

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

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|---------------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA | : | |
| | : | 22cr53 (RDM) |
| v. | : | Criminal No. 21-mj-206 |
| | : | |
| NICHOLAS LENTZ, | : | |
| | : | |
| Defendant. | : | |

STATEMENT OF OFFENSE

Pursuant to Federal Rule of Criminal Procedure 11, the United States of America, by and through its attorney, the Acting United States Attorney for the District of Columbia, and the defendant, Nicholas Lentz, 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 on the U.S. Capitol on January 6, 2021

1. The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

2. On January 6, 2021, a joint session of the United States Congress convened at the United States 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 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.

3. As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

4. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the U.S. Capitol Police, 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 by U.S. Capitol Police Officers or other authorized security officials.

5. At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police 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 U.S. 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 U.S. Capitol, requiring the expenditure of more than \$1.4 million dollars for repairs.

6. Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and United States 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. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 p.m. after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

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

7. Lentz, a former police officer from Florida, traveled from Florida to Washington, D.C. to attend the rally that former President, Donald Trump, planned to hold in Washington, D.C., on January 6, 2021.

8. On January 6, 2021, Lentz crossed onto the restricted area surrounding the Capitol grounds, and then later into the building itself, without lawful authority to do so.

9. While on the Capitol grounds, but not in the Capitol itself, Lentz posted a photograph of himself on the grounds from his Facebook account, with the caption “We the people did it.”

10. On January 6, 2021, Lentz also posted a 52-second video clip of himself to his Facebook page, and it featured video of Lentz inside the U.S. Capitol on January 6, 2021. In that video, Lentz stated:

“America has spoken. You cannot stop millions of people. Cannot stop it. Can’t. It’s impossible. America has a voice. We give them the power. We give the power. The people give the power, and we’re here to take it back. [pause] There’s honestly been no violence to police officers, we’re trying our best, I’m trying my best to protect all police officers and security that are trying to maintain order. We’re not here to hurt any cops of course. I love my boys in blue, but this is overwhelming for them. There’s no way they can, there’s no way they can, there’s no way then can hold us back.”

11. On January 19, 2021, the FBI interviewed Lentz at his residence. During the interview, Lentz admitted to the interviewing Agent to being inside the United States Capitol building January 6, 2021, and he told the agents he believed he was inside the building for approximately two hours.

12. Lentz entered the U.S. Capitol through the Senate Wing Door, located on the northwest portion of the Upper West Terrace, at approximately 2:15 p.m. He briefly left the building and re-entered through the same door moments later. He has been identified in the Capitol building in areas that include the Crypt and the Capitol Visitor’s Center. While inside the Capitol building, Lentz took photographs of himself in various locations and posted the 52-second video clip mentioned above, and for part of the time he carried a blue “Trump 2020” flag through the U.S. Capitol. He left the building through the Senate Wing Door at approximately 3:12 p.m.

13. When Lentz entered the U.S. Capitol, he knew that he did not have authority to do so and that the building was restricted.

Respectfully submitted,
MATTHEW M. GRAVES
United States Attorney
DC Bar No. 481052

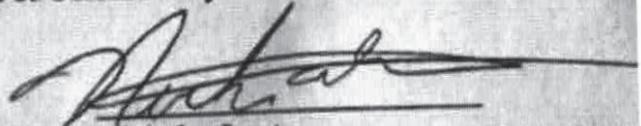
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DEFENDANT'S ACKNOWLEDGMENT

The preceding statement is a summary made for the purpose of providing the Court with a factual basis for my guilty plea to the charges against me. I make this statement knowingly and voluntarily, and I stipulate and agree that this Statement of Offense concerning my actions is true and accurate. I have read every page of this Statement of Offense and have discussed it with my attorney, Gary Proctor. I am fully satisfied with the legal services provided to me in connection with this plea. 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 Offense fully.

Date:

02/18/2022



Nicholes Lentz
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read this Statement of Offense and have reviewed it fully with my client, Nicholes Lentz. I concur in my client's desire to adopt and stipulate to this Statement of Offense as true and accurate.

Date:

2-21-22



Gary Proctor
Attorney for Nicholes Lentz