

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

UNITED STATES OF AMERICA

v.

CLIFFORD MACKRELL,

Defendant.

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Case No.: 21-CR-276 (CKK)

18 U.S.C. § 111(a)(1)

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, Clifford Mackrell, 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 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 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 p.m., 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 (MPD) 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 p.m., 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 p.m., 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 p.m. 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 p.m. 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.

Clifford Mackrell's Participation in the January 6, 2021, Capitol Riot

8. Prior to January 6, 2021, the defendant traveled from his home in Ohio to Washington, D.C. for the purposes of participating in a political rally. On January 6, 2021, the defendant wore a red shirt, covered by a heavy blue-toned, striped jacket, as well as heavy tan colored gloves; he also carried a black backpack and donned a gas mask. Around 2:30 pm, the defendant positioned himself on the front line of rioters on the west front of the U.S. Capitol. While on the front line of rioters, the defendant engaged with and assaulted law enforcement officers, consisting of both USCP Officers and MPD Officers, on a police line protecting the U.S. Capitol from the rioters.

9. At approximately 2:30 pm, the defendant pushed back barricades with other rioters, forcing law enforcement to abandon their line and retreat closer to the Capitol building to form a new protective line without the use of barricades.

10. While there, between approximately 2:28 p.m. to 2:35 p.m., the defendant engaged in multiple assaults and unlawful conduct which included striking and pushing officers who were engaged in and assisting officers of the United States in the performance of official duties.

11. Specifically, this includes an assault on Officer D.H. from the MPD. At approximately 2:29 p.m., the defendant attempted to push Officer D.H. A few seconds later, the defendant successfully struck and pulled down the officer's gas mask as Officer D.H. was trying to help his fellow officers hold a line against rioters. When the defendant assaulted that MPD officer, who was assisting the USCP, by striking the officer and pulling down the officer's gas mask, the defendant knew that the officer was engaged in the performance of official duties.

12. At one point, the defendant helped push a piece of what appeared to be plywood into a line of officers, pushing them off of their protective line. When the plywood fell, the defendant's father pushed the officer to the ground and the defendant physically confronted other law enforcement officers on the front line by pushing them.

Elements of the Offense

13. The parties agree that Assaulting, Resisting or Impeding Certain Officers, in violation of 18 U.S.C. § 111(a)(1) requires the following elements:

- a. First, the defendant assaulted, resisted, opposed, impeded, intimidated, or interfered with an officer from the United States Capitol Police.
- b. Second, the defendant did such acts forcibly.
- c. Third, the defendant did such acts voluntarily and intentionally.
- d. Fourth, the person assaulted, resisted, opposed, impeded, intimidated, or interfered with, was an officer or an employee of the United States who was then engaged in the performance of his official duties.


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


Defendant's Acknowledgments

14. The defendant knowingly and voluntarily admits to all the elements as set forth above. Specifically, the defendant admits that he forcibly assaulted Officer D.H., when he was assisting an officer and employee of the USCP, and the defendant knew that the officers were engaged in the performance of official duties.

Respectfully submitted,

MATTHEW M. GRAVES
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DEFENDANT'S ACKNOWLEDGMENT

I, Clifford Mackrell, 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: 10/19/23 
Clifford Mackrell
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: 10/19/2023 
Elizabeth Mullin
Attorney for Defendant