

as the Capitol building itself were restricted as that term is used in Title 18, United States Code, Section 1752 due to the fact that the Vice President and the immediate family of the Vice President, among others, would be visiting the Capitol complex that day.

3. On January 6, 2021, a joint session of the United States Congress convened at the Capitol. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in 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. This joint session of Congress was an official proceeding as that term is used in Title 18, United States Code, Section 1512. 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. Officers with the D.C. Metropolitan Police Department were called to assist officers of the USCP who were then engaged in the performance of their official duties. 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 \$2.9 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.

The Defendant's Participation in the January 6, 2021, Capitol Riot

8. Michael Marroquin arrived in Washington D.C. on January 4, 2021. That evening, Marroquin recorded interviews with other individuals he identified as travelling to Washington D.C. in support of the former President.

9. Marroquin broadcasted on Facebook Live a video of himself taken at the Lincoln Memorial where he states: "this is the turning point in our history . . . this is where the true patriots come out . . . he asked us to come, Mr. Trump . . . to show force, maybe to say 'hey, the silent majority is not silent anymore.'"



Figure 1: Screenshot of Facebook Live

10. On January 6, 2021, Marroquin was dressed in a black hoodie sweatshirt with an orange "Q," and wore a "Trump 2020" red baseball cap. Marroquin recorded his movements throughout the Capitol building on his cellular telephone.

11. Marroquin entered the United States Capitol at approximately 2:20 p.m. through the Senate Wing Door. He knew he was not allowed to enter the Capitol Building, and he entered with the intent to be disruptive during the certification of the 2020 Presidential Election.



Figure 2: Defendant circled in yellow, approximately 2:20 p.m.

12. Marroquin moved toward the Crypt where he recorded himself yelling, “You arrest me, but this is our House! No! You’ll never take out . . . We’re not silent anymore, understand?!”

13. While moving through the Capitol, Marroquin recorded himself shouting encouragement to other rioters, such as: “This is our House!” “We occupy and we don’t leave!” “Keep moving!” “Go forward!” As Marroquin made it near the door to the House Chamber itself, he shouted, “Go through the door!”

14. Immediately outside the House Chamber door, Marroquin recorded himself telling the officer—who had his weapon drawn—“your constitution says that you’re supposed to protect the constitution . . . you’re a traitor if you against the U.S.!”



Figure 3: Screenshot from video on Marroquin's phone outside House Chamber

15. Officers managed to push Marroquin and his fellow rioters to the East Rotunda door. While in the vestibule, Marroquin recorded himself explaining to a fellow rioter, “We have to go to the edge of precipice, edge of destruction.” Marroquin further explained that his objective was “to get investigations . . . for those seven states . . . and when they find out they’re bad, they’re going to do all 50 and see who really won.” Marroquin explained that “we” will end up with 30 more representatives and about 12 more senators.

Elements of the Offenses

16. The parties agree that Entering or Remaining within a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1), requires the following elements:

- a. First, the defendant entered or remained in a restricted building or grounds without lawful authority to do so.

b. Second, the defendant did so knowingly.

17. The parties agree that Disorderly or Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2), requires the following elements:

- a. First, the defendant engaged in disorderly or disruptive conduct in, or in proximity to, any restricted building or grounds.
- b. Second, the defendant did so knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions.
- c. Third, the defendant's conduct occurred when, or so that, his conduct in fact impeded or disrupted the orderly conduct of Government business or official functions.

18. The parties agree that Entering or Remaining on the Floor of a House of Congress, in violation of 40 U.S.C. § 5104(e)(2)(A), requires:

- a. First, the defendant entered or remained on the floor of either House of Congress, or in any cloakroom or lobby adjacent to that floor, without lawful authority to do so.
- b. Second, the defendant acted willfully and knowingly.

19. The parties agree that Disorderly Conduct in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(D), requires:

- a. First, the defendant engaged in disorderly or disruptive conduct in any of the United States Capitol Buildings.
- b. Second, the defendant did so with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either house of Congress.
- c. Third, the defendant acted willfully and knowingly.

20. The parties agree that Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G), requires:

- a. First, the defendant paraded, demonstrated, or picketed in any of the United States Capitol Buildings.
- b. Second, the defendant acted willfully and knowingly.

Defendant's Acknowledgments

21. The defendant knowingly and voluntarily admits to all the elements as set forth above. Specifically, he admits that he had the intent to impede the Joint Session of Congress on January 6, 2021, an official proceeding, and that he entered and remained in the Capitol Building without lawful authority to do so.

Respectfully submitted,

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DEFENDANT'S ACKNOWLEDGMENT

I, Michael Marroquin, 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: Feb 21st 2024 Michael Marroquin
Michael Marroquin
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: February 9, 2024 R 277
Robert Jenkins
Attorney for Defendant