

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

DAVID WIERSMA,

Defendant.

Case No.: 21-CR-00592-ABJ

40 U.S.C. § 5104(e)(2)(G)

FILED

AUG 30 2022

Clerk, U.S. District and
Bankruptcy Courts

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 Defendant, David Wiersma, with the concurrence of his attorney, agree and stipulate to the below factual basis for 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, 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 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. 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 \$2.7 million dollars for repairs.

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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.

David Wiersma's Participation in the January 6, 2021, Capitol Riot

8. Defendant traveled on January 5, 2021, to Washington, D.C. from Northern Illinois with codefendant Dawn Frankowski (Frankowski) and a third person to attend the rally for former President Donald Trump.

9. The next morning, on January 6, 2021, the three attended the rally. After the rally, Defendant and Frankowski followed the crowd to the U.S. Capitol.

10. Defendant and Frankowski entered the U.S. Capitol, at approximately 3:02 p.m. Defendant and Frankowski entered the Capitol building through the Senate Wing doors. Defendant and Frankowski remained in the Capitol building, traveling between various areas on the first floor for about 11 minutes.

11. While inside the U.S. Capitol, Defendant and Frankowski entered two offices on the Senate side of the first floor (S140 and S145). They also entered the Crypt.

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12. Specifically, upon leaving the Senate Wing doors area, Defendant and Frankowski entered Senate room S140, where they remained for about one minute. They then walked down the hallway to the Crypt, remaining there for about one minute. Defendant and Frankowski returned to the Senate Wing doors area around 3:08 p.m. They walked down the same hallway, stopping in Senate room S145, an office off the hallway on the right before the Crypt. Defendant and Frankowski returned to the Senate Wing doors area and exited the building around 3:13 p.m.

13. Later that evening, Defendant posted on two of his Facebook accounts the following: "we joined the protest inside. From what we know and experienced two people were shot one fatally. Many were tear gassed. We only experience[d] a little of that. Spent 30 minutes inside and got out before the swat team went in." The "we" in this post refers Defendant and Frankowski.

14. Defendant willfully and knowingly entered the U.S. Capitol Building. At the time that he entered, he knew that that she did not have permission to do so. Defendant further admits that while inside the Capitol, Defendant willfully and knowingly paraded, demonstrated, or picketed.

Respectfully submitted,

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

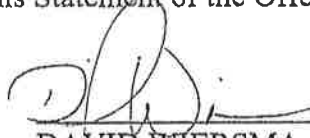
By: /s/ Jason M. Crawford
JASON M. CRAWFORD
Trial Attorney
D.C. Bar No. 1015493

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DEFENDANT'S ACKNOWLEDGMENT

I, **David Wiersma**, 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: 08/18/2022



DAVID WIERSMA
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: _____

Joseph R. Conte

Digitally signed by Joseph R.
Conte

Date: 2022.08.19 06:28:31 -04'00'

JOSEPH CONTE
Attorney for Defendant

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