

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

UNITED STATES OF AMERICA	:	Case No: 1:23-cr-00153 (JDB)
	:	
v.	:	
	:	40 U.S.C. § 5104(e)(2)(G)
DAVID BALL,	:	
	:	
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, David Ball, Jr., 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 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.

2. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.

3. 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.

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. 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.

5. 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.

6. 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.

7. 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.

David Ball's Participation in the January 6, 2021 Capitol Riot

8. The defendant, David Ball, Jr., resides in Wells, Maine. In advance of the Joint Session of Congress scheduled to convene on January 6, 2021 in order to certify the Electoral College vote from the 2020 presidential election, Ball traveled from his home in Wells, Maine to Washington D.C.

9. On January 6, 2021, Ball entered from the west onto U.S. Capitol grounds, which was closed to the public that day. Ball wore all black clothing, including a black baseball hat with an all-black American flag on the front, which he occasionally covered with a “Trump 2020” beanie, as well as a black hoodie with the name of his business, “Broken Glass Company,” written

on the back. Ball also carried a black flag featuring depictions of two shotguns and a skull, along with the text, “2nd Amendment - 1789 – America’s Original Homeland Security.”

10. At approximately 2:13 p.m., rioters reached the Senate Wing Door entrance to the Capitol building, smashed the windows adjacent to the doorway, and kicked the doors open. A loud siren in the entryway was triggered as a result. Ball entered through this doorway minutes later, at 2:20 p.m., as the alarm still blared. Ball knew when he entered the Capitol building that he was not permitted to do so.

11. After entering through the Senate Wing Door entrance, Ball turned south and walked toward the Crypt area on the first floor of the Capitol building. When Ball entered the Crypt, rioters had begun crowding against a line of U.S. Capitol Police officers, who were trying to prevent the crowd from reaching the portions of the Capitol building behind them. While filming on his iPhone, Ball worked his way to the front of the crowd of rioters to where it was stopped by the line of police officers. When Ball reached the front of the crowd, Ball pumped his fist in the air, chanting with the crowd while holding his “2nd Amendment - 1789 – America’s Original Homeland Security” flag in his hand.

12. At approximately 2:25 p.m., with Ball still present, the crowd surged forward against the line of USCP officers in the Crypt. This collective action of the crowd allowed rioters access to many other parts of the Capitol, including Speaker Nancy Pelosi’s office.

13. From approximately 2:25 until 2:38 p.m., Ball remained in the Crypt and its adjoining hallways. During this period, Ball recorded photo and video on his iPhone, carried his “2nd Amendment - 1789 – America’s Original Homeland Security” flag, and continued to wear his “Trump 2020” beanie around his all-black American flag baseball hat. At 2:38 p.m., Ball exited

the Capitol building through the Memorial Door entryway on the east side of the Capitol building on the first floor.

Elements of the Offense

9. David Ball knowingly and voluntarily admits to all the elements of 40 U.S.C. § 5104(e)(2)(G), which makes it a crime to willfully and knowingly parade, demonstrate, or picket in any of the Capitol Buildings. Specifically, Ball admits that he willfully and knowingly entered the U.S. Capitol Building knowing that that he did not have permission to do so. Ball further admits that while inside the Capitol, he willfully and knowingly paraded, demonstrated, or picketed.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney

By: /s/ Hutton Marshall
J. Hutton Marshall
Assistant United States Attorney

DEFENDANT'S ACKNOWLEDGMENT

I, David Ball, 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: 9/18/23



David Ball
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: 9/18/2023



Rammy Barbari
Attorney for Defendant