

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
 :
 v. : Case No: 21-cr-69 (APM)
 :
 JORGE AARON RILEY, : 18 U.S.C. § 1512(c)(2)
 :
 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, Jorge Aaron Riley, 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 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 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 \$2.7 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.

Riley's Participation in the January 6, 2021, Capitol Riot

8. Before January 6, 2021, the defendant posted multiple messages on Facebook about the events to take place in Washington, D.C.

9. On December 31, 2020, the defendant posted on Facebook, "I didn't think I was coming to hear anyone talk . . . I will do whatever my president tells me to."

10. On December 31, 2020, the defendant purchased a "6 Ninja Tactical Combat Hunting Kunai Throwing Knife Set with Sheath Case."

11. On January 2, 2021, the defendant posted on Facebook, "I just bought new kanai throwing knives and am going to do what my president asks." Later that day, the defendant posted, "I'm going for the war" and "I hope everyone remembers who did what in 2020. Those who were silent were not leaders, those who sold you out didn't represent the People, and those who stand

with US and next to US are patriots! Right now People are either doing something about things or hiding under their beds.”

12. On January 3, 2021, the defendant posted on Facebook about his planned attire for Washington, D.C. on January 6: “I’m thinking war paint and feathers to go with my kanai blades.”

13. On January 5, 2021, the defendant messaged on Facebook another individual he referred to as his “sister,” stating, “I will to you my throwing knives and anything left in my house.”

14. On January 5, 2021, the defendant posted on Facebook, “Do you really not get what is going to happen on the 6th? I absolutely am looking forward to that and NO MATTER WHAT THERE IS NOTHING THAT CAN STOP IT!!!!”

15. On January 5, 2021, the defendant flew from Sacramento, California, to the Washington, D.C., metropolitan area.

16. From January 6 through January 8, 2021, the defendant posted on Facebook over 150 messages, photographs, and videos (saved in an album titled, “Who’s House”) that detailed the defendant’s actions in Washington, D.C. on January 6, 2021, and showed the defendant inside the United States Capitol building.

17. On January 6, 2021, the defendant attended the “Stop the Steal” rally taking place in Washington, D.C. The defendant posted on Facebook, “Today at noon the Election is being challenged!!!”

18. On January 6, 2021, the defendant marched with others to the Capitol building and posted on Facebook a video of him and others with the Capitol building in the foreground and added, “There’s 100’s of thousands of people marching on the Nation’s Capitol!!!”

19. On January 6, 2021, the defendant posted on Facebook, "Hey We're storming the Capitol.... what are you doing?" The defendant later posted on Facebook a photograph of himself inside the Capitol with the message, "I'm in the front where do you think I am."

20. At approximately 2:22 PM, the defendant unlawfully entered the United States Capitol building through the Senate Wing Doors. Inside, the defendant was part of a mob that pushed past law enforcement officers and through hallways, outside Speaker of the House Nancy Pelosi's Office, balconies, Statuary Hall, and the Rotunda.

21. At approximately 3:22 PM, the defendant exited the Capitol building through the East Rotunda lobby.

22. After exiting the Capitol building, the defendant stood on the east Capitol steps and stated in a recorded video, "We breached over there I think. We broke windows, we went into the door, we pushed our way in, and then we just kept going further and further . . . we went into, there was like a corridor building." The defendant continued, "We pushed our way to Nancy Pelosi's office . . . and then we were sitting in there yelling, 'fuck you Nancy Pelosi.'" (At this point, the defendant flashed both of his middle fingers to the screen as if to reenact what he had done while yelling in the Capitol.) Later in the video, the defendant detailed that he "got pepper sprayed three times, and [he] got fire-extinguished [sic]." "When we went into one of the rooms," he explained, "when they were trying to get all the legislators creeping away, one of our guys came in, there was like three of us in a room and everybody else was cops, so they . . . fire-extinguished [sic] everybody in the room, and that's how the cops got away and we were able to keep going." The defendant then stated, "when we got up inside, they did come in and they set up this line, and they were like trying to push us out of the room. For a long time there was like a hell a long power struggle, and we were pushing back and forth on each other, and we were being crushed and people

were being trampled on and shit, and it was horrible.” The defendant concluded, “It was mostly a peaceful, physical takeover of the Capitol. . . . We stopped the steal because they were in there and they weren’t going to stop the steal, so we stopped the steal, we took our country back, fuck you guys.”

23. On the evening of January 6, 2021, the defendant posted on Facebook, “What do you do after you just got done taking your National Capitol back?” The defendant later posted, “I can sleep on the plane I guess . . . or in jail when I land?!?”

24. On January 7, 2021, the defendant posted on Facebook, “I won’t say I did nothing while communism over ran my country. I won’t say I stood by. Come take my life. I’m right here. You want my address.” The defendant proceeded to post the address at which law enforcement later executed a search warrant and recovered evidence, including the camera the defendant wore around his neck and used inside the Capitol, the mobile phone the defendant brought inside the Capitol, and the clothes the defendant wore inside the Capitol on January 6, 2021.

25. The defendant knew at the time he entered the U.S. Capitol Building that he did not have permission to enter the building. The defendant ^{corruptly} 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.

Respectfully submitted,

MATTHEW M. GRAVES
UNITED STATES ATTORNEY
D.C. Bar Number 481052

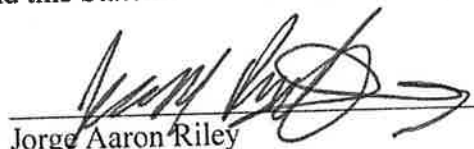
By: _____

Troy A. Edwards, Jr.
Assistant United States Attorney

DEFENDANT'S ACKNOWLEDGMENT

I, Jorge Aaron Riley, 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.

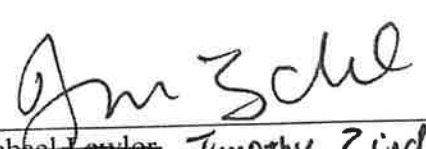
Date: 20 Oct 2022


Jorge Aaron Riley
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: Oct. 20, 2022


~~Michael Lawler~~ Timothy Zindel
Attorney for Defendant