FILED
FEB 11 2022
Clerk, U.S. District and Bankruptcy Courts

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 21-cr-00193-BAH
	:	
GREG RUBENACKER,	:	
	:	
Defendant.	:	

UNITED STATES' AND DEFENDANTS'
STIPULATION OF FACTS FOR PLEA PURPOSES

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, Greg Rubenacker, with the concurrence of his attorneys, agree and stipulate to the below factual basis for the defendant's guilty plea. 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 United States Capitol on January 6, 2021

1. The United States Capitol, which is located at First Street, SE, in Washington, D.C., is secured 24 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 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. 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 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 Capitol Police were present and attempting to keep the crowd away from the Capitol 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 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 required security screenings or weapons checks 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. Shortly after 2:00 p.m., individuals in the crowd entered the Capitol.

7. At approximately 2:20 p.m., members of the House of Representatives and Senate—including the President of the Senate, Vice President Pence—were instructed to, and did, evacuate the chambers. Accordingly, all congressional proceedings, 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

security screening or weapons checks, congressional proceedings could not resume until after every unauthorized occupant had left the 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.

Greg Rubenacker's Participation in the January 6, 2021, Capitol Riot

8. On January 6, 2021, Rubenacker filmed a large crowd of people in Washington, D.C. He posted the video to social media with the caption, "America is pissed."

9. At approximately 2:13 p.m., Greg Rubenacker unlawfully entered the Capitol through the Senate Wing Door on the west side of the building. Inside the Capitol, Rubenacker recorded multiple videos, including one of himself walking with other individuals through a hallway near where he entered and stating, "Holy shit! This is history! We took the Capitol!"

10. At approximately 2:14 p.m., Rubenacker—surrounded by several other individuals who were yelling, "where are they counting the votes"—approached a Capitol Police Officer guarding an entrance to a flight of stairs. The Capitol Police Officer placed one hand on his utility belt and used his other hand to point the aforementioned individuals away from the entrance. Rubenacker and the other individuals did not leave. The Capitol Police Officer retreated backwards up the stairs, repeatedly yelling "back up," and displaying his extendable baton. Rubenacker and other individuals followed the Capitol Police Officer up multiple flights of stairs and into the Ohio Clock Corridor. In this room, Rubenacker and other individuals shouted at the Capitol Police Officer and other law enforcement officers who had arrived.

11. Soon after, Rubenacker returned to the first floor and exited the Capitol through the Senate Carriage Door on the north side of the Capitol at approximately 2:21 p.m.

12. At 2:42 p.m., Rubenacker unlawfully reentered the Capitol building through the Rotunda Doors on the east side and then entered the Rotunda. While in the Rotunda, Rubenacker smoked marijuana. Rubenacker filmed himself smoking marijuana inside the Rotunda, which he later posted to a social media website with the caption, "Smoke out the Capitol, baby."

13. At approximately 3:05 p.m., multiple law enforcement officers from the United States Capitol Police and Metropolitan Police Department were in the Rotunda while Rubenacker was still inside. These 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 formed a line and began removing individuals from the Rotunda. At approximately 3:06 p.m., Rubenacker, near the front of the crowd, recorded himself yelling at law enforcement officers, "You serve this country. Are you even proud of yourself? Are you guys even proud of yourselves? Who are you serving? Who are you guys serving? Who are you guys serving? We are the people! Why are you not protecting us?"

14. Law enforcement officers continued to try and remove individuals from the Rotunda. Rubenacker did not leave. At approximately 3:08 p.m., Rubenacker swung a plastic bottle at an officer. At approximately 3:09 p.m., Rubenacker sprayed water from his bottle across multiple law enforcement officers engaging with other individuals. Law enforcement pepper sprayed the crowd, including Rubenacker.

15. At approximately 3:12 p.m., law enforcement officers forced Rubenacker out of the Rotunda. While leaving, Rubenacker yelled at police officers, "This is a communist act right here. I hope you guys are proud of that. This is communist act by you guys. This is communist act."

16. At approximately 3:20 p.m., Rubenacker exited the Capitol through the Rotunda Doors on the east side of the Capitol.

17. Rubenacker knew at the time he entered the Capitol that he did not have permission to enter the building. Rubenacker obstructed, influenced, and impeded an official proceeding, that is, a proceeding before Congress, specifically, Congress's certification of the Electoral College vote as set out in the Twelfth Amendment of the Constitution of the United States and 3 U.S.C. §§ 15-18.

18. Rubenacker 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, Rubenacker swung a plastic bottle at an officer and sprayed water on multiple law enforcement officers engaging with other individuals at the time.

19. At the time that Rubenacker knowingly engaged in disorderly and disruptive conduct, he was in a restricted building or grounds as defined in 18 U.S.C. § 1752(c). Rubenacker's disorderly and disruptive conduct in fact impeded or disrupted the orderly conduct of government business or official functions.

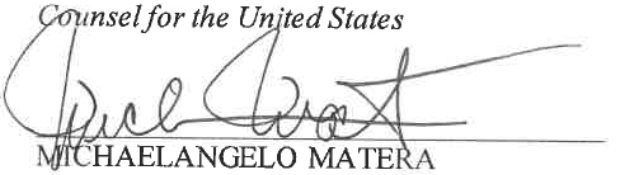
Respectfully submitted,

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