

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

UNITED STATES OF AMERICA

v.

FRANCIS BIONDO,

Defendant.

:
:
:
:
:
:
:
:
:
:

Case No.: 23-CR-431 (JEB)

18 U.S.C. § 1752(a)(1)

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, Francis Biondo, 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. The defendant travelled from his home in Virginia to Washington DC on January 5, 2021, in order to protest the results of the 2020 presidential election. On January 6, 2021, the defendant joined a protest held outside the Capitol's restricted area in Washington, D.C., and shortly thereafter followed a crowd of other protestors to the United States Capitol Building. The defendant marched with the other protestors and held one corner of a large American flag as he marched. One protestor with whom the defendant marched was an individual named Jeffrey Etter. The defendant and Etter were acquainted through their prior military service.

9. The defendant and Etter arrived at the Capitol Building and entered through the Senate Wing doors at approximately 2:56 p.m. From there, Biondo and Etter proceeded further into the building and entered the Crypt. They remained in the area for approximately 30 minutes with a large group of protestors who were chanting, waving flags, and filming or taking photos.

10. After approximately 30 minutes, the defendant and Etter marched back to the Senate Wing and exited through a broken window. While exiting, the defendant took a photo of Etter posing at the broken window.

11. After exiting the building, the defendant and Etter remained on and around the Upper West Terrace area, within the Capitol's restricted area. The defendant observed police officers directing people to leave the area. At one point, the defendant stepped in to prevent others from physically attacking the officers.

12. The defendant acknowledges that his actions on January 6, 2021, were committed knowingly.

Elements of the Offense

13. The parties agree that Disorderly Conduct in a Capitol Building, 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.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney
D.C. Bar No. 481052

By: s/ Allison K. Ethen
Allison K. Ethen
Assistant United States Attorney
MN Bar No. 0395353
Capitol Siege Section
U.S. Attorney's Office
District of Columbia
Telephone No: (612) 664-5575
Email Address: Allison.ethen@usdoj.gov

DEFENDANT'S ACKNOWLEDGMENT

I, Francis Biondo, 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: 5-24-2024


Francis Biondo (May 24, 2024 09:15 EDT)
Francis Biondo
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: 5-24-2024


Carmen Hernandez
Attorney for Defendant