

FILED

AUG 12 2022

**Clerk, U.S. District and
Bankruptcy Courts**

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 1:22-cr-192 (BAH)
	:	
JENNIFER HORVATH,	:	
	:	
Defendant.	:	

SUBMISSION BY THE UNITED STATES IN SUPPORT OF GUILTY PLEA

Pursuant to a written plea agreement, dated June 9, 2022, and signed by the defendant, Jennifer Horvath (the “defendant”) and her counsel on July 18, 2022, the defendant agreed to plead guilty to Count Four of the Information, which charges her with Parading, Demonstrating, or Picketing in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(G).

The plea agreement was entered pursuant to Fed. R. Crim. P. 11(c)(1)(A), as the defendant intends to plead guilty to Count Four of the Information, and, in consideration of such guilty plea, the government will move to dismiss Counts One, Two, and Three, and will not further prosecute the conduct set forth in the Statement of Offense.

I. Charged Offenses

The defendant is charged in the Information with four offenses:

Count One: Entering and Remaining in a Restricted Building, in violation of Title 18, United States Code, Section 1752(a)(1);

Count Two: Disorderly and Disruptive Conduct in a Restricted Building, in violation of Title 18, United States Code, Section 1752(a)(2);

Count Three: Violent Entry and Disorderly Conduct in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(D); and

Count Four: Parading, Demonstrating, or Picketing in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(G).

II. Elements of the Offenses

To prove that the defendant is guilty of Count Four of the Information, Parading, Demonstrating, or Picketing in a Capitol Building, the government must prove the following beyond a reasonable doubt:

- a. That the Defendant paraded, demonstrated, or picketed in any of the United States Capitol Buildings; and
- b. That the Defendant acted willfully and knowingly.

III. Maximum Penalties

The maximum penalties for Parading, Demonstrating, or Picketing in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(G), are:

- a. a term of imprisonment not more than six (6) months;
- b. a term of probation of not more than five (5) years;
- c. a fine not to exceed \$5,000;
- d. a special assessment of \$10; and,
- e. an obligation to pay any applicable interest or penalties on fines and restitution not timely made.

IV. Sentencing Guidelines

Violations of Title 40, United States Code, Section 5104(e)(2)(G) are class B misdemeanors, as defined by Title 18, United States Code, Section 3559(a)(7). Accordingly, pursuant to U.S.S.G. § 1B1.9, the Sentencing Guidelines do not apply to the defendant's sentencing on Count Four.

V. Proffer of Evidence

The following statement of facts does not purport to include all of the defendant's illegal

conduct. It is intended to represent sufficient information for the Court to find a factual basis for accepting the defendant's guilty plea.

Had this case proceeded to trial, the government's evidence would have established beyond a reasonable doubt that:

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.

On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public. On that day, a joint session of the United States Congress convened at the United States Capitol. 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.

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. 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.

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.

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.

Prior to January 6, 2021, Horvath and her boyfriend, Glenn Wes Lee Croy (“Croy”),

picked up Terry Lynn Lindsey (“Lindsey”) in Piqua, Ohio and they drove together to Washington D.C. to attend a political rally on January 6, 2021. On that morning, Lindsey, Croy, and Horvath went to a political rally at the Ellipse on the National Mall. Following the rally, the defendant, Croy, and Lindsey walked with a crowd to the U.S. Capitol Grounds.

The defendant, Croy, and Lindsey stood on the West Lawn part of the U.S. Capitol Grounds, a restricted area, for approximately one hour as law enforcement officers engaged with the crowd and deployed tear gas.

At approximately 2:11 p.m., the defendant climbed through metal scaffolding to get from the West Lawn to the Upper West Terrace area of the U.S. Capitol Grounds. The defendant, Croy, and Lindsey then entered the U.S. Capitol Building at approximately 2:18 p.m. through the Senate Wing Door. As they entered, Horvath joined the crowd chanting, “Whose House? Our House.” From there, Lindsey, Croy, and Horvath walked into the Crypt and joined the crowd as it overwhelmed United States Capitol Police officers who were attempting to prevent the rioters from entering further into the U.S. Capitol Building.

While inside the U.S. Capitol Building, Jennifer Horvath took a picture of Lindsey and Croy in front of a bust of Abraham Lincoln entitled, “Lincoln the Legislator.” After Croy was told to leave by United States Capitol Police Officers, Croy, Horvath, and Lindsey exited the U.S. Capitol Building at approximately 2:37 p.m. through the Memorial Door after being inside the U.S. Capitol Building for approximately 20 minutes.

Once outside the U.S. Capitol Building, the defendant, Croy, and Lindsey remained on the grounds of the U.S. Capitol Building for approximately 40 to 45 minutes. At approximately 3:21 p.m., the defendant, Croy, and Lindsey re-entered the U.S. Capitol Building through the Rotunda doors. Lindsey, Croy, and Horvath then entered the Rotunda before being forced to exit

the U.S. Capitol Building again through the Memorial Door at approximately 3:29 p.m.

On January 10 and January 11, 2021, Horvath posted to her Rumble social media account two videos that she recorded on Capitol Grounds on January 6. In a note accompanying one of the videos, Horvath falsely claimed that police officers were attempting to “agitate” the crowd “until Antifa positioned.”

Jennifer Horvath knowingly and voluntarily admits to all of the elements of Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G). Specifically, the defendant admits that she willfully and knowingly entered the U.S. Capitol Building knowing that she did not have permission to do so. Defendant further admits that while inside the Capitol, defendant willfully and knowingly paraded, demonstrated, or picketed.

Respectfully Submitted,

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