

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

**UNITED STATES OF AMERICA**

**Case No: 22-cr-00028-TSC**

**40 U.S.C. § 5104(e)(2)(G)**

**v.**

**NICHOLAS JOHN LATTANZI,**

**Defendant.**

**STATEMENT OF OFFENSE**

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, Nicholas John Lattanzi, 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 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol.

2. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.

3. On January 6, 2021, a joint session of the United States Congress convened at the United States 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 United States Capitol 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. 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 U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building 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 U.S. 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 security screenings or weapons checks by U.S. Capitol Police Officers or other authorized security officials.

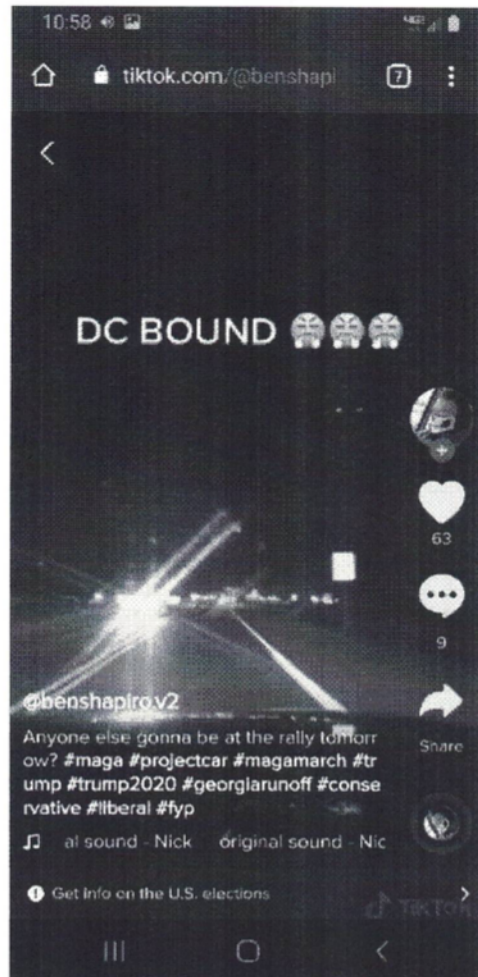
6. At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however,

shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. 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 U.S. Capitol, requiring the expenditure of more than \$1.4 million dollars for repairs.

7. Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and United States 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 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. 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.

***Lattanzi's Participation in the January 6, 2021, Capitol Riot***

8. On or about January 6, 2021, the defendant posted a picture on his TikTok page, @benshapiro.v2. The page contained a post with an image from a dark road with the text “DC BOUND,” followed by several emojis and the caption: “Anyone else gonna be at the rally tomorrow?” The photo is depicted in Figure 1.



*Figure 1*

9. As a result of evidence obtained during an investigation of the defendant and the January 6, 2021 riot at the Capitol Building, on or about April 5, 2021, the defendant was interviewed by the FBI at his residence in Millsboro, Delaware. During the interview, the FBI showed the defendant screenshots from a TikTok account, @punishedwurzelroot, which depicted the defendant in Washington D.C. on January 6, 2021. The defendant identified himself in the photographs and confirmed he was in fact in Washington, D.C. on January 6, 2021.

10. During the in-person interview on April 5, 2021, the defendant told the FBI the following details about his travel to Washington D.C. on January 6, 2021:

- The defendant traveled to Washington D.C. on the morning of January 6, 2021 and stayed there for one day. The defendant stated that his intent in traveling to Washington D.C. was to “support my President.”
- The defendant claimed that he did not bring any items with him to the rally, such as weapons, shields, or restraints.
- The defendant disclaimed having any role in any violence, trespassing, vandalism, or any other criminal activity at the Capitol on January 6, 2021.
- The defendant claimed that he did not receive any guidance or direction from other individuals to participate in the January 6, 2021 riot.
- The defendant disclaimed any affiliation with any specific group who attended the January 6, 2021 riot.
- The defendant said the U.S. Capitol building was targeted because “We were betrayed by the people who represent us.” The defendant also stated that he thought the event turned violent because “Mike Pence and Republicans turning on us.”
- The defendant claimed that he did not enter the U.S. Capitol Building.
- The defendant claimed that he did not know how or why certain areas or individuals inside the Capitol were targeted by the rioters.

11. On or about April 6, 2021, the FBI was contacted via email by counsel for the defendant who indicated that the defendant wished to amend the statement he made to the FBI on April 5, 2021.

12. On April 21, 2021, the FBI interviewed the defendant in the presence of his counsel at the FBI Dover Resident Agency. During the interview the defendant provided the following information:

- The defendant left his residence on the evening of January 5, 2021. The defendant stayed the night at his friend Person-1’s house, and left the following morning for Washington D.C.
- The defendant entered the U.S. Capitol Building at approximately 3:20 p.m. through an already open door that had a broken window.

- Before entering the U.S. Capitol Building, the defendant did not observe any “No Trespassing” signs, fencing, or police officers instructing people not to enter the building.
- While inside the U.S. Capitol Building, the defendant did not observe police officers pushing people to get out, nor did he observe rioters attacking police officers.
- At approximately 3:23 p.m., the defendant encountered a uniformed law enforcement officer who instructed him to leave the building. The defendant stated, “The officer told me to exit, and I did.”
- The defendant claimed that he did not steal any items from the U.S. Capitol Building or participate in any violence or vandalism.
- The defendant exited the U.S. Capitol Building through the same door he entered. The defendant then walked around the U.S. Capitol Building and joined a large crowd outside the building for approximately one hour. The defendant left when police with riot shields began spraying mace into the crowd.
- The defendant claimed that he did not have any physical contact with police officers on January 6, 2021.
- During the interview, FBI showed the defendant a screenshot from the @benshapiro.v2 TikTok account. The screenshot shows a white flag with black lettering and a green tree, as well as some dark spots on the flag. The defendant identified the flag as his and explained that the dark spots on the flag were blood and mace. *See Figure 2.*



*Figure 2*

***U.S. Capitol Police Surveillance Footage of LATTANZI Inside the U.S. Capitol Building***

13. U.S. Capitol Police surveillance footage from January 6, 2021 captured the defendant inside the Capitol. Capitol surveillance footage shows the defendant entering the Senate Wing Door on the northwest side of the Capitol Building at or about 3:22 p.m. The defendant is identified with a red arrow in Figure 3, and can be identified by his cowboy hat and flag. The defendant is also wearing a white skull print neck gaiter pulled up over his mouth and nose.



*Figure 3*

14. After entering the Senate Wing Door, the defendant turned right and began walking south, down a hallway, toward the Crypt. See Figure 4.



*Figure 4*

15. At approximately 3:23 p.m., the defendant walked past a uniformed police officer. The officer put his hand in the air, at which point the defendant turned around and walked back toward the Senate Wing Door. The defendant's path down and up the Capitol Building hallway is depicted in the screenshots from USCP surveillance footage Figures 5 - 7.



*Figure 5*



*Figure 6*



*Figure 7*

16. The defendant ultimately exited the U.S. Capitol Building at approximately 3:27 p.m. See Figures 8.



*Figure 16*

17. According to the USCP surveillance footage, the defendant spent a total of approximately five minutes inside the U.S. Capitol Building.

18. When the defendant entered and remained in the Capitol Building he did so willfully and knowingly and did parade, demonstrate, or picket while inside the Capitol Building.

Respectfully submitted,

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

By:

  
/s/ Zachary Phillips

Zachary Phillips  
Assistant United States Attorney

DEFENDANT'S ACKNOWLEDGMENT

I, NICHOLAS JOHN LATTANZI, 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: 8/11/22

  
\_\_\_\_\_  
NICHOLAS JOHN LATTANZI  
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: August 11, 2022

  
\_\_\_\_\_  
JEFFERY P. MCLANE  
Attorney for Defendant