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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Cr. No. 22-074 JMC
	:	
RACHEL MYERS,	:	
	:	
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, Rachel Myers, 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 \$2.7 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.

MYERS' Participation in the January 6, 2021, Capitol Riot

8. Between November 3, 2020 and January 6, 2021, Myers texted with individuals including Michael Gianos and Lawrence Stackhouse about the “stolen” 2020 presidential election and her desire to stop the certification of the electoral college.

9. For instance, on December 19, 2020, Myers sent Gianos a tweet from then-President Trump claiming that it was “statistically impossible to have lost the 2020 Election.”

10. The same day, Myers also messaged Gianos via Facebook, “January 6th the house starts and there’s already a ton of them objecting to the Biden votes.” Myers also messaged Gianos, “The 6th is when they meet for the electoral part” and included a series of screenshots of tweets regarding the electoral certification process.

11. Myers, Gianos, and Stackhouse also communicated about their travel arrangements for the rally on January 6, 2021, including where they were going to stay in

Washington, D.C. On December 30, 2020, Myers and Stackhouse discussed their upcoming trip, including the potential for running into counter protestors on January 6, 2021. Myers noted that she would be marching with the Proud Boys so the counter protestors would “stay away” from her.

12. On January 6th, Myers attended the “Stop the Steal” rally located near the U.S. Capitol. Prior to the rally, Myers texted with Lawrence Stackhouse and Michael Gianos regarding their location in Washington, D.C. and where to meet.

13. At approximately 2:22 p.m., nine minutes after the initial breach of the building, Myers entered the U.S. Capitol through the Senate wing doors, along with Gianos and Stackhouse. Myers, Gianos, and Stackhouse then made their way towards the Rotunda, and entered the Rotunda at approximately 2:31 p.m. At approximately 2:33 p.m. Myers, Stackhouse, and Gianos walked down a hallway in Speaker of the House Nancy Pelosi’s office suite area. Myers, Stackhouse, and Gianos were in the area for approximately one minute before leaving.

14. On January 8, 2021, Myers replied to a comment on Facebook about January 6, 2021 stating, “yes they let them in because it was a set up and I watched it all happen. This was an absolute inside job.” She also commented on another post, “Girl I was there Wednesday, and NO RIOT ever happened. The media are absolute liars. The cops opened those doors for everyone to walk right into the Capitol.” The same day, Myers messaged another Facebook user that, “Pence is a deep state traitor !!!!” and asked “Why would he set us up to come there. Tell us he was holding the lien (sic) and only count legal votes then put out a tweet in the middle of Trumps speech that he can’t change anything”.


15. On January 15, 2021, Myers messaged another Facebook user and said, “By the time I even made it to the Capitol there were already flash bombs being exploded from people”;

“And there were just random guys that would come up to you and be like LETS GO!!!! We’re going in!!!! Grab that over there. Push them people over there”; and “It was so strange.” Myers then claimed, “it was him and 226 other antifa members who spread out and planned fhis (sic) attack,” and “Makes sense when I look back at it all.”

16. Myers knew at the time she entered the U.S. Capitol Building that that she did not have permission to enter the building and she paraded, demonstrated, and picketed while in the building.

Respectfully submitted,

MATTHEW GRAVES
Acting United States Attorney

By: 
JENNIFER M. ROZZONI
Assistant United States Attorney

DEFENDANT'S ACKNOWLEDGMENT

I, Rachel Myers, 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: 10/25/22


RACHEL MYERS
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: 10/26/2022


THOMAS BURKE
Attorney for Defendant