that time of the assault of the officers that the officers were engaged in the performance of their official duties and that he assaulted the officers on account of their performance of their official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

Respectfully submitted,

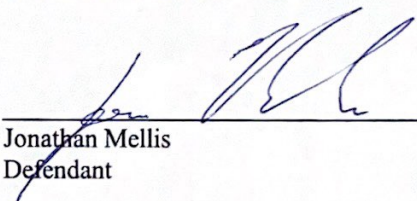
MATTHEW M. GRAVES
UNITED STATES ATTORNEY

By: /s/ Emory V. Cole
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Defendant's Acceptance

I have read this Statement of Offense and carefully reviewed every part of it with my attorney. I am fully satisfied with the legal services provided by my attorney in connection with this Statement of Offense and all matters relating to it. I fully understand this Statement of Offense and voluntarily agree to it. 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 Offense fully.

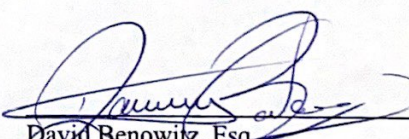
6/3/23
Date


Jonathan Mellis
Defendant

Defense Counsel's Acknowledgment

I am Defendant Jonathan MELLIS' attorney. I have reviewed every part of this Statement of Offense with her. It accurately and completely sets forth the Statement of Offense agreed to by the defendant and the Office of the United States Attorney for the District of Columbia.

6/3/23
Date


David Benowitz, Esq.
Attorney for Defendant

Rammy Barbari
DC#1032106
for David Benowitz.