

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

UNITED STATES OF AMERICA	:	
	:	Case No: 21-CR-468 (PLF)
	:	
v.	:	
	:	40 U.S.C. § 5104(e)(2)(G)
LOIS LYNN MCNICOLL,	:	
	:	
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, Lois Lynn McNicoll, 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. As noted above, temporary and permanent barricades were in place around the exterior of the Capitol, and USCP 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 more than \$1.4 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. Considering 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.

Lois Lynn McNicoll's Participation in the Capitol Riot on January 6, 2021

8. The defendant, Lois Lynn McNicoll, lives in San Clemente, California. A few days prior to January 6, 2021, McNicoll flew from California to Washington, D.C. The purpose of Ms. McNicoll's trip to Washington, D.C., was to hear former President Trump speak and show her support for the former president by attending his rally.

9. In the early afternoon of January 6, 2021, McNicoll entered the Capitol Grounds, a restricted area on the west side of the Capitol. McNicoll walked up a set of steps on the west side of the Capitol near the temporary scaffolding that made up the inaugural stage, and into a plaza on the northwest side of the Capitol. A crowd breached a window on the north-west side of the first floor of the Capitol at approximately 2:12 PM. Shortly thereafter, at approximately 2:13 PM, individuals broke out the door next to that window—commonly referred to as the Senate Wing Door—and another window on the other side of that door. By approximately 2:27 PM, law

enforcement officers were able to stop unauthorized individuals from entering through that door and those windows, but at approximately 2:47 PM, the crowd became violent and once again broke through the police line.

10. At approximately 2:55 PM McNicoll entered the Capitol through the Senate Wing Door. McNicoll stood in the vicinity of the Senate Wing Door for a period, talking with unidentified people and recording videos, before walking south and into the Capitol Crypt. McNicoll remained in the Crypt from approximately 3:03 PM to approximately 3:33 PM. At that time, and at the direction of police officers, Ms. McNicoll left the Capitol through the Memorial Door on the first floor of the east side of the Capitol. McNicoll exited the Capitol at approximately 3:33 PM.

11. Lois Lynn McNicoll knew at the time she entered the Capitol that that she did not have permission to enter the building. While inside the Capitol, McNicoll paraded, demonstrated, or picketed.

[THIS SPACE INTENTIONALLY LEFT BLANK]

12. Ms. McNicoll was interviewed by agents from the Federal Bureau of Investigation on May 18, 2021. During that interview, McNicoll confirmed that she traveled to Washington, D.C., and she admitted to entering the Capitol on January 6, 2021.

Respectfully submitted,

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

By:



SEAN P. MURPHY
Assistant United States Attorney
D.C. Bar No. 1187821
Torre Chardon, Ste 1201
350 Carlos Chardon Ave
San Juan, PR 00918
787-766-5656
sean.murphy@usdoj.gov

DEFENDANT'S ACKNOWLEDGMENT

I, Lois Lynn McNicoll, 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: 5/20/2022



Lois Lynn McNicoll
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: 5/20/22



Lillian Chu
Attorney for Defendant