

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No.: 22-CR-334 (JEB)
	:	
v.	:	18 U.S.C. §§ 111(a) – Assault on Officer
	:	
MIKHAIL SLYE,	:	
	:	
Defendant.	:	
	:	

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, Mikhail Slye, 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 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. 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 \$1.4 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.

Mikhail Slye's Participation in the January 6, 2021, Capitol Riot

8. The defendant, Mikhail Slye, traveled to Washington, D.C. on January 6, 2021 to attend the “Stop the Steal” rally and election-related events occurring on January 6, 2021. After attending the rally, the defendant traveled by foot to the U.S. Capitol where a large crowd had gathered to protest Congress’ certification of the Electoral College. The defendant was wearing a black “Trump” winter hat, a yellow gator partially covering his face at certain times, a dark navy winter jacket over the top of a gray hooded sweatshirt, blue jeans with a piece of paper sticking out the back pocket at certain times, black gloves, and occasionally wearing a dark-colored baseball helmet with a metal facemask.

9. When the defendant arrived at the U.S. Capitol on January 6, 2021 at approximately 2:30 p.m. EST, a large crowd had assembled on the lower West terrace of the restricted grounds surrounding the U.S. Capitol building. The defendant observed that the building was closed to the

public and law enforcement officers were actively attempting to keep the crowd from entering the building. The defendant unlawfully entered the U.S. Capitol building through the Senate Wing door area at approximately 2:56 p.m. EST and exited through the same area about three minutes later. The defendant then reentered the building through the Senate Wing door area at approximately 3:05 p.m. EST. While inside, the defendant walked around and went into to the crypt area of the U.S. Capitol. The defendant exited the building through the Senate Wing door area at approximately 3:35 p.m. EST.

10. After exiting the building, the defendant walked around to the North side of the U.S. Capitol building, where the defendant observed a group of protestors clashing with law enforcement. There were a set of doors, known as the “North doors,” on that side of the building. Officers were periodically exiting and entering through the North doors for crowd control purposes. The defendant observed that the officers were using rubber bullets, fire extinguishers, and mace for crowd control purposes.

11. At approximately 4:14 p.m. EST, a group of officers, including an officer with the initials D.T., exited through the North doors and were about to descend a flight of stairs leading into the crowd of protestors where another officer holding a gun had been surrounded by protestors. The defendant was standing near the bottom of the stairs prior to the officers’ descent. The defendant grabbed a bicycle rack, held onto it, and waited for the officers to come down the stairs. As the officers were coming down the stairs, the defendant threw the bike rack into the path of D.T., causing him to trip over the bike rack, fall over it, and fall down the stairs at the same time. D.T. suffered bodily injury, including injuries to his right hand, his shins, and a contusion to his right thumb.

12. Approximately one or two minutes after the tripping incident, the defendant began shouting at the officers, including D.T., attempting to reenter the building. As the officers were attempting to reenter the building and close the North doors behind them, the defendant called out, “traitor,” “this is our country,” “f*** you,” “Nazis,” and “f***ing bitches” as he spat from his mouth toward the officers while those officers were actively spraying the protestors, including the defendant, with mace and a fire extinguisher.

13. Mikhail Slye knowingly and voluntarily admits to all the elements of 18 U.S.C. § 111(a). Specifically, defendant admits that

- The defendant 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. Specifically, the defendant admits that he knowingly and intentionally tripped United States Capitol Police Officer D.T. with a bike rack. The defendant further admits that he knew at that time of the assault of the officer that D.T. was engaged in the performance of his official duties or that he assaulted D.T. on account of their performance of their official duties.

Respectfully submitted,

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

By: s/ Andrew J. Tessman
ANDREW J. TESSMAN
Assistant United States Attorney
WV Bar No. 13734

DEFENDANT'S ACKNOWLEDGMENT

I, Mikhail Slye, 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: 11/08/2022

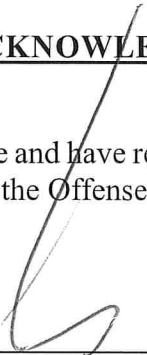


MIKHAIL SLYE
Defendant

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: 11/8/2022



Michael van der Veen
Attorney for Defendant