

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. 21-CR-567-RCL-1
	:	
v.	:	VIOLATIONS:
	:	18 U.S.C. § 1512(k)
MARSHALL NEEFE,	:	(Conspiracy to Obstruct an Official Proceeding)
	:	18 U.S.C. §§ 111(a)(1), 2
<i>Defendant.</i>	:	(Assaulting, Resisting, or Impeding Certain Officers and Aiding and Abetting)

STATEMENT OF OFFENSE

*Not this has filed.
Judge C. L. Smith
U.S.D.C. 5/2/22*

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, MARSHALL NEEFE, 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, S.E., 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, S.E., in Washington, D.C. The joint session was an "official proceeding," as defined by 18 U.S.C. § 1515(a)(1)(B). During the joint session, elected

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 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 left the Capitol, and the building had been confirmed 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.

NEEFE's Role in Attacking the U.S. Capitol

8. From at least November 4, 2020, and continuing up to and including January 6, 2021, NEEFE and his codefendant, CHARLES BRADFORD SMITH, also known as Brad Smith, used Facebook to communicate with each other and others to express dissatisfaction with the results of the 2020 presidential election and share thoughts about how Donald Trump could remain president following the Certification of the Electoral College vote set to occur in Washington, D.C., on January 6, 2021.

9. On November 4, 2020, the day after Election Day, NEEFE wrote SMITH, "Im getting ready to storm D.C. . . . Seriously tho if biden wins theres a good chance ill do something for the better of man." SMITH remarked, "We all deep down knew this was how the election was going to go. Now if Trump wins the riots will be 50 times worse." NEEFE replied, "Hope it burns

made to SMITH and others with the caption, "Now introducing The Commie Knocker," and commented, "getting prepped for the 6th lol," and, "Going to D.C. to make sure them little bitches don't burn down the city when trump is announced as president."

14. In addition, on December 31, 2020, NEEFE and SMITH continued to discuss the election results and their plans to attend the upcoming rally in Washington, D.C., on January 6, 2021. SMITH messaged NEEFE, "I cant wait for DC! Apparently it's going to be WAY bigger lol. If it's big enough we should all just storm the buildings. . . . Seriously. I was talking to my Dad about how easy that would be with enough people."

15. On January 6, 2021, NEEFE and SMITH traveled to Washington, D.C., together. Photos and videos taken on January 6, 2021, and shared on their Facebook pages show both NEEFE and SMITH outside the Capitol on that date, approaching the Capitol grounds, and on the grounds participating in the riot. SMITH recorded a video that shows SMITH walking toward the Capitol building with NEEFE, stating, as they both smiled, "They're rushing the Capitol right now. . . . There's people literally rushing it right now. Sic semper tyrannis." SMITH sent this video to another Facebook user with the caption "Heres when we first got there and just started rushing it. First few hundred people to hit it." The video depicts NEEFE and SMITH together, walking towards the Capitol, with NEEFE holding the wooden club.

16. On a video he recorded as he approached the Capitol, SMITH stated, with NEEFE walking beside him, "We are literally storming the Capitol. The gate – this whole area is blocked off to the public. We're saying, 'Fuck it!' Sic semper tyrannis, bitch. Down with tyrants." Seconds after this statement, NEEFE raised the wooden club with the flag attached to it above his head in a deliberate gesture.

21. After they left Capitol grounds, NEEFE and SMITH continued to discuss their actions on January 6, 2021, their success at stopping the electoral vote certification, and the potential for further violent action.

22. On January 6, 2021, NEEFE posted regarding someone getting shot at the Capitol and stated, "Then we heard the news on pence . . . Amd lost it . . . So we stormed." He also admitted, "Glad I got to be a part. . . . They tried shutting us in and hadnt I said something they wouldve too." He further admitted, "'Im bringing a gun next time idec . . . Its only going to get more violent . . . Today was pussy shit dude . . . If I had it my way every cop who hurled a baton or maced on of us would be lined up and put down . . . We made sure they know we fucking OWN them."


23. NEEFE conspired with SMITH with the intent to corruptly obstruct, influence, and impede an official proceeding, that is, a proceeding before Congress, specifically, Congress's certification of the Electoral College vote as set out in the Twelfth Amendment of the Constitution of the United States and 3 U.S.C. §§ 15-18.

24. NEEFE forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with any person designated in 18 U.S.C. § 1114 while engaged in or on account of the performance of their official duties. Specifically, NEEFE admits that he participated in hoisting and pushing a large metal sign frame holding an oversized "TRUMP" sign into a defensive line of MPD and USCP officers. NEEFE further admits that he knew at that time of the assault that the officers were engaged in the performance of their official duties.

DEFENDANT'S ACKNOWLEDGMENT

I, MARSHALL NEEFE, 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: 4-18-22



MARSHALL NEEFE
Defendant

ATTORNEYS' 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: 4/18/22


DENNIS BOYLE, ESQ.
Attorney for Defendant


BLERINA JASARI, ESQ.
Attorney for Defendant