

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

UNITED STATES OF AMERICA

v.

CHRISTIAN CORTEZ,

Defendant.

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Case No.: 21-CR-317 (2) (TSC)

18 U.S.C. § 231(a)(3)

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, Christian Cortez, 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 United States Capitol, which is located at First Street, SE, in Washington, D.C., is secured twenty-four hours a day by United States Capitol Police. Restrictions around the Capitol include permanent and temporary security barriers and posts manned by Capitol Police. 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 of Representatives and Senate adjourned to separate chambers to resolve a particular objection. United States Vice President Michael R. 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 of Representatives and the Senate—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 Capitol Police 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. Capitol Police officers 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 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 Capitol were locked or otherwise secured. Capitol Police officers 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. 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 required security screening or weapons checks—Congressional proceedings could not resume until after every unauthorized occupant had been removed from or left the Capitol, and Capitol Police confirmed that the building was secured. The Joint Session proceedings resumed at approximately 8:00 PM on January 6, 2021, 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.

Christian Cortez's Participation in the January 6, 2021, Capitol Riot

8. Christian Cortez, lives in Seabrook, Texas. On January 4, 2021, Cortez traveled from Houston, Texas, to Washington, D.C., via automobile, along with co-defendant Benjamin Larocca. Cortez and Larocca traveled to Washington, D.C., to protest Congress's certification of the Electoral College vote for the 2020 Presidential Election.

9. On January 6, Cortez and Larocca attempted to attend the "Stop the Steal" rally taking place in Washington, D.C. They were unable to get close enough to the White House to see anyone speaking, but they were able to hear former President Donald J. Trump over the loudspeakers.

10. Cortez and Larocca then marched with other protesters to the Capitol.

11. As they approached the Capitol, Cortez and Larocca saw others climbing the walls of the building. Cortez and Larocca climbed the stairs on the West Side of the Capitol.

Cortez and Larocca ultimately reached the Upper West Terrace on the Senate Side of the Capitol.

12. Cortez and Larocca entered the Capitol at approximately 2:53 PM through the Parliamentary Door. Cortez and Larocca then traveled through the Brumidi Corridors where they joined a crowd of others stopped by law enforcement. The law enforcement officers were wearing official uniforms, ranging from standard uniforms to body armor. The officers' uniforms contained badges, name plates, patches, and other distinctive markings indicating that they were law enforcement officers. The officers stood in a formation across the hallway, preventing Cortez, Larocca, and others unlawfully in the Capitol from proceeding forward. The crowd engaged in chants of "USA!," "Whose house? Our house!," and "Forward!" Larocca, using his cell phone, filmed these events and himself in "selfie mode" chanting "Our house!" and posted it to his Instagram story. Larocca added a caption to one of the videos that read, "We got in."

13. Cortez and Larocca exited the building through the North Doors at approximately 3:06 PM.

14. After Cortez and Larocca exited the Capitol, law enforcement officers—clad in riot gear and other tactical equipment—attempted to block the North Doors and prevent rioters from reentering the Capitol. Multiple rioters launched projectiles—including metal barricades and other items—at the doors. A high-pitched, rapid beeping, similar to a smoke alarm, blared overhead. The law enforcement officers struggled to close the North Doors while other rioters held them open from the outside. The law enforcement officers deployed chemical-irritant spray and fire-extinguisher retardant, and Cortez stepped in front of the North Doors and began repeatedly yelling at law enforcement: "Fuck you!" and "Oath breakers!" Cortez slammed a blue-colored flag down and stepped forward toward the North Doors. Certain law enforcement officers stopped sealing

the North Doors and turned their attention toward Cortez, who they sprayed with a chemical irritant. Cortez did not move and yelled, "Do it some fucking more! Do it some fucking more!"

15. Cortez knowingly obstructed, impeded, and interfered with law enforcement officers while those officers were lawfully engaged in their official duties incident to a civil disorder that was occurring inside of the Capitol. Specifically, Cortez screamed at officers, approached them and the doors the officers were sealing with a flag, slammed the flag down, and taunted them while the officers were sealing the Capitol's North Doors to prevent rioters from reentering the Capitol.

16. On January 6, 2021, Cortez posted a photograph of himself with red, bleary eyes, standing in front of a line of law enforcement officers clad in riot gear outside of the Capitol. On January 6, Cortez posted the caption, "Just hanging with the besties." Larocca responded, "Hahaha." In response to another individual, Cortez added, "we were not the violent ones, but definitely got fucked up ... I will fight for your freedom until I die. I swear it."

Elements of the Offense

17. Christian Cortez knowingly and voluntarily admits to the above facts and agrees that they meet all of the elements of 18 U.S.C. § 231(a)(3). Specifically, Cortez admits:

- Christian Cortez committed or attempted to commit any act to obstruct, impede, or interfere with any law enforcement officer;
- That the law enforcement officer was lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder; and
- That the civil disorder in any way or degree obstructed, delayed, or adversely affected commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function.

18. Cortez also admits that Title 18, United States Code, Section 232(3) defines “federally protected function” as “any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof.”

Respectfully submitted,

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By: /s/
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DEFENDANT'S ACKNOWLEDGMENT

I, Christian Cortez, 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: 5/25/22 
Christian Cortez
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: 5/25/22 
Amr Ahmed
Attorney for Defendant