

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No.: 21-CR-178 (APM)
	:	
v.	:	
	:	
SHELLY STALLINGS	:	
	:	
Defendant.	:	
	:	

DEFENDANT’S STATEMENT OF OFFENSE

The defendant, **SHELLY STALLINGS**, agrees and stipulates to the below factual basis for the her guilty plea herein:

Shelly Stallings’s Participation in the January 6, 2021, Capitol Riot

1. The defendant, Shelly Stallings, lives in Morganfield, Kentucky. On the morning of January 6, 2021, defendant traveled from Uniontown, Pennsylvania (where she was residing at the time) to Washington, D.C., via automobile. The purpose of the defendant’s trip to Washington, D.C., was to protest Congress’ certification of the vote of the Electoral College in the 2020 presidential election. She drove together with codefendant and husband, Peter Schwartz.

2. On January 6, the defendant, together with codefendant Schwartz, attended the “Stop the Steal” rally and then marched with other protestors to the Capitol. Codefendant Schwartz also expressed a desire to protest the certification of the Electoral College vote. They arrived at the Capitol at around 2:00PM.

3. After arrival, they witnessed law enforcement officers defending the Capitol building, using oleoresin capsicum (“OC spray”) and tear gas.

4. At about 2:30PM, the defendant and codefendant Schwartz were a part of the group that had gathered on the Lower West Terrace. The defendant observed codefendant Schwartz spray

oleoresin capsicum (OC) spray toward police officers who were trying to protect the grounds and building from rioters. At the time that codefendant Schwartz sprayed the OC spray, the defendant did not appear to be under attack or otherwise in need of protection from any other person. At the time the defendant observed codefendant Schwartz spray the OC spray, he did not appear to be defending himself, the defendant, or any other person.

5. Another rioter handed the defendant a canister of OC spray and told her to spray as well. The defendant then briefly sprayed the OC spray in the direction of police officers who were trying to protect the grounds and building from rioters. The officers, who were members of the United States Capitol Police and the District of Columbia's Metropolitan Police Department, were in full uniform and were clearly identifiable as law enforcement. At no time did any of these officers attempt to assault the defendant and the defendant did not spray the officers in self-defense.

6. Shelly Stallings knowingly and voluntarily admits to all the elements of the following charges:

A. Count 2, civil disorder in violation of 18 U.S.C. § 231(a)(3): the defendant admits that she committed an act to obstruct a law enforcement officer who was lawfully engaged in the lawful performance of his official duties, incident to and during the commission of a civil disorder, which adversely affected commerce or the movement of any article in commerce or the conduct or performance of any federally protected function.

B. Count 6, assault using a dangerous weapon in violation of 18 U.S.C. § 111(a)(1) and (b): the defendant admits that she forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with a person designated in 18 U.S.C. § 1114 while engaged in or on account of the performance of their official duties. Specifically, the defendant admits that, using a dangerous weapon, to wit: pepper spray, she did forcibly assault, resist,

oppose, impede, intimidate, and interfere with, an officer and employee of the United States Capitol Police or a person assisting the United States Capitol Police, that is, an officer from the Metropolitan Police Department. The defendant further admits that she knew at the time of the assault of, resisting, opposition to, impeding of, intimidation of, or interference with the officer that the officer was engaged in the performance of their official duties.

C. Count 9, unlawfully entering and remaining with a dangerous weapon, in violation of 18 U.S.C. § 1752(a)(1) and (b)(1)(A): the defendant admits that she knowingly used a dangerous weapon, to wit: pepper spray, while remaining in a restricted area, and she further admits that she knew the area was restricted and that she lacked the lawful authority to remain there.

D. Count 10, disorderly and disruptive conduct with a dangerous weapon, in violation of 18 U.S.C. § 1752(a)(2) and (b)(1)(A): the defendant admits that she used a dangerous weapon, to wit: pepper spray, in relation to disorderly or disruptive conduct she admits she knowingly engaged in in a restricted area, with the intent to impede or disrupt the orderly conduct of government business.

E. Count 11, engaging in physical violence, in violation of 18 U.S.C. § 1752(a)(4) and (b)(1)(A): the defendant admits that she used a dangerous weapon, to wit: pepper spray, in relation to an act of physical violence against a person, which she admits she knowingly engaged in in a restricted area.

F. Count 12, disorderly conduct on Capitol grounds, in violation of 40 U.S.C. § 5104(e)(2)(D): the defendant admits that she engaged in disorderly or disruptive conduct in the grounds of the Capitol building, with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress.

G. Count 13, acts of physical violence on Capitol grounds, in violation of 40 U.S.C. § 5104(e)(2)(F): the defendant admits that she willfully and knowingly engaged in an act of physical violence in the grounds of the Capitol building.

/s/ Scott T. Wendelsdorf (Ky. Bar. No. 75790)
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Counsel for Defendant.

CERTIFICATE

I hereby certify that on August 12, 2022, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Scott T. Wendelsdorf

DEFENDANT'S ACKNOWLEDGMENT

I, Shelly Stallings, have read this Defendant's Statement of the Offense and have discussed it with my attorney. I fully understand this Defendant's Statement of the Offense. I agree and acknowledge by my signature that this Defendant's 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: 8/12/22


Shelly Stallings
Defendant