

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No.: 21-CR-736 (JEB)
	:	
v.	:	18 U.S.C. §§111(a)(1) and (b)
	:	22 D.C. Code §4504
MARK ANDREW MAZZA	:	
	:	
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, Mark Andrew Mazza, 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.

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

8. The defendant, **Mark Andre Mazza (“Mazza”)**, lives in Shelbyville, Indiana. After November 2, 2020, but prior to January 6, Mazza had attended “Stop the Steal” rallies.

9. On January 5, 2021, Mazza and one of his friends (“F1”) traveled from Indiana to Washington, D.C., via a rental car. The purpose of Mazza and F1’s trip to Washington, D.C., was to protest Congress’ certification of the Electoral College. Mazza possessed a concealed firearm permit for the state of Indiana, and prior to departing Indiana, Mazza armed himself a .45 caliber Taurus revolver (the “Judge”). The Taurus Revolver can fire both shotgun shells and regular bullets through the barrel. Mazza loaded the Taurus with three rounds of .410 gauge shotgun shells and two .45 caliber hollow point rounds. Mazza did not have a license to carry a firearm or ammunition in the District of Columbia, nor did he register any firearms in the District of

Columbia. On the evening of January 5, 2021, Mazza and F1 stayed at an Airbnb residence in the District of Columbia.

10. On January 6, Mazza and F1 attended the “Stop the Steal” Rally at the Ellipse. Mazza was armed with the Judge revolver in a holster under his shirt located under his arm pit area. At approximately 2:00 PM, Mazza and F1 walked down Pennsylvania Ave., N.W. toward the U.S. Capitol. Mazza and F1 passed over over-thrown bike racks and fencing at the entrance to the Capitol Grounds and moved toward the West side of the U.S. Capitol Building, where fellow protesters were pushing against a police line at the bottom of the stairs up the building. Sometime on U.S. Capitol Grounds before 2:45 PM, Mazza lost possession of his Judge revolver.

11. At approximately 2:50 PM, Mazza and F1 moved up the Northwest staircase of the West Front Terrace of the U.S. Capitol to the Inaugural Stage which had been erected for the 2021 Inauguration. Off the Inaugural Stage was a tunnel in the center of the platform that led to the inside of the U.S. Capitol Building, where numerous members of Congress were sheltering in place. On January 6, 2021, that tunnel led to two sets of locked metal and glass doors that led to a controlled entrance, which contained a magnetometer and portable x-ray machine (“Lower West Terrace”). As of 2:00 p.m. on January 6, 2021, the tunnel entrance doors were locked and closed to the public.

12. At approximately 3:08 p.m. Mazza moved to the tunnel area and observed rioters assaulting officers inside the tunnel. Mazza placed a white scarf with dark stars across his face and approached the tunnel entrance and moved toward the doorway inside the tunnel. After entering the tunnel, Mazza observed numerous acts of violence against the officers while the building alarm to the U.S. Capitol was visibly and audibly sounding. The doors that Mazza approached had broken glass, and armed law enforcement officers were blocking the entire entrance to the doorway

and trying to close the doors. MAZZA then observed and assisted the rioters by pushing with others from behind, as a group, towards MPD and USCP officers who were jointly defending the doorway and keeping rioters from entering the U.S. Capitol. The officers were wearing helmets, body armor, and distinctive police attire emblazoned with the words police and “Metropolitan Police Department.” At least 20 MPD and USCP Officers were assisting in blocking the attack inside the tunnel at the time of MAZZA’s presence inside the tunnel area, and include: MPD Sergeant W.B., Officer M.F., Officer N.M., Officer H.F., Officer J.P., Officer D.H., Officer P.N. and Officer B.M. While inside the tunnel, Mazza observed fellow rioters forcibly attacking the officers and taking law enforcement riot shields from the officers in the front of the tunnel and giving them to other rioters in the back of the line. Mazza further observed rioters pushing the same law enforcement riot shields toward the front of the line where a group of rioters then used the shields taken from the officers against the law enforcement officers at the front. Mazza personally observed law enforcement officers order the rioters to stop, physically push the crowd back, and deploy OC/pepper spray on the rioters to try and stop the ongoing assault. Mazza further joined in collective efforts of the rioters to push through the officers defending the tunnel entrance.

13. At approximately 3:13 p.m., Mazza moved to the front of the tunnel line next to the first set of doors in the tunnel. Mazza held open one of the doors, against the direction and active resistance of the MPD and USCP officers in the tunnel, and as he did so, other rioters used flag poles, batons, sticks, and stolen law enforcement shields as weapons to strike at, hit, and try to force their way through, multiple MPD and USCP officers. Inside the tunnel, the officers were actively resisting the rioters and used batons and shields to push back the rioters, including Mazza.

14. When one MPD officer was using his metal collapsible baton to push back the rioters, Mazza took control of the baton from the officer's hand. Mazza then armed himself with the baton and swung the baton overhead and downward to strike at the officers in the tunnel entrance. Mazza's baton struck MPD Officer P.N. in the arm. After striking at the officers with the baton, Mazza yelled at the officers, "This is our fucking house! We own this house! We want our house! Get out of the citizen of the United States' way!"

15. After failing to break through the line of officers, Mazza moved from the front of the tunnel to the back of the tunnel area. Mazza showed other rioters the baton that he had taken from the officers, and he then encouraged other rioters to enter the tunnel area to assist in pushing through the officers. Mazza pulled other rioters into the tunnel area to attack and push against the MPD Officers at the front of the tunnel. One of these persons was F1, who was carrying an American flag and wearing a grey and white "Bengals" hat, who entered the tunnel as Mazza continued to persuade other rioters to join in the fight. *See* Images One and Two (red circle is Mazza, blue circle is F1).



Image One



Image Two

16. The group of rioters in the tunnel then pushed together forward and yelled “heave-ho!” These “heave-ho” efforts - by which multiple rioters collectively used their body mass for greater force in pushing back officers by gaining momentum through leaning back and then pushing forward while chanting “heave-ho” to coordinate their efforts - resulted in significant physical force and pressure being placed upon the officers at the front of the tunnel. While engaged in the “heave-ho” efforts, Mazza was armed with the baton. The “heave-ho” efforts were partially successful in moving the officer line from the first set of doors inside the tunnel to the second (and last) set of doors in the tunnel area. Mazza was eventually pushed out of the tunnel by the officers who exerted physical force to expel the rioters from the tunnel area. Shortly after being pushed out of the tunnel, at approximately 3:20 PM, MPD Officer M.F. was dragged by rioters from the tunnel area. Mazza was in close physical proximity to MPD Officer M.F. and took steps to assist the officer from being further assaulted by members of the riot. Mazza did not make physical contact with MPD Officer Fanone, nor did he physically assist the officer in returning to the tunnel area.

17. Mazza and F1 remained on the U.S. Capitol Grounds until flash bang grenades were deployed by law enforcement later that afternoon.

18. After leaving the U.S. Capitol Grounds, defendant Mazza drove home to Indiana with F1. In his possession was the stolen baton. On January 8, 2021, Mazza, while in Indiana, filed a false police report with the Shelbyville Police Department (“SPD”) in Indiana that falsely claimed that the Judge firearm was stolen out of his car on January 6, 2021, at a casino parking lot in the state of Ohio. Mazza made the initial report on January 8, 2021, by telephone. On January 13, 2021, Mazza later called the SPD back to provide the serial number for Judge revolver to complete the police report. This false stolen gun report was communicated to the United States



Bureau of Alcohol, Tobacco and Firearms (“ATF”) in the District of Columbia and conveyed to USCP. Mazza made the false report to avoid being identified by law enforcement as having been involved in the events of January 6, 2021. Sometime after returning home, Mazza further used a hand-held rotary tool to remove the etched serial number markings from the stolen baton.

19. In a consensual interview with U.S. Capitol Police special agents on March 25, 2021, outside his home, Mazza admitted that he attended the Stop the Steal rally, and that he came onto the U.S. Capitol Grounds with the loaded Judge revolver. Mazza stated that he lost the Judge firearm while in a crowd of people who were involved in violence against law enforcement inside the tunnel area on the West Front entrance to the U.S. Capitol, which was approximately 3:15 p.m. Mazza admitted to filing the false police report for the stolen firearm. Mazza also falsely stated to the agents that he although he observed violence against officers, he acted a peacemaker, and he did not commit any acts of violence against any law enforcement officers. Mazza also claimed to have helped one of the officers who got dragged into the crowd after he left the tunnel area.

**Elements of the Offense**

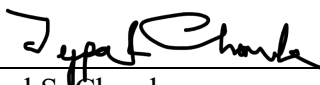
20. Mazza knowingly and voluntarily admits to all the elements of Title 18, United States Code, Sections 111(a)(1) and (b) (Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon). Specifically, Mazza admits that he:

- forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with any person designated in 18 U.S.C. § 1114 while engaged in or on account of the performance of their official duties. Specifically, Mazza admits that he struck MPD Officer P.N. in the arm with a metal baton, a person who was a person assisting the United States Capitol Police, that is, an officer from the D.C. Metropolitan Police Department. The defendant further admits that he/she knew at that time of the assault the officer that the officer was engaged in the

performance of their official duties or that he assaulted the officer on account of their performance of their official duties.


Respectfully submitted,

MATTHEW M. GRAVES  
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By:   
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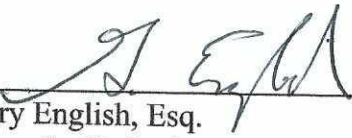
**DEFENDANT'S ACKNOWLEDGMENT**

I, **Mark Mazza**, 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: 23 May 2022   
\_\_\_\_\_  
**Mark Mazza**  
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: 5/23/22   
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Gregory English, Esq.  
Attorney for Defendant