

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

<b>UNITED STATES OF AMERICA</b>	:	<b>Case No:</b> <i>24-CR-75</i>
	:	
<b>v.</b>	:	
	:	<b>40 U.S.C. § 5104(e)(2)(D)</b>
<b>THOMAS POOLER</b>	:	<b>40 U.S.C. § 5104(e)(2)(G)</b>
	:	
<b>Defendant.</b>	:	

**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, Thomas Pooler, 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 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol.

2. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public. The grounds around the Capitol were posted and cordoned off, and the entire area as well as the Capitol building itself were restricted as that term is used in Title 18, United States Code, Section 1752 due to the fact that the Vice President and the immediate family of the Vice President, among others, would be visiting the Capitol complex that day.

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. 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 p.m. Shortly thereafter, by approximately 1:30 p.m., 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 U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building 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 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the U.S. Capitol Police, 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 by U.S. 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 U.S. 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 U.S. 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 \$2.9 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 U.S. Capitol, including the danger posed by individuals who had entered the U.S. 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.

***Thomas Pooler's Participation in the January 6, 2021, Capitol Riot***

8. On January 5, 2021, Thomas Pooler and his friend Angel Villanueva traveled from Florida to Washington D.C. in Pooler's truck. While in Washington D.C., Villanueva and Pooler stayed in a hotel in Alexandria, Virginia.

9. On the morning of January 6, 2021, Villanueva and Pooler traveled by Uber to the vicinity of the Washington Monument to attend former President Trump's election-related rally. There, Villanueva and Pooler posed for photographs, at least one of which they subsequently posted on social media.

10. As former President Trump's speech was wrapping up, Villanueva and Pooler—along with others in the crowd—marched to the U.S. Capitol, where rioters were physically battling police amidst clouds of tear gas. There were rioters climbing on the side of the walls of the U.S. Capitol building and the scaffolding, as well as removing barriers.

11. They then followed the crowd and climbed up and over a concrete barrier onto the U.S. Capitol building's Upper West Terrace, just past the location of the scaffolding. At that time, a window adjacent to the Senate Wing Doors was broken and rioters were climbing through to enter the U.S. Capitol building. Rioters were also entering the building through the Senate Wing Doors themselves, despite the alarms sounding.

12. At approximately 2:26 p.m., Villanueva and Pooler entered the U.S. Capitol building through the Senate Wing Doors. Villanueva entered first, holding his cell phone, with Pooler close behind him, holding on to Villanueva's backpack with one hand and carrying two flag poles with the other. As they entered, both men pulled up their face coverings.

13. After entering, Villanueva and Pooler turned right and walked into the Rotunda. They stayed in that room for approximately one minute. After leaving the Rotunda, Villanueva

and Pooler walked through Statuary Hall. The two men were separated just after they entered the Statuary Hall connector corridor, at approximately 2:30 p.m. Both men remained in the Statuary Hall connector corridor for at least ten minutes. At that point, Villanueva essentially turned around and retraced his steps while Pooler continued forward.

14. At approximately 2:41 p.m., after spending about ten minutes inside the Statuary Hall connector corridor, Pooler emerged in the hallway near House of Representatives office 208 and began jogging down the hall with a crowd of other rioters. Pooler then traveled to the East Stairs.

15. At approximately 2:54 p.m., Pooler walked past the magnetometer near the East Front House Door and exited the U.S. Capitol building. In total, Pooler spent approximately 29 minutes inside the building.

16. The defendant was aware that the Senate intended to tally the Electoral College votes, and thus certify the 2020 presidential election of Joseph R. Biden, on January 6, 2021, the same day that he entered and participated in the occupation of the Capitol building.

#### **Elements of the Offenses**

17. The defendant knowingly and voluntarily admits to all the elements of Disorderly Conduct in a Capitol Building or Grounds, in violation of 40 U.S.C. § 5104(e)(2)(D). Specifically, the defendant admits that on January 6, 2021, in violation of 40 U.S.C. § 5104(e)(2)(D), the defendant willfully and knowingly engaged in disorderly and disruptive conduct within the United States Capitol grounds and in any of the Capitol buildings with the intent to impede, disrupt, and disturb the orderly conduct of a session of Congress and either House of Congress, or the orderly conduct in that building of a hearing before or any deliberation of, a committee of Congress or either House of Congress.

18. The defendant knowingly and voluntarily admits to all the elements of Unlawful Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G) (Count Two). Specifically, the defendant admits that on January 6, 2021, in violation of 40 U.S.C. § 5104(e)(2)(G), the defendant willfully and knowingly paraded, demonstrated, and picketed in a United States Capitol Building, specifically the United States Capitol.

Respectfully submitted,

MATTHEW M. GRAVES  
United States Attorney  
DC Bar No. 481052

By: /s/ Sarah C. Martin  
Sarah C. Martin  
Assistant United States Attorney

DEFENDANT'S ACKNOWLEDGMENT

I, Thomas Pooler, 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: 3-20-24



Thomas Pooler  
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: 3/20/24



Serbo Simeoni  
Attorney for Defendant