

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No: 21-CR-403 (RC)
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	:	
	:	40 U.S.C. §§5104(e)(2)(G)
	:	
v.	:	
	:	
Nicole Prado,	:	
	:	
Defendant.	:	
	:	

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, Nicole Prado, 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 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.

Nicole Prado's Participation in the January 6, 2021, Capitol Riot

8. The defendant, Nicole Prado, traveled from Gaithersburg, Maryland to Washington, D.C. on the morning of January 6, 2021. Carrying a small American flag, she entered the Capitol building between 2:20 pm and 2:30 pm through the Upper West Terrace door after it was opened by rioters leaving the building. She traveled into the Rotunda and Statuary Hall, where she took pictures which she sent to her husband, who posted them on his Instagram account. After leaving Statuary Hall, she went at approximately 2:37 pm with other rioters into the Statuary Hall Connector and on the periphery of the large crowd that pushed past the police

line trying to prevent rioters from entering the House side of the Capitol. At approximately 2:44 pm she walked down the hallway toward the Speaker's Lobby doors, and past the Rayburn Conference Room. She then made it to the 3rd floor of the House, near the House Gallery by 2:45 pm, and went into the House Appropriations room before being marshalled out of the area with other rioters by uniformed officers. She left the Capitol at approximately 2:52 pm through the south Door Vestibule, after coming down a back flight of stairs. The Defendant was inside the Capitol for approximately 20 - 30 minutes. After Defendant left the Capitol, she met up with her husband, who filmed the two of them together. He stated in the video, later posted to his Instagram: "Please meet the new Congresswoman...she uh, she just was in the Capitol for the first time today. She stormed the Capitol, she's the new Congresswoman. She's the new Speaker of the House."

9. The defendant knew at the time she entered the U.S. Capitol Building that that she did not have permission to enter the building and the defendant paraded, demonstrated, or picketed.

Respectfully submitted,

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

By: Mona Lee M. Furst
Mona Lee M. Furst
Assistant United States Attorney

DEFENDANT'S ACKNOWLEDGMENT

I, Nicole Prado, 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: Nov. 3, 2021




Nicole Prado
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: NOV. 4, 2021



Joni Robin
Attorney at Law
Attorney for Defendant

