

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

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| UNITED STATES OF AMERICA | : | Case No. 21-cr-217 (TFH) |
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| | : | |
| v. | : | |
| | : | 18 U.S.C. §1752(a)(1) |
| ANNIE HOWELL , | : | |
| | : | |
| 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, Annie HOWELL, with the concurrence of her 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.

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; 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.

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

8. The defendant, Annie HOWELL, was among those who unlawfully entered the U.S. Capitol on January 6, 2021. On January 4, 2021, HOWELL traveled to Washington, D.C., from her home in Pennsylvania with the purpose of attending the “Stop the Steal” rally to be held on January 6, 2021.

9. Prior to traveling to Washington D.C., on or about January 3, 2021, HOWELL engaged in a Facebook Messenger conversation with other individuals she was traveling with to D.C. This conversation included discussion about plans for bail, the acquisition of tear gas, and meeting with Proud Boys.

10. HOWELL knew that the Congressional certification was scheduled to take place on January 6, 2021, at the U.S. Capitol.

11. After attending the “Stop the Steal” rally on January 6, 2021, HOWELL returned to her hotel, but subsequently left to walk to the U.S. Capitol once she learned that others were attempting to breach defensive perimeters established by law enforcement officers at the U.S. Capitol.

12. While outside the Capitol Building, HOWELL participated in various chants supporting the rioters, including “whose house, our house” and “fight for Trump.”

13. When HOWELL entered the grounds of the U.S. Capitol, she walked through clouds of tear gas as she approached the Capitol Building. She also witnessed other rioters clashing with law enforcement as the rioters attempted to breach the Lower West Terrace Tunnel entrance.

14. HOWELL did not directly participate in the attempted breach of the Lower West Terrace Tunnel, but she remained in the area and took videos of the attempted breach.

15. At approximately 4:50 p.m. on January 6, 2021, HOWELL entered the U.S. Capitol through a window near the Lower West Terrace Tunnel.

- a. At 4:53 p.m. on January 6, 2021, HOWELL sent a message via Facebook Messenger to a group stating that she was inside the Capitol.
- b. HOWELL took video from inside the Capitol Building, which depicted her and other rioters shouting “whose house, our house”, and sent it to the same Facebook Messenger group at approximately 4:56 p.m.
- c. When HOWELL was advised by another member of the Facebook Messenger group to exit the Capitol Building, HOWELL replied “No... No... They just killex

(sic) two fucking women... American women... No... I WATCHED THEM DIE... NO FUCKING WAY.”

16. After leaving the U.S. Capitol on January 6, 2021, HOWELL posted messages on social media regarding her involvement at the riot, including the following two messages posted on or about January 6, 2021, on Facebook:

- a. The news is lying to you. Some of these people, were antifa. I watched a woman get shot and another’s head was beaten. One died the other is in ICU. I was personally tear gassed 8 times. I was hit in the head with metal rods. People were shot at with rubber bullets. We were gassed 5 times in the matter of 2 minutes and thousands fell to their feet and we couldn’t see or breathe. They wouldn’t stop and beat us relentlessly.
- b. A police officer shot an unarmed woman today, who was a Trump supporter and KILLED HER. I have countless photos of bloody patriots, including myself. They shot us, hit us with sticks, tear gassed us, shot us with rubber bullets and knocked us to our feet! We couldn’t breathe or see for over 10 minutes. They fired shots, grenades and tear gas and mase back to back to back, relentlessly. Women and children! Who were sitting there!!!! IMAGE [sic] IF THEY DID THIS TO BLM. ANTIFA LEADER IS THE ONE WHO BROKE INTO THE CAPITAL.

17. HOWELL knew at the time she entered the U.S. Capitol Building that the building was restricted, that she did not have permission to enter the building, and that she entered the building with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress.

Respectfully submitted,

MATTEW M. GRAVES
UNITED STATES ATTORNEY
D.C. Bar Number 481052

By: /s/ Benjamin Kringer
Rachel A. Fletcher
Assistant United States Attorney
Benjamin E. Kringer
Detailed to the United States Attorney's
Office for the District of Columbia

DEFENDANT'S ACKNOWLEDGMENT

I, Annie Howell, 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: 11/16/2021

Annie C. Howell

Annie Howell
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: 11-16-2021

H. Heather Shaner

H. Heather Shaner
Attorney for Defendant