

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

UNITED STATES OF AMERICA

v.

FRANK JOSEPH BRATJAN, JR.,

Defendant.

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Case No.: 22 · CR - 285 (TNM)

Magistrate Case No.: 22-mj-134 (ZMF)

40 U.S.C. § 5104(e)(2)(G)

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, Frank Bratjan, Jr., 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.

Frank Bratjan's Participation in the January 6, 2021, Capitol Riot

8. The defendant, Frank Bratjan, Jr., lived near Syracuse, New York, in January 2021. On January 5, 2021, defendant drove his car from New York to Washington, D.C., spending the night along the way. The purpose of the defendant's trip to Washington, D.C., was to protest Congress' certification of the Electoral College.

9. On January 6, defendant attended the "Stop the Steal" rally at the National Mall. From there, he marched with other protestors to the U.S. Capitol. He approached the building from the West lawn and made his way through a large crowd of rioters attempting to surge through the police barricades to reach the restricted Capitol building.

10. At about 2:00 pm, defendant was a part of the mob that had gathered on the West Plaza. He saw a group of rioters working together dressed in full tactical gear, without an inch of skin showing, and saw them engage in fighting with the Capitol police officers. As defendant

climbed the stairs, police deployed chemical irritants and took other measures to hold back the crowd. Although defendant himself was aware that police had deployed chemical irritants and took other measures to stop the crowd, he nevertheless continued on undeterred. He passed the line where the police had attempted to contain the crowd and reached the Upper West Terrace.

11. At approximately 2:22 pm, he entered the Capitol by climbing through a broken window next to the Senate Wing Door—the same window other rioters had broken less than 10 minutes earlier in the very first breach of the Capitol.

12. After entering the restricted Capitol building, defendant made his way to the Rotunda, the ceremonial heart of the Capitol. He joined a group of rioters attempting to press forward through a narrow hallway toward Senator Mitch McConnell's offices. While inside the building, defendant felt the effects of pepper spray. As he later recounted, the rioters' tone was brutal and belligerent, and defendant heard others shouting to find Nancy Pelosi and other Representatives they called out by name.

13. Defendant exited the Capitol at around 2:57 pm, through the East Rotunda doors. After he left, he posted to his Instagram about the events, claiming he “[a]pproached the Capitol Building with an army of American patriots. With war vets leading the way, we stormed up those steps and into the halls. I’ve never been pepper sprayed or [t]ear gassed, and I’m hoping I’ll never have to again.” He added, “[h]opefully our message to Congress was received. We didn’t elect them to carry out their own agenda, we elected each and every one to carry our agenda!” He concluded with a series of slogans: “#stopthesteal #saveamerica #trump2020 #patriotism[.]”

Elements of the Offense

14. Frank Bratjan, Jr. knowingly and voluntarily admits to all the elements of Parading, Demonstrating, and Picketing in a Capitol building. Specifically, defendant admits that he

willfully and knowingly entered the U.S. Capitol Building knowing that he did not have permission to do so. Defendant further admits that while inside the Capitol, he willfully and knowingly paraded, demonstrated, or picketed.

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, Frank Joseph Bratjan, Jr. 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: 9-01-2022



Frank Joseph Bratjan, Jr.
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: 9/10/22



Paul F. Enzinna
Attorney for Defendant