



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. This joint session of Congress was an official proceeding as that term is used in Title 18, United States Code, Section 1512. 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. By shortly after 1:00 PM, the situation at the Capitol had become a civil disorder as that term is used in Title 18, United States Code, Section 231, and throughout the rest of the afternoon the civil disorder obstructed the Secret Service's ability to perform the federally protected function of protecting Vice President Pence.

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.

***The Defendant's Participation in the January 6, 2021, Capitol Riot***

8. On December 31, 2020, Defendant Schmidt posted to his Facebook account, “Headed to the Capital in 6 days #savetherepublic (fist emoji) (American flag emoji).” On or

before January 6, 2021, Defendant Schmidt traveled from Cincinnati, Ohio, to Washington D.C. to attend a rally by the former President. On January 6, 2021, at approximately 12:50 p.m., Defendant Schmidt traveled to the barricades erected by USCP around the Capitol at the Peace Circle Monument. While at the Peace Circle Monument, Defendant Schmidt made his way to the front of the barricade and was amongst a group of rioters pushing the barricades and officers down, breaching the outer perimeter of the Capitol.



*Defendant Schmidt (circled in yellow)*

9. After breaching the Peace Circle Monument barricades, Defendant Schmidt moved towards the Capitol. As the mob surged into the restricted perimeter, Defendant Schmidt stood on top of a small wall and yelled towards other rioters, "Our House!" and "Who's House?" Defendant Schmidt then moved to the front of the mob that had gathered at a black metal fence on the West Plaza of the restricted perimeter. Shortly thereafter, he jumped over the black metal fencing as the mob surged forward towards a line of USCP officers.

10. Defendant Schmidt again moved to the front of the mob confronting USCP officers on the West Plaza. There, he took his cellphone and recorded a video at the front of the mob where he chanted, "Who's House?" Defendant Schmidt then turned towards the USCP officers guarding the West Plaza and said, "We're right here (pointing at the ground). Who's platform? Our platform?"

11. Between 1 p.m. and 2:45 p.m., the mob on the West Plaza became more and more confrontational with USCP officers. During this time, Defendant Schmidt, again, moved to the front of the mob and confronted officers. On several occasions during this timeframe, Defendant Schmidt obstructed, impeded, and interfered with USCP officers when he pushed backwards against police officers and their riot shields on the West Plaza.



*Defendant Schmidt (circled in yellow) pushing against officers' riot shields*

12. Defendant Schmidt made his way from the West Plaza to the Upper West Plaza. At 2:45 p.m., Defendant Schmidt entered the Upper West Terrace Doors with his fist raised in the air as fire alarms from the doors were loudly ringing. Over the next two minutes, Defendant

Schmidt traveled up the stairs, into the Rotunda, and entered Statuary Hall. At approximately 2:51 p.m., Defendant Schmidt exited the Capitol through the East Foyer Doors.

13. Defendant Schmidt remained outside the East Foyer Doors and reentered the Capitol through the same doors at approximately 3:15 p.m. Defendant Schmidt remained in the East Foyer until he was forced out of the Capitol by officers at approximately 3:30 p.m. Defendant Schmidt remained on Capitol Grounds, circling from the East Foyer to the West Plaza until the early evening of January 6, 2021.

14. On January 6, 2021, at 7:46 p.m., Defendant Schmidt sent a text message where he wrote, "Hey we had a blast! I got pepper sprayed and shot with rubber bullets also had a flash bang went off went right by my ear, never felt closer to death but never had a better time!" Defendant Schmidt also posted on Facebook regarding his time at the Capitol:



*Elements of the Offense*

15. The parties agree that 18 U.S.C. § 231(a)(3) requires the following elements:



- a. The defendant knowingly committed an act with the intended purpose of obstructing, impeding, or interfering with one or more law enforcement officers;
- b. At the time of the defendant's act(s) the law enforcement officers were engaged in the lawful performance of their official duties incident to and during a civil disorder;
- c. The civil disorder in any way or degree obstructed, delayed, or adversely affected commerce or the movement of any article or commodity in commerce, or the conduct or performance of any federally protected function.

***Defendant's Acknowledgments***

16. The Defendant Schmidt knowingly and voluntarily admits to all the elements as set forth above. Specifically, Defendant Schmidt admits that he committed an act with the intended purpose of obstructing, impeding, or interfering with one or more law enforcement officers who were engaged in the lawful performance of their duties incident to a civil disorder. Additionally, Defendant Schmidt admits that the civil disorder obstructed, delayed, and adversely affected commerce and the movement of any article or commodity in commerce, and the conduct or performance of any federally protected function.

Respectfully submitted,

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

By: s/ Brian Brady  
Brian Brady  
Trial Attorney  
D.C. Bar No. 1674360

**DEFENDANT'S ACKNOWLEDGMENT**

I, Adrian Schmidt, 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.

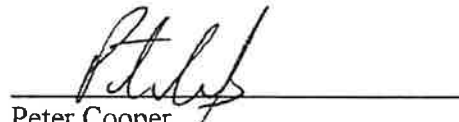
Date: 04.25.2024

  
Adrian Schmidt  
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: 4/26/24

  
Peter Cooper  
Attorney for Defendant