



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 \$1.4 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 United States Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

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

8. On or about January 5, 2021, Defendant Neil Ashcraft and Person-1 drove together from their home in Sanford, Florida to Washington D.C. On January 6, 2021, the defendant, dressed in a black jacket and hat, a tan neck gator, and digital camouflage pants, and Person-1 were among a crowd outside the U.S. Capitol.

9. At approximately 12:55 p.m. on January 6, 2021, rioters overwhelmed a police perimeter stationed near the Peace Circle. The Peace Circle is due west of the Capitol Building and marks the end of Pennsylvania Avenue, N.W. Within about a minute, rioters had surged from the Peace Circle into the ground-level plaza to the west of the Capitol Building (the West

Plaza). The defendant was present near Peace Circle at around the time of the breach, and reached the West Plaza minutes after the breach, as part of this initial wave of rioters.

10. The defendant scaled the exterior wall of the Capitol Building. Many other rioters did the same.

11. The defendant also scaled scaffolding erected on the west side of the Capitol Building as part of the stage for the upcoming Presidential Inauguration. From his perch on the scaffolding, the defendant exhorted other rioters to storm the Capitol.

12. While on the scaffolding, the defendant used a knife, which had been handed to him by another rioter, to cut approximately ten to twelve feet of white sheathing away from the scaffolding. The defendant's intent in doing so was to allow other rioters to see inside the scaffolding and to create an area for rioters to hang flags.

13. The defendant descended the scaffolding and climbed exterior stairs to the Capitol Building's Upper West Terrace, an area elevated about two flights above ground level. From there, the defendant walked with other rioters to the Senate Wing Door.

14. At approximately 2:13 p.m., rioters broke windows next to the Senate Wing Door, entered the Capitol Building, and broke open the Senate Wing Door from inside the building. Approximately one minute later, at 2:14 p.m., the defendant entered the Capitol Building through the now-open Senate Wing Door. Along the way, the defendant picked up a white metal pole, which appeared to be part of an event tent, from the ground and carried it inside the Capitol Building.

15. After entering the Capitol Building through the Senate Wing Door, the defendant repeatedly struck the white metal pole against the floor.

16. The defendant turned right and proceeded to enter the Capitol Rotunda, where he lingered, speaking with other rioters and posing for a photograph with the Capitol's statue of Ronald Reagan.

17. After a few minutes, the defendant exited the Rotunda through the north doorway. He returned soon after, now carrying a United States flag with the flagpole disassembled, which he had stolen from one of the rooms or hallways near the Rotunda. While in the Rotunda for the second time, the defendant walked around with the stolen United States flag wrapped around his neck and shoulders.

18. At approximately, 2:54:58 p.m., the Defendant prepared to exit the Capitol via a hallway near the Rotunda. He was still in possession of the U.S. flag and flagpole. The defendant rolled the flag up and around the disassembled flagpole before exiting the Capitol.

19. The defendant then merged with the crowd and exited the Capitol, taking the stolen U.S. flag and flagpole with him. In total, the defendant spent approximately 40 minutes inside the Capitol Building.

20. The defendant knows that Person-1 separately entered the Capitol Building.

21. The defendant and Person-1 left Washington, D.C. together and traveled together back to their home in Florida.

22. The defendant brought the stolen U.S. flag and flagpole home with him to Florida. Fearing discovery by law enforcement, in the weeks after January 6, 2021, the defendant and Person-1 conspired to hide the evidence of his theft. The defendant knows that Person-1 burned the flag and threw the flagpole into a lake near their home.

**Elements of the Offenses**

23. Neil Ashcraft knowingly and voluntarily admits to all the elements of Theft of Government Property, in violation of 18 U.S.C. § 641 (Count One); and Entering and Remaining in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1) (Count Two).

Specifically, defendant admits that:

- In violation of 18 U.S.C. § 641, the defendant knowingly stole and converted to his personal use a United States flag and flagpole. The defendant and the government agree that these items are collectively valued at less than \$1,000.
- In violation of 18 U.S.C. § 1752 (a)(1), the defendant knowingly and without authority to do so, entered and remained in a restricted building, specifically the United States Capitol, where the Vice President was temporarily visiting.

Respectfully submitted,

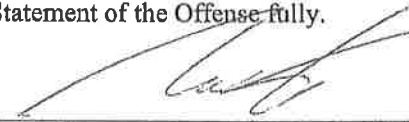
MATTHEW M. GRAVES  
United States Attorney  
DC Bar No. 481052

By: /s/Michael M. Gordon  
Michael M. Gordon  
Assistant United States Attorney

DEFENDANT'S ACKNOWLEDGMENT

I, Neil Ashcraft, 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: 8/26/2022

  
Neil Ashcraft  
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: 8/29/22

  
Ryne Sandel  
Attorney for Defendant