

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

UNITED STATES OF AMERICA

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23-CR-180

Case No: ~~1:21-MJ-00184-~~

**18 U.S.C. § 1752(a)(2) and
18 U.S.C. §§ 641, and 2**

V.

TYLER BENSCH,

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, Tyler Bensch, with the concurrence of his attorney, agree and stipulate to the factual basis below 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 \$2.8 million dollars in losses.

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.

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

8. Tyler Bensch ("Bensch") traveled from Casselberry, Florida, to Washington, D.C. with a larger group known as the "Guardians of Freedom" to attend the rally that former President Donald Trump held on January 6, 2021. Bensch and other members of the group arrived in the Washington, D.C. area on January 5 and checked into a hotel in the downtown area. On January 6, they attended the rally then later descended on the U.S. Capitol.

9. While on restricted grounds, Bensch wore green military fatigues, tan gloves, a military-style helmet and goggles with the brand name "SMITH" on the strap, a tactical vest with

a patch associated with the “Three Percenters” movement (i.e., “III”), a black gas mask with a green filter, and a drab colored scarf with a distinct pattern. Bensch also possessed one or more chemical irritant canisters on the front of his tactical vest, a black radio and antennae, and a GoPro style camera mounted on his right shoulder.

10. Bensch and at least four other members of his group were present at the Lower West Terrace Tunnel. The Tunnel provides direct access to the U.S. Capitol. On January 6, it was guarded by numerous police officers, including officers from the United States Capitol Police and the Metropolitan Police Department. Between 2:41 p.m. and approximately 5:00 p.m., the officers guarding the Tunnel were under siege by rioters attempting to forcibly enter the Capitol building. At times, rioters attempted to use their numbers and collective mass in a heave-ho effort to push the officers back. Bensch moved into the mouth of the Tunnel, and he was present when one of the heave-ho pushes against the officers occurred. The officers succeeded in repelling rioters from the Tunnel. A member of Bensch’s group picked up a riot shield with a United States Capitol Police seal that appears to have been taken from officers by other rioters. Bensch helped carry the riot shield from the Lower West Terrace off Capitol grounds. The riot shield has not been recovered.

11. While on the Lower West Terrace, Bensch used one of his chemical irritants to spray the face of an individual who an unknown member of the crowd claimed was “Antifa”. This incident was captured on video, and the individual Bensch sprayed did not pose any threat to Bensch or others.

12. On August 24, 2022, agents interviewed Bensch post-*Miranda*. Bensch said that after former President Trump’s speech, he and other members of Guardians of Freedom returned to the hotel to “kit up.” Bensch retrieved his gas mask, front and back carrier plates, bear spray,

a walking stick, and a video recording device, then went to the Capitol. Bensch said he sprayed an individual, who members of the crowd identified as “antifa,” with bear spray then helped the individual wash out his eyes.

13. Bensch and members of his group continued walking and came to an area he described as “the arch.” As he approached “the arch,” he could see that officers were in the tunnel trying to push rioters out. Bensch could hear the “heave-ho” from the group while he was at the mouth of the tunnel. Members of Bensch’s group stole a riot shield from the officers, and Bensch helped carry the shield back to the hotel. Bensch told the interviewing agents, “I know what I did was horrendous.”

14. Bensch knowingly engaged in disorderly and disruptive conduct in a restricted building and grounds, that is, any posted, cordoned off, or otherwise restricted area of a building or grounds where the Vice President was temporarily visiting, when, or so that, such conduct in fact impeded or disrupted the orderly conduct of Government business or official functions.

15. In addition, Bensch knowingly aided and abetted other members of his group in stealing a riot shield, with an approximate value of \$256.00, and he intended to deprive the owner of its use and benefit.

Respectfully submitted,

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DEFENDANT'S ACKNOWLEDGMENT

I, Tyler Bensch, 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: 7/7/23 
TYLER BENSCH
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: 7/7/23 
PETER COOPER
Attorney for Defendant