

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No.: 23-CR-353 (JDB)
	:	
v.	:	18 U.S.C § 111(a)(1)
	:	
MARCUS CLINT MARTIN,	:	
	:	
Defendant.	:	
	:	

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, Marcus Clint Martin, with the concurrence of the defendant’s 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. 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 Capitol 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. 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. Defendant Marcus Martin traveled from Melbourne, Florida to Washington, DC and attended the riot at the Capitol on January 6, 2021.

9. On January 6, 2021, Martin was wearing a dark blue jacket, neon yellow gloves, dark cargo pants, and work boots, as depicted in Image 1 below, a still image from a publicly available video. At times, Martin also wore a black face mask.



Image 1: Martin on the West Plaza on January 6, 2021 wearing a dark blue jacket, neon yellow gloves, and dark cargo pants

10. Early in the afternoon of January 6, 2021, a mob overran a line of officers at the Peace Circle, to the Northwest of the Capitol Building. Martin got ahead of the crowd and attempted to rile them up by raising his hands in the air. *See Image 2.* After the mob overran the line, Martin pushed over protective barricades on the West Plaza. *See Image 3.*



Image 2: Martin (circled) raising his hands near the Peace Circle to encourage the crowd



Image 3: Martin (circled) pushing over a barricade on the West Plaza

11. As rioters congregated on the West Front of the Capitol, Martin applied first aid to another rioter, Joshua Black, who was injured and bleeding from the face.

12. When an officer attempted to render aid to the injured rioter, Martin prevented the officer from doing so and began to fight the officers present in the area. Specifically, Martin used his left shoulder to push away an unidentified USCP officer, hereinafter “Officer 2”. A still image from a publicly available video is included below as Image 4.



Image 4: Martin (circled yellow) uses his left shoulder to push Officer 2 (circled blue)

13. During the ensuing pause in the fighting, Martin pulled back from the line of officers and helped another rioter, Landon Copeland, to his feet.

14. Within moments, the crowd pushed over another USCP officer. Martin assaulted a different unidentified USCP officer, hereinafter “Officer 4,” who was attempting to assist the downed officer. Specifically, Martin pushed his body into Officer 4, then yanked Officer 4 forwards by his uniform. *See* Image 5, Image 6. As other rioters then piled on Officer 4, Martin used his bodyweight to pin Officer 4 near his head. *See* Image 7.

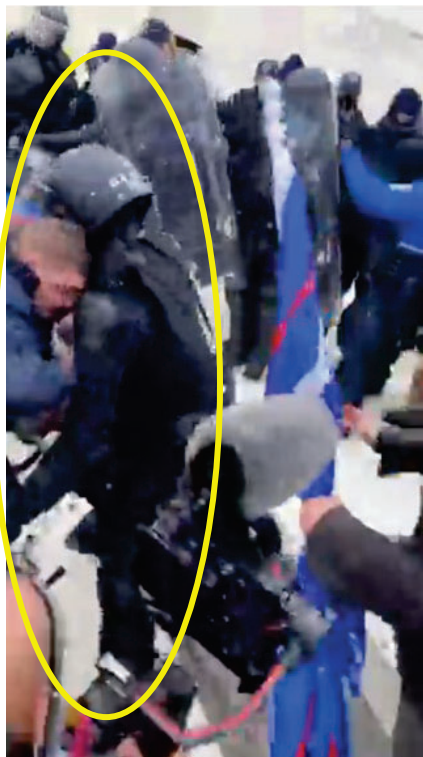


Image 5: Martin (circled) pushing his body against Officer 4



Image 6: Martin (circled yellow) using both hands to pull Officer 4 (blue) forward by their uniform



Image 7: Martin (circled yellow) gets up moments after using his body weight to pin Officer 4 (circled blue) near their head

15. Both Officer 2 and Officer 4 were clearly identifiable as officers of the USCP, as both were wearing hard riot gear with Capitol Police markings. Martin's assaults on Officer 2 and Officer 4 were motivated by their status as USCP officers, as at the time they were both defending the West Plaza from the mob and attempting to render aid to injured rioters and other officers.

Elements of the Offense

16. The parties agree that Counts Three and Five, Assaulting, Resisting, or Impeding Officers in violation of 18 U.S.C § 111(a)(1), require the following elements:

- a. First, the defendant assaulted, resisted, opposed, impeded, intimidated, or interfered with an officer from the United States Capitol Police.
- b. Second, the defendant did such acts forcibly.
- c. Third, the defendant did such acts voluntarily and intentionally.

- d. Fourth, each officer was an officer or an employee of the United States who was then engaged in the performance of his official duties.
- e. Fifth, the defendant made physical contact with each officer or acted with the intent to commit another felony. For purposes of this element, “another felony” refers to the offense of Obstructing Officers During a Civil Disorder in violation of 18 U.S.C. § 231(a)(3).

Defendant’s Acknowledgments

17. The defendant knowingly and voluntarily admits to all the elements as set forth above. Specifically, the defendant admits that he assaulted Officer 2 and Officer 4 and that such acts were forcible, voluntary, and intentional. Defendant further admits that Officer 2 and Officer 4 were employees of the United States who were then engaged in the performance of their official duties. Defendant further admits that his assaults involved both physical contact with both the respective victims and the intent to commit another felony. In particular, defendant committed both the assaults with the intended purpose of obstructing, impeding or interfering with Officer 2 and Officer 4, who were engaged in the lawful performance of their official duties incident to and during a civil disorder that affected the performance of a federally protected function.

Respectfully submitted,

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By: /s/ Michael L. Barclay
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DEFENDANT'S ACKNOWLEDGMENT

I, Marcus Clint Martin, 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: 3/7/2024

Marcus Clint Martin
Marcus Clint Martin
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: 3/7/24

PS Brodnax
Pleasant S. Brodnax III
Attorney for Defendant