

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. 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 January 5, 2021, BRACKLEY emailed Maine Senators Angus King and Susan Collins, and Missouri Senator Josh Hawley, imploring them to “stand up to this blatant corruption and support a second term for President Donald J. Trump,” adding that “the people will.” The same evening, BRACKLEY flew from Portland, Maine to Washington, DC.

9. On January 6, 2021, BRACKLEY attended the Stop the Steal rally on the National Mall.

10. After the rally, BRACKLEY walked to the U.S. Capitol, arriving on the Capitol's West lawn at about 1:40 pm, where a large crowd was already gathered. BRACKLEY stood in the crowd near the Lower West Terrace, where he observed rows of bike rack barricades and uniformed police officers preventing people from advancing towards the Capitol. At one point, police used tear gas grenades in the area in an attempt to disperse the crowd.

11. BRACKLEY did not leave U.S. Capitol Grounds, but instead approached a set of stairs underneath the scaffolding erected to construct the inaugural stage. Other rioters climbed onto the scaffolding and tore up the white tarp covering it, giving BRACKLEY and others greater access to the stairs. He and other rioters flooded the stairs, and advanced towards the Capitol Building.

12. BRACKLEY entered the U.S. Capitol via the Senate Wing Door at 2:23pm. From there, he entered the Crypt, where a large group of rioters had filled the room and pushed against a line of U.S. Capitol Police (USCP) Officers.

13. The rioters in the Crypt eventually overwhelmed the line of USCP officers, gaining further access to the Capitol. BRACKLEY and several dozen rioters entered a hallway behind the Crypt where they were again stopped by USCP officers. Again, BRACKLEY and the rioters moved past the officers and continued down the hall.

14. BRACKLEY reached and ascended a set of stairs that led to the Capitol's Rotunda. There he turned north and walked down a hallway toward the Senate Chamber, which had been evacuated several minutes earlier. As before, BRACKLEY, and others behind him were stopped by USCP officers.

15. Two USCP officers told BRACKLEY to "back up," and one officer gave BRACKLEY a small push backwards. BRACKLEY did not retreat, and asked where Pelosi's office was as others behind him called her name. After about 40 seconds of conversation with the officers, BRACKLEY turned to the crowd behind him and shouted, "let's go!" He then then leaned forward and with both elbows extended outward pushed through the two officers, leading the crowd behind him further into the hallway, towards the Senate Chamber.

16. As BRACKLEY led the rioters further down the hallway, a larger group of officers, dressed in riot gear, entered the hallway from the opposite end (near the Senate Chamber Door) and halted the crowd. A police line formed as the rioters pushed against the officers, who tried to back the crowd away from the Senate Chamber.

17. For about five or six minutes, a standstill ensued between the rioters and USCP officers in the hallway. BRACKLEY stood among the crowd as others shouted expletives directed at Members of Congress, including, "fuck McConnell." The rioters then resumed pushing the USCP police officers backward towards the Senate hallway, while chanting "USA."

18. One officer deployed chemical spray in the hallway, causing BRACKLEY and other rioters to retreat. BRACKLEY retreated to a stairwell, where other rioters and a law enforcement officer provided BRACKLEY with assistance.

19. BRACKLEY then continued down the stairs into the Crypt, where he turned and continued South. He exited the Capitol through the South Door at 3:05pm, over 40 minutes after first entering the building.

Elements of the Offense

20. The parties agree that 18 U.S.C. § 111(a)(1) requires the following elements:
- a. The defendant assaulted, resisted, opposed, impeded, intimidated, or interfered with an officer of the United States Capitol Police;
 - b. The defendant did so forcibly;
 - c. The defendant acted voluntarily and intentionally;
 - d. The officer was an officer or an employee of the United States who was then engaged in the performance of his official duties; and

- e. The defendant made physical contact with the officer or acted with the intent to commit another felony.

Defendant's Acknowledgments

21. The defendant knowingly and voluntarily admits to all the elements as set forth above. Specifically, the defendant admits that he assaulted the two officers by shoving them, and this assault involved physical contact. The defendant further admits that he acted with the intent to commit another felony, namely, a violation of the civil disorder statute, 18 U.S.C. § 231(a)(3).

Respectfully submitted,

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DEFENDANT'S ACKNOWLEDGMENT

I, Matthew Brackley, 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: 12/28/2023



Matthew Brackley
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: 12/28/2023



Steven H. Levin
Attorney for Defendant