

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

|                          |   |                               |
|--------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA | : | Case No.: 21-CR-317 (1) (TSC) |
|                          | : |                               |
| v.                       | : | 40 U.S.C. § 1752(a)(2)        |
|                          | : |                               |
| BENJAMIN LAROCCA,        | : |                               |
|                          | : |                               |
| Defendant.               | : |                               |
|                          | : |                               |

**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 Larocca, 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 United States Capitol, which is located at First Street, SE, in Washington, D.C., is secured twenty-four hours a day by United States Capitol Police. Restrictions around the Capitol include permanent and temporary security barriers and posts manned by Capitol Police. 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

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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 of Representatives and Senate adjourned to separate chambers to resolve a particular objection. United States Vice President Michael R. 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 of Representatives and the Senate—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 Capitol Police 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. Capitol Police officers 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 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 Capitol were locked or otherwise secured. Capitol Police officers 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. 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 required security screening or weapons checks—Congressional proceedings could not resume until after every unauthorized occupant had been removed from or left the Capitol, and Capitol Police confirmed that the building was secured. The Joint Session proceedings resumed at approximately 8:00 PM on January 6, 2021, 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 Larocca's Participation in the January 6, 2021, Capitol Riot***

8. Benjamin Larocca, lives in Seabrook, Texas. On January 4, 2021, Larocca traveled from Houston, Texas, to Washington, D.C., via automobile, along with co-defendant Christian Cortez. Larocca and Cortez traveled to Washington, D.C., to protest Congress's certification of the Electoral College vote for the 2020 Presidential Election.

9. On January 6, Larocca and Cortez attempted to attend the "Stop the Steal" rally taking place in Washington, D.C. They were unable to get close enough to the White House to see anyone speaking, but they were able to hear former President Donald J. Trump over the loudspeakers.

10. Larocca and Cortez then marched with other individuals to the Capitol.

11. As they approached the Capitol, Larocca and Cortez saw others climbing the walls of the building. Larocca and Cortez climbed stairs on the West Side of the Capitol and ultimately reached the Upper West Terrace on the Senate Side of the Capitol.

12. Larocca and Cortez entered the Capitol at approximately 2:53 PM through the Parliamentarian Door. Larocca and Cortez then traveled through the Brumidi Corridors where they joined a crowd of rioters facing off with law enforcement. The law enforcement officers were wearing official uniforms, ranging from standard uniforms to body armor. The officers' uniforms contained badges, name plates, patches, and other distinctive markings indicating that they were law enforcement officers. The officers stood in a formation across the hallway, preventing Larocca, Cortez, and others unlawfully in the Capitol from proceeding forward. Larocca and the crowd engaged in chants of "USA!" and "Whose house? Our house!," while other individuals chanted, "Forward!" Larocca, using his cell phone, filmed these events and himself in "selfie mode" chanting "Our house!" and posted it to his Instagram story. Larocca added a caption to one of the videos that read, "We got in."

13. Larocca and Cortez exited the building through the North Doors at approximately 3:06 PM.

14. After Larocca and Cortez exited the Capitol, law enforcement officers—clad in riot gear and other tactical equipment—attempted to block the North Doors and prevent rioters from reentering the Capitol. Multiple rioters launched projectiles—including metal barricades and other items—at the doors. A high-pitched, rapid beeping, similar to a smoke alarm, blared overhead. The law enforcement officers struggled to close the North Doors while other rioters held them open from the outside. The law enforcement officers deployed chemical-irritant spray and fire-extinguisher retardant. Larocca observed Cortez stepped in front of the North Doors and began

repeatedly yelling at law enforcement: “Fuck you!” and “Oath breakers!” Cortez slammed a blue-colored flag down and stepped forward toward the North Doors. Certain law enforcement officers stopped sealing the North Doors and turned their attention toward Cortez, who they sprayed with a chemical irritant. Cortez did not move and yelled, “Do it some fucking more! Do it some fucking more!”

15. On January 6, 2021, Larocca messaged another individual on Instagram, “Haha dude me and Christian got 4 different kinds of mase sprayed on us ... tear gassed etc.”

16. Also on January 6, a different individual messaged Larocca on Instagram, “You wild!! Love it!” Larocca responded, “Haha hell yeah bro! We kind of got fucked up ... Lmaooo.”

17. January 7, another individual messaged Larocca on Instagram, “Damn you’re brave.” Larocca responded, “Hell yea. It was a demonstration of how we can take it back. Antifa was disguised as trump supporters and started a lot of shit.”

18. Also on January 7, another individual messaged Larocca on Instagram, “Bro you Fucking stormed the United States Capital today.” Larocca responded, “Allegedly ;).”

#### *Elements of the Offense*

19. Benjamin Larocca knowingly and voluntarily admits to the above facts and agrees that they meet all of the elements of 18 U.S.C. § 1752(a)(2). Specifically, Larocca admits:

- Benjamin Larocca engaged in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds;
- That such conduct occurred when, or so that, such conduct, in fact, impeded or disrupted the orderly conduct of Government business or official functions; and
- That he did so knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions.

20. Benjamin Larocca also admits that Title 18, United States Code, Section 1752(c)(1)(B) defines “restricted building or grounds” as “any posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service or will be temporarily visiting.” He further agrees that Section 1752(c) further defines “other person protected by the Secret Service” as “any person whom the United States Secret Service is authorized to protect under section 3056 of this title or by Presidential memorandum, when such person has not declined such protection.”

Respectfully submitted,

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

By: \_\_\_\_\_ /s/ \_\_\_\_\_

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**DEFENDANT'S ACKNOWLEDGMENT**

I, Benjamin Larocca, 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: 2/28/2022



Benjamin Larocca  
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: 2/28/22



Bret Lee  
Attorney for Defendant