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CHAMBERS OF JUDGE LAMBERTH

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

JAMES ROBERT ELLIOTT,

Defendant.

Case No.: 21-CR-735 (RCL)

18 U.S.C. § 111(a)(1)

has this be filed. Roger C. Loustea U.S. d. 11/2/22

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, JAMES ROBERT ELLIOTT, 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

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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 \$1.4 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.

JAMES ROBERT ELLIOTT's Participation in the January 6, 2021, Capitol Riot

8. The defendant, JAMES ROBERT ELLIOTT, lives in Aurora, Illinois. On January 5, 2021, defendant traveled from Aurora, Illinois to Washington, D.C., via automobile. The purpose of the defendant's trip to Washington, D.C., was to protest Congress' certification of the Electoral College.

9. The morning of January 6, defendant, a member of the Proud Boys, went to the Washington Monument. From the Washington Monument, he marched toward the Capitol with other Proud Boys. ELLIOTT had a ballistic vest (acquired that morning), helmet, hard-knuckle gloves, and a Baofeng radio. He carried a flag with a wooden pole.

10. ELLIOTT passed barriers and crossed into the restricted area on the west side of the Capitol. He donned his helmet. Shortly before 1:40 p.m., he arrived at the West Front. He faced the crowd of rioters behind him and yelled a phrase inspired by a battle cry from the movie

300: “Patriots, what is your occupation?” to which he responded “Ah-ooh! Ah-ooh! Ah-ooh!” while thrusting his flagpole in the air.

11. Approximately six minutes later, as officers sought to replace bicycle-rack barriers holding back the mob on the Lower West Terrace, ELLIOTT swung his flagpole at USCP and D.C. Metropolitan Police Department (MPD) officers and then thrust the flagpole forward into the police line. ELLIOTT’s flagpole made contact with an officer. ELLIOTT then advanced to the base of the inauguration scaffolding, where he repeated the war cry from 300.

12. ELLIOTT was repelled by gas before he was able to proceed through the scaffolding. He did not advance further toward the Capitol Building.

13. After January 6, 2021, defendant sent text messages describing the chant from the movie 300 as his “rally cry.” He bragged about how “the crowd chant that and push with me.” He continued, “Oh dude wana know one more two thing? I bonked 2 cops...never thought I’d say that lol.”

Elements of the Offense

14. ELLIOTT knowingly and voluntarily admits to all the elements of 18 U.S.C. § 111(a)(1). Specifically, ELLIOTT admits that:

- The defendant forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with any person designated in 18 U.S.C. § 1114 while engaged in or on account of the performance of their official duties. Specifically, the defendant admits that he swung and thrust a flagpole at a person who was an officer and employee of the United States Capitol Police or a person assisting the United States Capitol Police, that is, an officer from the Metropolitan Police Department, and made physical contact with the victim. The defendant further admits that he knew at that time of the assault of, resisting, opposition to, impeding

of, intimidation of, or interference with the officer that the officer was engaged in the performance of their official duties or that he assaulted, resisted, opposed, impeded, intimidated, or interfered with the officer on account of their performance of their official duties.

Respectfully submitted,


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

By: /s/ Alexis J. Loeb
ALEXIS J. LOEB
Detailee
Assistant United States Attorney
C.A. Bar No. 269895

DEFENDANT'S ACKNOWLEDGMENT

I, JAMES ROBERT ELLIOTT, 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: 10/29/22

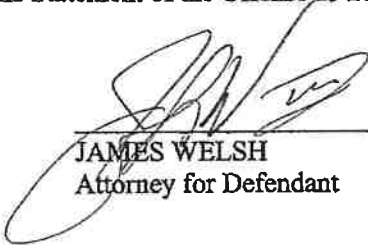


JAMES ROBERT ELLIOTT
Defendant

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: 10/31/22



JAMES WELSH
Attorney for Defendant