

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No.: 22-CR-118 (DLF)
	:	
v.	:	40 U.S.C. § 5104(e)(2)(G)
	:	
JACOB GARCIA,	:	
	:	
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, **Jacob Garcia**, 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 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 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 more than \$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.

Jacob Garcia's Participation in the January 6, 2021, Capitol Riot

8. The defendant, Jacob Garcia, traveled to Washington, D.C to protest Congress' certification of the Electoral College.

9. On January 6, at about or between 12:30 p.m. and 4:00 p.m., defendant was on restricted grounds as part of the mob that had gathered on the Lower West Terrace of the Capitol. The defendant recorded his time at the Capitol on his Go-Pro video camera, which he later posted to Facebook. While on Capitol grounds, defendant scaled one of the walls of the Capitol using one of the metal gates, commonly referred to as a bicycle rack. During this time, the defendant could be heard on his Go-Pro stating to other rioters, "let's go," "let's get inside," and "if you're not going, get out."

10. At 2:17 p.m., the defendant entered the Capitol through the open Senate Wing Doorway. The defendant continued with members of the crowd into the Crypt area of the Capitol.

While in the Crypt feet from a line of officers, the defendant could be heard on his Go-Pro stating to other rioters, "USA, USA, USA," "let's go, let's go, everybody," "why we stopping," "they all scared," and "who's house, our house." Defendant then moves with the crowd past officers. Defendant then proceeded to the House Wing of the Capitol into the Hall of Columns with other rioters. Defendant then goes to the Rotunda where he continues to chant with the crowd. Defendant then ascended stairs near the Dome Bulfinch Door and went down the West Corridor near room S344. While walking down the hallway, the defendant checked several doors to see if they were open. Defendant then returned to the Rotunda and exited the Capitol at approximately 3:15 p.m.

11. The defendant made several social media posts before, during, and after January 6, 2021. On December 21, 2020, defendant posted to Facebook a video which discussed being "Red pillled," referring to individuals who can understand the true nature of things. The defendant titled the post, "Get ready DC." Additionally, the post had the words, "It's Time To Rise the Fuck Up!" On January 6, 2021, the defendant posted on Facebook, "We literally stormed the capital [*sic*]." On January 7, 2021, defendant posted that "Americans [*sic*] storm the capital [*sic*] . . . my only regret is not getting some souvenirs . . . Got a dude on film showing he stole a framed picture of Pelosi."

Elements of the Offense

12. Jacob Garcia knowingly and voluntarily admits to all the elements of Parading, Demonstrating or Picking in a Capitol Building, a violation of Title 40, United States Code, Section 5104(e)(2)(G). Specifically, defendant admits that he was inside the U.S. Capitol Building knowing that he did not have permission to be inside. Defendant further admits that while inside the Capitol, he willfully and knowingly paraded or demonstrated.

Respectfully submitted,

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DEFENDANT'S ACKNOWLEDGMENT

I, Jacob Garcia, 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: 10-10-22



Jacob Garcia
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: 10-10-22



Matthew Smid
Attorney for Defendant