

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
 :
 v. : Cr. No. 22-074 JMC
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 MICHAEL GIANOS :
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 Defendant. :

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, Michael Gianos, 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 \$2.8 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.

GIANOS' Participation in the January 6, 2021, Capitol Riot

8. Between November 3, 2020 and January 6, 2021, Gianos texted and messaged with individuals, including Rachel Myers and Lawrence Stackhouse, about the “stolen” 2020 Presidential election and his desire to stop the certification of the electoral college vote. For instance, on November 16, 2020, Gianos sent Myers a tweet from Rudy Giuliani in which Giuliani was claiming to have evidence of election fraud.

9. Gianos made plans with Myers and Stackhouse to attend the “Stop the Steal” rally in Washington, D.C. They discussed various logistics, including where they were going to stay in Washington, D.C.

10. On January 4, 2021, Gianos messaged another Facebook user noting that he was “getting worked up” in preparation for his trip to Washington, D.C. He sent the user a photo of a black sweatshirt with a bright yellow hood lining that depicted a snake and read, “Don’t tread on

me.” Also on January 4, 2021, Gianos sent Stackhouse two text messages indicating his intention to attend the “Stop the Steal” rally. He wrote, “Main event is starting at 7 am” and “Then March to the capital.”

11. Gianos thereafter traveled with Myers to Washington, D.C. and the two met up with Stackhouse on January 6, 2021. On January 6, 2021, Gianos attended the “Stop the Steal” rally located near the U.S. Capitol.

12. After the rally, Gianos walked toward the Capitol. At approximately 2:22 p.m. Gianos entered the U.S. Capitol through the Senate wing doors with Myers and Stackhouse. Stackhouse, Myers, and Gianos then traveled towards the Rotunda, which they entered at approximately 2:31 p.m. At approximately 2:33 p.m. Stackhouse, Myers, and Gianos walked down a hallway in Speaker of the House Nancy Pelosi’s office area. Stackhouse, Myers, and Gianos were in that area for approximately one minute before leaving.

13. On January 6, 2021, Gianos exchanged messages with another Facebook user where he admitted being inside of Speaker Nancy Pelosi’s office say he “Stormed Nancy (sic) office.” He also noted that “They shot a lady.” The same day, Gianos exchanged messages with a different Facebook user where he admitted that he “watched them take her laptop,” again in reference to being inside of Speaker Pelosi’s office.

14. Gianos also texted with an individual on January 6, 2021, about his time in the Capitol writing, “Yeah bro shit got wild man” and “Took over the capital.”

15. On January 7, 2021, Gianos texted with Stackhouse about their activities on January 6th. When Stackhouse asked Gianos if he had any “good videos” from inside, Gianos replied, “Nah deleted lot of shit.” When Stackhouse indicated that he didn’t “regret one thing,” and “Fuck the government,” Gianos responded “Yeah man I feel the same way about that shit.”

16. The defendant knew at the time he entered the U.S. Capitol Building that he did not have authority to do so and that the building was restricted.

Respectfully submitted,

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DEFENDANT'S ACKNOWLEDGMENT

I, Michael Gianos, 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: 2-23-23



Michael Gianos
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: 03/07/2023



John Pierce
Attorney for Defendant