

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

<b>UNITED STATES OF AMERICA</b>	:	Case No.: 21-CR-497 (ABJ)
	:	
v.	:	18 U.S.C. §§ 1512(c)(2)
	:	
<b>ANTHONY ALEXANDER ANTONIO,</b>	:	
	:	
<b>Defendant.</b>	:	
	:	


**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, Anthony Alexander Antonio (hereinafter, “the defendant” or “Antonio”), 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 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. 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.

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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 Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on Tuesday, November 3, 2020. This joint session of Congress was an official proceeding as that term is used in Title 18, United States Code, Section 1512. 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. By shortly after 1:00 PM, the situation at the Capitol had become a civil disorder as that term is used in Title 18, United States Code, Section 231, and throughout the rest of the afternoon the civil disorder obstructed the Secret Service's ability to perform the federally protected function of protecting Vice President Pence.

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. 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

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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 \$2.9 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.

*The Defendant's Participation in the January 6, 2021, Capitol Riot*

8. In the early morning hours of January 6, 2021, Antonio appeared in a TikTok duct video wearing a black and gray camouflage shirt. In the video, he announces, "It's late, we're in

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D.C., we just got back to the hotel and we got big news.” He goes on to state that, “Trump just came out with, Pennsylvania just got decertified. We’re bringing it back, we’re stopping the steal. Biden is not going to be in office January 6<sup>th</sup>, now today, on the east coast it’s past 12:00. So, we’re going to be out there in D.C. celebrating PA being decertified. Biden is now not the president-elect anymore, technically. So, we’re stopping the steal, we’re coming back, Trump 2020. Let’s get it conservatives, patriots, stand with us.”

9. Antonio went to the U.S. Capitol on January 6, 2021. He wore the same black and grey camouflage shirt, along with a black tactical bulletproof vest adorned with a “Three Percenter” patch – a reference to belief held by some militia extremists that a small force with a just cause can overthrow a tyrannical government if armed and prepared. By approximately 1:22 PM on January 6, 2021, Antonio was standing on the West Plaza of the U.S. Capitol building facing a number of Metropolitan Police Department (MPD) and U.S. Capitol Police (USCP) officers across a metal fencing barrier. He shouted at the police, “You want war? We got war. 1776 all over again.” While on the West Plaza, Antonio also climbed atop the media tower that had been erected in preparation for the Presidential inauguration.

10. After the riotous mob pushed its way through the barriers on the West Plaza, officers retreated up a set of stairs to the Lower West Terrace and into the tunnel that led to an entrance to the U.S. Capitol building. The mob, including Antonio, followed. Confronting officers in the tunnel, rioters attempted to gain entry into the Capitol building itself.

11. Antonio made his way just outside the tunnel where he celebrated after other rioters passed around and held up a riot shield taken from one of the police officers defending the tunnel. Shortly thereafter, Antonio took possession of that shield and used it to shove his way to the front of the crowd. Antonio remained in the tunnel for approximately two minutes. He re-entered the

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tunnel approximately twenty minutes later and was subsequently pushed out by officers attempting to clear the tunnel.

12. At roughly 3:21 PM, rioters dragged an MPD officer down the set of stairs leading down to the Lower West Terrace. Antonio, standing outside of the tunnel, sprayed water and threw his water bottle in the direction of the officer who was being dragged by other rioters. Sometime thereafter, during a pause in the mob's assault on the police officers defending the tunnel, Antonio told one officer, "I'll be honest, this isn't against you personally. This is against our country." Observing that officers were wearing body cameras, Antonio asked, "It that on?" and "Who is going to see it?" When the officers replied, "the Department," Antonio bent down, leaned forward to speak directly into the officer's body worn camera, and stated, "We will not back down."

13. Shortly thereafter, Antonio obtained a bullhorn and proceeded to address the riotous mob, saying:

Patriots! Everybody listen up! We've made it this far. We've spoken to them. These are the guards right now. We've spoken to them. We are holding the line. Listen, they say they will not mace us, tase us, or beat us. We are holding the line. We are not moving until we get our way. This is a peaceful protest now. This is a peaceful protest now and always has been. Remember this is our Capitol; this is our house, these are our steps. If we have to sit here all night, we will. Do not bum rush us, we are trying to work with them.

14. After addressing the crowd, Antonio continued to speak with law enforcement officers. Over time, the mob began again to push and surge forward towards the tunnel entrance and resumed fighting with the officers defending the U.S. Capitol. Antonio told members of the crowd to stop pushing him and the officers.

15. By approximately 4:00 PM, however, Antonio joined a mass of rioters pushing against officers in the tunnel. While there, Antonio reached out and took a gas mask belonging to the police, which he then proceeded to wear. Inside the tunnel at approximately 4:09 PM, Antonio

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forcefully pushed and grappled with police officers and refused to leave the tunnel until sprayed with chemical irritant. Police officers were then able to push Antonio and others out of the tunnel.

16. Shortly thereafter, rioters used various objects to break open windows to the U.S. Capitol that were located just to the side of the tunnel. Antonio, still wearing the gas mask, camouflage shirt, and tactical vest, asked other rioters to lift him up to the window and into the building. Antonio climbed through the broken window and into the U.S. Capitol building (specifically, Room ST2M). Once inside, he picked up a piece of furniture with another rioter and threw it aside, walking off with the broken leg of that piece of furniture in his hand. As described below, Antonio subsequently gave an interview on January 6 in which he explained that while inside the room, he and other rioters “broke everything, so we have something to use against ‘em.” Indeed, the rioters (including Antonio) who unlawfully broke into Room ST2M caused the destruction of property valued at approximately \$5,314.63. He later climbed back out of the same window through which he had entered Room ST2M.

17. Later on January 6, 2021, while still on the U.S. Capitol grounds, Antonio gave an interview in which he said the following:

Yes, yes, we penetrated the Capitol Building. There was [sic] three officers that were trying to work with us, when I had the megaphone. The other officers told them to shut up, mow us down, and they all sprayed us. They lifted up my gas mask and sprayed me in the face, beating us in the head with batons. So, we knew we couldn't get through the doors.

So, we broke the window, got into the room, at that point . . . it was all over my hair, my face, I couldn't breathe, I couldn't see, so I, we had to come up with a plan. We barricaded the door, broke everything, so we have something to use against 'em. While we were in there, trying to come up with a plan, I was useless, I was useless, so I left.

What ended up happening, a man's father called him from the outside and said the media is calling us anarchists. And what that means is, is they now have access to use deadly force against us. We

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lost lives in there. Two confirmed lives have been lost. Patriots, we took the Capitol and we're not stopping I will be back tonight. I couldn't see, I couldn't breathe, but we're not backing down. We've got the outside. We will take it back. But, Patriots, I'm telling you right now, be safe. Watch your six. They have been granted access to use deadly force.

18. In the same interview, Antonio was asked, "Let's say everybody gets into the Capitol. What happens next?" He responded:

So, in my opinion, man, and a lot of guys up there, we need to talk. We the People need to be heard. We're done with false elections. We're done with stealing the election. As you can see, Georgia, last night, as I was following, what happened? He was up two-thirty, and then he was down to two-twenty-five. You can't lose votes. We wanted to talk to the people. You work for us. We wanted to talk to you. You don't want to talk to us? This is how we do it. 1776 is back. It's 2021 United We Stand, with Biden we fall.

19. Antonio was subsequently interviewed by FBI agents in the presence of his attorney. Among other things, Antonio acknowledged that on January 6, he watched a police officer being dragged down the steps by other rioters and getting tased, conceding that he did not "help him when I should have."

20. The riot resulted in the evacuation of members of Congress and their staff, vote count delays, injuries to officers, and more than 2.8 million dollars in losses, and required law enforcement officers from across the D.C. metropolitan area to respond in order to assist in protecting the Capitol. After he was charged, Antonio appeared on CNN for an additional interview where he discussed his involvement in the riot at the U.S. Capitol. In that interview, he recognized that he "shouldn't have been there that day, [] shouldn't have been involved on those Capitol steps" and acknowledged that "[w]hat happened that day should not have happened . . . we should not attack law enforcement; we should not attack our American government." Later in

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the same interview, Antonio admitted his culpability for the riot and its impact that, "I was a part of what divided a lot of us."

*Elements of the Offense*

21. The parties agree that Obstruction of an Official Proceeding, in violation of 18 U.S.C. § 1512(c)(2), requires the following elements:

- a. First, the defendant attempted to or did obstruct or impede an official proceeding;
- b. Second, the defendant intended to obstruct or impede the official proceeding;
- c. Third, the defendant acted knowingly, with awareness that the natural and probable effect of his conduct would be to obstruct or impede the official proceeding; and
- d. Fourth, the defendant acted corruptly.

22. The parties also agree that the term "official proceeding" includes a proceeding before Congress, and for purposes of this count, the term "official proceeding" means Congress's Joint Session to certify the Electoral College vote.

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*Defendant's Acknowledgments*

23. The defendant knowingly and voluntarily admits to all the elements as set forth above. Specifically, the defendant admits that he entered onto the U.S. Capitol grounds and into the U.S. Capitol building on January 6, 2021, in order to obstruct the Joint Session of Congress convened to certify the November 2020 Presidential election, that he intended to obstruct that proceeding, and that he did so both knowingly and corruptly.

Respectfully submitted,

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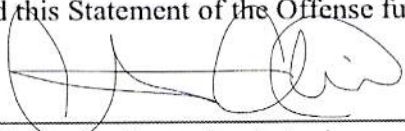
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**DEFENDANT'S ACKNOWLEDGMENT**

I, Anthony Alexander Antonio, 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.

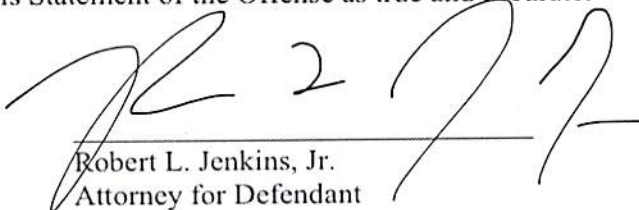
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\_\_\_\_\_  
Anthony Alexander Antonio  
Defendant

**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: December 11, 2023

  
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Robert L. Jenkins, Jr.  
Attorney for Defendant

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