

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

Case No: 21-cr-587

40 U.S.C. § 5104(e)(2)(G)

v.

JOHN A. SCHUBERT, JR.,

Defendant.

FILED

DEC - 3 2021

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

STATEMENT OF OFFENSE

Pursuant to Federal Rule of Criminal Procedure 11, the United States of America, by and John A. Schubert, Jr., 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 U.S. 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 U.S. Capitol.

2. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.

3. On January 6, 2021, a joint session of the United States Congress convened at the United States 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 United States 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 U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building 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 U.S. 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 U.S. 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 U.S. Capitol, requiring the expenditure of more than \$1.4 million dollars 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 United States Congress, including the joint session, were effectively suspended until shortly after

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8:00 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. 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 United States Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

John A. Schubert, Jr.'s Participation in the January 6, 2021, Capitol Riot

8. On or about January 6, 2021, the defendant traveled with his wife, Amy Schubert, from Illinois to Washington, D.C. to attend the "Stop the Steal" rally that was scheduled to take place at the Ellipse, the 52-acre park located south of the White House, on January 6, 2021. The morning of January 6, 2021, the defendant attended the rally then traveled to the U.S. Capitol Building.

9. As stated previously, the Capitol was breached by individuals shortly after 2:00 p.m., Congressional proceedings came to a halt, and members of Congress were forced to evacuate their chambers at approximately 2:20 p.m. The defendant was present inside the U.S. Capitol Building, including the Rotunda and adjacent hallways, from approximately 2:22 p.m. to 3:18 p.m. EST.

10. The defendant's presence inside the U.S. Capitol Building was captured on video cameras maintained by the U.S. Capitol Police and memorialized by Amy Schubert in photographs and video captured with and saved on her cellular telephone.

11. The following text messages that Amy Schubert sent on January 6, 2021, were recovered from her cellular telephone:

- 2:32 p.m. - We're in the capital bldg.
- 3:07 p.m. - Yes we climbed up walls. Thru a broken window. John's sin [sic] got clubbed and maced. John and I got a little maced.
- 4:46 p.m. - Johnny got clubbed and maced and john and I got mace in our mouths. A woman was shot 20 feet in front of use. We're ok. Got into a little confrontation w Antifa.

12. The defendant knew at the time he entered the U.S. Capitol Building that he did not have permission to enter the building and yet the defendant illegally paraded, demonstrated, or picketed inside the building for approximately one hour.

Respectfully submitted,

MATTHEW GRAVES

United States Attorney

D.C. Bar No. 481052

By: /s/ Anita Eve

Anita Eve

Assistant United States Attorney

PA Bar No. 45519

Handwritten signature and date:
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I, John Schubert, 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: 11.19.2021


John A. Schubert, Jr.
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: 11-29-2021


H. Heather Shaner
Attorney for Defendant