

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

UNITED STATES OF AMERICA	:	Case No.: 1:21-cr-00682-TFH
	:	
v.	:	40 U.S.C. § 5104
	:	
PHILIP JAMES WEISBECKER,	:	
	:	
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, **PHILIP JAMES WEISBECKER**, 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 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.

PHILIP JAMES WEISBECKER's Participation in the January 6, 2021, Capitol Riot

8. The defendant, **PHILIP JAMES WEISBECKER**, lives in Dulzura, California. On January 4, 2021, defendant traveled from San Diego, California, to Washington, D.C. The defendant traveled to Washington, D.C. in response to former President Trump's call for people to attend a rally to protest the 2020 election on the same day that Congress was certifying the vote of the Electoral College.

9. On January 6 defendant attended the "Stop the Steal" rally and then marched with other protesters to the Capitol.

10. At about 2:22 PM, EST, defendant was on the restricted grounds of the United States Capitol when he saw law enforcement officers deploy tear gas into the crowd and rioters climbing scaffolding set up for the inauguration of President-Elect Biden. Defendant videotaped protesters as they climbed the scaffolding.

11. A few minutes after it was breached by the rioters, defendant entered the Senate Wing Door with other rioters between 2:22 PM and 2:24 PM. Defendant walked upstairs and then entered the Speaker of the House of Representatives' suite of offices. Shortly thereafter, defendant left the Speaker of the House of Representative's office.

12. Between approximately 2:26 PM and 2:29 PM, Defendant entered the north side of the Rotunda and remained in or in the vicinity of the Rotunda until approximately 3:15 PM, when he exited the Capitol. Throughout the defendant's time unlawfully inside the Capitol, defendant used his Nokia cellphone and his Cannon Rebel camera to take photographs and video inside the Capitol, including a photograph or video of himself inside the Capitol.

13. Between January 6, 2021, and March 18, 2021, defendant posted on his website videos and photographs of protesters unlawfully climbing scaffolding and entering the Capitol. Defendant also posted a photograph or still image of himself standing in the Capitol, right thumb up and right pinky finger extended

14. On February 7, 2021; February 10, 2021; February 23, 2021; and March 3, 2021, Customs and Border Patrol ("CBP") officers at the Tecate Port of Entry found at the Baja, California and Mexico borders stopped defendant to conduct a secondary inspection. During the February 7, February 10, and March 3 encounters, among other statements, the defendant admitted he entered the Capitol and the Speaker of the House's office.

15. During the February 23 stop CBP officers conducted a border search of defendant's phone and discovered several photographs of defendant at the January 6 protest and in the Capitol.

16. On October 21, 2021, Federal Bureau of Investigations Agents arrested the defendant. After being advised of and waiving his Miranda rights, the defendant admitted that he entered the United States Capitol and was in the office suite of the Speaker of the House of

Representatives and in the Capitol Rotunda. Defendant also informed the agents that defendant posted videos and photographs before, during, and after the January 6 breach of the Capitol, including video and photographs of protesters unlawfully entering the Capitol on his website.

Elements of the Offense

17. **PHILIP JAMES WEISBECKER** knowingly and voluntarily admits to all the elements of 40 U.S.C. § 5104(e)(2)(G). Specifically, defendant admits that he willfully and knowingly entered the U.S. Capitol Building knowing that he did not have permission to do so. Defendant further admits that while inside the Capitol, defendant willfully and knowingly paraded, demonstrated, or picketed.

Respectfully submitted,

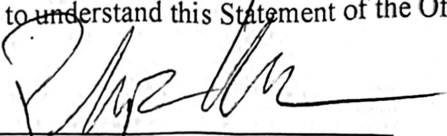
MATTHEW M. GRAVES
United States Attorney
D.C. Bar No. 481052

By: /s/ Michael G. James
MICHAEL G. JAMES
N.Y. Reg. No. 2481414
Office of the United States Attorney
Eastern District of North Carolina
(on detail to the USAO-D.C.)
150 Fayetteville Street, Suite 2100
Raleigh, NC 27601
Mike.James@usdoj.gov
Telephone: (919) 856-4530

DEFENDANT'S ACKNOWLEDGMENT

I, **PHILIP JAMES WEISBECKER**, 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: 2/28/22

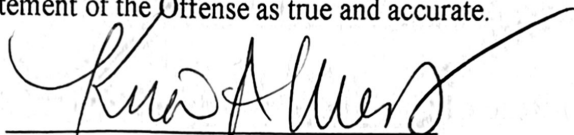


PHILIP JAMES WEISBECKER
Defendant

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: 3/1/22



KIRA WEST
Attorney for Defendant