

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA : Case No.: 23-CR-288 (BAH)
 :
 v. :
 : 18 U.S.C. § 111(a)
 :
 JOSEPH PASTUCCI, :
 :
 Defendant. :
 :

FILED

SEP 30 2024

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

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, **JOSEPH PASTUCCI**, 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 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 p.m. 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.

Joseph Pastucci's Participation in the January 6, 2021, Capitol Riot

PASTUCCI'S Planning and Coordination for January 6, 2021

8. Between December 6, 2020, and January 5, 2021, the defendant, JOSEPH PASTUCCI, made plans with his then-partner JEANETTE MANGIA, to travel to Washington, D.C., on January 6, 2021. He knew that Congress was scheduled to certify the electoral college vote that day and thought that the presidential election had been “stolen” from then-President Trump.

9. On or about December 6, 2020, PASTUCCI sent MANGIA numerous links to various types of chemical irritants, including pepper spray, red pepper gel, and bear spray.

10. On or about December 15, 2020, PASTUCCI sent MANGIA a text message that had been forwarded to him. This text message purported to outline processes that could be used in Congress on January 6, 2021, stating in sum and substance:

Today, the electoral college votes will be sealed and sent by special carrier to Washington where they remain sealed until January 6th when the House and Senate will come into a joint session to open the votes. The media going to make you believe that it's all over and Joe Biden will official president (*sic*)...

On January 6th, Nancy Pelosi will sit down with the rest of the House members as she has no special power or authority over the hearing... Vice President Mike Pence will have all the authority as president of the Senate for that day and will accept or reject motions to decide the next steps by the assembly.

Remember...Mike Pence is in full authority that day as written in the Constitution. The ballots will be certified today but that means nothing...

The votes will be opened and at that point one House member could, and most likely will, raise their hand to object to the Vice President on the state of elector's votes. That objection could cover fraud or any other reason, and with the second of that objection everything changes.

Everything!!

The House and Senate will divide for two hours (at least) to debate, then vote. The vote be per Senator with the Vice President being the deciding vote if needed in the Senate, while the vote in the House will only be ONE vote per delegation, per state, not per House member!!! The Republicans have 30 delegation votes. If this scenario runs true, President Trump gets re-elected.

The Democrats, the media, social networks and globalists around the world will come unhinged and chaos will erupt. Bigly President Trump is trying to do the right thing and go through the courts first, expose all the fraud, but we all know that none of the courts, even the Supreme Court wanted to touch this issues with a 10-ft pole! This is why our forefathers were so brilliant because they knew something like this could happen someday. So, don't list to the media and all their deception and lies. All you have to do is read the Constitution and you know that the law, policies and procedures are on our side.

Tic Toc... Tic Toc...

11. On or about December 20, 2020, MANGIA sent PASTUCCI an Amazon.com link to a Red Dragon brand "Weed Dragon Backpack Propane Vapor Torch Kit" which was the Amazon recommended result for her search of "flamethrower." PASTUCCI responded to

MANGIA, "That's cool but u wouldn't get away with carrying it[.]" MANGIA then responded to PASTUCCI, "Don't worry about me..."

12. On or about January 2, 2021, MANGIA sent PASTUCCI three possible slogans for signage to be used in Washington, D.C. These possible slogans included:

FUCK
All You Corrupt
Bastards



STOP
THE
STEAL
MORONS

FUCK 🖐
BLM
&
Antifa

13. On or about January 5, 2021, MANGIA and PASTUCCI engaged in the following conversation via text message:

Mangia: They are trying to close the airports 😊

Pastucci: That could be a prob for some patriots to get to DC

Mangia: Oh course

Pastucci: Hopefully, they don't close

Mangia: Heading home

Pastucci: OK see u soon

Mangia: Everybody is bringing their gun sounds like it 😊

Pastucci: Is that definite or not sure

Mangia: The group that is going with Rattlesnake are bringing their guns.
They are hiding them in there (*sic*) vehicles for the ride to Virginia

PASTUCCI'S Activities in Washington, D.C., on January 6, 2021

14. On January 6, 2021, PASTUCCI traveled by car with MANGIA from his home in New Cumberland, Pennsylvania, to the Washington, D.C., area to attend the "Stop the Steal" rally.

15. For all the events described herein, PASTUCCI was in the immediate presence of and acting together with MANGIA.

16. PASTUCCI was dressed in a distinctive Yamaha-branded blue jacket and camouflage "Veterans for Trump" hat.

17. After arriving in the Washington area, PASTUCCI took the Metro to downtown Washington. Once he arrived in Washington, PASTUCCI attended the "Stop the Steal" rally hosted by the former President on the morning of January 6.

18. After the rally, PASTUCCI walked toward the United States Capitol.

19. While he was walking towards the Capitol, PASTUCCI held a sign that read "FUCK BLM & ANTIFA STOP THE STEAL NOW! YOU TYRANT BASTARDS!!!" The sign also included a middle-finger emoji and a yellow section that read "WARNING: DON'T BE AN ASSHOLE."

20. PASTUCCI approached the Capitol and climbed up the West Front before the Senate Wing Door was breached at 2:13 p.m. At 2:15 p.m., PASTUCCI entered the Capitol through the Senate Wing Door. When PASTUCCI entered the Capitol via the Senate Wing Door, he did so because he wanted to obstruct the certification of the Electoral College vote.

21. Inside of the Capitol at 2:28 p.m., PASTUCCI confronted officers from the United States Capitol Police. These officers prevented him from moving further down a hallway. PASTUCCI yelled at these officers and watched as MANGIA also yelled at them through a

bullhorn. Having had his way blocked by the officers, PASTUCCI turned around and came back from the way he came.

22. PASTUCCI passed through the Small House Rotunda and hallways in the House office complex.

23. At 2:36 p.m., PASTUCCI entered the Speaker of the House's Office Suite. Shortly thereafter, PASTUCCI entered the Speaker's personal office and took a picture of MANGIA as she posed in a chair near the fireplace and mantel in the Speaker's office.

24. After exiting the Speaker's office suite at approximately 2:37 p.m., PASTUCCI moved towards the Capitol Rotunda, entering it one minute later. Inside the Rotunda, PASTUCCI watched as MANGIA took photographs of the statutes and paintings inside of the Rotunda.

25. PASTUCCI exited the Rotunda and climbed the East Stairs to the second floor of the Capitol. On the second floor, PASTUCCI walked to the entrance to the Senate Gallery but turned around before crossing the threshold into the Gallery. PASTUCCI then turned around and went back to the first floor of the Capitol.

26. Back on the first floor, PASTUCCI walked around for several minutes before climbing the Senate Stairs and finding himself at a locked door, which led to the Senate Chamber and through which Vice President Mike Pence had been evacuated approximately half an hour before. PASTUCCI watched as MANGIA knocked on the glass door before they both turned around and went back down the stairs.

27. At 2:48 p.m., PASTUCCI and MANGIA entered the Senate Chamber and took a seat in two seats in the back of the chamber. PASTUCCI remained in the Senate Chamber with MANGIA for approximately twelve minutes. While they were in the Senate Chamber, PASTUCCI and MANGIA walked on, inspected, and photographed the Senate Dais. PASTUCCI watched as

MANGIA personally handled and reviewed documents taken from the desks of United States Senators. PASTUCCI, who was standing immediately next to MANGIA while she was handling the documents, leaned over her shoulder to more closely inspect the document. PASTUCCI remained in the Senate Chamber with MANGIA for approximately fourteen minutes.

28. After leaving the Senate Chamber, between 3:04 p.m. and approximately 3:06 p.m., PASTUCCI had a confrontation with police officers near the Senate Carriage Door. During this confrontation, the officers instructed PASTUCCI and MANGIA to leave the building, but they refused to do so. PASTUCCI was then physically pushed from the Capitol Building by a police officer. PASTUCCI resisted this officer's efforts to push him from the building. PASTUCCI watched as MANGIA refused to comply with the officers' orders, fell to the ground, kicked and flailed at officers, and had to be physically lifted and carried out of the building through the Senate Carriage Door. Outside of the Senate Carriage Door, PASTUCCI watched as MANGIA kicked one of the officers who carried her out in the groin area. PASTUCCI then shoved the same officer in the chest and shoulder area.

29. After being removed from the Capitol and assaulting a police officer at approximately 3:06 p.m., PASTUCCI, still acting together with MANGIA, reentered the Capitol through the Rotunda Doors at 3:21 p.m. Back inside the Capitol, PASTUCCI and MANGIA pushed their way to the front of the crowd that was trying to get inside of the Rotunda. PASTUCCI and MANGIA were two of the last rioters to enter the Rotunda before police officers secured to the door against the crowd. PASTUCCI and MANGIA remained in the Rotunda for approximately three minutes. After feeling the effects of chemical agents in the air, PASTUCCI informed officers that he and MANGIA wanted to leave the Rotunda. PASTUCCI and MANGIA then exited the Capitol via the Memorial Door at approximately 3:27 p.m.

Elements of the Offense

30. The parties agree that Assaulting, Resisting, or Impeding Certain Officers, in violation of 18 U.S.C. § 111(a)(1), requires the following elements:

- a. The defendant assaulted, resisted, opposed, impeded, intimidated, or interfered with an officer of the United States Capitol Police;
- b. The defendant did such acts forcibly;
- c. The defendant did such acts voluntarily and intentionally;
- d. The person assaulted, resisted, opposed, impeded, intimidated, or interfered with was an officer or an employee of the United States who was then engaged in the performance of his official duties.
- e. The defendant's acts involved physical contact or the intent to commit another felony.

Defendant's Acknowledgments

31. The defendant knowingly and voluntarily admits to all the elements as set forth above. Specifically, the defendant admits that he travelled to Washington, D.C., and entered the Capitol with the intent to stop the certification of the electoral college results of the 2020 presidential election, an official proceeding, and that he engaged in the above-described conduct on January 6 in order to accomplish that goal. He further admits that he acted corruptly by engaging in unlawful means, pursuing an improper purpose, and acting with consciousness of wrongdoing in his efforts to obstruct the certification on January 6.

32. The defendant further admits that he forcibly, voluntarily, and intentionally assaulted a United States Capitol Police Officer by the Senate Carriage Door by shoving him in the chest/shoulder area, and that this act involved physical contact.

Respectfully submitted,

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DEFENDANT'S ACKNOWLEDGMENT

I, JOSEPH PASTUCCI, 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: 9-24-2024

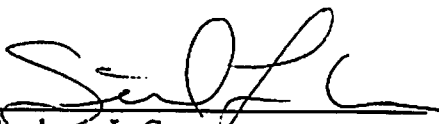


JOSEPH PASTUCCI
Defendant

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: 9-24-24



Stephanie L. Cesare
Attorney for Defendant