

## Introduction

***The 2020 United States Presidential Election and the Official Proceeding on January 6, 2021***

1. The 2020 United States Presidential Election occurred on November 3, 2020.
2. The United States Electoral College (“Electoral College”) is a group required by the Constitution to form every four years for the sole purpose of electing the president and vice president, with each state appointing its own electors in a number equal to the size of that state’s Congressional delegation.
3. On December 14, 2020, the presidential electors of the Electoral College met in the state capital of each state and in the District of Columbia and formalized the result of the 2020 U.S. Presidential Election: Joseph R. Biden Jr. and Kamala D. Harris were declared to have won sufficient votes to be elected the next president and vice president of the United States.
4. On January 6, 2021, a Joint Session of the United States House of Representatives and the United States Senate (“the Joint Session”) convened in the United States Capitol (“the Capitol”) building to certify the vote of the Electoral College of the 2020 U.S. Presidential Election (“the Electoral College vote”).

***Defendants***

5. DANIEL JOSEPH “DJ” RODRIGUEZ was a 38-year-old resident of Panorama City, California.
6. EDWARD BADALIAN was a 26-year-old resident of North Hills, California.
7. [REDACTED] was a [REDACTED]-year-old resident of [REDACTED], [REDACTED]
8. In the fall of 2020 U.S. Presidential election, RODRIGUEZ, BADALIAN, and others created a Telegram group chat, the “PATRIOTS 45 MAGA Gang,” hereinafter “the PATRIOTS 45 group chat,” to support former President Donald J. Trump and to discuss what RODRIGUEZ and BADALIAN asserted was a stolen or fraudulent election result.

9. From at least in or around November 2020, RODRIGUEZ and BADALIAN used the PATRIOTS 45 group chat as a platform to advocate violence against certain groups and individuals that either supported the 2020 presidential election results, supported what the group perceived as liberal, or communist ideologies, or held positions of authority in the government.

10. In late 2020, RODRIGUEZ, BADALIAN and [REDACTED] all attended rallies in Southern California, including in Huntington Beach and Beverly Hills, that supported then-President Trump and protested various issues including COVID-19 mask mandates in California.

*The Attack at the United States Capitol on January 6, 2021*

11. The Capitol is secured 24 hours a day by United States Capitol Police (“Capitol Police”). The Capitol Police maintain permanent and temporary barriers to restrict access to the Capitol exterior, and only authorized individuals with appropriate identification are allowed inside the Capitol building.

12. On January 6, 2021, the exterior plaza of the United States Capitol was closed to members of the public.

13. On January 6, 2021, at approximately 1:00 p.m., the Joint Session convened in the Capitol building to certify the Electoral College vote. Vice President Michael R. Pence presided, first in the Joint Session and then in the Senate chamber.

14. A large crowd began to gather outside the Capitol perimeter as the Joint Session got underway. Crowd members eventually forced their way through, up, and over Capitol Police barricades and advanced to the building’s exterior façade. Capitol Police officers attempted to maintain order and stop the crowd from entering the Capitol building, to which the doors and windows were locked or otherwise secured. Nonetheless, shortly after 2:00 p.m., crowd members forced entry into the Capitol building by breaking windows, ramming open doors, and assaulting

Capitol Police officers. Other crowd members encouraged and otherwise assisted the forced entry. The crowd was not lawfully authorized to enter or remain inside the Capitol, and no crowd member submitted to security screenings or weapons checks by Capitol Police or other security officials.

15. Shortly thereafter, at approximately 2:20 p.m., members of the House and Senate (including Vice President Pence) were evacuated from their respective chambers. The Joint Session was halted while Capitol Police and other law-enforcement officers worked to restore order and clear the Capitol of the unlawful occupants.

16. Later that night, law enforcement regained control of the Capitol. At approximately 8:00 p.m., the Joint Session reconvened, presided over by Vice President Pence, who had remained hidden within the Capitol building throughout these events.

17. During the course of these events, at least 120 members of the United States Capitol Police and members of the Metropolitan Police Department were assaulted. The Capitol suffered millions of dollars in damage—including broken windows and doors, graffiti, and residue from pepper spray, tear gas, and fire extinguishers deployed both by crowd members who stormed the Capitol and by Capitol Police officers trying to restore order. Additionally, many media members were assaulted and had cameras and other news-gathering equipment destroyed.

**COUNT ONE**

**Conspiracy to Commit an Offense Against the United States—18 U.S.C. § 371**

18. The allegations in paragraphs 1 through 17 are realleged and incorporated as if fully set forth in this paragraph.

19. Between on or about December 19, 2020, and or on about January 19, 2021, within the District of Columbia and elsewhere, the defendants,

**DANIEL RODRIGUEZ,  
EDWARD BADALIAN, and**

**[REDACTED]**

did knowingly and willfully conspire, combine, confederate, and agree together with each other and with other individuals whose identities are both known and unknown to the Grand Jury, to commit offenses against the United States, namely: (1) to corruptly obstruct, influence, and impede an official proceeding, that is, Congress's certification of the Electoral College vote, in violation of Title 18, United States Code, Section 1512(c)(2), and (2) to corruptly alter, destroy, mutilate, and conceal a record, document, and other object with the intent to impair its integrity and availability for use in an official proceeding, that is, the grand jury investigation into the attack on the Capitol on January 6, 2021, in violation of Title 18, United States Code, Section 1512(c)(1).

**Goals of the Conspiracy**

20. The goals of the conspiracy were (1) to stop, delay, and hinder Congress's Certification of the Electoral College vote, and (2) to corruptly alter, destroy, mutilate, and conceal a record, document, or other object to prevent evidence of their unlawful acts on January 6, 2021 from being used in an official proceeding, that is, the grand jury investigation into the attack of the Capitol on January 6, 2021.

**Manner and Means**

21. RODRIGUEZ, BADALIAN, [REDACTED] and other persons whose identities are known and unknown to the grand jury, carried out the conspiracy through the following means, among others, by:

- a. Encouraging each other to attend the Stop the Steal rally in Washington, D.C., on January 6, 2021;
- b. Collecting weapons and tactical gear to bring to Washington, D.C., to include a taser, pepper spray, a baseball bat, gas masks, and walkie talkies;
- c. Acquiring a rental vehicle and travelling from California to Washington, D.C., prior

to the January 6 events;

- d. Storming past barricades to gain unlawful access to the grounds of the Capitol;
- e. Participating in violent obstruction of law enforcement's attempts to remove rioters from the tunnel on the Lower West Terrace of the Capitol;
- f. Assaulting, opposing, impeding, intimidating and interfering with members of law enforcement to prohibit them from defending the Capitol grounds and building from rioters seeking to gain violent entry;
- g. Obtaining unlawful entry into the Capitol building as a result of damage to windows on the Lower West Terrace;
- h. Damaging property inside the Capitol building;
- i. Stealing emergency escape hoods from inside the Capitol building;
- j. After returning to California, attempting to mutilate or destroy photographs and videos taken by PERSON ONE in order to prevent such evidence from being presented to the grand jury investigating the attack on January 6.

#### **Overt Acts**

22. During and in furtherance of the conspiracy, and to effect the object thereof, the defendants DANIEL RODRIGUEZ, EDWARD BADALIAN, [REDACTED] [REDACTED] and other co-conspirators known and unknown to the Grand Jury, committed the following overt acts, among others, in the District of Columbia and elsewhere:

#### ***Preparing for January 6, 2021***

23. On or about December 19, 2020, a person whose identity is known to the grand jury posted in the PATRIOTS 45 group chat that "Trump is calling on everyone to go to DC Jan 6<sup>th</sup>" along with a screenshot of a Twitter post by former President Trump, which stated "Statistically impossible to have lost the 2020 Election. Big protest in D.C. on January 6<sup>th</sup>. Be

there, will be wild!” Then on or about December 20, 2020, BADALIAN posted in the PATRIOTS 45 group chat “okay so who is down to drive to DC on Jan 4?”

24. On or about December 21, 2020, BADALIAN posted in the PATRIOTS 45 group chat, “we need to violently remove traitors and if they are in key positions rapidly replace them with able bodied Patriots.”

25. On or about December 22, 2020, BADALIAN posted in the PATRIOTS 45 group chat, “he [i.e., President Trump] has to let it sit on his desk until Jan 3 / veto / by the time mitch [i.e., Senate Majority Leader Mitch McConnell] can do the override we will be there / then he can invoke and Patriots will be a[t] the ready.”

26. On or about December 23, 2020, RODRIGUEZ told the PATRIOTS 45 group chat, “we gotta go handle this shit in DC so the crooked politicians don’t have an army of thugs threatening violence to back their malevolent cabal ways[.]”

27. On or about December 26, 2020, BADALIAN posted a flyer in the PATRIOTS 45 group chat titled “MAGA\_CAVALRY,” showing a map of the Eastern half of the United States and several “rally points” “to connect patriot caravans to StopTheSteal in D.C.,” to enable groups to arrive in Washington, D.C. by 6 p.m. on January 5, 2021.

28. On or about December 29, 2020, RODRIGUEZ posted in the PATRIOTS 45 group chat, “Congress can hang. I’ll do it. Please let us get these people dear God.”

29. On or about December 31, 2020, [REDACTED] stated in a video taken by PERSON TWO that those individuals who were contrary to Biden would “never give up” and would “fight until we get our country back.” When PERSON TWO said, “we are taking this shit back,” [REDACTED] answered, “yeah, absolutely, yes.”

30. Between on or about December 31, 2021 and on or about January 4, 2021, before



leaving Southern California for Washington, D.C., RODRIGUEZ told a person whose identity is known to the grand jury that RODRIGUEZ would “assassinate Joe Biden” if he got the chance and “would rather die than live under a Biden administration.”

*Travel to Washington, D.C.*

31. On or about January 1, 2021, RODRIGUEZ posted in the PATRIOTS 45 group chat a link to an AirBNB on Washington Boulevard in Arlington, Virginia, where RODRIGUEZ and others planned to stay upon their arrival in the Washington, D.C. area.

32. After posting the link to the AirBNB on or about January 1, 2021, RODRIGUEZ also posted in the PATRIOTS 45 group chat, “[p]lus we have a giant van so it’s like an army inside lol.”

33. On or about January 2, 2021, BADALIAN confirmed to the PATRIOTS 45 group chat that he had respirators, masks, snow goggles, knee pads and baseball helmets for the group, and recommended that others obtain more snow goggles.

34. On or about January 3, 2021, BADALIAN and another person whose identity is known to the grand jury went to Enterprise car rental at Los Angeles International Airport to rent a vehicle for the trip to Washington, D.C.

35. On or about January 3, 2021, RODRIGUEZ, BADALIAN, and other individuals whose identities are known to the grand jury then left Los Angeles and drove across the country to Washington, D.C.

36. On or about January 5, 2021, BADALIAN posted in the PATRIOTS 45 group chat: “we don’t want to fight antifa lol we want to arrest traitors.”

37. On or about January 5, 2021, RODRIGUEZ, BADALIAN, and the others in the vehicle joined a caravan to Washington, D.C. in Louisville, K.Y.



38. On or about January 5, 2021, during the caravan to Washington, D.C., BADALIAN, RODRIGUEZ, and others in the van set up communications via a radio communications cellphone application with others in the caravan.

39. On or about January 5, 2021, RODRIGUEZ, BADALIAN, and the others in the vehicle arrived at the AirBNB in Arlington, Virginia.

40. On or about January 5, 2021, [REDACTED] flew from Los Angeles, California, to San Francisco, California, and then to the Washington, D.C. metro area, landing at Washington Dulles International Airport in Dulles, Virginia, on the morning of January 6, 2021.

41. On or about January 5, 2021, RODRIGUEZ posted in the PATRIOTS 45 group chat: "There will be blood. Welcome to the revolution."

***January 6, 2021: Joint Participation by the Defendants in the Riot at the Capitol***

42. In or around the morning hours on or about January 6, 2021, RODRIGUEZ, BADALIAN, and others whose identities are known and unknown to the grand jury, met in a group in downtown Washington, D.C. to walk to the Ellipse for a rally featuring a speech by former President Trump.

43. On or about January 6, 2021, after the rally, RODRIGUEZ and BADALIAN, bearing walkie talkies, walked down Pennsylvania Avenue to the Capitol.

44. At approximately 10:11 a.m., on or about January 6, 2021, [REDACTED] sent a text message to PERSON TWO, stating that [REDACTED] and others were at the Ellipse and asking if PERSON TWO wanted to "connect with us and roll in force?"

45. At approximately 1:50 p.m., on or about January 6, 2021, [REDACTED] sent another text message to the same person stating, "we are at the capitol steps, it is going off, the people are breaking down the barriers, the battle has begun."

46. At approximately 2:40 p.m., on or about January 6, 2021, RODRIGUEZ, BADALIAN, and [REDACTED] gathered with thousands of others at the Lower West Terrace of the Capitol building.

47. Shortly after 2:40 p.m., on or about January 6, 2021, RODRIGUEZ and [REDACTED] joined rioters who were gathering in a tunnel on the Lower West Terrace of the Capitol, trying to gain access to the building.

48. From approximately 2:40 p.m. to approximately 3:15 p.m., on or about January 6, 2021, RODRIGUEZ, [REDACTED] and other rioters were pushing against police officers who were trying to prevent the rioters from entering the Capitol building and to remove the rioters from the tunnel.

49. On or about January 6, 2021, RODRIGUEZ advanced into the tunnel to the doorway on the lower west terrace, where he participated in a "heave ho" effort with the other rioters.

50. Between approximately 2:42 p.m. and 3:18 p.m., on or about January 6, 2021, while in the tunnel, RODRIGUEZ threw a flagpole at the police line in the doorway and deployed a fire extinguisher at the officers.

51. At approximately 2:52 p.m., on or about January 6, 2021, while in the tunnel, RODRIGUEZ received a small, black electroshock weapon from another rioter inside the tunnel, who assisted RODRIGUEZ in turning on the device.

52. At approximately 2:55 p.m., on or about January 6, 2021, [REDACTED] advanced into the sallyport between the first and second doors to the United States Capitol building and resisted Metropolitan Police Department Officer N.I.'s attempts to remove him from that area for over 20

minutes. While N.I. and other officers attempted to remove him, [REDACTED] stated to the officers “liberty or death, gentlemen!”

53. At approximately 3:06 p.m., on or about January 6, 2021, [REDACTED] yelled encouragement to the other rioters attempting breach the door including: “Hold the line!” “Don’t surrender! Fight for Trump!” and “Push forward, Patriots! If you are gonna die, it best be on Capitol Hill!”

54. At approximately 3:18 p.m., on or about January 6, 2021, another rioter pulled Metropolitan Police Department Officer M.F. out of the police line and into the crowd. Shortly thereafter, RODRIGUEZ twice applied the small, black electroshock weapon to the back of Officer M.F.’s neck. Officer M.F. subsequently lost consciousness and was later admitted to Washington Hospital Center for treatment for his injuries.

55. At approximately 3:45 p.m., on or about January 6, 2021, rioters broke the window to the left of the tunnel on the Lower West Terrace. After the window was broken, [REDACTED] climbed through the window and into the Capitol building, followed shortly by RODRIGUEZ and BADALIAN, uniting the three co-conspirators in room ST2M.

56. Once inside the Capitol building, on or about January 6, 2021, RODRIGUEZ stood atop some furniture in room ST2M, and announced to all the rioters present inside that “they have shot and killed a girl.”

57. Subsequent to that statement, on or about January 6, 2021, [REDACTED] led the rioters out of the initial room they had entered and made their way toward adjacent offices.

58. Thereafter, on or about January 6, 2021, RODRIGUEZ attempted to break another window in the adjacent, second office—ST4M—by slamming a flagpole repeatedly into the window, causing damage to the window in excess of \$1,000.

59. On or about January 6, 2021, [REDACTED] assisted rioters who were attempting to gain access to a third office—ST6M—in the same suite of offices. When the door would not open, [REDACTED] kicked the door twice, attempting to force entry. Other rioters did the same, successfully. [REDACTED] once again kicked the door twice to force entry, causing damage to the door.

60. On or about January 6, 2021, after another rioter picked the lock and the defendants gained access to ST6M, RODRIGUEZ verbally encouraged other rioters to look for “intel.”

61. On or about January 6, 2021, in office ST6M, RODRIGUEZ and [REDACTED] opened bags in the office, rifled through papers on the desks, and subsequently removed emergency escape hoods from the bags. [REDACTED] carried two emergency escape hoods from the building when he exited. RODRIGUEZ was subsequently photographed holding an emergency escape hood.

62. At approximately 4:00 p.m., on or about January 6, 2021, RODRIGUEZ posted in the PATRIOTS 45 group chat, “Omg I did so much fucking shit rn and got away tell you later” and “Tazzzzed the fuck out of the blue[.]”

*After January 6, 2021: Attempts to Destroy Evidence*

63. On or about January 7, 2021, [REDACTED] canceled his return flight to California, which was scheduled for January 8, 2021.

64. On or about January 7, 2021, [REDACTED] joined RODRIGUEZ, BADALIAN and other individuals whose identities are known to the grand jury, in the rental vehicle for the return drive to California from Washington, D.C.

65. On or about January 8, 2021, during the drive back to California, BADALIAN appeared on the INFOWARS call-in show “War Room” under the pseudonym “Turbo.” During the interview, BADALIAN discussed his participation in the events at the Capitol on January 6,

2021, while photographs and videos of BADALIAN at the Lower West Terrace of the Capitol played for viewers.

66. On or about January 8, 2021, during the INFOWARS interview BADALIAN discussed video footage that had been provided to INFOWARS by PERSON ONE. The footage showed BADALIAN attacking another rioter on the Lower West Terrace beneath the windowsill of the window that was ultimately broken by rioters. BADALIAN explained that the footage depicted him fighting a person who he believed to be a member of Antifa disguised as a Trump supporter. Immediately after BADALIAN's interview, PERSON ONE was interviewed by INFOWARS about the same video. During that interview, PERSON ONE referred to BADALIAN as "Ed," as opposed to the pseudonym "Turbo," which BADALIAN had used to obscure his true identity during his interview.

67. After the INFOWARS interview, on or about January 8, 2021, RODRIGUEZ called PERSON ONE and asked if RODRIGUEZ, BADALIAN, and [REDACTED] could come to visit PERSON ONE when they returned to California (where they all resided). PERSON ONE agreed and gave PERSON ONE's address.

68. Upon arriving back in California, on or about January 10, 2021, RODRIGUEZ drove BADALIAN and [REDACTED] to PERSON ONE's home.

69. During the visit to PERSON ONE's home on or about January 10, 2021, [REDACTED] walked around PERSON ONE's residence, unplugged all of PERSON ONE's Amazon Alexa devices, and indicated through miming to PERSON ONE not to speak out loud.

70. On or about January 10, 2021, while at PERSON ONE's residence, [REDACTED] wrote in a notebook belonging to PERSON ONE, "I WANT TO HELP YOU DELETE EVERYTHING AND TO TRANSFER THE FILES TO A SECURE HARD DRIVE." PERSON

ONE believed that [REDACTED] was discussing photos and videos taken by PERSON ONE at the United States Capitol on January 6, 2021, including materials that showed RODRIGUEZ, BADALIAN, and [REDACTED] participating in the riot.

71. On or about January 10, 2021, BADALIAN told PERSON ONE that he did not want PERSON ONE using his name when discussing the events at the United States Capitol on January 6, 2021. PERSON ONE believed this was because PERSON ONE had used BADALIAN's true first name when talking to INFOWARS, instead of the pseudonym "Turbo."

72. Between on or about January 10, 2021, and on or about January 19, 2021, [REDACTED] arrived at PERSON ONE's house a second time, and asked PERSON ONE to go to Best Buy with him to buy a hard drive to download all of PERSON ONE's January 6 photographs and videos from PERSON ONE's phone. PERSON ONE did not get the hard drive, nor did PERSON ONE delete the photographs or videos.

(In violation of Title 18, United States Code, Sections 371)

**COUNT TWO**

**18 U.S.C. §§ 1512(c)(2), 2—Obstruction of an Official Proceeding and Aiding and Abetting**

73. Paragraphs 1 through 17 and paragraphs 22 through 72 of this Indictment are re-alleged and incorporated as though set forth herein.

74. On or about January 6, 2021, within in the District of Columbia, the defendants,

**DANIEL RODRIGUEZ,  
EDWARD BADALIAN, and**

**[REDACTED] [REDACTED]**

attempted to, and did, corruptly obstruct, influence, and impede an official proceeding, that is, the certification of the Electoral College vote, and did aid and abet each other and others known and unknown to do the same.

(In violation of Title 18, United States Code, Sections 1512(c)(2) and 2)

**COUNT THREE**

**18 U.S.C. § 1512(c)(1)—Tampering with Documents or Proceedings**

75. Paragraphs 1 through 17 and paragraphs 22 through 72 of this Indictment are re-alleged and incorporated as though set forth herein.

76. On January 6, 2021, the Washington, D.C. Field Office of the Federal Bureau of Investigation (“FBI”) opened an investigation into the attack on the Capitol, and a grand jury of the United States District Court for the District of Columbia subsequently opened an investigation.

77. Between on or about January 6, 2021, and on or about January 19, 2021, the defendants, within the District of Columbia and elsewhere, the defendants,

**DANIEL RODRIGUEZ,  
EDWARD BADALIAN, and**  
[REDACTED] [REDACTED]

did corruptly alter, destroy, mutilate, and conceal a record, document, and other object, and attempted to do so, with the intent to impair its integrity and availability for use in an official proceeding, that is, the grand jury investigation into the attack on the Capitol on January 6, 2021.

(In violation of Title 18, United States Code, Section 1512(c)(1))

**COUNT FOUR**

**18 U.S.C. § 231(a)(3)—Obstruction of Law Enforcement During Civil Disorder**

78. Paragraphs one through 17 and paragraphs 22 through 72 of this Indictment are re-alleged and incorporated as though set forth herein.

79. On or about January 6, 2021, within the District of Columbia, **DANIEL RODRIGUEZ**, committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officer, that is M.F., an officer from the Metropolitan Police Department, lawfully engaged in official duties incident to and during the commission of a civil disorder, and the civil disorder obstructed, delayed, and adversely affected commerce and the movement of any



article and commodity in commerce and the conduct and performance of a federally protected function, as set forth in paragraph 1 through paragraph 17.

(In violation of Title 18, United States Code, Sections 231(a)(3))

**COUNT FIVE**

**18 U.S.C. § 231(a)(3)—Obstruction of Law Enforcement During Civil Disorder**

80. Paragraphs one through 17 and paragraphs 22 through 72 of this Indictment are re-alleged and incorporated as though set forth herein.

81. On or about January 6, 2021, within the District of Columbia, [REDACTED] [REDACTED] committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officer, that is N.I., an officer from the Metropolitan Police Department, lawfully engaged in official duties incident to and during the commission of a civil disorder, and the civil disorder obstructed, delayed, and adversely affected commerce and the movement of any article and commodity in commerce and the conduct and performance of a federally protected function, as set forth in paragraph 1 through paragraph 17.

(In violation of Title 18, United States Code, Sections 231(a)(3))

**COUNT SIX**

**18 U.S.C. § 111(a)(1) and (b)—Inflicting Bodily Injury on Certain Officers**

82. Paragraphs one through 17 and paragraphs 22 through 72 of this Indictment are re-alleged and incorporated as though set forth herein.

83. On or about January 6, 2021, within the District of Columbia, **DANIEL RODRIGUEZ**, using a deadly and dangerous weapon, that is, an electroshock weapon, did forcibly assault, resist, oppose, impede, intimidate, and interfere with, and inflict bodily injury on, an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and

employee, that is, M.F., an officer from the Metropolitan Police Department, while such officer and employee was engaged in and on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

(In violation of Title 18, United States Code, Sections 111(a)(1) and (b))

**COUNT SEVEN**

**18 U.S.C. § 641—Theft of Government Property**

84. Paragraphs one through 17 and paragraphs 22 through 72 of this Indictment are re-alleged and incorporated as though set forth herein.

85. On or about January 6, 2021, within the District of Columbia, the defendants,

**DANIEL RODRIGUEZ, and**  
[REDACTED]

did embezzle, steal, purloin, and knowingly convert to his use and the use of another, and without authority, sold, conveyed and disposed of any record, voucher, money and thing of value of the United States and any department and agency thereof, that is, an emergency escape hood unit and bag.

(In violation of Title 18, United States Code, Section 641)

**COUNT EIGHT**

**18 U.S.C. § 1361—Destruction of Government Property**

86. Paragraphs one through 17 and paragraphs 22 through 72 of this Indictment are re-alleged and incorporated as though set forth herein.

87. On or about January 6, 2021, within the District of Columbia, **DANIEL RODRIGUEZ**, did willfully injure and commit depredation against property of the United States, and of any department and agency thereof, and any property which has been and is being manufactured and constructed for the United States, and any department and agency thereof, that is a window of the United States Capitol building, causing damage in an amount more than \$1,000.

(In violation of Title 18, United States Code, Section 1361)

**COUNT NINE**

**18 U.S.C. § 1361—Destruction of Government Property**

88. Paragraphs one through 17 and paragraphs 22 through 72 of this Indictment are re-alleged and incorporated as though set forth herein.

89. On or about January 6, 2021, within the District of Columbia, [REDACTED] [REDACTED] did willfully injure and commit depredation against property of the United States, and of any department and agency thereof, and any property which has been and is being manufactured and constructed for the United States, and any department and agency thereof, that is a door of the United States Capitol building.

(In violation of Title 18, United States Code, Section 1361)

**COUNT TEN**

**18 U.S.C. § 1752(a)(1), (b)(1)(A)—Restricted Building or Grounds**

90. Paragraphs one through 17 and paragraphs 22 through 72 of this Indictment are re-alleged and incorporated as though set forth herein.

91. On or about January 6, 2021, within the District of Columbia, the defendants,

**DANIEL RODRIGUEZ,  
EDWARD BADALIAN, and**  
[REDACTED] [REDACTED]

did unlawfully and knowingly enter and remain in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the Capitol and its grounds, where the Vice President was temporarily visiting, without lawful authority to do so. In so doing, **DANIEL RODRIGUEZ**, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, an electroshock weapon and a flagpole.

(In violation of Title 18, United States Code, Section 1752(a)(1) and (b)(1)(A))

A TRUE BILL

FOREPERSON

*Matthew M. Graves* / *se*

MATTHEW M. GRAVES  
U.S. ATTORNEY FOR THE UNITED STATES  
IN AND FOR THE DISTRICT OF COLUMBIA