

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

UNITED STATES OF AMERICA	:	Case No.: 24-cr-00081 (JEB)
	:	
v.	:	40 U.S.C. § 5104(e)(2)(D)
	:	40 U.S.C. § 5104(e)(2)(G)
MICHAEL FOURNIER,	:	
	:	
Defendant.	:	
	:	

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, Michael Fournier (“FOURNIER”), with the concurrence of the defendant’s 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 Riot 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. 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. 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.

Michael Fournier's Participation in the Riot at the U.S. Capitol on January 6, 2021

8. On January 6, 2021, at approximately 2:38 PM, FOURNIER approached the U.S. Capitol from the east at the intersection of East Capitol Street and First Street NE. He continued to walk towards the east plaza of the U.S. Capitol, entering the restricted area where a large crowd had assembled. Open-source video captured FOURNIER on the east plaza of the U.S. Capitol as several rioters can be seen climbing on top of government and police vehicles.

9. Shortly thereafter, FOURNIER proceeded to climb the steps to the area outside the Rotunda doors. While there, open-source video depicted FOURNIER outside of the Rotunda doors chanting, “It is our house,” with his fist raised in the air.

10. At approximately 3:02 PM, FOURNIER entered the U.S. Capitol through the Rotunda doors. By that time, the windowpanes in the Rotunda doors had been smashed and an alarm was sounding. Upon entering the U.S. Capitol, FOURNIER walked towards the Rotunda.

11. At approximately 3:03 PM, FOURNIER entered the Rotunda through the east entrance and moved around to different locations in the Rotunda for the next several minutes. At one point, FOURNIER used his cell phone to take photographs and/or record video.

12. At approximately 3:06 PM, FOURNIER faced a group of law enforcement officers, wearing riot helmets, as they formed a police line to clear the Rotunda of rioters. As law enforcement pushed rioters towards the east entrance, FOURNIER exited from the Rotunda into the lobby area near the Rotunda doors. A few moments later, FOURNIER attempted to leave the building. But FOURNIER was not successful as USCP officers at the threshold of the Rotunda doors were able to temporarily secure and shut those doors.

13. At approximately 3:09 PM, FOURNIER walked away from the Rotunda doors and stopped to take a drink out of a can he was holding. FOURNIER then put the can down on the floor next to a bench and began to interact with another rioter who had picked up a painting. FOURNIER took the painting from this individual, likely stopping this individual from carrying away, or attempting to carry away, the painting.

14. Two minutes later, at approximately 3:11 PM, FOURNIER exited the U.S. Capitol through the Rotunda doors which had been forced open again. While exiting, FOURNIER interacted with a USCP officer guarding the doors.

15. Despite the broken glass, the alarm, the police line in the Rotunda, and interacting with a police officer in the entryway of the Rotunda doors, FOURNIER did not leave the restricted area around the U.S. Capitol. After exiting the building, FOURNIER made his way around to the west side of the U.S. Capitol where he remained on the Upper West Terrace for about two hours.

16. Around 3:45 PM, FOURNIER appeared on the Upper West Terrace near an accessibility ramp where a police line had formed. Immediately after another rioter was arrested

by law enforcement next to the ramp, FOURNIER looked directly at the police line. FOURNIER continued to walk around the Upper West Terrace in front of a police line of officers with tactical gear, including riot helmets and shields.

17. Almost an hour later, around 4:38 PM, FOURNIER appeared briefly at the stairs next to the inauguration stands on the southwest side of the U.S. Capitol. FOURNIER passed another police line which had taken a position behind temporary crowd control fencing with posted “area closed” signs.

18. Around 5:06 PM, FOURNIER re-appeared in the same area by the stairs next to the inauguration stand while tear gas was deployed nearby. Officer body-worn camera captured FOURNIER telling the line of police officers, among other things, “What’s going is bullshit. You’re defending fucking pieces of shit in that fucking building that are hijacking our fucking process. You know it. . . . They are stealing our process..” Affected by the tear gas, FOURNIER then used his scarf to cover his face and eyes. FOURNIER proceeded to use eye drops, which were given to him by another rioter. At approximately 5:08 PM, FOURNIER descended the stairs.

19. Around 5:30 PM, open-source video depicted FOURNIER walking along the Lower West Terrace of the U.S. Capitol. He used his scarf to cover his face from tear gas, which was being deployed by law enforcement to clear the area. FOURNIER departed from U.S. Capitol grounds at some time thereafter.

20. On December 3, 2021, FOURNIER, through prior counsel, voluntarily provided a letter to the FBI. In that letter, FOURNIER admitted to entering the U.S. Capitol and remaining inside the building for approximately 15 minutes on January 6, 2021.

Elements of the Offense

21. The parties agree that disorderly and disruptive conduct in a Capitol Building or Grounds under 40 U.S.C. § 5104(e)(2)(D) requires the following elements:

- a. The defendant engaged in disorderly or disruptive conduct within the United States Capitol Grounds or in any of the United States Capitol Buildings.
- b. The defendant did so with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress.
- c. The defendant acted willfully and knowingly.

22. The parties agree that that parading, demonstrating, or picketing in a Capitol Building under 40 U.S.C. § 5104(e)(2)(G) requires the following elements:

- d. The defendant paraded, demonstrated, or picketed in any of the United States Capitol Buildings.
- e. The defendant acted willfully and knowingly.

Defendant's Acknowledgments


23. FOURNIER knowingly and voluntarily admits to all the elements as set forth above. Specifically, FOURNIER admits:

- f. While inside the Capitol Building, FOURNIER paraded, demonstrated, or picketed;
- g. FOURNIER knew at the time he entered the Capitol Building that he did not have permission to enter the building, and he did so with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress; and
- h. Because congressional proceedings could not resume until every unauthorized occupant was removed or left the Capitol Building, FOURNIER's presence in the

Capitol Building on January 6, 2021, did in fact disrupt the orderly conduct of a session of Congress.

Respectfully submitted,

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By: 

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DEFENDANT'S ACKNOWLEDGMENT

I, Michael Fournier, 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: 4/8/2024



MICHAEL FOURNIER
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: 4/9/2024

/s/ John Pierce

JOHN M. PIERCE, ESQ.
Attorney for Defendant