

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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|--------------------------|---|--------------------------|
| UNITED STATES OF AMERICA | : | CRIMINAL NO.: 21-CR- |
| | : | |
| v. | : | MAGISTRATE NO. 21-MJ-143 |
| | : | |
| NOLAN B. COOKE, | : | 18 U.S.C. § 231(a)(3) |
| | : | |
| Defendant. | : | |

*not this be filed.
Roger C. Lumb
U.S.D.C. 3/9/22*

STATEMENT OF OFFENSE

Pursuant to Federal Rule of Criminal Procedure 11, the United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, NOLAN B. COOKE, 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 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol.
2. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.
3. On January 6, 2021, a joint session of the United States Congress convened at the United States 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 United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on 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 U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building 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, and officers of the U.S. Capitol Police, 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 by U.S. Capitol Police Officers or other authorized security officials.

6. At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police 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 U.S. 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 U.S. 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 United States House of Representatives and United States 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. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 p.m. after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

COOKE's Participation in the January 6, 2021 Capitol Riot

8. A few days before January 6, 2021, COOKE saw a posting on Twitter from former President Donald J. Trump about a rally in Washington, D.C., scheduled for January 6, 2021, and organized by supporters of the former President. On or about January 5, 2021, COOKE drove to Washington, D.C., with his girlfriend and a relative in order to attend this rally. Upon his arrival, COOKE's relative dropped COOKE and his girlfriend off at the Capitol building. COOKE brought one or more firearms with him on the trip, but he left those weapons in the relative's vehicle and did not bring them onto the Capitol grounds.

9. Before the rally on January 6, 2021, COOKE posted on his social media account a video of himself driving to Washington, D.C. COOKE also posted on his social media account

videos of himself on the Capitol grounds on January 6, 2021, during or after the events of that day. COOKE filmed these videos with a “GoPro” he wore around his neck during the day. The videos depict the activities described in paragraphs 10-12 below.

10. Once at the Capitol, COOKE entered the restricted area on the east side of the building. At some point COOKE joined the front lines of the riot and helped lead the charge of rioters breaking through the police line. COOKE was part of a crowd of individuals shoving their way through a group of U.S. Capitol Police officers, who were providing security to the Capitol on the east side of the building. While in this crowd, COOKE yelled the following statements, among others:

- a. “Move the gates.”
- b. “We’re taking this [expletive]. We’re taking it.”
- c. “This is our [expletive] house.”
- d. “There’s a storm coming.”
- e. “Get these mother[expletive]s.”
- f. “We’re coming through.”
- g. “We want our country back.”
- h. “Nothing’s holding us back.”
- i. “Stop the steal.”
- j. “We’re coming in.”

11. COOKE ultimately climbed the steps to the Capitol and encountered more U.S. Capitol Police officers guarding the entrance to the building. COOKE made physical contact with one or more of these officers as he tried to push through the crowd. When COOKE reached the door of the Capitol building, he banged on a window with a flagpole displaying the American

flag. After climbing the steps to the Capitol, COOKE yelled the following statements, among others:

- a. "We want Trump."
- b. "Let us in."
- c. "Peaceful protest."
- d. "Smash the windows [sic]. I'll crawl through it."
- e. "Break the glass."
- f. "We're going in this way."

12. The government has no evidence of COOKE's entering the Capitol building at any time.

13. COOKE posted photographs of the events on his social media account during or after the events. In one photograph of COOKE showing the Capitol building in the background (and with a female believed to be COOKE's girlfriend), COOKE included a caption that noted, "I wouldn't want anyone other than you with me to take on the revolution." In a second photo, which showed a crowd of people in the background, COOKE included the caption, "What a [expletive] day."

14. On January 21, 2021, COOKE met with agents from the Federal Bureau of Investigation and voluntarily admitted that he: (a) was at the front of the crowd pushing against the officers who were enforcing the restricted access to the Capitol building and grounds; (b) pushed past police officers to get to one of the doors of the Capitol building; and (c) used a flagpole to bang on a window of the Capitol building. COOKE denied entering the Capitol building at any time. COOKE claimed that he came to the Capitol because he wanted to be heard.

15. COOKE committed or attempted to commit an act to obstruct, impede, or interfere with one or more law enforcement officers carrying out their duties.


Respectfully submitted,

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

By: /s/ Jolie F. Zimmerman
Jolie F. Zimmerman
Assistant United States Attorney

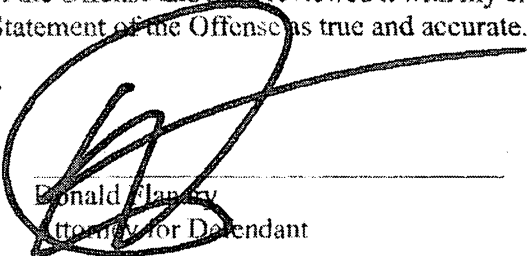
DEFENDANT'S ACKNOWLEDGMENT

I, Nolan B. Cooke, 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: 1/27/22 
Nolan B. Cooke
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: 1.31.22 
Donald Blansky
Attorney for Defendant