

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

UNITED STATES OF AMERICA	:	Case No: 21-CR-418
	:	
	:	
	:	18 U.S.C. § 1752(a)(1)
	:	
v.	:	
	:	
ERIC BOCHENE,	:	
	:	
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, Eric BOCHENE, with the concurrence of the defendant’s 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 (USCP). Restrictions around the U.S. 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. The grounds around the Capitol were posted and cordoned off, and the entire area as well as the Capitol building itself were restricted as that term is used in Title 18, United States Code, Section 1752 due to the fact that the Vice President and the immediate family of the Vice President, among others, would be visiting the Capitol complex that day.

3. On January 6, 2021, a joint session of the United States Congress convened at the Capitol. 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. Temporary and permanent barricades, as noted above, were in place around the exterior of the Capitol, and USCP 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. Officers of the USCP were forced to retreat and the crowd advanced to the exterior façade of the building. Officers with the D.C. Metropolitan Police Department were called to assist officers of the USCP who were then engaged in the performance of their official duties. 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 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 p.m., 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 \$2.9 million for repairs.

7. Shortly thereafter, at approximately 2:20 p.m., 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 p.m. 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 p.m. 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.

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

8. On January 5, 2021, BOCHENE traveled from New Hartford, New York to Washington, D.C., in a blue, 2016 Mazda sedan registered to him, arriving in Washington, D.C.

at approximately 12:31 a.m. on January 6, 2021.

9. On January 6, 2021, at approximately 2:12 p.m., BOCHENE was captured on video on the Upper West Terrace of the Capitol. In his hands, he carried a large rectangular object that he used to swing at a window of the Capitol at least four times; his efforts did not break the window.

10. Minutes later, at approximately 2:14 p.m., approximately one minute after the Senate Wing Doors and adjacent windows of the Capitol Building were first breached by other rioters, BOCHENE was captured on USCP surveillance video as he crawled through a broken window adjacent to the Senate Wing Doors and entered the Capitol.

11. By approximately 2:17 p.m., BOCHENE had traveled from the Senate Wing Doors lobby to the Brumidi Corridor and ascended the Senate stairs, still carrying the object he had previously used in his attempt to break the Capitol window.

12. At approximately 2:21 p.m., BOCHENE continued his journey in the Capitol to the Ohio Clock Corridor, again still carrying the object he had previously used in his attempt to break the Capitol window.

13. BOCHENE remained in the Capitol until approximately 2:31 p.m., when he exited through the Senate Carriage Doors.

14. On January 6, 2021, BOCHENE telephoned Witness #1 and said he was at the White House; later, BOCHENE stated that he was one of the first people inside the building. The telephone call occurred after he entered the Capitol.

15. After he departed the Capitol, BOCHENE posted images of himself inside the Capitol on January 6, 2021 on Facebook WeChat. He also posted messages about his presence inside the Capitol on that day.

16. On March 10, 2021, law enforcement officers approached BOCHENE and showed him photographs that the officers obtained from publicly available sources. The photographs showed BOCHENE, wearing a gray cap and gray hooded sweatshirt, in close proximity to other rioters in various areas of the Capitol, including the Brumidi Corridor. BOCHENE identified himself in the photographs and admitted to the officers that he was inside the Capitol on January 6, 2021.

17. BOCHENE invited law enforcement officers to enter his residence in New Hartford, New York to view a video on a laptop of a recording that he made while inside the Capitol on January 6. The video included BOCHENE's voice narrating the recording.

18. BOCHENE knowingly entered into and remained inside the Capitol on January 6, 2021, when the building was restricted and not open to the public, without lawful authority to do so.

Elements of the Offense

19. The parties agree that the charge of Entering or Remaining Inside a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1), as charged in Count One of the Information, requires the following elements:

- a. First, the defendant entered or remained in a restricted building or grounds without lawful authority to do so; and
- b. Second, the defendant did so knowingly.

Defendant's Acknowledgments

20. The defendant knowingly and voluntarily admits to all of the elements as set forth above.

Respectfully submitted,

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

By: /s/ Anita Eve
Anita Eve
Assistant United States Attorney
PA Bar No. 45519
Michael Romano
Assistant United States Attorney
XX Bar No. XXX

DEFENDANT'S ACKNOWLEDGMENT

I, Eric Bochene, 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: August 11, 2023

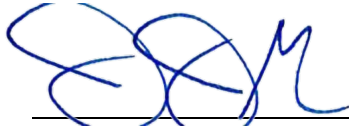
/s/ ERIC BOCHENE
w/c by J. Gilsean, Esq.

Eric Bochene
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: August 11, 2023



John J. Gilsean
Attorney for Defendant