

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No.: 21-CR-00338-TFH
	:	
v.	:	40 U.S.C. § 5104(e)(2)(G)
	:	
DOVID SCHWARTZBERG,	:	
	:	
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 Defendant, Dovid Schwartzberg, with the concurrence of his attorney, agree and stipulate to the below factual basis for 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 in separate chambers of 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 \$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 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.

***Dovid Schwartzberg's Participation in the January 6, 2021, Capitol Riot***

8. Defendant traveled to Washington, D.C. from New York to attend the rally for former President Donald Trump on January 6, 2021.

9. After the rally, Defendant follows a large crowd that went to the U.S. Capitol.

10. Defendant entered the U.S. Capitol thereafter, at approximately 2:50 p.m. through a broken window next to the Senate Wing doors, as alarms blared. Schwartzberg remained in the Capitol until approximately 3:34 pm.

11. Schwartzberg stayed in the Senate Wing Door area for a few minutes, then climbed into the window frame to wave people inside. Schwartzberg helped another rioter climb through the window. Schwartzberg climbed down and walked over to the Senate Wing Door. Schwartzberg waved others inside again. He took a couple of steps out toward the crowd, then came back inside. Schwartzberg then walked down the hallway toward the Crypt.

12. From there, Schwartzberg made his way to Senator Merkley's office and the second and third floors.

13. On the second floor, a law enforcement officer instructed Schwartzberg to go back down the old Supreme Court Chamber stairs and Schwartzberg complied.

14. Defendant exited out the Memorial Door after law enforcement instructed him to leave.

15. Defendant took multiple videos while inside the U.S. Capitol. He posted some of these materials to his TikTok account.

16. Defendant also sent multiple texts messages from his cellular telephone admitting he was inside the U.S. Capitol and twice admitting that he smoked a cigarette while inside the building.


17. Defendant further admitted to law enforcement that he entered the Capitol through a broken window.

18. Defendant willfully and knowingly entered the U.S. Capitol Building. Defendant further admits that while inside the Capitol, Defendant willfully and knowingly paraded, demonstrated, or picketed.

Respectfully submitted,

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

By:

  
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MARIA Y. FEDOR  
Attorney, detailed to the  
United States Attorney's Office for the  
District of Columbia

**DEFENDANT'S ACKNOWLEDGMENT**

I, *Dovid Schwartzberg*, 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.

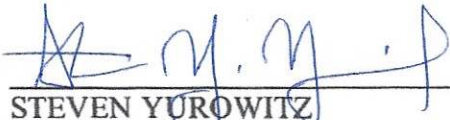
Date: 3/3/22

  
DOVID SCHWARTZBERG  
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: 3/3/22

  
STEVEN YUROWITZ  
Attorney for Defendant