

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 22-CR-110 (RC)
	:	
MATTHEW THOMAS KROL,	:	18 U.S.C. §§ 111(a)(1) and (b)
	:	
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, MATTHEW THOMAS KROL, 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. 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 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. Officers with the D.C. Metropolitan Police Department were called to assist officers of the USCP who were then engaged in the performance of their official duties. 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 \$2.9 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.

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

8. The defendant, KROL, was among those who unlawfully entered the grounds of the U.S. Capitol and assaulted law enforcement officers on January 6, 2021. On or about January 5, 2021, KROL traveled to Washington, D.C., from his home in Michigan with the purpose of attending the “Stop the Steal” rally to be held on January 6, 2021. On January 6, 2021, KROL left the rally and marched to the U.S. Capitol.

9. At approximately 2:28 p.m. on January 6, 2021, KROL pushed forward through a crowd of rioters on the Lower West Plaza of the U.S. Capitol, threw a water bottle at police officers attempting to hold a defensive perimeter around the Capitol, and then attacked the line of police

officers. During that time, KROL grappled with a police officer, stole the officer's baton, and used the baton to strike at least two other officers.

- a. KROL first grabbed Metropolitan Police Department (MPD) Officer D.P. and attempted to pull away his police baton. During the struggle, KROL spun Officer D.P. around multiple times, pulled the officer into the crowd, and eventually wrestled the baton from the officer's hand. KROL then held up the baton and showed it to the crowd in celebration.
- b. KROL next moved forward towards the police line, holding the stolen baton above his head. From that position, KROL swung the baton down, striking MPD Officer J.M. as the officer held his own baton in both hands in a defensive position. KROL then turned and struck at a police shield held by another officer.
- c. As the line of police officers attempted to retreat from the surging crowd of rioters, KROL again moved forward and attacked United States Capitol Police Officer A.G. KROL struck Officer A.G. with the stolen police baton. Officer A.G. states that he suffered an injury to his hand from KROL's January 6, 2021 assault.¹

10. On October 27, 2021, KROL was interviewed by Customs and Border Protection. KROL stated during the interview that what happened in Washington D.C. was not a riot, but a peaceful protest. On February 22, 2022, KROL gave a voluntary interview to law enforcement following his arrest. During the interview, KROL admitted that he was at the Capitol on January

¹ On February 15, 2023, Officer A.G. was interviewed by the F.B.I. concerning injuries sustained from KROL on January 6, 2021. A redacted copy of the report summarizing the interview will be filed as a sealed addendum to this statement of offense. The parties agree that this report is admissible as a sentencing exhibit on behalf of the government. KROL does not contest its authenticity or its filing under seal due to the private medical information contained in the report.

6, and admitted that he looked like the person captured on video assaulting Officers D.P., J.M., and A.G., but KROL falsely claimed that it was not him on the video.

11. KROL forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with a person designated in 18 U.S.C. § 1114 while engaged in or on account of the performance of their official duties. Specifically, when KROL struck United States Capitol Police Officer A.G. with the stolen police baton, KROL knew that Officer A.G. was engaged in the performance of official duties.

Respectfully submitted,


MATTEW M. GRAVES
UNITED STATES ATTORNEY
D.C. Bar Number 481052

By: /s/ Andrew J. Tessman
Andrew J. Tessman
Assistant United States Attorney
District of Columbia

DEFENDANT'S ACKNOWLEDGMENT

I, MATTHEW THOMAS KROL, 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: 08/14/2023


Matthew Thomas Krol
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: 08/14/23


Michael J. Cronkright
Attorney for Defendant