

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

UNITED STATES OF AMERICA	:	Case No: 23-cr-121-JMC
	:	
	:	
	:	40 U.S.C. §§ 5104(e)(2)(g)
	:	
v.	:	
	:	
BRENNEN MACHACEK	:	
	:	
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, Brennen Machacek, 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 United States Capitol on January 6, 2021

1. The United States Capitol, which is located at First Street, SE, in Washington, D.C., is secured 24 hours per day by the United States Capitol Police. Restrictions around the United States Capitol include permanent and temporary security barriers and posts manned by the United States Capitol Police. Only authorized people with appropriate identification are allowed access inside the United States Capitol.

2. On January 6, 2021, the exterior plaza of the United States 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 an 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 United States Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the Capitol building, and United States 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 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 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 United States 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 United States

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.

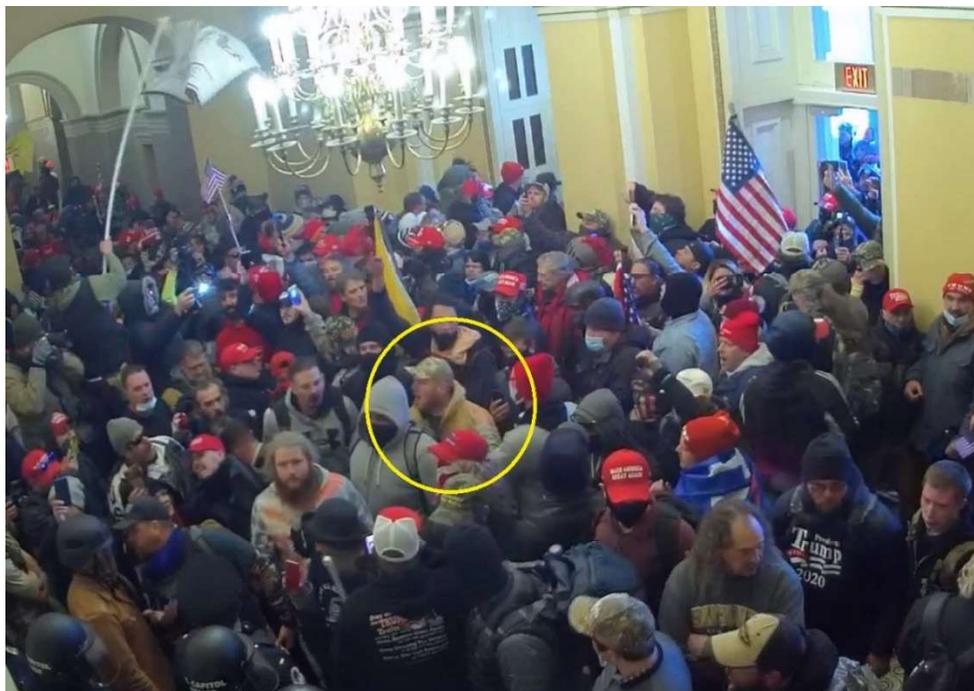
7. Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Pence, were instructed to—and did—evacuate the chambers. Accordingly, all proceedings of the United States Congress, 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 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 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.

Brennen Machacek's Participation in the January 6, 2021 Riot

8. On January 6, 2021, Brennen Machacek entered the United States Capitol through a window located near the Senate Wing Door at 2:52 p.m.

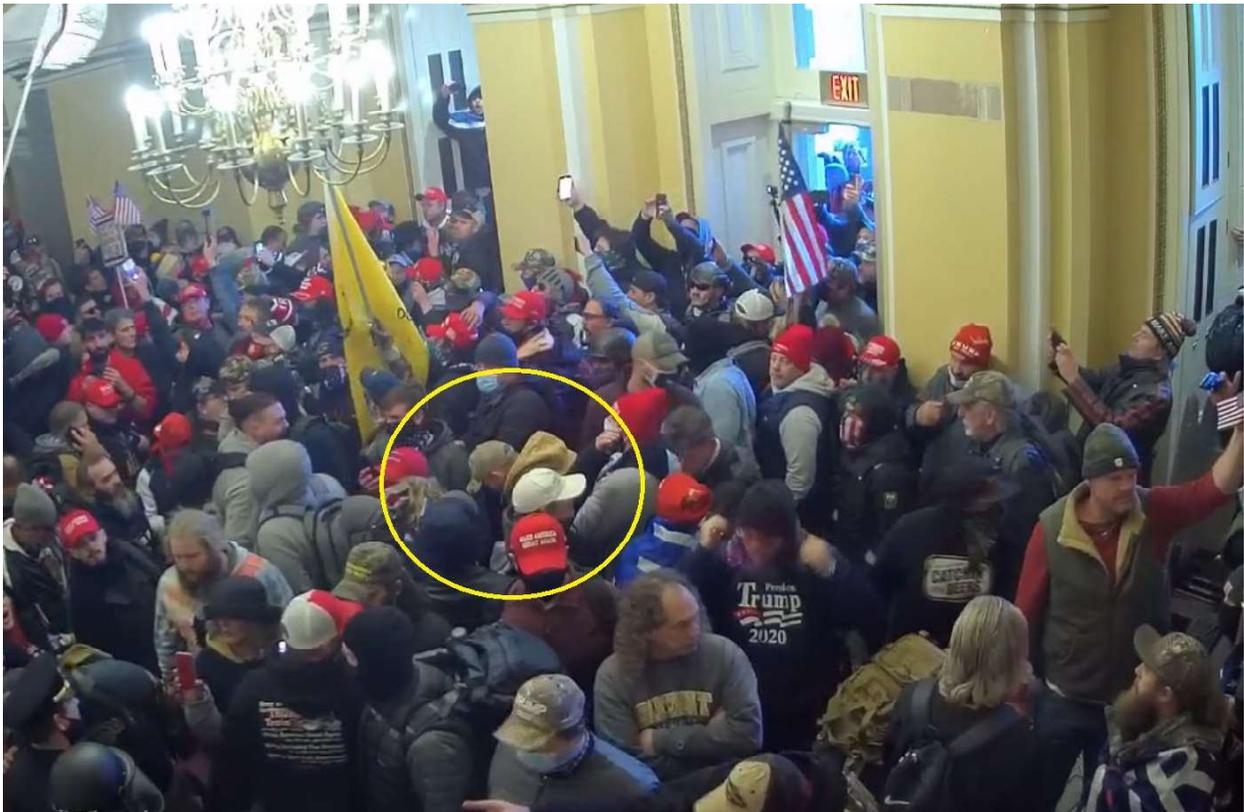


9. At approximately 2:54 p.m., Brennen Machacek makes his way through the crowd and joins others in chanting, "Our House!" and "Traitors!"



10. The defendant knew at the time he entered the U.S. Capitol building that that he did not have permission to enter the building and the defendant did so with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress.

11. The defendant's knowledge is shown through a video that depicts him spitting on the floor:



12. Through a photo of him in Senator Merkley's Office:



13. Through videos of him being moved by law enforcement from one area of the Capitol to another:



14. And a video of him yelling to other riots, “Hey, hey . . . They’re pushing everyone against the walls!”



15. The defendant moved from the Senate Wing to the United States Capitol Crypt where he is turned back by United States Capitol Police when he attempted to gain access to the second floor near the Rotunda.

16. The defendant remained in a passageway near the Crypt, or the Crypt itself, until he was escorted out of the Memorial Door at 3:33 p.m.



Elements of the Offense

17. Brennen Machacek knowingly and voluntarily admits to all the elements of Parading, Demonstrating, or Picketing in a Capitol Building. Specifically, Machacek admits that:
- a. Machacek willfully and knowingly entered the United States Capitol Building knowing that he did not have permission to do so. Machacek further admits that while inside the Capitol, he willfully and knowingly paraded, demonstrated, or picketed.

Respectfully submitted,

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

By: /s/ Adam M. Dreher
Adam M. Dreher
Assistant United States Attorney
Michigan Bar No. P79246

DEFENDANT'S ACKNOWLEDGMENT

I, Brennen Machacek, 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: May 2, 2023


Brennen Machacek (May 2, 2023 11:19 CDT)

Brennen Machacek
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: 5/2/2023

/ Justin eisele

Justin Eisele
Attorney for Defendant

Signature: *Justin Eisele*

Email: justin.eisele@seddiqlaw.com