

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

ANTHIME JOSEPH GIONET,

Defendant.

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CR 22-132-01 (EGS)

FILED

JUL 22 2022

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 through its attorney, the United States Attorney for the District of Columbia, and the defendant, Anthime Joseph Gionet ("GIONET"), 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.

GIONET's Participation in the January 6, 2021, Capitol Riot

8. On January 6, 2021, at some time after 2:00 p.m., GIONET, also known as “Baked Alaska” on social media platforms, entered the U.S. Capitol without authorization to do so. While inside the Capitol building, GIONET conducted an approximately 27-minute long livestream video on the “DLive” platform.

9. GIONET entered the Senate wing of the U.S. Capitol and initially remained inside the hallway among a crowd of rioters. A high-pitched, continuous alarm could be heard. A line of U.S. Capitol Police (“USCP”) officers stood in the hallway, blocking one direction. Most of the USCP officers were wearing riot helmets with plastic face shields lowered. GIONET stated to another rioter, “Hey, what do we got up here, riot police?”

10. While inside the U.S. Capitol, GIONET chanted slogans and made other statements including, “Let’s go, 1776,” “Fight for Trump,” “Let’s go, America First,” “We Are the Kraken,

unleash the Kraken . . . trust the fucking plan, let's go," "This was a fraudulent election, we're standing up for the truth, God's truth,"

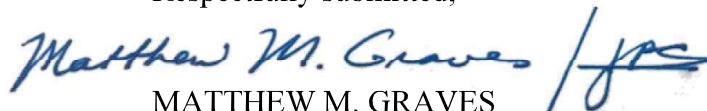
11. GIONET approached a broken window next to the line of USCP police. The glass panes had been smashed open by other rioters, and broken glass or other debris was visible on the window sill. GIONET turned toward the broken window, facing outside where other rioters were standing, and stated, "Come in." Later, when he saw rioters entering the Capitol building, GIONET again stated, "Come in, let's go, come on in, make yourselves at home."

12. GIONET entered the office of a U.S. Senator inside the Capitol building and interviewed other rioters inside. He picked up a conference room telephone and filmed himself while pretending to make a call to the "U.S. Senate," stating, among other things, "We need to get our boy, Donald J. Trump, into office," and "America First is inevitable, let's go, fuck globalists, let's go." GIONET then entered another Senate office. There, GIONET sat on a couch and placed his feet on a table. GIONET encouraged other rioters not to break anything. He stated, "Occupy the Capitol, let's go, we ain't leaving this bitch," and "Patriots are in control."

13. GIONET eventually returned to the hallway and was ushered towards the exit by law enforcement. GIONET accused one USCP officer of shoving him. GIONET yelled at the officer, "You're a fucking oathbreaker, you piece of shit, fuck you, fuck you, fuck you, you piece of shit, you broke your oath to the Constitution, fuck you."

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

Respectfully submitted,

A handwritten signature in blue ink that reads "Matthew M. Graves" followed by a stylized flourish or initials.

MATTHEW M. GRAVES

United States Attorney

By: /s/Elizabeth Aloi

Elizabeth Aloi

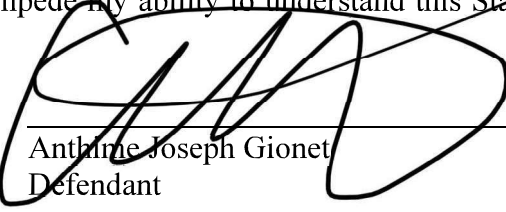
Christopher Brown

Assistant United States Attorneys

DEFENDANT'S ACKNOWLEDGMENT

I, Anthime Joseph Gionet, 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: 5/10/22



Anthime Joseph Gionet
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: 05/10/2022

/s/Zachary J. Thornley

Zachary Thornley
Attorney for Defendant