

FILED

JUL 22 2022

**Clerk, U.S. District and
Bankruptcy Courts**

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

UNITED STATES OF AMERICA

v.

JAMES ALLEN MELS,

Defendant.

:
:
:
:
:
:
:
:
:
:
:
:

Case No.: 21-CR-184 (BAH)

18 U.S.C. § 1752(a)(1)

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 the defendant, James Allen Mels, 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 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 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 \$1.4 million dollars for repairs.

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.

James Allen Mels's Participation in the January 6, 2021, Capitol Riot

8. The defendant, James Allen Mels, lives in Shelby Township, Michigan. On January 5, 2021, defendant traveled from Shelby Township to Washington, D.C., via automobile. The purpose of the defendant's trip to Washington, D.C., was to protest Congress' certification of the Electoral College.

9. Prior to January 6, in December 2020 and early January 2021, defendant sent several text messages discussing the purpose of his upcoming trip to Washington, D.C. Mels's text messages include the following examples:

- a. On January 1, 2021, defendant sent a text to an individual stating, "I leave for DC in 4 daze." In response to the question "What??? DC what you going there for???", Mels responded: "Hangings? Execution? Gitmo? We the people are getting our country back from these treasonous rat bastards Corruption at the highest level."

- b. On January 1, 2021, Mels also sent a separate text message to another individual, “Im going to DC in 4 daze. Once a veteran always a veteran. Defending this country from terrorists foreign or domestic. Till death do US part. Wwg l wga.”
- c. On January 1, 2021, in yet another text message about his upcoming trip, Mels wrote, “Thepatriour.tv These are the patriots Im going with.” He added, “Truth tellers. This guy is the Guru proof fraud was made... That’s treason and if the people involved were government officials? Treason is punishable by death. We the people want the death penalty. For crimes against humanity.”
- d. On January 3, 2021, Mels sent a text message to a different individual referencing his upcoming trip to Washington, D.C., “Follow us on the 6th live Thepatriour.tv.” In response to the recipient’s comment “Nice! I will[] [k]eep praying that this election is overturned,” Mels responded, “AND don’t forget to pray for mass arrests are made for the corruption defrauded on the American people.”

10. On January 6, 2021, defendant attended the “Stop the Steal” rally and then marched with others to the Capitol.

11. By 2:17 p.m., defendant had reached the steps outside the northwest side of the Capitol Building, having entered the Capitol’s restricted grounds. While there, defendant saw other rioters breach a police line that was attempting to contain the crowd. Defendant then went up the stairs of the Capitol, approaching the Senate Wing Door on the west side of the Capitol Building. By about 2:36 p.m., defendant stood immediately outside the Senate Wing Door. Around the same time, the crowd in that area could be heard screaming, among other things, “Hold the line!”, “Fight for Trump!”, “Let us in!”, “Our House!”, and “I’m coming for you, Nancy!”

12. At 2:48 p.m., a mob of rioters breached the Senate Wing Door, violently overrunning a line of Capitol Police officers. Less than a minute later, defendant, who had been standing immediately outside the Senate Wing Door, entered the Capitol Building through the same door. Once inside, defendant walked toward a group of Capitol Police officers, coming within less than two feet of the officers, and spoke at the officers while waving what appears to be a booklet or document at them.

13. After spending approximately 10 minutes in the Senate Wing Door area, defendant walked deeper into the Capitol Building, marching through the Crypt, the Memorial Door, and the Hall of Columns. Defendant exited the Capitol Building through the South Door at around 3:02 p.m.

14. At all relevant times, defendant knew that the Capitol Building and surrounding areas were restricted and that he lacked lawful authority to enter or remain therein.

Elements of the Offense

15. Mels knowingly and voluntarily admits to all the elements of Entering and Remaining in a Restricted Building or Ground, in violation of 18 U.S.C. § 1752(a)(1). Specifically, Mels admits that he knowingly entered and remained in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, without lawful authority to do so.

Respectfully submitted,

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

By: /s/ Francesco Valentini
FRANCESCO VALENTINI
D.C. Bar No. 986769
Trial Attorney


United States Department of Justice, Criminal Division
Detailed to the D.C. United States Attorney's Office
601 D Street NW
Washington, D.C. 20530
(202) 598-2337
francesco.valentini@usdoj.gov

By: /s/ Douglas B. Brasher
DOUGLAS B. BRASHER
Texas State Bar No. 24077601
Assistant United States Attorney (Detailed)
1100 Commerce Street, Third Floor
Dallas, TX 75242
(214) 659-8604
douglas.brasher@usdoj.gov

DEFENDANT'S ACKNOWLEDGMENT

I, James Allen Mels, 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: July 22-22

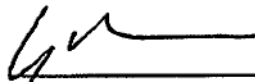


James Allen Mels
Defendant

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: July 22-22



Elizabeth Mullin
Attorney for Defendant