

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

UNITED STATES OF AMERICA	:	Case No.: 22-CR-107
	:	
v.	:	18 U.S.C. § 231(a)(3)
	:	
MATTHEW CAPSEL,	:	
	:	
Defendant.	:	
	:	

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, **Matthew Capsel**, 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.

Matthew Capsel's Participation in the January 6, 2021, Capitol Riot

8. The defendant, **Matthew Capsel**, lives in Ottawa, Illinois. On or before January 6, 2021, defendant traveled from Ottawa, Illinois to Washington, D.C. The purpose of the defendant's trip to Washington, D.C., was to protest Congress' certification of the Electoral College.

9. On January 6, at about or between 2 p.m. and 3 p.m., defendant was on restricted grounds as part of the mob that had gathered on the Lower West Terrace of the Capitol. While there, defendant recorded TikTok videos where he told members of the platform, "They only got so much mace and we got all these patriots we aren't going to run out, they are going to run out. Hold the line, don't run, go down with your eyes out and get some water to drink and hold your ground." Defendant was also at the front line of the mob ascending the stairs to the inauguration bleachers on the Northwest side of the Capitol. Defendant and the mob overtook the officers and stood on the inauguration bleachers on the western side of the Capitol.

10. On January 6, 2021, D.C. Mayor Muriel Bowser ordered a citywide curfew to take effect at 6 p.m. that evening. That evening, on or about 6:14 p.m., the D.C. National Guard established a perimeter on the west side of the Capitol. In the evening hours of January 6, 2021, after implementation of the curfew, defendant and a mob confronted the line of D.C. National Guardsmen on the western perimeter of the Capitol near the Peace Monument. Defendant was on the front line of the mob and charged at the line of National Guard troops, pushing against them and their riot shields. Defendant leaned his body at a 45-degree angle pushing against the line of troops for seven seconds before troops deployed OC spray, commonly referred to as pepper spray, which caused the defendant to retreat.

11. Between January 6 and January 27, 2021, defendant posted several videos to the social media website TikTok and Facebook. In one post, defendant made a slideshow containing pictures of President Joe Biden, Speaker of the House Nancy Pelosi, Senate Majority Leader Chuck Schumer with music. The music lyrics stated, “Wish you would die, just fucking die. Ever had a boss that was so damn bad, when you get to work it would drive you fucking mad. If this place burned down it would be kind of sad. But to be away from him I would fucking be kind of glad. To do all the work, he takes all the cred, about to blow up on this bitch.” Defendant also posted on Facebook in the days following January 6, 2021. In a post, defendant stated, “I tried to hold the line back till they sprayed me [freezing face emoji].” Defendant also posted stating, “On the 6 good men had to do a bad thing”

Elements of the Offense

12. Matthew Capsel knowingly and voluntarily admits to all the elements of 18 U.S.C. § 231(a)(3) (Civil Disorder). Specifically, defendant admits that:

- The defendant committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officer lawfully engaged in the lawful performance of his/her duties incident to and during the commission of a civil disorder which in any way and degree obstructed, delayed, and adversely affected commerce and the movement of any article and commodity in commerce and the conduct and performance of any federally protected function. Specifically, the defendant admits that he pushed against members of the National Guard from the District of Columbia. The defendant further admits that he knew at that time of the assault of, resisting, opposition to, impeding of, intimidation of, or interference with the officers and/or troops that the officer and/or troops were engaged in the performance of their official duties. The defendant admits that his assault of officers and/or troops was incident to and during the commission of a civil disorder obstructed, delayed, or adversely affected commerce or the movement of any article or commodity in commerce and the conduct or performance of any federally protected function.

Respectfully submitted,

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

By: *Brian Brady*
Brian Brady
Trial Attorney, Department of Justice
DC Bar No. 1674360
1301 New York Ave. N.W., Suite 800
Washington, DC 20005
(202) 834-1916
Brian.Brady@usdoj.gov

DEFENDANT'S ACKNOWLEDGMENT

I, **Matthew Capsel**, 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: 8/17/2022

Matthew Capsel
Matthew Capsel
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: 8-17-22

Christopher Davis
Christopher Davis
Attorney for Defendant