

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No.: 24-cr-389-TNM
	:	
v.	:	18 U.S.C. § 1361
	:	
JOSHUA RYAN DALE,	:	
	:	
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, Joshua Ryan Dale, 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. On January 6, 2021, the defendant attended a rally at the National Mall in Washington, D.C. to protest the Congressional certification of the 2020 presidential election. The defendant knew that Congress was in session that day for that purpose.

9. That afternoon after the rally had concluded the defendant and others he had travelled with to Washington, D.C., moved toward the Capitol building and the defendant continued up the West Front of the Capitol toward the building.

10. At approximately 2:13 p.m. the defendant entered the Capitol building through the Senate Wing Door. At the time the defendant entered the building there was an audible alarm that was sounding and there was broken glass on the floor from windows which had been shattered.

The defendant was aware at the time he entered the Capitol building that he did not have permission to enter.

11. After he entered the building, the defendant turned to the right and walked down the hallway toward the Crypt. He returned a few minutes later to the Senate Wing Door hallway, where he and another rioter picked up a wooden historical marker. They then used the marker as a battering ram and intentionally thrust it against an interior door in the hallway. The marker was government property and was damaged by the defendant and his fellow rioter as they smashed it against the door.

12. The defendant then walked north from that location, then east within the building until he exited out of the Senate Carriage door.

#### *Elements of the Offense*

13. The parties agree that Destruction of Government Property (18 U.S.C. § 1361) requires the following elements:

- a. the defendant injured, damaged, or destroyed property.
- b. the defendant did so willfully.
- c. the property involved was property of the United States, or of any department or agency thereof, or any property which had been or was being manufactured or constructed for the United States, or any department or agency thereof; however, the government does not need to prove that the defendant knew that the property belonged to the United States.

#### *Defendant's Acknowledgments*

14. The defendant knowingly and voluntarily admits to all the elements as set forth above. Specifically, the defendant admits that he willfully damaged and destroyed a wooden

historical marker by thrusting it into an interior door at the United States Capitol building, and that the historical marker was property of the United States.

Respectfully submitted,

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

By: *s/ Joseph S. Smith, Jr.*  
JOSEPH S. SMITH, JR.  
Assistant U.S. Attorney  
CA Bar No. 200108  
U.S. Attorney's Office  
601 D Street N.W.  
Washington, D.C. 20530  
(619) 546-8299  
Joseph.s.smith@usdoj.gov

**DEFENDANT'S ACKNOWLEDGMENT**

I, Joshua Ryan Dale, 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: 10/18/2024      Joshua Dale  
Joshua Ryan Dale  
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: 10/18/2024      Ben Sharp  
Ben Sharp  
Attorney for Defendant