

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

JONATHAN JOSHUA MUNAFO,

Defendant.

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Case No.: 21-CR-330 (JEB)

18 U.S.C. § 231(a)(3)

18 U.S.C. § 111(a)(1)

**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 Joshua Munafo, 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 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 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 p.m., 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 p.m., 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 \$1.4 million dollars for repairs.

7. Shortly thereafter, at approximately 2:20 p.m., 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 p.m. on January 6, 2021. Considering 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 p.m. 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.

8. At approximately 2:28 p.m., in the West Plaza of the Capitol, rioters attacked law enforcement and attempted to breach the police line. Not long after the initial surge, rioters broke through the police line and overran the West Plaza. This mob turned violent and rioters attacked USCP with fists, fire extinguishers, and the “bike rack” style barricades. At approximately 2:36 p.m., some USCP focused their defense of the Capitol on the Arch Entrance/Inauguration Tunnel. For the next two-and-a-half hours, until approximately 5:10 PM, rioters continued attacking USCP and attempting to force their way inside.

***Jonathan Joshua Munafó’s Participation in the January 6, 2021, Capitol Siege***

9. In the months preceding the Capitol siege, the defendant, Jonathan Joshua Munafó, was traveling to various states and locations around the country. On the evening of January 5, 2021, Munafó was in North Carolina, driving towards Washington, D.C. On January 6, 2021,

Munafa arrived in Washington, D.C. The purpose of the Munafa's trip to Washington, D.C., was to support former President Donald Trump.

10. On January 6, 2021, at approximately 3:21 p.m., USCP officer Michael Fanone—who had been pulled from behind the police line in the Inauguration Tunnel and out into the rioters—made his way back behind the police line. MPD officer Neil McAllister was then using a USCP riot shield to keep the rioters back and allow Officer Fanone safe passage back behind the police line, of which he was a part. Approximately ten seconds after Officer Fanone passed by on Officer McAllister's right, an unidentified individual wearing a beige jacket pulled the top of Officer McAllister's riot shield down, but Officer McAllister was still holding on to the handles. Seconds later, Munafa emerged from the crowd of rioters and punched Officer McAllister twice with a closed fist. The two punches landed on the body and face shield of Officer McAllister, who was at the time wearing full protective gear and does not recall experiencing any pain or injury as a direct result of Munafa's actions at that moment. Munafa then grabbed one of the handles of Officer McAllister's riot shield and pulled the riot shield away out of Officer McAllister's hands. Munafa then retreated into the crowd with the stolen riot shield.

11. At another time on the Lower West Terrace on January 6, 2021, another unidentified individual handed Munafa a wooden flagpole with a flag attached. Munafa then struck a window of the Capitol thirteen times with the flagpole.

#### *Elements of the Offense*

12. Jonathan Joshua Munafa knowingly and voluntarily admits to all the elements of 18 U.S.C. § 231(a)(3), specifically,

- First, Munafa admits that he knowingly committed an act or attempted to commit an act with the intended purpose of obstructing, impeding, or interfering with one or more law enforcement officers;

- Second, Munafo admits that at the time of his actual or attempted act, the law enforcement officer or officers were engaged in the lawful performance of their official duties incident to and during a civil disorder; and
- Third, Munafo admits that the civil disorder in any way or degree obstructed, delayed, or adversely affected either commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function.

13. Jonathan Joshua Munafo knowingly and voluntarily admits to all the elements of 18 U.S.C. § 111(a)(1), specifically,

- First, Munafo admits that he assaulted, resisted, opposed, impeded, intimidated, or interfered with Officer Neil McAllister, an officer from the Metropolitan Police Department;
- Second, Munafo admits that he did such acts forcibly;
- Third, Munafo admits that he did such acts voluntarily and intentionally;
- Fourth, Munafo admits that he assaulted, resisted, opposed, impeded, intimidated, or interfered with was an officer of the United States who was assisting officers of the United States who were then engaged in the performance of their official duties; and
- Fifth, Munafo admits that he made physical contact with and assaulted a person who was assisting officers of the United States who were then engaged in the performance of their official duties.

Respectfully submitted,

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

By:




Sean P. Murphy  
Assistant United States Attorney  
D.C. Bar No. 1187821

**DEFENDANT'S ACKNOWLEDGMENT**

I, Jonathan Joshua Munafo, 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: 04/20/2023


  
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Jonathan Joshua Munafo  
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: 4/20/23

  
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Kevin Lerman  
Attorney for Defendant

  
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Joseph Niskar  
Attorney for Defendant