

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

*not this be filed.
Dyeg. C. Laskin
U. S. D. J. 6/23/22*

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, CHARLES BRADFORD SMITH, also known as Brad 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, 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 members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the 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 Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the Capitol building, and USCP 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 USCP 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 USCP Officers or other authorized security officials.

6. At such time, the certification proceedings 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 p.m.,

individuals in the crowd forced entry into the Capitol, including by breaking windows and by assaulting members of the USCP, as others in the crowd encouraged and assisted those acts.

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.

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

8. From at least November 4, 2020, and continuing up to and including January 6, 2021, SMITH and his codefendant, MARSHALL NEEFE, 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

either way.” SMITH added, “Me to. This country needs to split up immediately.” NEEFE replied, “Why shouldn’t we be the ones to kick it off?” On December 9, 2020, in response to another Facebook user’s message about YouTube’s new terms of service regarding election coverage, SMITH wrote, “I know. If SCOTUS doesn’t act people are going to die. I hope this starts the War.”

10. In the weeks leading up to January 6, 2021, NEEFE and SMITH shared their intentions and plans to travel to Washington on that date with one another and others. For example, on December 22, 2020, NEEFE and SMITH had the following conversation:

SMITH: The call to action was put out to be in DC on January 6th from the Don himself. The reason is that’s the day pence counts them up and if the entire city is full of trump supporters it will stop the for sure riots from burning down the city at least for awhile.

NEEFE: We goin? . . . Cause hot damn son i really wanna crack some commie skulls.

SMITH: Yeah I’m going 100%. This is way more important than the last one actually. This one’s literally to save the city from chaos while they do their thing in the capital

11. SMITH also encouraged others to join him and NEEFE to travel to Washington on January 6, 2021. SMITH wrote another Facebook user on December 22, 2020, “Hey man if you wanna go down to DC on the 6th Trump is asking everyone to go. That’s the day Pence counts up the votes and they need supporters to fill the streets so when they refuse to back down the city doesn’t burn down right away. It’s the only time hes ever specifically asked for people to show up. He didn’t say that’s why but it’s obviously why.”

12. On December 22-23, 2020, SMITH messaged other Facebook users to urge them to come to Washington, D.C., “to fill the streets so when they refuse to back down the city doesn’t burn down right away,” and told a Facebook friend he could “ride down with Me & Marshall.”

SMITH also told a friend they were buying axe handles and nailing American flags to them, “so we can wave the flag but also have a giant beating stick just in case.”

13. On December 31, 2020, SMITH continued to message other Facebook users, encouraging them to go to Washington, D.C., on January 6, 2021. For example, he told one user, “Take off the 6th man! It’s the Big one!!! Trump is literally calling people to DC in a show of force. Militias will be there and if there’s enough people they may fucking storm the buildings and take out the trash right there.”

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 3, 2021, SMITH messaged another Facebook user that he had obtained a KA-BAR military-style knife that he planned to take to Washington, D.C.: “Got a K-BAR knife today . . . it’s the Military killin knife . . . Just needed a good one for DC.” He sent the other user a photo of the knife that shows the full length of the knife including the handle and fixed blade with KA-BAR’s signature “KA-BAR CLEAN NY” stamp on the tang.

16. On January 5, 2021, SMITH commented on another Facebook user’s post, “Sacrifice the Senate!!!!”

17. On January 6, 2021, SMITH traveled to Washington, D.C., with NEEFE. 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 later shared on Facebook 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.”

18. 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.”

19. In another video SMITH recorded after he and NEEFE entered Capitol grounds, SMITH stated, “We’re literally here. We stormed the gates of the Capitol. Everybody just kept rushing.” He then turned the camera on NEEFE, who appeared to be within arm’s length of SMITH and was still holding the wood club in his right hand, and stated, “What’s up, Marshall?” NEEFE responded by looking into the camera and nodding affirmatively.

20. On the Capitol grounds, NEEFE participated in hoisting and pushing a large metal sign frame holding an oversized “TRUMP” sign into a defensive line of Metropolitan Police Department (“MPD”) and USCP officers attempting to prevent rioters from further advancing on the West Front plaza of the Capitol. As other individuals yelled at him and others to push the sign frame forward, SMITH also participated in pushing the sign frame forward into the officers’ line. SMITH understood and admits that at all times, these officers qualified as federal law enforcement officers and were engaged in performance of their official duties. The all-metal sign frame was approximately at least eight feet tall and 10 feet wide, welded with screws, and supported by large casters that were approximately the size of a man’s head. As described by one USCP officer who was part of the defensive line, the sign frame was heavy and it took at least 15 officers to carry the sign away after the rioters thrust it into their line.

21. Video evidence captured SMITH encouraging other rioters as they moved the large metal sign frame toward the defensive line of officers to breach the line, and also captured his hands on the sign frame as it made contact with the defensive of line of officers.

22. In a video SMITH recorded and later shared, SMITH also yelled and encouraged rioters to keep forcing a door to the Capitol closed to keep law-enforcement officers inside the building so that they could not respond to the riot that was occurring outside the Capitol.

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

24. From January 6-7, 2021, SMITH posted, "Got Gassed so many times, shit is spicy but the Adrenaline high and wanting to 'Get' Pelosi and those fucks, it was bearable." He also admitted, "We did it. Marshall and I were literally on the front line . . . Got tear gassed. Fuck 12," and, "I was literally fighting with Cops." He further stated, "Oh yeah. The time will come for some of them. But today's mission was successful! Remember how they said today was the final day & that Biden would be certified? Well we literally chased them out into hiding. No certification lol [. . .]. Pence cucked like we knew he would but that was an Unbelievable show of force and it did its job."

25. SMITH conspired with NEEFE 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.

26. SMITH 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. He encouraged other rioters as they moved the sign to breach a defensive line of officers, and he placed his hands on the sign frame as it moved forward and made contact with the officers. SMITH further admits that he knew at that time of the assault that the officers were engaged in the performance of their official duties.

Respectfully submitted,

MATTHEW M. GRAVES
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DEFENDANT'S ACKNOWLEDGMENT

I, CHARLES BRADFORD 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: 6/23/22

Charles B Smith
CHARLES BRADFORD 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: 6/23/22

Peter Cooper
PETER COOPER, ESQ.
Attorney for Defendant