

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

<b>UNITED STATES OF AMERICA</b>	:	
	:	
<b>v.</b>	:	<b>Criminal No. 1:21-cr-00313-TJK-1</b>
	:	
<b>ANDREW JACKSON MORGAN, Jr.,</b>	:	<b>18 U.S.C § 1752(a)(1)</b>
	:	
<b>Defendant.</b>	:	

**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, Andrew Jackson Morgan, 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 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.

***Andrew Jackson Morgan’s Participation in the January 6, 2021, Capitol Riot***

8. The defendant, Andrew Jackson Morgan, lives in Maxwell, Texas. The defendant traveled to Washington, D.C. The purpose of the defendant’s trip to Washington, D.C., was to protest Congress’s certification of the Electoral College and what he believed was a fraudulent presidential election.

9. On January 6, 2021, the defendant attended the “Stop the Steal” rally in support of then-President Trump. After President Trump’s speech at the rally, the defendant walked to the Capitol and eventually made his way to the area at the Lower West Terrace that was in the process of being assembled for the upcoming Presidential Inauguration. The defendant wore a “Harley Davidson” beanie, gray or black jacket, large frame prescription glasses, a lanyard with a “media” card, and an ear bud. The defendant also carried a camera he used to film the events.

10. As he stood at the front of the police line, the defendant began to call out the names and badge numbers of specific police officers, telling them their equipment belonged to him, yelling for them to “give me my tear gas,” “give me your helmet,” “give me my badge,” and for them to lay down their weapons, go home, and let the crowd into “his” building. At approximately 2:24 p.m., the defendant yelled at the officers, “We’re gonna run over you! Do you think your little pea-shooter guns are gonna stop this crowd?” At approximately 2:31, the officers retreated from that police line, up onto the inaugural stage, and the defendant followed them.

11. The defendant was part of the first wave of rioters to rush the Lower West Terrace area of the exterior of the Capitol Building. The defendant can be heard on video yelling words to the effect of “I want my bullet and goin in my house” as he makes his way up a wide stone railing of the exterior of the Capitol.

12. The defendant advanced to the Lower West Terrace Tunnel at approximately 2:56 p.m. The defendant can be heard encouraging the crowd to take over the building saying “I want that door right there,” “I want my bullet! Give me my bullet! Give me my tear gas” as he walks towards the west tunnel entrance. The defendant then, on two occasions, entered the tunnel where another active police line was being maintained. He continued to remain in that area, filming and shouting, for several hours before leaving restricted grounds at approximately 5:15 p.m.

#### ***Elements of the Offense***

13. Andrew Jackson Morgan knowingly and voluntarily admits to all the elements of 18 U.S.C. § 1752(a)(1), Entering or Remaining in a Restricted Building or Grounds. Specifically, the defendant admits that he knowingly entered or remained in a restricted building or grounds, namely, the U.S. Capitol Grounds, without lawful authority to do so.

Respectfully submitted,


MATTHEW M. GRAVES  
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D.C. Bar No. 481052

By: /s/ James D. Peterson  
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**DEFENDANT'S ACKNOWLEDGMENT**


I, Andrew Jackson Morgan, 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: 4-5-23

  
Andrew Jackson Morgan  
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: 4/6/2023   
John Phillip Calhoun  
Attorney for Defendant