

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

UNITED STATES OF AMERICA	:	Case No: 21-cr-077 (RDM)
	:	
v.	:	
	:	
MELODY STEELE-SMITH	:	
	:	
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, Melody Steele-Smith, 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

The U.S. Capitol, which is located at First Street, SE, in Washington, D.C., is secured twenty-four 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.

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

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 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.

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.

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.

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 \$2.8 million dollars for repairs.

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.

Melody Steele-Smith's Participation in the January 6, 2021, Capitol Riot

1. On January 3, 2021, the defendant, Melody Steele-Smith, traveled from her residence in Virginia to Washington D.C. with three friends to attend the “Save America” rally where former President Donald Trump was expected to speak. Steele-Smith learned about the rally from a Facebook post on her friend’s Facebook page. Steele-Smith drove her vehicle to Washington D.C. along with her friends.

2. Steele-Smith arrived in Washington, D.C. on January 6, 2021, at approximately 11:50 a.m. Upon arriving, Steele-Smith realized that she missed former President Trump’s speech. Steele-Smith and her friends decided to walk to the U.S. Capitol. Upon approaching the West Front of the U.S. Capitol, Steele-Smith observed metal barricades and members of law enforcement keeping the large crowd of individuals off of U.S. Capitol grounds. Steele-Smith heard the crowd singing the National Anthem. Steele-Smith also heard individuals in the crowd stating that the Proud Boys had breached the U.S. Capitol and were inside of the building.

3. Steele-Smith also heard people in the crowd chanting “we stormed the castle.” Steele-Smith captured the footage and made a Facebook post with individuals chanting “we stormed the castle.”

4. Steele-Smith continued to walk towards the direction of the U.S. Capitol towards the direction of scaffolding that was erected on the grounds. Steele-Smith observed that the building was blocked off. Steele-Smith observed an open door underneath the scaffolding leading into the U.S. Capitol. Steele-Smith then proceeded to climb a wall so that she could continue to take pictures. After climbing over a wall, Steele-Smith heard an individual state into a megaphone, “President Trump wants you to push forward, push forward!” Steele-Smith approached the Senate Wing entrance and walked into the U.S. Capitol. While walking inside the U.S. Capitol, Steele-Smith raised her cellular telephone in her hand to video record the activity inside of the U.S. Capitol.

5. While inside of the U.S. Capitol, Steele-Smith walked through numerous hallways. Steele-Smith entered the North Rotunda.

6. While inside of the U.S. Capitol, Steele-Smith physically responded to tear gas emitted by law enforcement inside of the U.S. Capitol. Steele-Smith’s lips tingled while inside of the U.S. Capitol. Steele-Smith knew that tear gas had been emitted because she observed an individual pour water over his face. Additionally, Steele-Smith was shot in the ankle with a rubber bullet by law enforcement officers who were attempting to empty the U.S. Capitol of rioters. Nevertheless, Steele-Smith remained inside of the U.S. Capitol and continued to walk inside.

7. Steele-Smith entered a hallway near the office of U.S. Speaker of the House Nancy Pelosi. Steele-Smith entered Speaker Pelosi’s office and took pictures of herself inside. Steele-

Smith observed damage to a large mirror inside of the office. Steele-Smith was inside of Speaker Pelosi's office for approximately five minutes.

8. Steele-Smith exited the U.S. Capitol at approximately 3:05 p.m. after spending approximately 45 minutes inside of the building. Steele-Smith was ushered out of the U.S. Capitol by law enforcement.

9. After leaving the U.S Capitol, Steele-Smith deleted posts relating to her activity on January 6, 2021, that she had posted to Facebook.

10. The defendant knew at the time she entered the U.S. Capitol Building that she did not have authority to do so and that the building was restricted.

Elements of the Offense

Melody Steele-Smith knowingly and voluntarily admits to all the elements of Title 18, United States Code, Section 1752(a)(1). Defendant further admits that she entered and remained in a restricted building or grounds without lawful authority to do so, and that she did so knowingly.

Respectfully submitted,

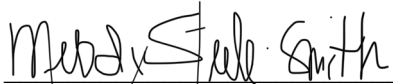
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DEFENDANT'S ACKNOWLEDGMENT

I, Melody Steele-Smith, 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: 31 OCT 22




Melody Steele-Smith
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: 10/31/2022



Elizabeth Mullin
Attorney for Defendant