

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

<b>UNITED STATES OF AMERICA</b>	:	
	:	<b>Criminal No.</b>
<b>v.</b>	:	
	:	<b>Case No. 21-mj-174 (ZMF)</b>
<b>PAUL WESTOVER,</b>	:	
	:	
<b>Defendant.</b>	:	

**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, Paul WESTOVER, 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.
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.

***WESTOVER's Participation in the January 6, 2021, Capitol Riot***

8. Approximately a week before the riot at the Capitol on January 6, WESTOVER wrote a post on his Facebook account asking whether anyone was going to the “Stop the Steal” rally in D.C. WESTOVER and Person 1 discussed meeting in D.C. before the rally.

9. On January 5, 2021, WESTOVER drove to the Washington, D.C. area from St. Louis, Missouri, accompanied by his friend, William Merry, and Merry's niece, Emily Hernandez, to attend the political rally on January 6, 2021. At the time he traveled, WESTOVER was aware that the Electoral College votes would be counted the next day at the U.S. Capitol.

10. On January 6, 2021, at approximately 10:30 a.m., WESTOVER, Merry, and Hernandez met Person 1 at a metro station and traveled to a political rally in D.C. While at the rally, WESTOVER live streamed videos to his Facebook account, including one in which he

stated something to the effect of “look at all the patriots on Pennsylvania Avenue,” while panning the camera to depict the crowd, including many individuals waving flags with the word “Trump” on them.

11. WESTOVER, Merry, and Hernandez (hereinafter, the “trio”) ultimately walked with the crowd from the rally towards the Capitol building, getting separated from Person 1 in the process. Upon arriving on Capitol grounds, the trio could see a large crowd standing against a set of barricades, arguing with the police. WESTOVER also saw individuals climbing scaffolding that had been set up in preparation for the presidential inauguration.

12. WESTOVER also live streamed video to his Facebook account while he was standing near the barricades outside the Capitol building. In this video, WESTOVER stated something to the effect of “they have rubber bullets” and “they are about to disperse the crowd.”

13. WESTOVER posted another video on his Facebook depicting a crowd attempting to breach a police barricade set up on a set of steps outside the Capitol building and guarded by approximately six law enforcement officers. WESTOVER, the recorder of the video, appears to be about four individuals back from the edge of the barricade. Merry and Hernandez were at his side as he recorded this video. At the 45 second mark of the video, WESTOVER states “we are on the front line.” Approximately fifteen seconds later, an individual ahead of WESTOVER forcibly removed a police barricade, allowing the crowd, including WESTOVER, Merry, and Hernandez, to breach the police line and ascend the Capitol steps past the retreating police officers.

14. At approximately 2:20 p.m., WESTOVER, Merry, and Hernandez entered the Senate Wing door to the Capitol while holding up their cell phones and recording videos. A few

minutes later, the trio entered the Crypt area of the Capitol, along with dozens of others in the crowd.

15. The trio eventually made their way to a circular area within the House Speaker's Suite. This area was marked with a sign posted above a curved entryway stating "Speaker of the House Nancy Pelosi."

16. After an individual tore this sign down from the wall, WESTOVER witnessed another individual with a black jacket and khaki pants smash the sign against a wall. He then witnessed Hernandez bend down and pick up a shard of the sign, which she and Merry then held up above their heads to show to a person recording a video. While doing so, Merry stated "here you go, brother." Visible on the shard were the words "The House" and "Nancy."

17. At approximately 2:36 p.m. the trio entered the Rotunda of the Capitol and continued to take photographs and videos. The trio exited the Capitol through the Senate Wing door at approximately 2:55 p.m.

18. After the trio exited the Capitol building, WESTOVER witnessed both Merry and Hernandez wielding the shard of the broken Speaker's sign. WESTOVER also witnessed Hernandez carrying several items, including a large red "Keep Off Fence" sign and a smaller "Please Do Not Touch" sign, after the trio had exited the Capitol.

19. After they left the Capitol grounds, the trio met Person 1 at a metro station and returned to their car. The trio then drove overnight back to St. Louis, arriving around on January 7, 2021, around 7:00 a.m.

20. During the trio's time inside the Capitol and on Capitol grounds, WESTOVER took several photographs and videos using his cell phone. WESTOVER later deleted these

media items. By January 7, 2021, WESTOVER had also taken down or deleted from Facebook the live stream videos he recorded on January 6.

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

Respectfully submitted,

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

By: *Jessica Arco /s/*

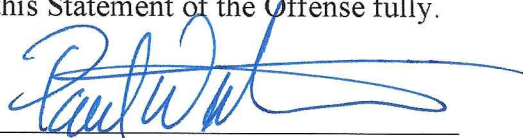
Jessica Arco  
Trial Attorney – Detailee

DEFENDANT'S ACKNOWLEDGMENT

I, Paul Westover, 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: \_\_\_\_\_

11/26/21



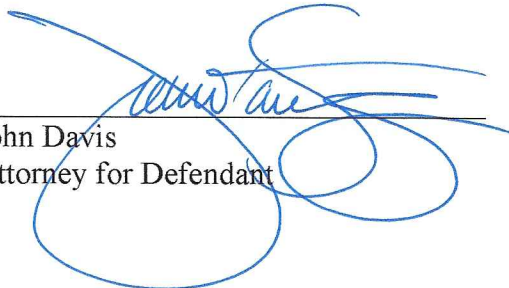
\_\_\_\_\_  
Paul Westover  
Defendant

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: \_\_\_\_\_

11/26/21



\_\_\_\_\_  
John Davis  
Attorney for Defendant