

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

UNITED STATES OF AMERICA

v.

JOSHUA JOHNSON,

Defendant.

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Case No.: 22-CR-80 (CRC)

18 U.S.C. § 1512(c)(2)

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, **JOSHUA JOHNSON**, 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 separate chambers of 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 \$1.4 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.

JOSHUA JOHNSON's Participation in the January 6, 2021, Capitol Riot

8. The defendant, **JOSHUA JOHNSON**, currently lives in Sherman, Texas, but, in 2021, lived in the state of Washington. On January 4, 2021, defendant traveled from Spokane, Washington to Washington, D.C., via plane. The purpose of the defendant's trip to Washington, D.C., was to protest Congress' certification of the Electoral College.

9. On January 6, defendant attended the rally in support of President Trump and, during the President's speech, decided to march to the Capitol to "be heard" and make his presence known to Congress, intending to stop the certification of the Electoral College vote. He thought that Congress would be in session, and that he and others could go demand that Congress recognize "funky business going on with the votes."

10. As defendant approached the Capitol Building, he saw police and rioters spraying each other with what defendant believed to be mace. He entered the Capitol at approximately 2:40

p.m. through the Rotunda Doors. From there, he climbed a set of stairs and made his way to the foyer outside the Senate Gallery; there, at about 2:43 p.m. he put on a gas mask. He removed the mask approximately two minutes later as he made his way toward the Senate Floor, which he reached by about 2:49 p.m. As he approached the Senate Chamber, defendant's goal was to "be heard" and influence Vice President Pence "to do the right thing." He wanted to "stop the steal," meaning, stop the certification of the Electoral College vote.

11. In the Senate chamber, defendant rifled through documents on a Senator's desk and filmed video of them using his cell phone.

12. By about 3:02 p.m., defendant left the Senate Chamber. He exited the Capitol through the North Doors at about 3:07 p.m. and, just after leaving the building, raised his hands in the air.

Elements of the Offense

13. JOSHUA JOHNSON knowingly and voluntarily admits to all the elements of 18 U.S.C. § 1512(c)(2). Specifically, defendant admits that

- The defendant willfully and knowingly entered the U.S. Capitol Building knowing that that he did not have permission to do so.
- Defendant further admits that while inside the Capitol, he attempted to or did obstruct and impede 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; that he intended to do so; that he acted knowingly, with awareness that the natural and probable effect of her conduct would be to obstruct or impede the official proceeding; and that he acted corruptly.

Respectfully submitted,

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

By: /s/ Alexis J. Loeb
Alexis J. Loeb
Assistant United States Attorney
Detailee
C.A. Bar No. 269895

DEFENDANT'S ACKNOWLEDGMENT

I, JOSHUA JOHNSON, 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: 3/21/23

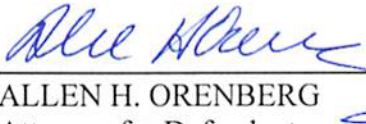


JOSHUA JOHNSON
Defendant

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: March 21, 2023



ALLEN H. ORENBERG
Attorney for Defendant

