

**FILED**

**JAN 27 2023**

Clerk, U.S. District and  
Bankruptcy Courts

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

<b>UNITED STATES OF AMERICA</b>	:	<b>Case No.: 21-CR-00738 (BAH)</b>
	:	
<b>v.</b>	:	<b>18 U.S.C. § 111(a)(1)</b>
	:	<b>(Assaulting, Resisting, Opposing,</b>
	:	<b>Impeding, Intimidating, or Interfering</b>
	:	<b>with Certain Officers)</b>
<b>MICHAEL OLIVERAS,</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, **MICHAEL OLIVERAS**, 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 \$2.8 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 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 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.

***MICHAEL OLIVERAS' Participation in the January 6, 2021 Capitol Riot***

8. After the president election in November 2020, defendant MICHAEL OLIVERAS began making posts and comments on Parler contending that the presidential election results were fraudulent. He posted things like, “The fraud in this election was pervasive. The reports are overwhelming. It should be enough to overturn the votes in at least 4 or 5 states,” and “electionfraud #foxnews #stopthesteal #revolution #civilwar.”

9. As early as December 2020, defendant began preparing to travel to Washington, D.C. to attend the “Stop the Steal” rally on January 6 and go to the Capitol. Defendant said things like, “It is time for a war on January 6,” “Who are Patriots. We are Patriots. Who will be in dc. 1/6/21. Stand the fuck up and fight,” and “IAmSoPumped. 1/6/20 Trumpers Unite. Join Us.

WWG1WGA.<sup>1</sup> Defendant also posted on Parler, “[m]y hotel[’]s on jersey avenue. I will be able to generate a real time understanding of access to the capital physically.”

10. As defendant publicly formulated his plans to travel to Washington, D.C. “for war” on January 6, he also posted on Parler about the upcoming certification of the electoral college vote, which was also scheduled to take place on January 6, 2021. For example, on December 27, 2020, a Parler user posted, in part, “We the People must take to the US Capitol lawn and steps and tell Congress #DoNotCertify on #JAN6! Congress cannot certify this fraudulent Electoral College.” Defendant commented on that post, “I will be bright and early. Booked. RSVP now. WWG1WGA.” On that same day, another Parler user posted that if 70% of “Congressman . . . were arrested for Voter Fraud Treason after 1/6 vote, problem is solved.” In response, defendant commented, “though I can certainly think of one other course of action..... when you get a capitol full of patriots who have had enough, and they decide on their own to rip them out of their chairs by their hair and drag them down the steps.....Would be very effective indeed.”

11. On January 5, 2021, Defendant drove from his home in Lindenwood, New Jersey to Washington, D.C. On January 6, defendant attended the “Stop the Steal” rally. Defendant then marched to the Capitol. He arrived on restricted grounds no later than 1:00 p.m.

12. Around 2:00 p.m., as tension amongst the increasingly large mass of rioters grew, a squad of police officers responded to the Capitol. As the officers attempted to move through the crowd of rioters and ascend to the steps of the Capitol, a mob of rioters, defendant included, swarmed the officers and violently pushed into them. Defendant pushed into a rioter who was pushing into police officers and yelled, “HOLD THE FUCKING LINE!”

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<sup>1</sup> WWG1WGA is a QAnon rallying cry that means “Where we go one, we go all.”

13. Defendant then ascended to the Capitol building. He climbed a ladder and progressed to the Northwest terrace steps. Defendant proceeded straight to the Senate Wing Door. At about 2:22 p.m., less than 10 minutes after the Senate Wing Door had been breached for the first time by rioters, defendant entered the Capitol building wielding a flagpole.

14. Once inside the Capitol building, defendant filmed several videos of himself roaming through the halls of the Capitol and yelling violent and threatening rhetoric such as: "WHERE ARE THE FUCKING TRAITORS? DRAG THEM OUT BY THE FUCKING HAIR! WHERE ARE THE FUCKING TRAITORS?" and "DRAG THE FUCKING TRAITORS OUT!"

15. Police officers were able to temporarily gain control over a group of rioters including defendant and corral them out of the building at about 2:43 p.m.

16. Shortly thereafter, rioters breached the Senate Wing Door for the second time. Defendant entered the Capitol building again at about 2:47 p.m. and exited the building about 6 minutes later.

17. Defendant remained on the upper Northwest terrace, wielding his flagpole, yelling at police officers, and taking photos or videos.

18. Eventually, defendant made his way back to the Senate Wing Door and attempted to enter the building for a third time. By this time, police officers had again regained control of the area and successfully kept the rioters outside. Defendant recorded a video of himself yelling, "WE WANT THOSE FUCKING TRAITORS! PUSH!" He also recorded a video of himself yelling, "HERE WE GO! HERE'S THE NEXT RUSH! THERE'S A PUSH INSIDE, WITH RESISTANCE!"

19. Around 4:20 p.m., police officers circled the rioters and corralled them away from the Senate Wing Door. A line of police officers collectively yelled "MOVE" and progressed

forward, attempting to clear the rioters away from the Capitol building and off the Capitol grounds. Some rioters, like defendant, refused to leave. Defendant stood at the front of the pack of rioters resisting the police line. As rioters continued to hold their ground, the police line progressed forward and a violent clash broke out between the police officers and the group of rioters who refused to leave, including defendant. At least one officer was pushed to the ground and other officers were pushed, hit, and kicked by rioters. Shortly thereafter, police officers sprayed chemical irritants toward the rioters in attempt to break up the violent altercation. At that point, defendant moved away from the officers.

20. After officers were able to clear the rioters off the Northwest terrace late in the day, defendant then went to the East side of the Capitol building. Defendant joined other rioters gathered around a pile of media equipment that had been destroyed by rioters. Defendant videoed himself yelling things like, "THAT'S WHAT HAPPENS WHEN THE FUCKING FAKE NEWS SHOWS UP AT A PATRIOT RALLY!"

21. After he left the Capitol grounds on January 6, defendant continued to post on Parler about the certification of the electoral college vote. For example, he posted, "3:37 am Washington DC. Let's fucking go. Can you see this? Listening to Senate? Here goes cocaine Mitch. These Dummies. Senate. Lindsey Graham. Pence. #GonnaBeaLongNight. MattGaetz."

22. After January 6, defendant posted violent rhetoric on Parler about his participation in the riot. He said things like, "Were we red blooded american's pissed the fuck off, yes. Did we want to get our bare hands on the flesh of those who have committed treason, yes. Would I, as one of those red blooded americans, if the opportunity presented itself, grasped and removed one of those traitors, yes. WWG1WGAus." He also posted, "Patriots. Are any of you discouraged. What you saw in the senate. Was precisely what we want. Insurrection acts in motion."

23. During his interview with the Federal Bureau of Investigation in December 2021, defendant said that he was “aware our government is corrupt and the 2020 election was stolen through corrupt, nefarious deeds and acts,” and the reason he went to Washington, D.C. was because he knew “that the election was stolen and that our republic had been robbed of its sovereign ability and privilege to vote honestly for our commander in chief.”

*Elements of the Offense*

1. MICHAEL OLIVERAS knowingly and voluntarily admits to all the elements of 18 U.S.C. § 111(a). Specifically, defendant admits that he 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. 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 officers that the officers were 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,

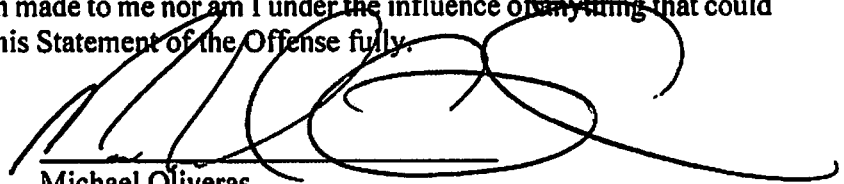
MATTHEW M. GRAVES  
United States Attorney  
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By: /s/ Ashley Akers  
ASHLEY AKERS  
Trial Attorney  
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**DEFENDANT'S ACKNOWLEDGMENT**

I, Michael Oliveras, 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: 1/24/23



Michael Oliveras  
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: 1/24/23



Lori Koch  
Attorney for Defendant