

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

UNITED STATES OF AMERICA	:	Case No.: 24-CR-500 (JMC)
	:	
v.	:	40 U.S.C. § 5104(e)(2)(D), (G)
	:	
JAMES FLINT-SMITH,	:	
	:	
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, James Flint-Smith, 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 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. 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. 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.

5. At approximately 2:00 PM, certain individuals in the crowd forced their way through, up, and over the barricades. Officers 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 \$2.9 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. Defendant James Flint-Smith met up with Michael Carico (charged in *United States v. Carico*, 21-CR-696-TJK, D.D.C.) and another individual on January 6, 2021 in Washington, DC. They attended former President Trump's "Stop the Steal" rally by the Ellipse. At some point in the afternoon, they walked west towards Capitol grounds.

9. At approximately 1:27 p.m., as Flint-Smith and Carico approached Capitol grounds, Flint-Smith commented on the gathering crowd, "This is why we came, this is why we came right here. To send a message, to these guys [gesturing towards the Capitol building]. America First." Carico, who recorded this on video, replied, "Fuck Congress." See Image 1 below.

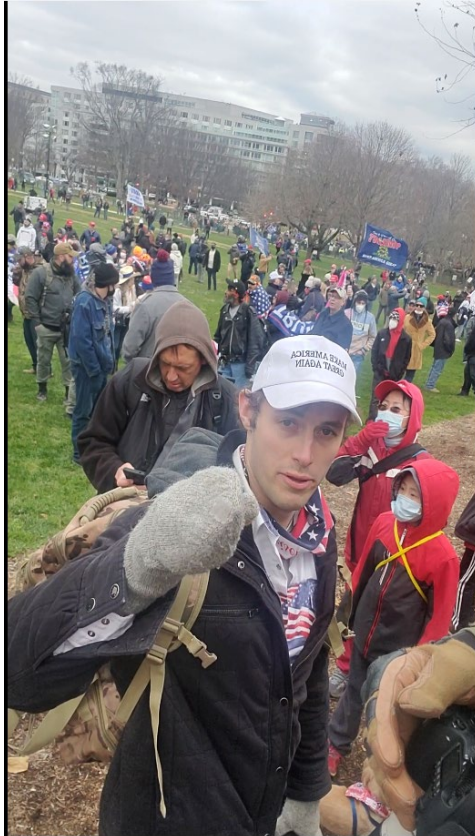


Image 1

10. Flint-Smith climbed a bike rack used as a ladder onto the ledge next to the Northwest scaffolding. *See* Image 2. Flint-Smith and Carico then ascended the stairs to the Upper West Terrace. *See* Image 3.



Image 2 (Flint-Smith circled yellow)

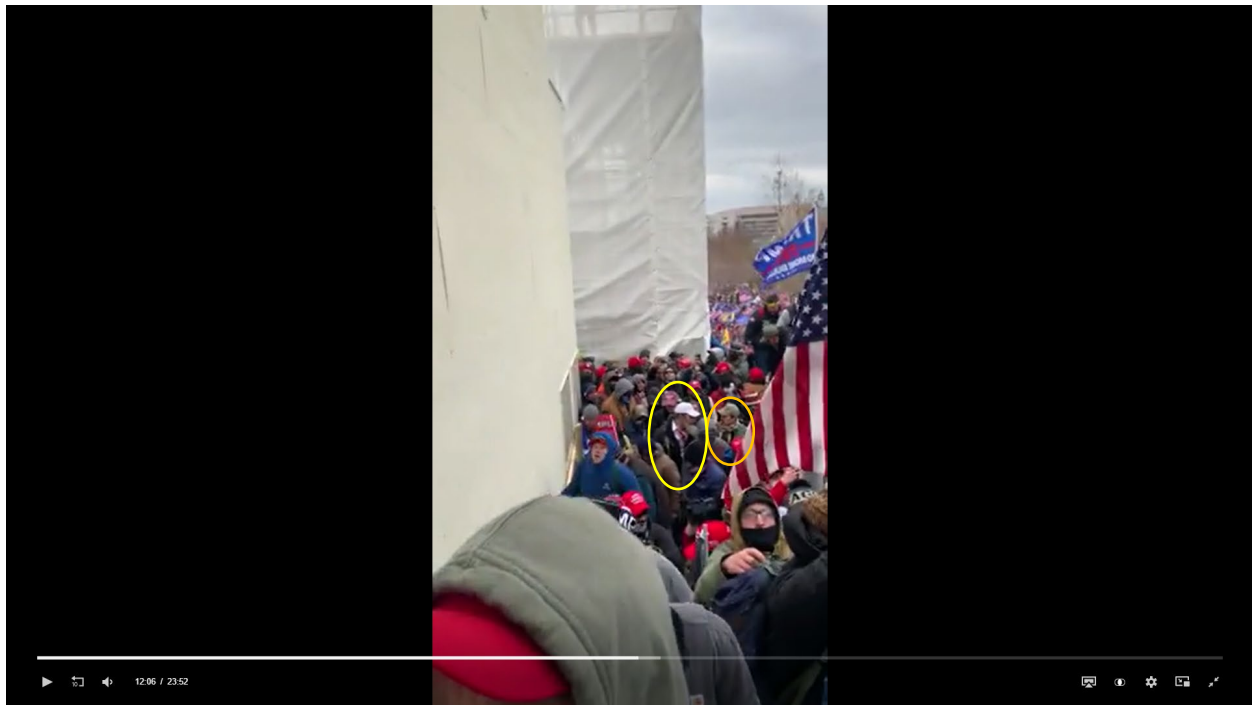


Image 3 (Flint-Smith circled yellow and Carico circled orange)

11. On the Upper West Terrace, Flint-Smith had donned a face mask and respirator. He and Carico proceeded to the Senate Wing Door, which had been breached by rioters. At that

time, the crowd was loudly chanting “Our House” and officers were visible standing guard at the entrance to the Senate Parliamentarian Door nearby. *See* Image 4.

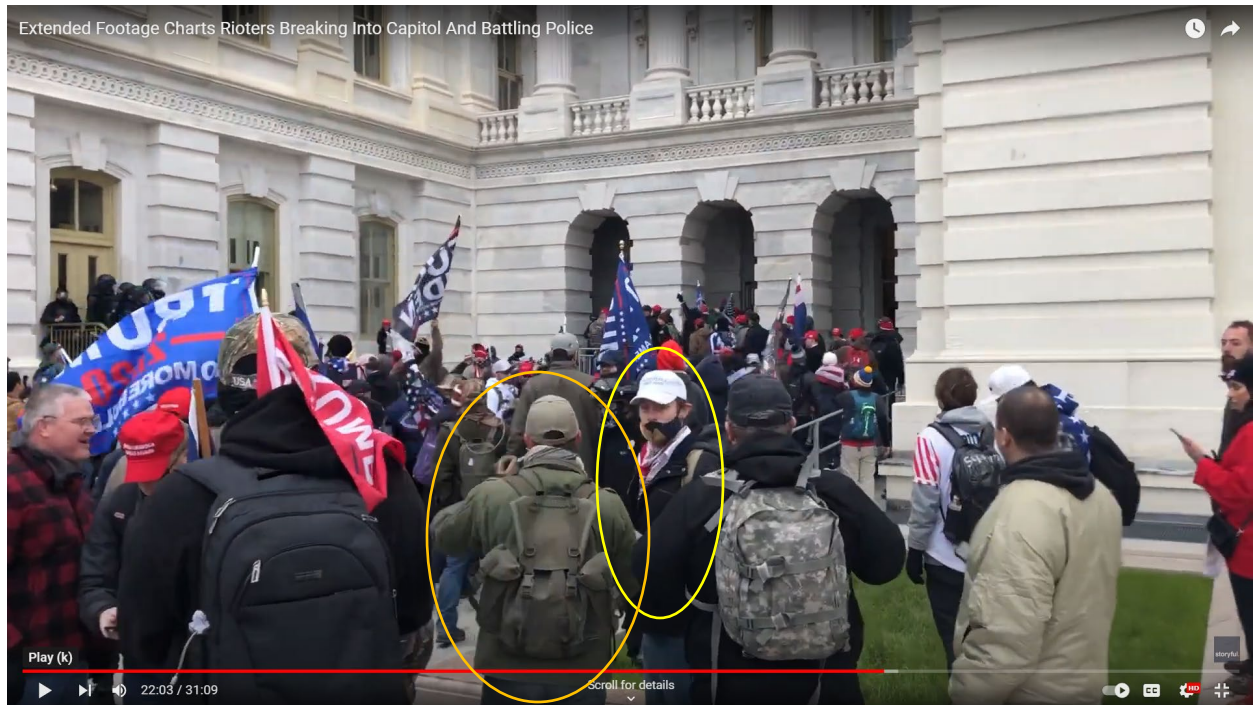


Image 4 (Flint-Smith circled yellow, Carico circled orange)

12. At 2:21 p.m., Flint-Smith entered the Capitol through the Senate Wing Door. *See* Image 5. Flint-Smith’s entry took place roughly eight minutes after the mob’s initial breach of this door.



Image 5 (Flint-Smith circled yellow, Carico circled orange)

13. After they entered, Flint-Smith and Carico proceeded to the Crypt, arriving at 2:22 p.m. At that time, a line of U.S. Capitol Police officers stood guard to prevent the growing mob from breaching deeper into the Building. Flint-Smith and Carico walked to the front of the crowd, right up against the line of officers.

14. At approximately 2:25 p.m., the mob overran the line of officers defending the Crypt. Flint-Smith and Carico were at the front of the crowd charging forward. *See Image 6.*

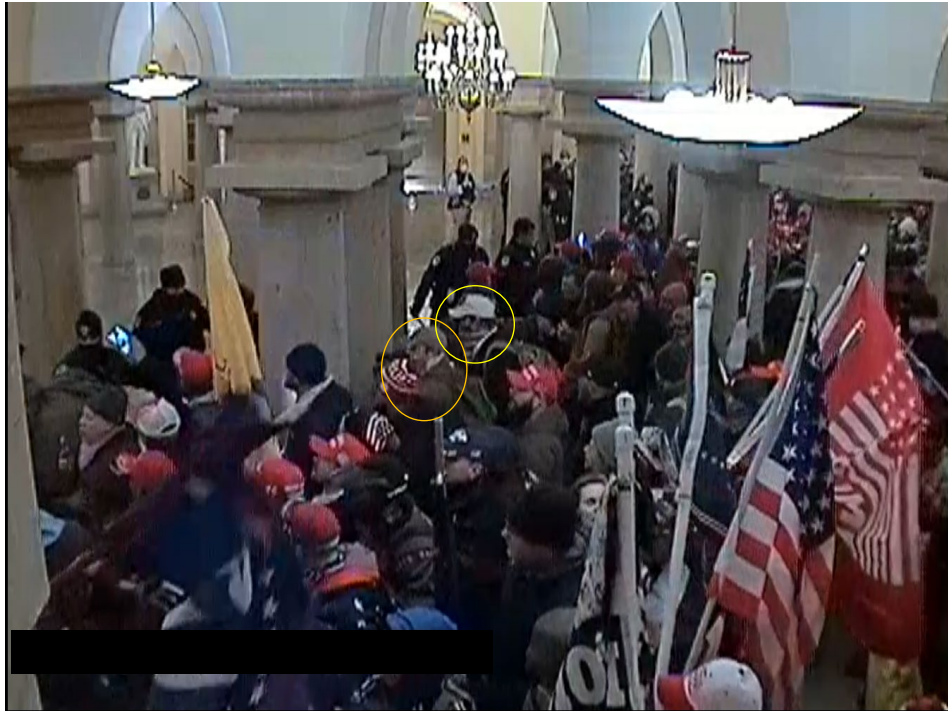


Image 6 (Flint-Smith circled yellow, Carico circled orange)

15. Flint-Smith and Carico next proceeded from the Crypt to the Rotunda, where they arrived at approximately 2:37 p.m. At 2:40 p.m., Flint-Smith and Carico left the Rotunda and headed north in the direction of the Old Senate Chamber and the U.S. Senate. *See Image 7.*



Image 7 (Carico circled orange and Flint-Smith circled yellow)

16. In the hallway by the Old Senate Chamber, Flint-Smith saw the mob overrun police officers defending the hallway. *See Image 8.*



Image 8 (Flint-Smith circled yellow)

17. By approximately 2:53 p.m., Flint-Smith again returned to the Rotunda, where he was shortly rejoined by Carico. They remained in the Rotunda for about another 17 minutes and, among other things, paraded around and listened to a speech given by another rioter.

18. At around 3:12 p.m., Flint-Smith and Carico departed the Capitol Building via the Rotunda Door. In total, Flint-Smith spent approximately 51 minutes inside the Capitol Building.

19. Shortly after he left the Capitol, Flint-Smith pulled down his gator, raised his fist, and joined the mob's chants of "USA" in celebration. *See Image 9.*



Image 9 (Flint-Smith circled yellow)

20. Flint-Smith and Carico did not immediately leave Capitol grounds, but instead returned to the West side. Flint-Smith and Carico climbed the Media Tower on the West Plaza that was set up for the upcoming inauguration. While Flint-Smith and Carico were on top of the tower, they took a selfie, joined songs, and observed violence by rioters on the Lower West Terrace below.

Elements of the Offense

21. The parties agree that Disorderly Conduct in a Capitol Building, 40 U.S.C. § 5104(e)(2)(D), requires the following elements:

- a. First, the defendant engaged in disorderly or disruptive conduct in any of the United States Capitol Buildings or Grounds.
- b. Second, 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. Third, the defendant acted willfully and knowingly.

22. Further, the parties agree that Parading, Demonstrating, or Picketing in a Capitol Building, 40 U.S.C. § 5104(e)(2)(G), requires the following elements:

- a. First, the defendant paraded, demonstrated, or picketed in any of the United States Capitol Buildings.
- b. Second, the defendant acted willfully and knowingly.

Defendant's Acknowledgments

23. The defendant knowingly and voluntarily admits to all the elements as set forth above. Specifically, the defendant admits that he willfully and knowingly engaged in disorderly and disruptive conduct in the U.S. Capitol Building and its grounds with the intent to impede, disrupt, and disturb the orderly conduct of a session of Congress—specifically, the Certification of the 2020 Presidential Election. Defendant further admits that he willfully and knowingly paraded, demonstrated, and picketed in the United States Capitol Building.

Respectfully submitted,

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

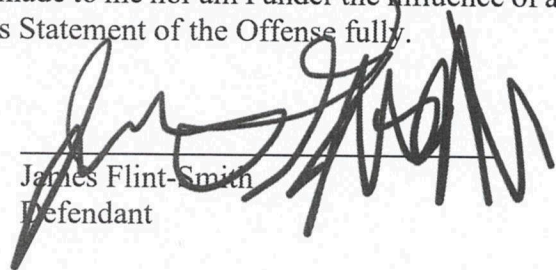
By: /s/ Michael L. Barclay
MICHAEL L. BARCLAY
Assistant United States Attorney
N.Y. Bar Reg. No. 5441423
U.S. Attorney's Office for the District of
Columbia
601 D Street, NW
Washington, D.C. 20530
(202) 252-7669
Michael.Barclay@usdoj.gov

DEFENDANT'S ACKNOWLEDGMENT

I, James Flint-Smith, 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:

1-8-25

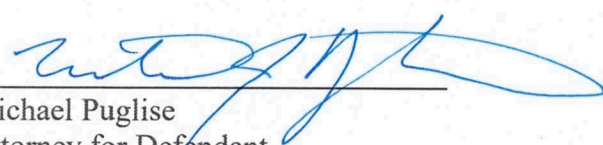

James Flint-Smith
Defendant

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:

1-8-2025


Michael Puglise
Attorney for Defendant