

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

UNITED STATES OF AMERICA :
 :
 :
 v. :
 : **Case No.: 21-CR-00289-001 (RDM)**
PHILIP C. VOGEL, II, :
 : **18 U.S.C. §§ 641, 2**
 :
 Defendant. :

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, PHILIP C. VOGEL, II, AKA “FLIP”, 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 separate chambers of 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 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. 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 p.m., 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 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 \$2.8 million dollars for repairs.

7. Shortly thereafter, at approximately 2:20 p.m., 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 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.

PHILIP C. VOGEL'S Participation in the January 6, 2021 Capitol Riot

8. On or about January 6, 2021, co-defendants PHILIP C. VOGEL, II (AKA “Flip”) and DEBRA J. MAIMONE traveled from Pennsylvania to Washington, D.C. to attend the “STOP THE STEAL” rally. VOGEL and MAIMONE were boyfriend and girlfriend at that time.

9. After the rally, VOGEL and MAIMONE went to the United States Capitol. At approximately 2:26 p.m., VOGEL and MAIMONE entered the United States Capitol Building through the Senate wing door. VOGEL was wearing a gray stocking cap, black sweatshirt and American flag face mask. VOGEL was carrying a dark-colored backpack. MAIMONE was wearing an American flag face mask, brown ballcap with faded American flag, a dark colored coat with white lining, and a shirt with “God Guns Trump” in large red letters. MAIMONE was carrying a maroon purse with a shoulder strap. They turned right and walked down the corridor.

10. At approximately 2:30 p.m., VOGEL and MAIMONE entered the Crypt on the basement floor of the Capitol Building. While in the Crypt, VOGEL made a video using a cell phone that panned the camera around the Capitol Crypt, showing MAIMONE and other

individuals. As the camera arrived on MAIMONE'S face, she removed her distinctive American flag mask and stated, "It's amazing". The unseen VOGEL admonished MAIMONE, stating: "Put your mask on. I don't want them to see you."

11. At approximately 2:30 p.m. (EST), a Parler social media account registered to co-defendant MAIMONE posted the video of MAIMONE that had been filmed by VOGEL.

12. At approximately 2:37 p.m., VOGEL and MAIMONE exited the Crypt and entered the Lobby that is located directly East of the Crypt. They talked with other rioters, and then VOGEL put on his facemask. MAIMONE smoked a cigarette in the Lobby.

13. At approximately 2:38 p.m., VOGEL and MAIMONE climbed to the Second Floor of the Capitol and entered a lobby between the East side of the Rotunda and the Rotunda Door. At this time, three officers were trying to keep the Rotunda Door to the outside closed. Multiple rioters in the lobby were yelling at the officers and trying to push the Rotunda Door open. More rioters were gathered outside the Rotunda Door. MAIMONE started filming the rioters that were pushing officers at the door and trying to take an officer's helmet. The rioters overwhelmed law enforcement and pushed the door open, allowing more rioters to enter the U.S. Capitol. After that, VOGEL and MAIMONE turned and went up a flight of stairs to the third floor of the Capitol.

14. At approximately 2:42 p.m., VOGEL and MAIMONE walked down a corridor to the Senate Gallery. In the corridor, VOGEL kicked one of the office doors but did not break open the door. MAIMONE continued to record a video on her cell phone.

15. Outside the Senate Gallery, VOGEL and MAIMONE each picked up a gas mask (Gas Masks #1 and #2). These gas masks were personal protective equipment that belonged to the U.S. Capitol Police. The particular gas masks were 3M – SCOTT AV3000 gas masks, which have a black and gray foundation and ventilator, a clear visor, and yellow netting and strap.

16. The fair market value of a 3M – SCOTT AV3000 gas mask on January 6, 2021, was \$260.00, according to the U.S. Capitol Police.

17. Neither VOGEL or MAIMONE had permission to take the 3M – SCOTT AV3000 gas masks.

18. At approximately 2:43 p.m., VOGEL and MAIMONE entered the hallway directly outside of the Senate Gallery. They were carrying Gas Masks #1 and #2. MAIMONE put the gas mask she was carrying (Gas Mask #1) into the backpack carried by VOGEL. VOGEL removed his backpack and set it on a green topped table. VOGEL put the gas mask that he was carrying (Gas Mask #2) into his backpack, on top of Gas Mask #1.

19. At this time, an unnamed rioter wearing a red hat, dark coat with hood, and a khaki-colored backpack approached VOGEL and MAIMONE. The three had a short conversation. This unnamed rioter gave MAIMONE a third 3M – SCOTT AV3000 gas mask (Gas Mask #3) and another black item, possibly another type of gas mask. MAIMONE aided this unnamed rioter when she placed Gas Mask #3 and the other black item into his backpack. MAIMONE then closed the unnamed rioter's backpack and gave him a "thumbs up."

20. At approximately 2:44 p.m., VOGEL and MAIMONE walked down the hallway and entered the Senate Gallery. They went down several steps into the Senate Gallery. VOGEL and MAIMONE took a black duffel bag from under a seat in the Senate Gallery, where it was fastened to the seat.

21. The black duffel bag contained two (2) emergency escape hoods in silver packages. The duffel bags had an orange shoulder length strap.

22. According to U.S. Capitol Police, each black duffel bag contained two ILC Dover CBRN30 Escape Hoods. These escape hoods were a form of personal protective equipment

designed to protect the wearer from chemical agents, biological agents, nuclear or radiological particles and toxic industrial chemicals for a short period of time. Each escape hood was packaged in a silver packet with a label and use instructions on one side of the packet.

23. The escape hoods were procured by the U.S. Senate Sergeant at Arms. They were placed in the Senate and House galleries for emergency use by people authorized to be in the Capitol for work or permitted visits.

24. The fair market value of an ILC Dover CBRN30 Escape Hood on January 6, 2021, was \$249.00, according to the United States Senate Sergeant at Arms. The fair market value of a black duffel bag with an orange strap on January 6, 2021, was \$28.00, according to the United States Senate Sergeant at Arms.

25. VOGEL and MAIMONE did not have permission to take the escape hoods or the black duffel bag from the Senate Gallery.

26. At approximately 2:46 p.m., VOGEL and MAIMONE left the Senate Gallery. VOGEL carried a silver package containing one escape hood (Escape Hood #1) in his hands. MAIMONE carried a black duffel bag with the orange strap across her shoulder.

27. At approximately 2:47 p.m., VOGEL and MAIMONE walked back down the hallway. Other rioters were rummaging through a black bag marked with "Police" in large white letters, located on the side of the hallway across from the Senate Gallery. VOGEL and MAIMONE joined these other rioters. MAIMONE and VOGEL picked up the bag marked "Police" and started rummaging through it and taking silver packages from the Police bag. MAIMONE removed a second silver package containing an escape hood (Escape Hood #2) from the Police bag. MAIMONE and VOGEL did not have permission to take the silver package from the Police bag in the Senate Gallery hallway.

28. At 2:49 p.m., VOGEL and MAIMONE left the Senate Gallery hallway and proceeded to go down the stairs just outside of the Senate Majority Whip offices. VOGEL and MAIMONE each carried a silver package containing an escape hood (Escape Hood #1, Escape Hood #2). VOGEL also carried his backpack. MAIMONE wore the black duffel bag with orange strap.

29. At 2:50 p.m., VOGEL and MAIMONE walked down a hallway past elevators and a law enforcement officer. They left the U.S. Capitol through the Senate Carriage Door. Each defendant carried a silver package with an escape hood (Escape Hood #1, Escape Hood #2) taken from the Capitol. VOGEL still carried his backpack, and MAIMONE had the black duffel bag with an orange strap across her shoulder.

30. The market value of the items illegally taken from the U.S. Capitol on January 6, 2021, which are attributable to actions by VOGEL, including the items personally removed from the U.S. Capitol by VOGEL, and the additional Gas Mask #3 which MAIMONE aided and abetted the unnamed rioter in the red hat to conceal within his backpack, is:

a. Two 3M – SCOTT AV3000 gas masks @ \$260.00/mask	\$ 520.00
b. One ILC Dover CBRN30 Escape Hoods @ \$249/Hood	\$ 249.00
Total fair market value for VOGEL	\$ 769.00

30. For purposes of restitution, the Parties have agreed that VOGEL and MAIMONE will be jointly and severally responsible for an amount of restitution of the total estimated market value of \$1,306.00, payable through the Court to the General Fund of the United States Treasury. VOGEL and MAIMONE have further agreed that this restitution will be paid to the Clerk of the Court prior to their sentencing hearing.

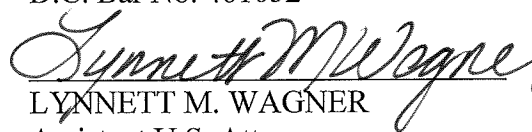
Elements of the Offense

31. PHILIP C. VOGEL, II knowingly and voluntarily admits to all the elements of 18 United States Code §§ 641, 2. Specifically, VOGEL admits that he willfully and knowingly did steal and purloin gas masks, escape hoods, and a pouch, of an aggregate value equal to or less than \$1,000, each of which constituted goods and property of the United States.

Respectfully submitted,

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

By:



LYNNETT M. WAGNER
Assistant U.S. Attorney
Nebraska Bar No. 21606

DEFENDANT’S ACKNOWLEDGMENT

I, Philip C. Vogel, II, AKA “Flip,” 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: 4/24/2023



Philip C. Vogel
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: _____

Allen H. Orenberg
Attorney for Defendant