

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

UNITED STATES OF AMERICA	:	Case No.: 24-CR-
	:	
v.	:	18 U.S.C. § 231(a)(3)
	:	
PAUL ORTA, JR.,	:	
	:	
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, Paul Orta, Jr., 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 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. 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 \$2.8 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.

8. The attack at the Capitol on January 6, 2021 constituted a civil disturbance that affected interstate commerce by, among other things, drastically reducing, on that date, the sales of groceries and other goods, shipped in interstate commerce, at Safeway stores in Washington, D.C.

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

9. The defendant, Paul Orta, Jr., traveled to the D.C. Metropolitan area from Minnesota to attend the “Stop the Steal” rally occurring in Washington, D.C., on January 6, 2021.

10. On January 5, 2021, Orta traveled from Maryland to downtown Washington, D.C. on a privately-owned bus with North Carolina plates that was covered in Trump 2020 graffiti. Orta was aware that other individuals on the bus had firearms in their possession.

11. On January 6, 2021, at approximately 12:53 p.m., Orta was present on the west side of the Capitol along First Street. Former President Trump was still speaking at the Ellipse over one

mile away. Orta saw signs that clearly identified the restricted area, including numerous “Area Closed” signs as well as fencing and metal barricades.

12. Orta was dressed in a black balaclava, black hooded jacket, brown/green tactical gloves, a green tactical carrier vest with a Texas-shaped flag patch, and blue jeans. He carried a black handheld radio.

13. At approximately 12:53 p.m., the crowd overwhelmed officers at the Peace Memorial entrance and began to move onto Capitol grounds. Individuals in the crowd assaulted officers and knocked over barricades.

14. Orta was at the front of the crowd as they rushed unlawfully onto restricted grounds up the Pennsylvania Walkway toward the Capitol. USCP officers retreated and attempted to re-establish a new police line to stop the approaching crowd. As Orta advanced up the walkway toward the Capitol and the retreating USCP officers, he yelled, “We’re taking that shit today!”

15. Approximately two minutes after unlawfully entering Capitol grounds, Orta forcefully moved temporary bike racks that were being used by law enforcement officers to control the crowd. Specifically, Orta removed at least two sections of the bike racks and threw them over a concrete wall, as shown below in Images 1 and 2.



Image 1



Image 2

16. Orta's actions deprived the officers of barricades that were being used to control the crowd and made it easier for the crowd to unlawfully advance toward the Capitol. Orta took these actions with the intent to obstruct, impede, and interfere with USCP officers as they attempted to stop the crowd from advancing toward the Capitol building.

17. Orta continued to move forward with the crowd as they again overwhelmed USCP officers and entered the West Plaza of the Capitol.

18. At approximately 1:00 p.m., Orta made his way to the front of the crowd on the West Plaza.

19. By approximately 1:22 p.m., law enforcement began to push the crowd back away from the Capitol. Orta lobbed a dark-colored object over the heads of other rioters and towards a crowd of law enforcement officers. Orta took this action with the intent to obstruct, impede, and interfere with law enforcement officers as they attempted to stop the crowd from advancing toward the Capitol building. Orta is circled in Image 3 below as he is engaged in the act of throwing an object at the officers.



Image 3

20. Law enforcement officers again attempted to form a police line and use metal bike racks to prevent the crowd from unlawfully advancing.

21. At approximately 2:07 p.m., over one hour after unlawfully entering the restricted grounds, Orta pushed against a bike rack barricade on the opposite side of a police line. Orta made physical contact with law enforcement officers during this forceful push. After pushing against the bike rack barricade, Orta then pushed against another rioter who was pushing against the bike rack barricade.

22. The crowd on the West Plaza eventually broke through the police line.

23. After the crowd had breached the police line and made it to the Lower and Upper West Terraces, Orta climbed on top of a concrete wall and raised his fist in the air, as shown in Image 4 below.



Image 4

Elements of the Offense

24. Paul Orta, Jr. knowingly and voluntarily admits to the above facts and agrees that they meet all of the elements of 18 U.S.C. § 231(a)(3). Specifically, Orta admits he acted with the intent to obstruct, impede, or interfere with the police officers' lawful performance of their official duties incident to and during the commission of a civil disorder which adversely affected interstate commerce and the performance of a federally protected function.

Respectfully submitted,

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DEFENDANT'S ACKNOWLEDGMENT

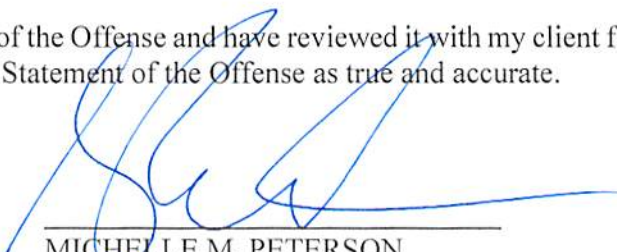
I, Paul Orta, Jr., have read this Statement of the Offense and have discussed it with my attorney. I fully understand this Statement of the Offense. I agree and acknowledge by my signature that this Statement of the Offense is true and accurate. I do this voluntarily and of my own free will. No threats 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: 5/14/24 _____

PAUL ORTA, JR.
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: 5/14/24 _____

MICHELLE M. PETERSON
Attorney for Defendant