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CHAMBERS OF JUDGE LAMBERTH

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA : Case No: 22-cr-00319 (RCL)
v. : 40 U.S.C. § 5104(e)(2)(G)
KIMBERLY WARGO, :
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, Kimberly Wargo, 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 U.S. 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 U.S. 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 U.S. 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 U.S. 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 U.S. Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

***Kimberly Wargo's Participation in the January 6, 2021, U.S. Capitol Riot***

8. On or about January 5, 2021, defendant Kimberly Wargo traveled with her son, Colton Wargo, from Ohio to Washington, D.C. The purpose of the trip to Washington, D.C. was to attend the rally to see then-President Donald Trump.

9. On January 6, 2021, Kimberly Wargo attended the rally which took place on the Ellipse. After the rally, Kimberly Wargo and Colton Wargo walked with a group to the U.S. Capitol. Kimberly Wargo and Colton Wargo approached the West Front of the Capitol and entered the Capitol through the Senate Wing door at approximately 2:20 p.m.

10. Once inside the Capitol Building, Kimberly Wargo and Colton Wargo traveled to the Rotunda and walked in and out of the Rotunda from approximately 2:23 to 2:26 p.m.

11. After leaving the Rotunda, Kimberly Wargo and Colton Wargo walked alone through several hallways of the Capitol near House and Senate offices and Statuary Hall from approximately 2:28 to 2:52 p.m. They joined with others in the Capitol for short periods when they entered stairways.

12. After being inside the Capitol for more than 30 minutes, Kimberly Wargo and Colton Wargo were on a stairway when they encountered police officers in riot gear with their guns drawn who wanted the Wargos to leave the building. Afterward, the Wargos left the Capitol without resistance.

*Elements of the Offense*

13. The government must prove that Kimberly Wargo (a) paraded, demonstrated, or picketed; (b) did so in any of the Capitol Buildings; and (c) did so willfully and knowingly.

14. Kimberly Wargo knowingly and voluntarily admits to all the elements of 40 U.S.C. § 5104(e)(2)(G). Specifically, she admits that she willfully and knowingly entered the U.S. Capitol Building, and, while inside the U.S. Capitol, she willfully and knowingly paraded.

Respectfully submitted,


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

By: /s/ Anita Eve  
Anita Eve  
Assistant United States Attorney  
PA Bar No. 45519

DEFENDANT'S ACKNOWLEDGMENT

I, Kimberly Wargo, 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: 2/1/2023

  
Kimberly Wargo  
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: Feb. 2, 2023

  
Nathan I. Silver  
Attorney for Defendant