

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No: 21-cr-555 (RCL)
	:	
	:	
v.	:	40 U.S.C. § 5104(e)(2)(G)
	:	
PAMELA ANNE HEMPHILL	:	
	:	
Defendant.	:	
	:	

*Not this to file.
Roger v. Smith
U.S. d. g. 1/21/22*

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, Pamela Anne HEMPHILL, with the concurrence of her 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.

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

8. On December 28, 2021, Pamela Anne HEMPILL, a resident of Boise, Idaho posted the following message on her Facebook page:

It's not going to be a FUN Trump Rally that is planned for January 6th, its a WAR! The fight for America is REAL, show up I don't want to hear your excuses! We have no second chances, if Millions and I mean Millions show up we may have a chance. FIND A WAY!

9. On January 5, 2021, HEMPILL flew to Washington, D.C. from Idaho.

10. On the evening of January 5, 2021, HEMPILL attended an outdoor event in Washington, D.C., where she told members of the crowd, "... I'm going in the Capitol," and

advised others in the crowd to “occupy the Capitol.” HEMPHILL also stated, “Don’t worry, Trump’s coming in office.”

11. On January 6, 2021, HEMPHILL walked to the Capitol building and was in the front of the crowd that confronted U.S. Capitol Police and other law enforcement officers assisting them in their attempt to keep the rioters behind the metal barriers set up to keep them out of the restricted area on the East side of the Capitol grounds.

12. HEMPHILL passed through the barriers while other rioters pushed against them, claiming fear of injury. However, a law enforcement officer told HEMPHILL to go back behind the barriers. On her way back to the barriers, HEMPHILL encouraged others in the crowd to break through saying, “You just gotta come in.... It’s your house. Come on in.”

13. After being sent back, HEMPHILL again stood at the front of the barriers on the East side of the Capitol when the rioters pushed through the police line and moved toward the steps of the Capitol building.

14. Upon reaching the steps of the Capitol building, HEMPHILL was again at the front of the group of rioters who pushed through the second police line attempting to keep the rioters from ascending the steps. HEMPHILL fell to her knees as the rioters pushed through the line and was helped up by a law enforcement officer. Law enforcement officers assisted HEMPHILL to the side of the steps, but HEMPHILL refused to leave the steps when instructed to do so by another U.S. Capitol Police officer who was trying to get her out of the crowd. HEMPHILL remained on the steps of the Capitol building for at least another 20 minutes, while rioters streamed by, making no effort to distance herself from mob.

15. HEMPHILL subsequently walked up the steps to the East Rotunda doors of the Capitol Building unassisted. At several points on her way to the doors, HEMPHILL told other rioters, "I want to go in."

16. At approximately 3:01 p.m. on January 6, 2021, HEMPHILL voluntarily entered the Capitol building through the East Rotunda doors along with other rioters. HEMPHILL filmed her progress into the Capitol building and through the Rotunda with her cellular phone.

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

18. After leaving the Capitol Rotunda at approximately 3:10 p.m., HEMPHILL asked an officer to help her leave the Capitol building, again claiming fear of injury from the crowd, and the officer escorted her out.

19. After exiting the Capitol building through the House South entrance, HEMPHILL returned to the exterior of the East Rotunda doors and remained there for at least an additional 37 minutes, filming the riot and conversing with other rioters. HEMPHILL boasted that she had been in the Capitol building and "was the first one behind the gate."

20. HEMPHILL finally departed the Capitol after other rioters told the crowd that then President Trump had tweeted that they should go home. “When Trump says something, I listen,” HEMPHILL stated. “Don’t worry. He’s gonna stay president. There’s nothing to worry about. [Vice President] Pence’s got his back.”

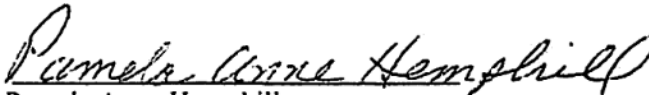
Respectfully submitted,

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

By: /s/ Katherine Nielsen
Katherine Nielsen
Trial Attorney, Detailee

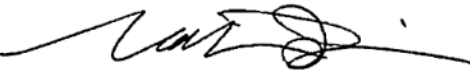
DEFENDANT'S ACKNOWLEDGMENT

I, Pamela Anne Hemphill, 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: 01/13/2022 
Pamela Anne Hemphill
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: Jan. 13, 2022 
Nathan I. Silver
Attorney for Defendant