

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

Case No: 21-CR-254 (RCL)

v.

40 U.S.C. § 5104(e)(2)(G)
(Parading Demonstrating, or Picketing in
a Capitol Building)

FRANK J. SCAVO,

Defendant.

*Let this be filed.
Rogee C. Lomax
U.S.D.G. 9/8/21*

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, Frank J. Scavo, 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 United States 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 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 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. As noted above, temporary and permanent barricades were in place around the exterior of the Capitol building, and U.S. Capitol Police 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, and officers of the U.S. Capitol Police, 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 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 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 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 \$1.4 million 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 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 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 left the 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 Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

Scavo's Participation in the January 6, 2021, Capitol Riot

8. Scavo traveled from Northeast Pennsylvania to attend the rally President Donald Trump planned to hold in Washington, D.C., on January 6, 2021. After arriving in Washington and hearing that Vice President Pence would not impede the certification of the Electoral College vote, Scavo made his way to the Capitol. At approximately 1:26 p.m., he posted a message to his Facebook page that read, "V.P. PENCE FAILS AMERICA."

9. Scavo recorded a cellphone video of himself at the Rotunda Doors on the East Front of the Capitol, where hundreds of rioters gathered. Some of the rioters near Scavo screamed at, pushed, pulled, and otherwise assaulted police officers guarding the doors, eventually breaching

that entryway. Scavo recorded some of this activity on his phone. At one point, Scavo turned the phone's camera on himself and said, "Here we go." Shortly after that, and within three minutes of rioters breaching the doors, Capitol surveillance cameras captured Scavo crossing the threshold of the Capitol at approximately 2:40 p.m. As he entered the building, Scavo held up his cellphone to record video, and walked up a stairwell and toward the Senate Wing of the Capitol.

10. Scavo continued recording video inside the building. He captured himself saying "God bless America!" and joining chants of "Treason!," and "Defend the Constitution, Defend your Liberty!" At one point, he gave his phone to another individual to take a photo of himself in front of a large painting depicting a scene from the War of 1812. Scavo also recorded video of himself saying, "This is top-secret s***. We're in the Capitol. Stormed the f***ing Capitol of the f***ing United States at 58 years old. What the f*** is wrong with America?" As he roamed the halls of the Capitol, Scavo also stated, "Your own personal tour of the freaking Capitol. We f***ing took it back. Took it back." Capitol surveillance video shows Scavo was inside the building from approximately 2:40-2:50 p.m.

11. Scavo admitted to the Federal Bureau of Investigation ("FBI") that he was inside the Capitol for approximately eight minutes. The FBI did not uncover evidence that Scavo engaged in violent or destructive conduct at the Capitol grounds or inside the building.

12. Before his arrest, Scavo voluntarily submitted to an interview with the FBI and produced video and photo evidence of his time inside the Capitol. He has been cooperative with law enforcement.

13. Scavo knew at the time he entered the Capitol that he did not have permission to enter the building and he paraded, demonstrated, or picketed inside the building.

Respectfully submitted,

CHANNING D. PHILLIPS
Acting United States Attorney
D.C. Bar No. 415793

By: /s/ Seth Adam Meinero
SETH ADAM MEINERO
Trial Attorney
Detailee
D.C. Bar No. 976587

DEFENDANT'S ACKNOWLEDGMENT

I, Frank J. Scavo, 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:

8/20/2021

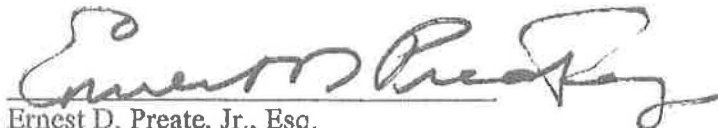

Frank J. Scavo
Defendant

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:

8/20/2021


Ernest D. Preate, Jr., Esq.
Attorney for Defendant