

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

Case No.: 21-CR-107

v.

BRUNO JOSEPH CUA,

Defendant.

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STATEMENT OF FACTS FOR STIPULATED TRIAL

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, Bruno Joseph Cua, with the concurrence of his attorneys, hereby submit the Elements and Statement of Facts for Stipulated Trial as to Counts Two and Three of the Second Superseding Indictment.

I. Elements

The essential elements of the offense of obstruction of an official proceeding and aiding and abetting, in violation of 18 U.S.C. § 1512(c)(2), which the government must prove beyond a reasonable doubt are:

1. The defendant attempted to or did obstruct or impede an official proceeding;
2. The defendant intended to obstruct or impede the official proceeding;
3. The defendant acted knowingly, with awareness that the natural and probable effect of his conduct would be to obstruct or impede the official proceeding; and
4. The defendant acted corruptly.

The government further alleges that the defendant aided and abetted others in committing obstruction of an official proceeding. To satisfy its burden of proof that the defendant aided and

abetted others in committing this offense, the government must prove the following beyond a reasonable doubt:

1. Others committed obstruction of an official proceeding by committing each of the elements of the offense charged;
2. The defendant knew that obstruction of an official proceeding was going to be committed or was being committed by others;
3. The defendant performed an act or acts in furtherance of the offense;
4. The defendant knowingly performed that act or acts for the purpose of aiding, assisting, soliciting, facilitating, or encouraging others in committing the offense of obstruction of an official proceeding; and
5. The defendant did that act or acts with the intent that others commit the offense of an obstruction of an official proceeding.

The essential elements of Assaulting, Resisting, or Impeding Certain Officers, in violation of 18 U.S.C. § 111(a)(1), which the government must prove beyond a reasonable doubt are:

1. The defendant assaulted, resisted, opposed, impeded, intimidated, or interfered with any officer or employee of the United States or of any agency in any branch of the United States Government;
2. The defendant did so with some use of force;
3. The defendant did such acts voluntarily and intentionally;
4. The defendant did so while the officer or employee was engaged in or on account of the performance of official duties; and

The defendant made physical contact with the officer of the United States referenced in the first element who was then engaged in the performance of his official duties, or acted with the

intent to commit another felony.¹ For purposes of this element, “another felony” refers to any of the offenses charged in Counts One, Two, Four, Five, or Six of the Second Superseding Indictment. The term “assault” means any intentional attempt or threat to inflict injury upon someone else, when coupled with an apparent present ability to do so, that places another in reasonable apprehension of immediate bodily harm. A finding that one used force (or attempted or threatened to use it) is not the same as a finding that he attempted or threatened to inflict injury. In order to find that the defendant committed an “assault,” the government must prove beyond a reasonable doubt that the defendant acted forcibly and that the defendant intended to inflict or intended to threaten injury.

The terms “resist,” “oppose,” “impede,” “intimidate,” and “interfere with” carry their everyday, ordinary meanings.

II. Statement of Offense

A. 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,

¹ The defense maintains its position, as set out in its Motion to Dismiss Count Three, that the government must prove the defendant assaulted Officer G.L. in order to sustain a conviction on Count Three.

which had taken place on Tuesday, November 3, 2020. The joint session is set out in the Twelfth Amendment of the Constitution of the United States and 3 U.S.C. §§ 15-18. 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 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 p.m. 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 p.m., 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 2:20p.m., 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 p.m. 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 p.m. 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.

B. Bruno Cua's Participation in the January 6, 2021 Capitol Riot

8. The defendant, Bruno Cua, lives in Milton, Georgia. He was born in May 2002 and was 18 years old on January 6, 2021, and a senior in high school. The defendant and his parents drove from Milton, Georgia to Washington D.C. in the defendant's blue Toyota Tundra truck on January 5, 2021. Mr. Cua and his parents traveled to Washington D.C. to attend the rally at which President Trump would speak on January 6, 2021.

9. At approximately 10:30 a.m. on January 6, 2021, the defendant and his parents parked the defendant's truck in the Capitol Hill neighborhood of Washington, D.C. The defendant wore a denim jacket, a red "Make America Great Again" hat, jeans, a dark gray hoodie and gloves. Exhibit 1201 contains photographs of the defendant and his parents and the blue Toyota Tundra in the Capitol Hill neighborhood on the morning of January 6, 2021. The defendant and his parents

then walked in the direction of the Capitol and Washington Monument to attend the “Stop the Steal” rally.

10. While at the rally, the defendant and his parents heard President Trump speak at noon. During that speech, President Trump told the crowd, “We fight like hell, and if you don’t fight like hell you’re not going to have a country anymore,” as well as, “And after this, we’re going to walk down and I’ll be there with you. We’re going to walk down — we’re going to walk down. Anyone you want, but I think right here, we’re going to walk down to the Capitol — and we’re going to cheer on our brave senators and congressmen and women, and we’re probably not going to be cheering so much for some of them.”

11. After hearing the speech, and following President Trump’s direction, the defendant and his parents walked with a large crowd to the Capitol grounds, approaching from the west. At some point, the defendant left his parents’ side.

12. At approximately 2:30 p.m., the defendant climbed up the scaffolding on the Northwest front of the Capitol building while holding a black asp baton in his hand. Exhibit 212 is a video that depicts the defendant reaching the Upper West Terrace of the Capitol building after climbing the scaffolding.

13. The defendant then walked along the Upper West Terrace toward the entrance to the Capitol. Exhibit 214 is a video that depicts the defendant walking near the Inaugural stage on the West Front of the Capitol.

14. The defendant entered the Capitol through the Upper West Terrace doors at approximately 2:36 p.m. As the defendant approached, the double doors were propped open and a loud alarm was sounding as people were streaming into the Capitol through the doors. There were signs on the inside of the doors stating, “EMERGENCY EXIT ONLY.” As the defendant reached

the doorway, Sergeant David Millard was at the door and then turned back toward the interior as the defendant entered. After walking through the doors, the defendant encountered USCP officers Sergeant David Millard, Sergeant Adam Junior, Officer Juan Lopez, Officer David Riggleman, and Lieutenant Patrick Ceresa, as seen in Exhibit 101, beginning at time stamp 2:36:04. The USCP officers formed a police line a few feet inside the doors and stopped the unauthorized people entering, including the defendant, from moving further into the Capitol building. At this time, several unauthorized people, including the defendant, attempted to get the police to move out of the way by, among other things, shouting at the officers and members of the crowd began chanting "Let us in!" The defendant yelled at USCP officers "we back you" and "we have your backs" while holding his cellphone in his right hand and waving the baton in his left hand. After several seconds at the police line, the police moved back and the unauthorized people, including the defendant, moved into the Capitol. Exhibits 101, 102, 201, 202, and 203 depict the defendant's entrance into the Capitol building through the Upper West Terrace Door and his confrontation with USCP officers.

15. After moving quickly into the Rotunda, the defendant came back out and said to the other unauthorized people who entered with him, "Let's go! Good job guys!" as depicted in Exhibit 202 at approximately time stamp 2:12. The defendant was inside the Rotunda for approximately two minutes, during which time he paced across the Rotunda floor, entered and exited the Rotunda multiple times, yelled and carried his baton. Exhibit 103, beginning at approximately time stamp 2:37:30, depicts the defendant in the Rotunda.

16. The defendant walked out of the east door to the Rotunda at approximately 2:39 p.m. and entered the hallway near the Rotunda Doors. The defendant entered the hallway and saw that unauthorized people were physically fighting with a police officer in riot gear near the door

as depicted in Exhibit 104 at approximately time stamp 2:40:06. The defendant immediately turned right and headed up the stairs to the third floor with other unauthorized people. Exhibit 104 shows the defendant's actions near the Rotunda Doors.

17. After climbing the stairs, the defendant turned right and walked down a hallway. As the defendant walked down the hallway, he tried to open multiple doors. The defendant also yelled, "This is what happens when you piss off patriots!" and "Hey! Where are the swamp rats hiding?!", "Where are the swamp rats hiding at?" and "[Inaudible] swamp rats! Where you at swamp rats?!" Exhibit 106, beginning at time stamp 2:41:02, and Exhibit 208, from approximately time stamp 4:06 to approximately time stamp 4:50, show the defendant as he walked down the hallway on the third floor of the Capitol.

18. At approximately 2:41 p.m., the defendant reached the end of the hallway and turned left onto the southeast hallway outside the Senate Gallery. At this time, on-duty USCP officers were attempting to lock the doors to the Senate Gallery to prevent the Senate Gallery and Senate Floor from being breached by the mob. The defendant walked down the hallway with other members of the crowd to a set of doors where two USCP officers, including Officer G.L., were attempting to lock the doors. As the crowd approached the doors, an unauthorized person called out "Don't you dare lock another door!" Another unauthorized person called out "don't let them lock the doors." The unauthorized person then grabbed one of the doors that the officers were attempting to lock. The defendant saw this exchange and moved toward the door where the officers were located. At approximately 2:42 p.m., the defendant moved toward the doors and interacted with Officer G.L., and the defendant's interaction with G.L. involved physical contact with G.L. After several seconds of the interaction, Officer G.L. and the other USCP officers retreated away from the doors without locking them in order to protect themselves. Exhibit 107, beginning at time

stamp 2:41:53, Exhibit 204, at approximately time stamp 4:26, and Exhibit 208, at approximately time stamp 5:10, depict these events.

19. At approximately 2:45 p.m., after the officers retreated, the defendant rushed into the Senate Gallery and yelled “This is our house! This is our country!” as seen in Exhibit 208, at approximately time stamp 5:45. The defendant then walked around the Senate Gallery still holding his asp baton and his cellular phone. While standing on the Senate Gallery overlooking the Senate Floor, the defendant said to a nearby unauthorized person, “If I go down there and open the doors, will you storm?” as depicted in Exhibit 208 at approximate time stamp 8:11. Two nearby unauthorized people responded with, “We got you bro.” The defendant then stepped onto the ledge of the Senate Gallery where he remained for at least approximately two minutes. At this point, another unauthorized person jumped from the Senate Gallery down to the Senate Floor. The defendant then jumped from the Senate Gallery down to the Senate Floor a short time later.

20. After he jumped onto the Senate Floor, the defendant walked directly to the dais at the center of the Senate Chamber, where the Secretary of the Senate, the Vice President of the United States, presides over the Senate. The defendant sat in the Vice President’s chair, reclined, and put his feet up on the desk. Exhibit 206 and Exhibit 302, at time stamp approximately 14:47:48, depict the defendant sitting in the Vice President’s chair.

21. The defendant stood up from the chair after being told to move by another unauthorized person. The defendant then called out to another unauthorized person who was still up in the Senate Gallery and asked, “Did you get a video of that?” and “Okay, text me!” as depicted in Exhibit 306 at approximately time stamp 14:48:00. The defendant then yelled his phone number

up to the unauthorized person so he could send him a video, as depicted in Exhibit 209 at approximately time stamp 00:47.

22. At approximately 2:48 p.m., the defendant and another unauthorized person went into a vestibule containing doors to the Senate Floor. A short time later, more persons were able to enter the Senate through those doors. The defendant then spent approximately four more minutes walking around the Senate Floor. During this time, he opened at least three desks belonging to U.S. Senators, and continually recorded video on his cell phone. The defendant's conduct on the Senate Floor is seen in Exhibits 301, 302, 303, and 304, beginning at approximately time stamp 14:45:56.

23. Exhibit 210 is the January 17, 2021, video published by The New Yorker entitled, "A Reporter's Video from Inside the Capitol Siege." At time stamp approximately 4:44, the defendant stated, "They can steal an election, but we can't sit in their chairs?"

24. The defendant left the Senate Floor at approximately 2:52 p.m. although other unauthorized people remained on the Floor. He then walked back down to the first floor of the Capitol.

25. The defendant left the Capitol through the Senate Carriage Door at 2:53 p.m., as seen in Exhibit 109.

26. Exhibits 101 to 110 are true and accurate copies of videos taken from the closed circuit television ("CCTV") system at the Capitol that depict events that took place within the U.S. Capitol building on January 6, 2021.

27. Exhibits 201 to 214 are true and accurate copies of videos depicting events that took place within the U.S. Capitol building and on Capitol grounds on January 6, 2021.

28. Exhibits 301 to 306 are true and accurate copies of videos depicting events that took place within the U.S. Capitol building and on Capitol grounds on January 6, 2021.

C. Bruno Cua's Statements on Social Media Regarding January 6, 2021

29. From at least approximately November 4, 2020, to January 31, 2021, the defendant owned and used multiple accounts on social media.

30. The defendant was the owner and user of the Instagram account Bruno_Cua. Exhibits 802 to 809 are statements made by the defendant on Instagram account Bruno_Cua.

31. The defendant was also the owner and user of the Instagram account Bruno_Cua1776. Exhibits 902 to 993 are statements made by the defendant on Instagram account Bruno_Cua1776.²

32. The defendant was also the owner and user of the Parler account PatriotBruno. Exhibits 702 to 741 are statements made by the defendant on the Parler account PatriotBruno.

33. The following were among the statements the defendant made on social media:

a. On November 4, 2020, the defendant posted a video of himself on Instagram. During the video, among other things, the defendant stated, "This is voter fraud and we're aware" and "we know that there's a hundred thousand completely illegal votes in Michigan." Exhibits 802A-B.

b. On November 8, 2020, the defendant posted a video of himself on Instagram. During the video, among other things, the defendant stated, "And when it's all said and done, Donald Trump, he already has won. By a landslide. A landslide. The

² The parties agree and stipulate that the times on the Instagram exhibits (Exhibit series 800 and 900) are in Coordinated Universal Time ("UTC"). UTC is converted to Eastern Standard Time ("EST") by subtracting five hours from UTC. All time references in the stipulated facts refer to the converted time (EST) of the statements.

media is going to try to declare Joe Biden the winner. Just don't listen to them. Sit tight. It will be soon." Exhibit 803E.

- c. On November 8, 2020, the defendant posted a video of himself on Instagram during which he stated, "Joe Biden declared President-Elect. So you guys are like, how do we come back from that? And you can't come back from that, like that's it. Right? He has the electoral votes. But no, it's not it because he's not certified by a single state. It has to actually go through court and the legislators have to pick the electors. And Republicans control the legislatures in all the swing states." Exhibits 803A-B.
- d. On November 11, 2020, the defendant exchanged private messages on Instagram with another Instagram user. The defendant stated, "Everyone voted trump." The other Instagram user replied, "So how the hell did Biden win." The defendant stated, "He didn't" and "He stole it." Exhibit 804.
- e. On December 14, 2020, the defendant posted to Parler, "#TRUMP WON!! I know it. You know it. They know it. #Trump knows it. #Biden knows it. #Kamala knows it. WE ALL KNOW IT. AND WE WILL FIGHT AND DIE FOR IT!" Exhibit 712.
- f. On December 19, 2020, the defendant posted to Parler, "ATTENTION PRESIDENT #TRUMP IS CALLING ALL #PATRIOTS TO RALLY IN #WASHINGTONDC JANUARY 6TH!! This is extremely important because this is the day congress will finalize the election! If they don't do what's right MILLIONS of us will BREAK DOWN THEIR DOORS! #LIVE FREEORDIE #FREEDOM." Exhibit 717. The defendant re-posted this statement to Instagram the same day. Exhibit 983.

- g. On December 21, 2020, the defendant posted to Parler, "I have lost faith in the court systems, 90% of our government is completely corrupt on both sides, and they're not going to go away by asking nicely. We the people voted for President Trump and this election will have to be corrected by #WETHE PEOPLE." Exhibit 713.
- h. On December 21, 2020, the defendant posted on Parler, "Washington DC. #January6th. Bring your guns. We're gonna need them. It ain't illegal if there's an army of us. BRING YOUR GUNS. ALL OF THEM" Exhibit 726.
- i. On December 22, 2020, the defendant sent private messages on Instagram to another Instagram user. The defendant asked the other Instagram user if he or she was "going on Jan 6th" and the Instagram user responded, "You think it's gonna change anything? There's gonna be a civil war regardless." The defendant responded, "Yeah I do because we can storm the freaking senate/house. That's what I've been saying. That's why I keep saying to bring guns. Holding signs is useless." Exhibit 929. The defendant then stated, "We have to forcefully take our freedom back on Jan 6th." *Id.*
- j. On December 26, 2020, the defendant posted on Parler, "#PresidentTrump is going through every possible legal process. But #WeThePeople are sick of waiting. We want the blood of politicians split [sic]. We want to fight. It's no longer about left or right it's #tyranny vs #freedom." Exhibit 728.
- k. On December 29, 2020, the defendant posted a public comment on Instagram stating, "AN ARMY IS COMING TO DC." Exhibit 926.
- l. On January 1, 2021, the defendant posted on Parler, "Just a reminder, there's strength in numbers. They can't arrest all of us. Don't be afraid." Exhibit 731.

- m. On January 1, 2021, the defendant posted on Parler, “IMPORTANT: I hear chatter of DC having “firearm checkpoints”, where they will stop you, search your car (without a warrant) and arrest you for having a gun. Which is an unconstitutional felony in DC. Bring other weapons if you prefer, like pepper spray, tasers, baseball bats, whatever you want.. Although may I remind you that that is EXACTLY what they want from us, to lay down our weapons and be sheep! They know they cannot control us if we are armed and dangerous! I don’t know who needs to hear this, but they can’t arrest all of us. Do not back down and do not be discouraged. Show up and be ready to fight. This really is our #1776.” Exhibit 732. The defendant reposted this same message to his Instagram account on January 2, 2021. Exhibit 957.
- n. On January 6, 2021, at approximately 11:34 a.m., the defendant posted a story on Instagram that included a video of the crowd near the Washington Monument. Exhibit 904.
- o. On January 6, 2021, at approximately 11:55 a.m., the defendant posted a story on Instagram that included a photograph of a crowd on the National Mall. Exhibit 961.
- p. On January 6, 2021, at approximately 3:02 p.m., the defendant received a private Instagram message from another Instagram user that stated, “I [sic] storming the capitol rn [right now]? You*.” The defendant responded, “Yes. I did.” Exhibit 952.
- q. On January 6, 2021, at approximately 3:05 p.m., an Instagram user sent the defendant a private Instagram message asking, “Are you at the capital?? This is insane!” At approximately 5:11 p.m., the defendant responded, “Yes. We made them wish they were in hell.” The Instagram user asked, “Is it true antifa/blm started it?” The defendant responded, “No. We whipped them tho.” The Instagram user

said, “So they did try to blend in with supporters!? Damn. Everyone is saying we’re the domestic terrorists now [eye roll emoji].” The defendant replied, “Say what they want. We didn’t attack the America people we attacked the swamp rats.” Exhibit 948.

- r. On January 6, 2021, at approximately 5:46 p.m., the defendant sent a private message to another Instagram user that said, “I’m out, and it’s a good thing. We are taking our country back by force.” Exhibit 932.
- s. On January 6, 2021, at approximately 5:50 p.m., the defendant posted a story on Instagram that stated, “Pence is a traitor. An absolutle [sic] traitor I can’t believe it.” Exhibit 960.
- t. On January 6, 2021, at approximately 5:54 p.m., the defendant received a private Instagram message that stated, “IM GLAD YOU DID, AND I WISH I COULD BE THERE WITH YALL.” The defendant responded, “We fought like hell brother.” Exhibit 955.
- u. On January 6, 2021, at approximately 7:56 p.m., the defendant sent a private message to another Instagram user stating, “Okay, this was 1777 trust me. Best day of my life.” Exhibit 807. The defendant then clarified, “1776*.” *Id.*
- v. On January 6, 2021, at approximately 8:53 p.m., the defendant exchanged private messages with another user on Instagram. The defendant stated, “If Trump doesn’t get Im [sic] we will be back in DC for a blood bath.” Exhibit 937.
- w. On January 7, 2021, the defendant posted on Parler, “We have a first amendment to protect our right to peacefully protest. We have a second amendment incase [sic] the first one doesn’t work. It didn’t work. Violent protests against the capital (NOT

SMALL BUSEINSS'S) are well within our constitutional rights." Exhibit 735. The defendant re-posted this statement on Instagram on the same day. Exhibit 975.

- x. On January 7, 2021, the defendant exchanged private messages with another Instagram user. During the conversation, the other Instagram user stated, "tbh [to be honest] cops should have joined in." The defendant responded, "That's what I freaking told them." Then the defendant stated, "One cop was about to cry. We were screaming at them to join us." Exhibit 931.
- y. On January 7, 2021, the defendant posted a story on Instagram that read, "If patriots can easily preach [sic] the capital of the United States of America, good luck hiding anywhere in the country Swamp Rats." Exhibit 968.
- z. On January 7, 2021, the defendant posted on Parler, "Dear Swamp Rats, the events at the capital were a reminder that WE THE PEOPLE are in charge of this country and that you work for us. There will be no "warning shot" next time. Signed, #WETHEPEOPLE." Exhibit 736.
- aa. On January 8, 2021, the defendant posted on Parler, "We already knew the democrats were swamp rats, but the last two months have clearly proven that the name republicans or democrats means nothing. Everyone who works in congress is a traitor to the people and deserves a public execution. Time for a new party, the patriot party." Exhibit 738.
- bb. On January 9, 2021, the defendant sent private messages to another Instagram user that stated, "Idc [I don't care] either I want a bloody war I'm ready to start shooting and I'm ready to die before I watch America crash and burn. I'll be on the front

lines. I want to lock the swamp rat tyrants in the capital and burn the place to the ground.” Exhibit 931.

D. The Defendant’s Arrest and Searches of His Residence and Truck

34. During the execution of the arrest warrant for the defendant on February 5, 2021, a search warrant was executed at his residence and on his truck. Multiple items were recovered, including three black asp batons, a gray sweatshirt with an Eagle on it, a red “Make America Great Again” hat, and a red “Keep America Great” hat. At the time of defendant’s arrest, defendant was wearing a blue denim jacket, and black and gray gloves which he wore on January 6. These items were also seized by law enforcement.

E. The Civil Disorder at the Capitol on January 6, 2021

35. As a result of the civil disorder in Washington, D.C. on January 6, 2021, the United States Secret Service, who had multiple protectees inside the Capitol at the time, was forced to change its normal course of business and deploy additional personnel.

36. As a result of the civil disorder in Washington, D.C. on January 6, 2021, Safeway, a grocery store chain, was forced to close its stores in the District of Columbia earlier than planned on January 6, 2021. As a result, Safeway reported significantly lower sales on January 6, 2021, both as projected and compared to the same date in prior years. Additionally, Safeway delivery shipments from Pennsylvania to the District of Columbia were unable to be completed on January 6, 2021.

III. Conclusion

In the event that the Court denies Mr. Cua’s Motions to Dismiss Counts Two and Three, and holds that Count Three does not require the government to prove beyond a reasonable doubt that Mr. Cua assaulted Officer G.L., and without waiving any arguments set forth in Mr. Cua’s

Motions to Dismiss Counts Two and Three, the parties agree that, if the Court finds the existence of these facts beyond a reasonable doubt, this would be sufficient to establish each and every element of the charged offenses in light of and under the Court's rulings and without waiving defendant's objections to the Court's rulings and appeals or other challenges to those rulings.

Respectfully submitted,

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DEFENDANT'S ACKNOWLEDGMENT

I, Bruno Cua, have read this Statement of Facts and have discussed it with my attorney. I fully understand this Statement of Facts. I agree and acknowledge by my signature that this Statement of Facts 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 Facts fully.

Date: 2-13-23

Bruno Joseph Cua
Bruno Cua
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read this Statement of Facts and have reviewed it with my client fully. I concur in my client's desire to adopt this Statement of Facts as true and accurate.

Date: 2/13/23

William Zapf
William Zapf
Jon Jeffress
Attorney for Defendant Cua