

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No.: 21-CR-141-RDM
	:	
v.	:	18 U.S.C. § 1752(A)(1)
	:	
MICHAEL SHANE DAUGHTRY,	:	
	:	
Defendant.	:	
	:	

**STATEMENT OF OFFENSE**

Pursuant to Fed. R. Crim. P. 11, the United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, MICHAEL SHANE DAUGHTRY, with the concurrence of his 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 (USCP). Restrictions around the Capitol include permanent and temporary security barriers and posts manned by USCP. Only authorized people with appropriate identification are allowed access inside the Capitol.

2. On January 6, 2021, the exterior plaza of the Capitol was closed to members of the public.

3. On January 6, 2021, a joint session of the United States Congress convened at the 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 Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on Tuesday, November 3, 2020. The joint session began at approximately 1:00 PM. Shortly thereafter, by approximately 1:30 PM, 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 Capitol. Temporary and permanent barricades, as noted above, were in place around the exterior of the Capitol, and USCP officers were present and attempting to keep the crowd away from the Capitol and the proceedings underway inside.

5. At approximately 2:00 PM, certain individuals in the crowd forced their way through, up, and over the barricades. Officers of the USCP were forced to retreat 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 as required by USCP officers or other authorized security officials.

6. At such time, the certification proceedings were still underway, and the exterior doors and windows of the Capitol were locked or otherwise secured. Members of the USCP attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 PM, individuals in the crowd forced entry into the 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 Capitol, requiring the expenditure of more than \$1.4 million dollars for repairs.

7. Shortly thereafter, at approximately 2:20 PM, members of the House of Representatives and of the 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 PM on January 6, 2021. In light of the dangerous circumstances caused by the unlawful entry to the Capitol—including the danger posed by individuals who had entered the Capitol without any security screening or weapons check—Congressional proceedings could not resume until after every unauthorized occupant had been removed from or left the Capitol, and USCP confirmed that the building was secured. The proceedings resumed at approximately 8:00 PM after the building had been secured. Vice President Pence remained in the Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

***Michael Shane Daughtry's Participation in the January 6, 2021, Capitol Riot***

8. On or about January 6, 2021, Defendant Michael Shane Daughtry, traveled from Georgia to Washington, D.C. to protest Congress' certification of the Electoral College vote of the 2020 Presidential Election.

9. On November 2, 2020, a day before the 2020 Presidential Election, the defendant posted an advertisement for his armory business which asked whether anyone needed “an AR15 and some extra ammo before the election, ... [as] it may be your last chance if the election don't go right tomorrow!” On January 3<sup>rd</sup> and 4<sup>th</sup>, 2021, the defendant posted messages about traveling to Washington, DC on January 6<sup>th</sup> for the Trump Rally and claimed that having to walk to the Capitol would be “worth it to be able to yell crap at Pelosi and the rest of the idiots that left wing retards voted into office.”

10. On January 6, 2021, the defendant posted the below image of how close he got to Capitol before the initial breach. This image shows both officers and area-closed fencing around the Capitol restricting access to the area.



11. In a separate January 6<sup>th</sup> post, the defendant claimed, “We just tore down the fence and stormed the Capitol.” On January 6, 2021, the defendant also spoke with a Pelham, Georgia Police Officer who recorded the conversation. In this communication the defendant stated he was at the Capitol and was among those “that tore the fence down up there. We was the first ones over the fence. Everyone followed us.” The defendant did not enter the Capitol but remained within in the restricted area around Capitol on January 6, 2021.

12. On January 7, 2021, the defendant posted below images from his “view from the scaffolding above the steps on the rear of the Capitol Building.” From known Capitol January 6<sup>th</sup> images and the vantage point of his posted images, the defendant was on the southwest scaffolding in the West Terrace area of the Capitol from approximately 2:40pm to 3:40pm. During this time,

the defendant saw rioters confronting and assaulting law enforcement officers attempting to limit access to the Capitol.



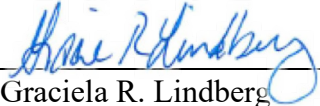
*Elements of the Offense*

13. Michael Shane Daughtry, who was in a restricted area of the Capitol for over an hour on January 6<sup>th</sup>, knowingly and voluntarily admits to all the elements of (Count 1) Entering and Remaining in a Restricted Building or Grounds a violation of 18 U.S.C. 1752(a)(1)). Specifically, the defendant admits that he knowingly and without authority to do so, entered and

remained in the restricted grounds around the United States Capitol, where the Vice President was temporarily visiting.

Respectfully submitted,

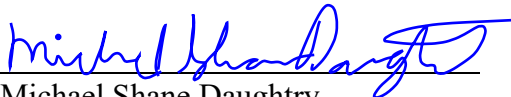
MATTHEW M. GRAVES  
United States Attorney  
D.C. Bar No. 481052

By:  \_\_\_\_\_  
Graciela R. Lindberg  
Assistant United States Attorney  
Texas Bar No. 00797963

**DEFENDANT'S ACKNOWLEDGMENT**

I, Michael Shane Daughtry, 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: 3/7/22

  
Michael Shane Daughtry  
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: 3/7/2022

  
Timothy R. Saviello  
Attorney for Defendant