

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
: Case No: 21-cr-290 (RBW)
:
: 40 U.S.C. § 5104(e)(2)(G)
: (Parading, Demonstrating, or Picketing in
: a Capitol Building)
:
v. :
:
JEFFREY ALEXANDER SMITH, :
also known as Alex 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, Jeffrey Alexander 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

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.

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3. On January 6, 2021, a joint session of the United States Congress convened at the United States 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 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;

Two handwritten signatures are located in the bottom right corner of the page. The first signature is a cursive name, possibly 'J.M.', and the second is a stylized monogram, possibly 'J.S.'.

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.

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

8. Smith traveled from California to Washington, D.C., to attend the rally President Donald Trump planned to hold on January 6, 2021. After attending the rally on January 6, 2021, Smith made his way to the U.S. Capitol.

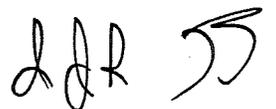
9. As he walked to the Capitol, Smith took photos and recorded videos on his cellphone that capture his first-person perspective. Eventually, Smith unlawfully entered the Capitol. Smith recorded his entry into the Capitol building while following numerous other individuals entering the building. Smith's video depicted numerous individuals climbing stairs

leading to the Capitol Rotunda while Smith was yelling “We ain’t going to take it,” and “let’s f*cking go patriots.” Alarms can be heard in the background as Smith was entering the building.

10. On January 12, 2021, a Special Agent of the Federal Bureau of Investigation called Smith on his cell phone and Smith provided a voluntary interview to the agent. Smith stated that he drove from California to the District of Columbia alone specifically to attend the speech of President Trump. Smith stated that he saw the invitation for Americans to attend the speech on Instagram and saw President Trump's tweet regarding this as well.

11. According to Smith, on January 6, 2021, Smith took an Uber to attend President Trump's speech at the White House. Smith stated that following the President’s speech, Smith and several thousand other people began walking to the Washington Monument and then to the U.S. Capitol building. While walking to the Capitol, Smith noticed a couple of people communicating via MBITR (Multiband Inter/Intra Team Radio) radios with earpieces, as he used when he was in the Army. He stated that he did not know if these individuals were part of the security element for the event, but they looked to him like they were SF [Special Forces] guys.”

12. During the interview, Smith described the scene at the U.S. Capitol as chaos. He heard people on loudspeakers, he heard what he thought were flash bangs, and he saw officers engaging rioters and deploying tear gas. He also admitted entering the Capitol through doors that were already open and remaining inside for approximately 30 minutes. A photo of Smith inside the Capitol Building depicting Smith wearing a black jacket and a Trump hat, and holding a red cell phone in his raised right hand is below:





13. Smith also messaged third parties following the January 6, 2021 riot, “I’m a Patriot,” “I stormed the capital” (sic). He further admitted that his purpose was “To send a message that Americans are[n’] t going to take a fraudulent election.” Smith also wrote, “There is no way in hell I was going to drive 38 hours from San Diego and not walk right through the front of the capital (sic) building.”

14. While in the Capitol, Smith was involved in moving iron benches that were in front of closed doors in the U.S. Capitol Building. Smith attempted to open the doors but was unable to do so.

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15. The defendant knew at the time he entered the U.S. Capitol Building that he did not have permission to enter the building and the defendant paraded, demonstrated, or picketed inside the building.

Respectfully submitted,

CHANNING D. PHILLIPS
Acting United States Attorney
D.C. Bar No. 415793

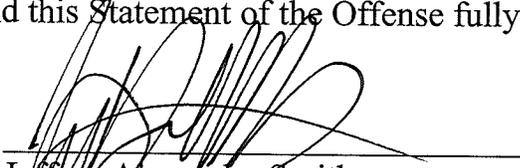
By: 
/s/ George Eliopoulos
George Eliopoulos
Assistant United States Attorney



DEFENDANT'S ACKNOWLEDGMENT

I, Jeffrey Alexander 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: 10/26/2021

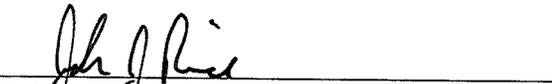


Jeffrey Alexander Smith
Defendant

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: 10/20/21



John Rice
Attorney for Defendant