

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

UNITED STATES OF AMERICA	:	Case No: 21 Cr. 35-5 (EGS)
	:	
v.	:	
	:	18 U.S.C. §§ 111(a)(1) and (b)
JACK WADE WHITTON,	:	
	:	
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, Jack Wade Whitton, 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 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 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.

Jack Wade Whitton's Participation in the January 6, 2021, Capitol Riot

8. On January 6, 2021, during the above-referenced events, Metropolitan Police Department (“MPD”) Officers B.M. and A.W. were amongst those MPD officers who were directed to report to the U.S. Capitol to assist the U.S. Capitol Police in their duties to maintain the security of the U.S. Capitol. At approximately 4:20 pm, Officer B.M., Officer A.W. and other MPD officers walked through an interior tunnel of the U.S. Capitol Building and assumed a post in an archway that provided access to the building’s lower western terrace (the “Archway”). Both Officer B.M. and Officer A.W. were wearing a full MPD-issued uniform, including marked helmets, police badges, and duty belts. Officer A.W. was also wearing an MPD-issued neon jacket with an MPD patch on the upper arm. Officer B.M. was also wearing a

ballistic vest with “Metropolitan Police” written across the back and had an MPD patch on his upper arm.

9. Hundreds of individuals had gathered outside the Archway, some of whom were throwing and/or swinging various makeshift weapons at the group of law enforcement officers. Starting at approximately 4:27 pm, Officer A.W. was positioned toward the opening of the Archway when co-defendant Justin Jersey charged at Officer A.W., grabbing his face, and knocking Officer A.W. to the ground. While Officer A.W. was lying on the ground of the Archway, the defendant climbed over a railing and began striking at Officer B.M. with a crutch. The defendant then kicked at Officer A.W., who was still lying on the ground.

10. The defendant grabbed Officer B.M., first by his baton, then by the helmet and the neck of his ballistic vest, pulled him down, over Officer A.W., and started to drag him down a set of steps in a prone position. Assisted by co-defendants Jeffrey Sabol and Logan Barnhart, the defendant then dragged Officer B.M. fully into the crowd, where other rioters, including co-defendants Peter Stager and Mason Courson, beat B.M. with weapons, including a flagpole and a baton.

11. As a result of this attack, Officer B.M. sustained bruising and abrasions.

12. Approximately 20 minutes later, at 4:48 pm, the defendant walked up to the line of police officers in the Archway and kicked at them. Someone standing between the defendant and the police line yelled at the defendant and others to stop. Instead, seconds later, the defendant ran back to the line of police officers, kicked them, striking a riot shield held by MPD Officer D.P., and shouted “you’re gonna die tonight.”

13. At another time on January 6, 2021, the defendant climbed up a wall dividing the lower western terrace of the Capitol building from the upper western terrace. A line of police

officers was stationed behind the fence at the edge of the upper western terrace. The defendant threw an object at the line of police officers, including at MPD officers, and reached over the fence to throw a punch at them.

14. When the defendant struck at Officer B.M. with a crutch, the defendant knew that the officer was engaged in the performance of official duties as an officer with the Metropolitan Police Department, who was assisting the United States Capitol Police.

Respectfully submitted,

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

By: *Colleen D. Kukowski*
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Assistant United States Attorney

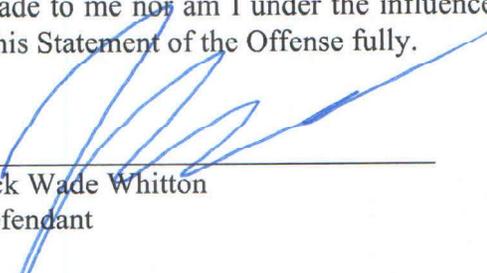
Benet J. Kearney
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M. R. A. Moeder
Matthew Moeder
Assistant United States Attorney

DEFENDANT'S ACKNOWLEDGMENT

I, Jack Wade Whitton, 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: 10 Aug 2022



Jack Wade Whitton
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: 10 Aug 2022



John C. Kiyonaga, Esq.
Attorney for Defendant