

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

JEFFREY MICHAEL ETTER,

Defendant.

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Case No.: ~~21-CR-171-1 (JMC)~~

40 U.S.C. § 5104(e)(2)(G)

23 - CR - 95 (RBW) *for*
JMC

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, Jeffrey Michael Etter, 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 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 \$2.7 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.

Jeffrey Michael Etter's Participation in the January 6, 2021, Capitol Riot

8. The defendant, Jeffrey Michael Etter, lives in Chesapeake, Virginia. On January 6, 2021, the defendant traveled to Washington, D.C.

9. On that date, Etter attended the “Stop the Steal” rally in support of then-President Trump. After President Trump’s speech at the rally, the defendant made his way to the U.S. Capitol and eventually walked to the Capitol’s Northwest Courtyard. Etter wore a white, red, and blue cap; gray and red shoes; a black sweatshirt; and tan pants.

10. At approximately 2:49 p.m., Etter was confronted by law enforcement officers attempting to remove rioters from the Northwest Courtyard. At one point, Etter began shouting at the officers, yelling “chill the fuck out,” “hey guy calm the fuck down,” “pushing a fucking old man,” “you, you should be fucking ashamed of yourself,” and “I got you what’s your fucking name.” At one point, Etter yelled at one particular officer, “She’s ready to fuckin hit somebody,

go ahead hit me then... you wanna hit somebody,” before he was pulled back by another rioter standing nearby. At another point, Etter encouraged the mob to enter the Capitol building, shouting “inside, hey they said go inside,” while holding his hands up motioning for the crowd to move toward the Senate Wing Door, despite nearby officers indicating that rioters needed to move away from the Capitol building. At approximately 2:53 p.m., Etter began walking away from officers toward the exterior of the Senate Wing Door.

11. At approximately 2:55 p.m., Etter unlawfully entered the Capitol through the Senate Wing Door, the glass on which was broken. An alarm in the area sounded. Etter began to walk through the Capitol’s first floor, entering the Capitol Crypt and House Wing Door areas. Etter eventually returned to the area of the Senate Wing Door and exited the Capitol through a broken window at approximately 3:32 p.m.

12. In total, the defendant spent approximately 37 minutes inside the Capitol building.

13. Etter remained on the Northwest Courtyard until approximately 4:31 p.m., when officers began pushing the mob away from the Capitol. As officers were attempting to push the crowd toward the north, Etter at various points turned to officers and shouted, “what the fuck is wrong with you,” “you like this?” “we can’t even fuckin’ move... shameful, shameful.”

Elements of the Offenses

14. Jeffrey Michael Etter knowingly and voluntarily admits to all the elements of 40 U.S.C. § 5104(e)(2)(G), Parading Demonstrating, or Picketing in a Capitol Building. Specifically, Etter admits that he willfully and knowingly entered the U.S. Capitol Building knowing that he did not have permission to do so. Etter also admits that while inside the Capitol,

he willfully and knowingly paraded, demonstrated, or picketed.

Respectfully submitted,

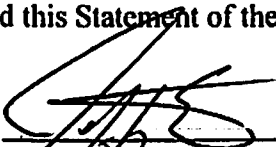
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DEFENDANT'S ACKNOWLEDGMENT

I, **Jeffrey Michael Etter**, 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: April 21, 2023




JEFFREY MICHAEL ETTER
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: 4/21/2023



LANA M. MANITTA
Attorney for Defendant