

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

BENJAMIN SCOTT ROBINSON,

Defendant.

Case No.: 1:22-cr-00251-ABJ (03)

40 U.S.C. § 5104(e)(2)(G)

FILED

APR 14 2023

Clerk, U.S. District and
Bankruptcy Courts

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, **BENJAMIN SCOTT ROBINSON**, 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

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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 \$2.8 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.

Benjamin Scott Robinson's Participation in the January 6, 2021, Capitol Riot

8. The Defendant, Benjamin Scott Robinson, lives in Matthews, North Carolina. Defendant, Linwood Alan Robinson, Sr. (Linwood Sr.), Linwood Alan Robinson II (Linwood II), Brittany Nicole Robinson (Brittany), and D.Y., who was a minor on January 6, 2021 and Robinson Sr.'s grandson, traveled to Washington, D.C. on January 6, 2021.

9. Defendant, Linwood Sr., Linwood II, Brittany, and D.Y. attended the "Stop the Steal" rally at the Ellipse on January 6th.

10. D.K., and all of the Robinsons, including Defendant, left the rally and went to West Front of the Capitol.

11. Brittany, Linwood II, and D.Y. breached the Capitol building through the northwest courtyard side fire door at approximately 2:16 p.m. while Defendant stood at the doorway. Less

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than a minute later, Brittany, Linwood II, and D.Y. ran out of the Capitol building as Defendant urgently waved at the group to withdraw as the police approached.

12. Defendant, Linwood Sr., Linwood II, Brittany, and D.Y. then breached the U.S. Capitol through the Senate Wing Door at approximately 2:17 p.m.

13. All five family members, including Defendant, then joined with a crowd who proceeded to the Crypt while chanting "Whose House? Our House!". All five family members, including Defendant, were part of the group that breached the police line in the Crypt to gain access to the rest of the building.

14. All five family members, including Defendant, then went to Speaker of the House Nancy Pelosi's office. They walked into the Speaker's office suite for a few moments and exited from across the suite through a different door.

15. All five family members, including Defendant, then walked through Statuary Hall and joined a crowd which had amassed outside of the House chamber. From there, they walked down the House corridors toward the southeast doors. In that hallway, all five family members, including Defendant, and a small group of other rioters were met by a Capitol employee. Shortly after that, the Brittany, Linwood II, and Benjamin waved to the crowd to follow them. The crowd followed down the hall where the Defendant, Linwood II, Brittany, and D.K waved, and Defendant and all five family members walked toward the Speaker's lobby door. Another rioter moved in to break open the glass window with a wooden pole. Defendant then used his body and foot to pound the door. At the same time, a rioter, later identified as Ashli Babbitt, was climbing up and through the broken window, and a shot was fired moments later. After the shot was fired, all five family members, including Defendant, left the area and exited the Capitol building through the southeast doors at approximately 2:46 p.m.

16. On January 6, 2022, Defendant posted to Facebook a picture of the Capitol Building and stated, "[t]hey heard today".

17. On January 7, 2022, Defendant confirmed on Facebook to a friend that he had been in the Capitol Building on January 6, 2021. Defendant stated, "[t]hats [sic] my tan jacket" and "I was coming out I seen the girl dropped and thats [sic] when I got dad and everyone and dragged them out of the building". Defendant also stated, "I didn't know it but I was dragging a swat member of of [sic] dad and didn't even know it".

18. On January 16, 2021, Defendant asked a friend on Facebook, "[w]hat did you do to get all of your picture's from faceboook [sic]." His friend replied, "I watched a five minute YouTube video and followed the directions. I will send it to you. It was very easy. Do you have a laptop or regular computer?" Defendant replied, "Yeah I have a laptop I can use" after receiving the link to a video named, "How To Permanently Delete Facebook Account 2020 - if you want to Facebook account delete permanently, so you are no longer have an account on Facebook"

Elements of the Offense

19. Benjamin Scott Robinson knowingly and voluntarily admits to all the elements of Title 40, United States Code, Section 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building. Specifically, Defendant admits that he willfully and knowingly entered the U.S. Capitol Building knowing that he did not have permission to do so. Defendant further admits that while inside the Capitol, Defendant willfully and knowingly paraded, demonstrated, or picketed.




Respectfully submitted,

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DEFENDANT'S ACKNOWLEDGMENT

I, **BENJAMIN SCOTT ROBINSON**, 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.


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Date: 3/21/2023


BENJAMIN SCOTT ROBINSON,
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: _____



William L. Shipley, Jr.
Attorney for Defendant