

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

UNITED STATES OF AMERICA	:	Case No: 21-cr-87(TJK)-2
	:	
v.	:	
	:	18 U.S.C. §§ 1512(c)(2), 2
JOSEPH HOWE,	:	18 U.S.C. §§ 111(a)(1), 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, JOSEPH HOWE, 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 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 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 \$2.8 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.

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

8. Joseph Howe, a resident of Kentucky, traveled to Washington, D.C. with a group of co-workers and friends, including co-defendant Michael Sparks, to attend the “Stop the Steal” rally on the National Mall on January 6, 2021. At the event, Howe wore a plate carrier vest and carried a respirator mask and goggles in his backpack.

9. On January 6, 2021, Howe, Sparks, and others from their group marched from the National Mall to the U.S. Capitol. As he walked toward the Capitol building, Howe announced to a man with a video camera, “We’re getting in that building.” When the man disagreed, Howe repeated, “We’re getting in.” Howe approached the building from the West side.

10. Howe proceeded to the Northwest stairs, an exterior staircase that leads to the Upper West Terrace and the first-floor entrance to the Capitol building. The Northwest stairs were covered by a large scaffolding structure designed to support the Presidential inauguration stage and seating. The area was surrounded by rioters engaged in fighting with police officers. Police had deployed pepper spray in an effort to disburse the crowd in that area. By the time Howe arrived and entered the scaffolding, he had put on his goggles and respirator mask.

11. Inside the scaffolding, Howe encountered a line of police officers trying to prevent rioters from proceeding to the Capitol, and he made his way to the front of the group of rioters confronting police. Halfway up the scaffolding, a doorway formed a choke point where police officers were attempting to stop the crowd, though rioters began breaking through and assaulting the police on the other side of the doorway. At that doorway, Howe and others grabbed the riot shield held by U.S. Capitol Police Officer A.C., as Officer A.C. was attempting to hold the line. Howe forcibly pulled the shield from Officer A.C.'s hands and took control of the shield, preventing Officer A.C. from using the shield for his own protection or to assist in controlling the violent crowd. Officer A.C. was subsequently attacked by other rioters. Officer A.C. reported that he suffered injuries, including a concussion and head trauma, and received treatment at the hospital for these injuries.

12. In forcibly grabbing Officer A.C.'s shield from his hands, Howe voluntarily and intentionally assaulted, resisted, opposed, impeded, intimidated, and interfered with the officer while the officer was engaged in the performance of his official duties attempting to protect the U.S. Capitol and the people inside. In doing so, Howe acted with the intent to obstruct the Congressional proceedings occurring inside, that is, with the intent to commit Obstruction of an Official Proceeding in violation of 18 U.S.C. § 1512(c)(2).

13. After this assault, Howe proceeded up the stairs to the top section of the stairway under the scaffolding. There, he again made his way toward the front of the crowd, still wearing his protective goggles and respirator mask. Howe again stood at the police line, and he grabbed a bike rack barrier away from the police and helped pass it back to the crowd, removing that line of defense from the officers.

14. The police struggled for control of the area, and some officers used their batons to try to keep rioters back. Howe took possession of what appeared to be a police baton. He used the baton to strike portions of the metal scaffolding structure and bike rack barriers.

15. The crowd, including Howe and Sparks, eventually broke through the police line and advanced out from the scaffolding, and ran up the remaining steps. While running up the steps, Howe pushed a U.S. Capitol Police officer who had been trying to stop the crowd. The officer stumbled forward when Howe pushed.

16. At the top of the Northwest stairs, the crowd, including Howe, was stopped by another police line. This police line was the very last line of defense blocking access to the Upper West Terrace and the doors to the Capitol Building. Howe was among the first to arrive there, and he placed himself at the front of the line of rioters facing off against police. Howe grasped the bike rack barrier the police were attempting to use to stop the crowd. The crowd then shoved the bike rack barriers out of the way and forced the police officers to retreat.

17. Howe proceeded quickly to the nearby Senate Wing Door of the Capitol building. Rioters there were attacking the building with their bare fists, metal clubs, wooden beams, and other implements, and they succeeded in smashing the glass in the surrounding windows and doors. As they did this, Howe forcefully kicked the Senate Wing Door. This occurred around the same time the building was first breached by rioters.

18. Howe entered the Capitol through the Senate Wing Door, which had been opened from the inside by other rioters, at approximately 2:13 p.m. He proceeded to the Crypt and then then toward the Memorial Door. He removed his respirator mask and jacket, which revealed the plate carrier vest he wore underneath. Approaching the Memorial Door, Howe joined a crowd of rioters who pushed through a small makeshift line of officers. Howe took control of a U.S. Capitol fire extinguisher and deployed the fire extinguisher's chemical agent into the air near several of those officers. The chemical agent struck U.S. Capitol Police Officer K.Y. directly in the face. The area filled with an aerosol substance. Officer K.Y. reported that he was sprayed in the eyes with the chemical agent and temporarily lost his breath as a result.


19. Howe intended to obstruct and impede the official proceeding occurring in Congress on January 6, 2021; that is, the Joint Session to certify the Electoral College vote. In engaging in the assaultive conduct described above, Howe was knowingly and corruptly attempting to and did in fact obstruct and impede the Joint Session of Congress.

20. In April 2021, Howe agreed to a voluntary interview with FBI agents in Kentucky. During the interview, Howe falsely reported that he never entered the Capitol building on January 6, 2021.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney
D.C. Bar No. 415793

By:



Emily W. Allen
Sonia Mittal
Assistant United States Attorneys

DEFENDANT'S ACKNOWLEDGMENT

I, Joseph Howe, 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: 6/29/2023

Joseph Howe
Joseph Howe
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: 6/29/23

Gretchen Staff
Gretchen Staff
Attorney for Defendant