

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

<b>UNITED STATES OF AMERICA</b>	:	<b>Case No: 23-CR-78 (RBW)</b>
	:	
<b>v.</b>	:	<b>18 U.S.C. §§ 1752(a)(1) and (b)(1)(A)</b>
	:	
<b>JEROD BARGAR,</b>	:	
	:	
<b>Defendant.</b>	:	
	:	

**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, Jerod Bargar, with the concurrence of his attorney, agree and stipulate to the factual basis below 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 \$2.8 million dollars in losses.

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.

***Bargar's Participation in the January 6, 2021 Capitol Riot***

8. On January 5, 2021, Jerod Bargar (“Bargar”) traveled to Washington, D.C. by car with a friend to participate in the “Stop the Steal” rally planned by former President Donald Trump for January 6, 2021. While in Washington, D.C., Bargar stayed at the Willard Hotel.

9. On January 6, 2021, after attending the rally, Bargar and his friend walked to the U.S. Capitol, entered restricted Capitol grounds, and participated in the riot. While on restricted Capitol grounds, Bargar carried a FNH 9-millimeter semi-automatic pistol, model FNX-9, bearing serial number FX1U000997 (the “firearm”). The firearm contained one 9-millimeter cartridge stamped “WIN 9mm LUGER” in the chamber and approximately fifteen 9-millimeter cartridges in the magazine. The firearm had a total capacity of more than ten rounds. At all relevant times, the firearm was fully functional. On January 6, 2021, Bargar did not have a

license to carry a firearm in Washington, D.C. and the firearm was not registered in Washington, D.C., as required by law.

10. The Federal Bureau of Investigation (“FBI”) interviewed Bargar on January 18, 2021, regarding his participation in the Capitol Riot. During that interview, Bargar confirmed that he traveled to Washington, D.C. on January 5th, attended the rally on January 6th, and after the rally, walked to the U.S. Capitol. Bargar also provided the FBI with his phone number—the same phone number associated with Bargar’s Facebook account. Posts to that account place Bargar in Washington, D.C. on January 6th.

11. The FBI conducted a follow up interview with Bargar on July 13, 2021. During that interview, Bargar admitted to bringing his firearm to the Capitol on January 6th. He was shown a photograph of a firearm and accompanying holster recovered by MPD Lieutenant J.B. at approximately 2:30 p.m. on the West Plaza, and confirmed that the firearm and holster depicted in the photograph were his. Notably, Bargar confirmed that he carried the firearm in a distinctive waistband holster displaying an American Flag and the words, “We The People.” Bargar stated that he lost the firearm in the midst of other protesters outside of the U.S. Capitol on January 6th.

12. Bargar knowingly and voluntarily admits all the elements of 18 U.S.C. § 1752(a)(1) and (b)(1)(A). Specifically, Bargar knowingly entered restricted Capitol grounds on January 6, 2021, without lawful authority to do so. While he was on restricted Capitol grounds, Bargar carried a deadly and dangerous weapon, that is an FNH 9-millimeter semi-automatic pistol, model FNX-9.

Respectfully submitted,


MATTHEW M. GRAVES  
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D.C. Bar No. 481052

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DEFENDANT'S ACKNOWLEDGMENT

I, Jerod T. Bargar, 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: 2/24/23

  
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Jerod T. Bargar  
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: 5/23/23

  
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Elizabeth Mullin, Esq.  
Attorney for Defendant