

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Criminal Case No. 22-CR-261-CRC
	:	Case No.: 21-MJ-121
v.	:	40 U.S.C. § 5104(e)(2)(G)
KIMBERLY DIFRANCESCO,	:	
Defendant.	:	

STATEMENT OF OFFENSE

Pursuant to Fed. R. Crim. P. 11, the United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, Kimberly DiFrancesco, 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 twenty-four 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, 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 Capitol to certify the vote count of the Electoral College of the 2020

Presidential Election, which had taken place on Tuesday, November 3, 2020. The joint session began at approximately 1:00 PM. Shortly thereafter, by approximately 1:30 PM, 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. Temporary and permanent barricades, as noted above, were in place around the exterior of the Capitol, and USCP officers were present and attempting to keep the crowd away from the Capitol and the proceedings underway inside.

5. At approximately 2:00 PM, certain individuals in the crowd forced their way through, up, and over the barricades. Officers of the USCP were forced to retreat 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 as required by USCP officers or other authorized security officials.

6. At such time, the certification proceedings were 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 PM, individuals in the crowd forced entry into the 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 Capitol, requiring the expenditure of at least approximately \$2.7 million dollars for repairs.

7. Shortly thereafter, at approximately 2:20 PM, members of the House of Representatives and of the 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 PM on January 6, 2021. 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 been removed from or left the Capitol, and USCP confirmed that the building was 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.

Kimberly DiFrancesco's Participation in the January 6, 2021, Capitol Riot

8. The defendant, Kimberly DiFrancesco, lives in Elmhurst, Illinois. On around January 5, 2021, defendant drove from the Chicago area to Washington, D.C, along with her sister (and co-defendant) Trudy Castle and her sister's adult son (defendant's nephew). The purpose of defendant's trip to Washington, D.C., was to protest Congress' certification of the Electoral College.

9. On January 6, defendant and her family members walked with other protestors to the U.S. Capitol. They approached the building from the west side, and, at approximately 2:19 PM, made their way to the Upper West Terrace, part of the restricted area of the Capitol.

10. At about 2:24 PM, defendant entered the Capitol building through the Senate Wing Door, which had first been breached by rioters just minutes before she entered. When she entered, defendant knew she did not have permission to be in the building, and she did not submit to any

security screening. Defendant entered together with Castle, and walked through the Capitol building to the north side and into the Visitor's Center. As they paraded through the halls, Castle waved two small American flags, and defendant carried a handheld radio to communicate with others. Defendant's nephew also entered the Capitol and paraded through the building, although at times he was separated from defendant and Castle. Defendant and Castle exited the building together at approximately 3:02 PM, through the same door they had entered nearly 40 minutes earlier.

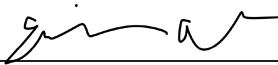
Elements of the Offense

11. Kimberly DiFrancesco knowingly and voluntarily admits to all the elements of Parading, Demonstrating, or Picketing in any of the Capitol Buildings, in violation of 40 U.S.C. § 5104(e)(2)(G). Specifically, defendant admits that she willfully and knowingly paraded, demonstrated, and picketed inside the U.S. Capitol Building.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney
D.C. Bar No. 481052

By:



Emily W. Allen
Assistant United States Attorney
Cal. Bar No. 234961

DEFENDANT'S ACKNOWLEDGMENT

I, Kimberly DiFrancesco, 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: 07/22/2022



Kimberly DiFrancesco
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: 07/25/2022



Michael Gillespie
Attorney for Defendant