

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

UNITED STATES OF AMERICA

v.

AVERY MACCRACKEN,

Defendant.

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Case No.: 22-CR-00010 (RJL)

18 U.S.C. § 231(a)(3)

STATEMENT OF OFFENSE

Pursuant to Fed. R. Crim. P. 11, the defendant, AVERY MACCRACKEN, with the concurrence of his attorney, provides the following statement of facts which would allow the Court to accept a guilty plea in this case.

1. On January 3, 2021, I traveled from Montrose, Colorado to Washington D.C., by airplane. I went to Washington, D.C., to support my then President, Donald J. Trump and protest the results of the election that Congress was about to certify.

2. On January 6, I went with others who were also protesting and went to the West side of the Capitol.

3. At about 2:00 p.m., I was part of a large group of people that was in the restricted area on the Upper West Plaza of the Capitol. Police officers lawfully attempted to maintain a line to hold back those of us who were attempting to move toward the Capitol building. People around me were yelling and fighting with the police in a state of civil disorder.

4. At 2:24 p.m., I was in the front of the crowd with both my hands gripping a bike rack that the police were using as a barrier.

5. At approximately, 2:28 p.m., other rioters removed some of the bike racks and attempted to surge forward past the police line. I moved forward also toward the police line with

both my hands balled into fists. I saw a police officer in front of me, and I pushed his arm away from me and kept trying to make forward progress.

6. A second officer attempted to push me back by grabbing me, and I grabbed him by the arm and then by his jacket at the shoulder area. At this moment, numerous others were pushing forward around me attempting to break through the police line. I pushed forward against police officers who were attempting to stop all of us from advancing further into the restricted areas of the Capitol grounds.

7. I am told, and have no basis to disagree, that at the time of my actions, the civil disorder, of which I was a part, obstructed and adversely affected the Capitol Police's protection of the U.S. Capitol and grounds and the Secret Service's protection of the Vice President, and adversely affected commerce, including by causing certain Safeway Supermarkets in Washington D.C. to close early on January 6.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 10/20/2023


AVERY MACCRACKEN
Defendant

DEFENDANT'S ACKNOWLEDGMENT

I, AVERY MACCRACKEN, 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: 10/20/2023


AVERY MACCRACKEN
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: 10/20/23

 For Sabrina Shroff
SABRINA SHROFF
Attorney for Defendant