

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

<b>UNITED STATES OF AMERICA</b>	:	
	:	<b>No. 21-cr-738 (BAH)</b>
<b>v.</b>	:	
	:	
<b>MICHAEL OLIVERAS,</b>	:	
	:	
<b>Defendant.</b>	:	

**JOINT PRETRIAL STATEMENT**

Pursuant to the Court's October 27, 2022 Minute Order, and the Court's Standing Order for Criminal Cases, ECF No. 15, the parties hereby jointly submit this pretrial statement. As directed, the parties will deliver a Microsoft Word version of this document, including attachments, by email to Howell\_Chambers@dcd.uscourts.gov.

**A. Status of Plea Offers**

(i) The Government extended a formal plea offer to resolve this case on May 9, 2022, in a written proposed plea agreement and an accompanying statement of facts. The plea offer was set to expire on July 18, 2022. The Government extended the time in which Mr. Oliveras could accept the plea to August 15, 2022. The Government made a second extension to August 29, 2022. Mr. Oliveras rejected the plea offer by letting it expire. The terms of the offer were as follows: Mr. Oliveras would plead guilty Count One of the Information, charging him with Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G), and the Government would move to dismiss all remaining counts of the Information at sentencing.

(ii) The Government extended a second formal plea offer to resolve this case on October 16, 2022, in a written proposed plea agreement and an accompanying statement of facts. The

plea offer was set to expire on October 20, 2022. The Government extended the time in which Mr. Oliveras could accept the plea to October 25, 2022. Mr. Oliveras rejected the plea offer. The terms of the offer were as follows: Mr. Oliveras would plead guilty Count One of the Information, charging him with Entering and Remaining in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1), and the Government would move to dismiss all remaining counts of the Information at sentencing.

(ii) Counsel for the defendant communicated the terms of the plea offer, and a copy of the written plea agreement, to the defendant on October 17, 2022, as well as multiple dates before that time. As part of this communication, counsel explained that the potential sentencing exposure in the event Mr. Williams accepted the plea offer was a maximum of one year, a fine of not more than \$100,000, pursuant to 18 U.S.C. § 3571(b)(5), and a special assessment of \$25.00, 18 U.S.C. § 3013(a)(1)(A)(iii)).

In the alternative, counsel explained that the potential sentencing exposure in the event Mr. Oliveras rejected the plea offer and proceeded to trial on all four counts was a maximum of three years in custody (one year for each of two Class A misdemeanor charged and six months for each of two Class B misdemeanors charged); a term of probation of not more than five years for each count of conviction pursuant to 18 U.S.C. § 3561(c)(2); a term of supervised release of not more than one year for each of the two Class A misdemeanors pursuant to 18 U.S.C. § 3583(b)(3); a fine of not more than a total of \$210,000 (\$100,000 for each Class A misdemeanor pursuant to 18 U.S.C. § 3571(b)(5) and \$5,000 for each Class B misdemeanor pursuant to 18 U.S.C. § 3571(b)(6)); and a special assessment of \$70 (\$25 per class A misdemeanor pursuant to 18 U.S.C. § 3013(a)(1)(A)(iii) and \$10 per class B misdemeanor pursuant to 18 U.S.C. § 3013(a)(1)(A)(ii)).

The defendant rejected the government's second plea offer on October 24, 2022.

**B. Joint Statement of the Case**

This is a criminal case. The United States has charged Michael Oliveras with violating four separate federal criminal laws based on his presence inside the U.S. Capitol on January 6, 2021. Specifically, the United States alleges that on January 6, 2021, Michael Oliveras unlawfully entered and remained on restricted grounds and in the U.S. Capitol; unlawfully engaged in disorderly and disruptive conduct; and unlawfully paraded, demonstrated, and picketed. Mr. Oliveras denies each charge.

**C. Proposed Voir Dire Questions**

The parties' jointly-proposed voir dire questions are set forth in Exhibit 1. The parties are fully in agreement on Exhibit 1.

**D. Proposed Jury Instructions**

The parties' jointly-proposed jury instructions are set forth in Exhibit 2. The parties are fully in agreement on Exhibit 2.

**E. List of Expert Witnesses**

The parties do not anticipate sponsoring the testimony of expert witnesses at trial.

**F. List of Motions in Limine**

The United States previously submitted the following motions in limine:

- 1) Motion In Limine To Preclude Arguments And Evidence About Alleged Law Enforcement Permissiveness, ECF No. 28; Response: ECF No. 37; Reply: ECF No. 44.
- 2) Unopposed Motion To Limit Cross-Examination Of U.S. Secret Service Witnesses, ECF No. 30.
- 3) Unopposed Motion In Limine Regarding Evidence About Specific Locations Of U.S. Capitol Police Surveillance Cameras, ECF No. 31.

The defense did not file any motions in limine.

**G. List of Prior Convictions**

The government does not intend to use any prior conviction for impeachment.

**H. List of Government Exhibits**

The list of government exhibits is attached as Exhibit 3.

**I. Stipulations**

The parties have reached stipulations which are attached as Exhibit 4. *See also* ECF Nos. 10, 38, 39, 40. The parties will continue discussing possible additional stipulations relating to the trial and will continue working toward agreement where possible.

**J. Proposed Verdict Form**

A proposed verdict form is attached as Exhibit 5.

Dated: December 9, 2022

FOR THE DEFENDANT

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Defendant

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