

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

UNITED STATES OF AMERICA

v.

MICHELLE ALEXANDRA ESTEY,

Defendant.

Case No. 23-cr-198

40 U.S.C. § 5104(e)(2)(G) Parading,
Demonstrating, or Picketing in a
Capitol Building

Clerk, U.S. District & Bankruptcy
Court for the District of Columbia

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, Michelle Alexandra Estey, with the concurrence of her 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 \$2.8 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.

Michelle Estey's Participation in the January 6, 2021, Capitol Riot

8. Prior to January 6, 2021, Michelle Estey and Melanie Belger traveled from California to Washington D.C. in order to attend the Stop the Steal Rally. Estey and Belger attended the Rally at the Ellipse on January 6, 2021, and then made their way to Central Michel Richard Restaurant, which is between the Ellipse and the U. S. Capitol.

9. While at lunch, Estey observed many protestors from the rally walking past the restaurant and headed toward the U.S. Capitol. At approximately 2:26 pm, Estey and Belger joined the crowd and made their way to the Capitol.

10. Upon arriving at the Capitol, Estey noticed a large crowd of people gathered on

the Capitol grounds. As the crowd gathered on the West side of the U. S. Capitol the defendant, Michelle Estey, made her way to the Lower West Terrace of the U. S. Capitol. Officers used chemical agents and rubber projectiles in order to try to disperse the crowd. While Estey was at the Lower West Terrace, officers attempted to repel the crowd from entering the U. S. Capitol.

11. Once at the U. S. Capitol building, the defendant, Michelle Estey, entered the building through a broken window and into room ST2M. ST2M is an office suite which consists of several rooms. ST2M had obvious damage to it and was in disarray. The defendant, Michelle Estey, traveled throughout the rooms within this suite and interacted with other rioters that were also in ST2M. Estey was unable to access other parts of the U. S. Capitol from ST2M and after several minutes the defendant left the U. S. Capitol through the same broken window by which she had entered the U. S. Capitol.

12. The defendant, Michelle Estey, knew at the time she entered the U.S. Capitol Building that that she did not have permission to enter the building and the defendant paraded, demonstrated, or picketed.

Respectfully submitted,
MATTHEW M. GRAVES
United States Attorney
DC Bar No. 481052

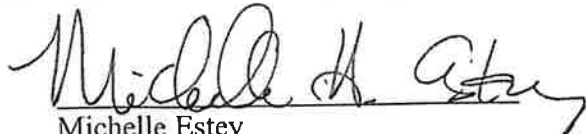
By: _____


Zachary Phillips
Assistant United States Attorney

DEFENDANT'S ACKNOWLEDGMENT

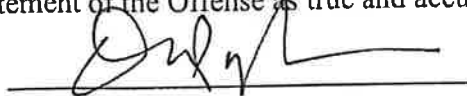
I, Michelle Alexandra Estey, have read this Statement of the Offense and have discussed it with my attorney. I fully understand this Statement of the Offense. I agree and acknowledge by my signature that this Statement of the Offense is true and accurate. I do this voluntarily and of my own free will. 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: 8/21/23


Michelle Estey
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.


Dennis Gaughn
Counsel for defendant Michelle Alexandra Estey