

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

<b>UNITED STATES OF AMERICA</b>	:	<b>Case No: 22-cr-00393 (DLF)</b>
	:	
<b>v.</b>	:	
	:	<b>40 U.S.C. § 5104(e)(2)(G)</b>
<b>MENACHEM COHEN</b>	:	
	:	
<b>Defendant.</b>	:	

**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, Menachem Cohen, 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 \$1.4 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.

***Menachem Cohen's Participation in the January 6, 2021 Capitol Riot***

8. The defendant, Menachem Cohen, lives in Brooklyn, New York. Defendant and another individual traveled by car to Washington, DC in order to attend the “Stop the Steal” rally on January 6, 2021. They left from Brooklyn after midnight and arrived in Alexandria, VA early in the morning on January 6, 2021. They slept in the car for a few hours before heading into D.C. by train.

9. Defendant and the other individual attended the “Stop the Steal” rally by the Ellipse and listened to speeches on January 6, 2021. Then, the Defendant and the other individual decided to join a mass of individuals who marched toward the U.S. Capitol Building.

10. Defendant and the other individual joined the crowd outside of the U.S. Capitol Building, near the scaffolding on the Northwest corner of the building. Defendant saw and filmed the police deploying tear gas against the crowd, and felt the effects of tear gas himself.

11. Defendant also observed the crowd overrun a line of police officers defending the stairs to the Upper West Terrace. A video found on Defendant's phone, a still of which is included below as "Image 1," shows the mob advancing as onlookers cheer at approximately 2:10 p.m.



*Image 1*

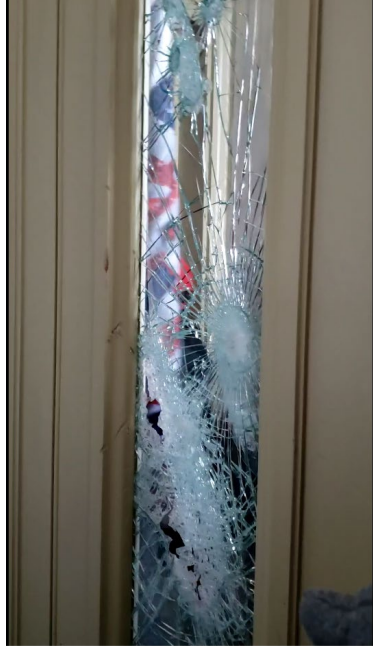
12. Defendant advanced into the Northwest scaffolding and then up the same stairs the mob had breached minutes earlier. From the stairs, Defendant took a video on his phone of other rioters attempting to scale the wall to the Upper West Terrace at approximately 2:19 p.m.,

commenting to another rioter, “Yeah man, the wall is coming down.” A still image from this video is included below as “Image 2.”



*Image 2*

13. At approximately 2:24 p.m., Defendant entered the Senate Wing Door, which had been breached by other rioters less than 15 minutes earlier. As he entered the door, Defendant took a video on his phone showing the broken glass in the Senate Wing Door and in which an alarm is audible, stating, “inside the building.” A still image from this video is included below as “Image 3.”



*Image 3*

14. From the Senate Wing Door, Defendant walked to the Crypt, and then to the Capitol Visitor Center. Defendant took photos and videos on his cell phones documenting his time inside as he walked through.

15. While inside the U.S. Capitol Building, the Defendant encountered members of law enforcement. In particular, inside the Capitol Visitor Center, Defendant encountered a line of police officers. Defendant saw those officers arresting a rioter, which is reflected on a video from the Defendant's phone. The video also shows other rioters standing on the glass above the Capitol Visitor Center. Still images from that video are included below as "Images 4 and 5."

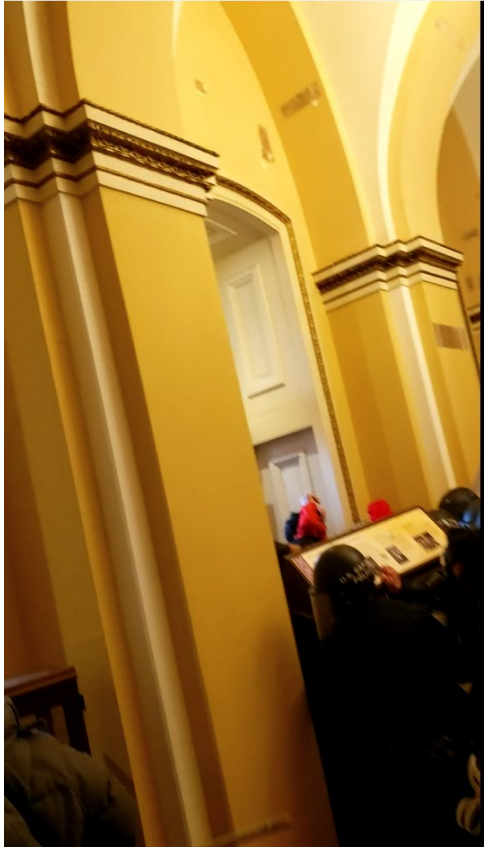




*Images 4 and 5*

16. While Defendant was in the Capitol Visitor Center, law enforcement warned rioters, including Defendant, that someone was firing gunshots upstairs on the House floor. Law enforcement told Defendant to leave the Capitol building.

17. Defendant then walked back to the Senate Wing Doors, the way he had entered the Capitol. As he exited, Defendant took a video of a line of police officers attempting to secure the Senate Wing door from additional rioters, reflected in the still image included below as “Image 6.” Defendant exited the Capitol through the broken window to the left of the officers at approximately 2:48 p.m. In total, Defendant spent approximately 24 minutes inside the U.S. Capitol Building.



*Image 6*

18. After he had left the Capitol, Defendant observed a line of police officers attempting to re-secure the Upper West Terrace from rioters. Defendant told those officers, “Don’t be bullies.” A still image from a video on Defendant’s phone from approximately 2:51 p.m. is included below as “Image 7.”





*Image 7*

19. Defendant admitted in voluntary interviews with the FBI that he had been inside the Capitol building on January 6, 2021, identified himself in still photos from inside the Capitol, admitted that he had taken several of the photos and videos the FBI had obtained from his cell phone, and identified his voice in some of those videos.

20. The other individual with whom the Defendant drove to Washington, D.C. also unlawfully entered the Capitol and walked around the building with Defendant. When investigators asked Defendant about the identity of the other individual, Defendant declined to

provide the identity of this individual. Defendant further told investigators that the individual did not have a cell phone. This was not true, as the video evidence from Defendant's cell phone depicts the other individual holding a phone. When later asked about this statement, Defendant recalled previously telling interviewers that this individual did not have a phone but could not provide an answer about why he had said this to investigators.

21. The defendant engaged in parading, demonstrating, or picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G). Specifically, the defendant knew at the time he entered the U.S. Capitol Building that that he did not have permission to enter the building and the defendant paraded, demonstrated, or picketed.

Respectfully submitted,

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

By: /s/ Michael L. Barclay  
Michael L. Barclay  
Assistant United States Attorney

DEFENDANT'S ACKNOWLEDGMENT

I, Menachem Cohen, 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: Mar 12, 2023




Menachem Cohen  
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 12, 2023



Benjamin Yaster  
Attorney for Defendant