

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No.: 22-CR-146 (RDM)
	:	
v.	:	40 U.S.C. § 5104(e)(2)(G)
	:	
MATTHEW MONTALVO,	:	
	:	
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, Matthew Montalvo, 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 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 \$2.7 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.

Matthew Montalvo's Participation in the January 6, 2021, Capitol Riot

8. The defendant, Matthew Montalvo, lives in Kissimmee, Florida. In January 2021, defendant traveled from Florida to Washington, D.C. to attend the “Stop the Steal” rally.

9. On the morning of January 6, the defendant attended the rally where he joined a large crowd of demonstrators. Afterward, he walked with the crowd towards the United States Capitol building.

10. Defendant walked to the east side of the Capitol building where the Rotunda Door was breached by rioters at 2:25 PM. At 2:27 PM, a U.S. Capitol Police Officer was blocking the door in an effort to stop entry when he was pulled to the ground by a rioter. Less than twenty seconds after the officer was pulled to the floor, defendant was among the wave of rioters to push their way through the door and into the building.

11. After entering through the Rotunda Door, defendant walked through Statuary Hall and joined a crowd that had gathered in front of a police line that had formed near the entrance to the Chamber of the House of Representatives. While standing in the crowd, defendant used a water bottle to flush tear gas out of his eyes.

12. After pushing through the police line, the crowd discovered that the entrance to the House Chamber had been barricaded shut from the inside. The defendant then followed the crowd towards the entrance of the Speaker's Lobby, which leads to the House Chamber.

13. Defendant was among the crowd gathered nearby in the hallway when Ashli Babbitt was shot as she attempted to enter the Speaker's Lobby. Soon after, a group of Metropolitan Police Department Officers arrived and forced the crowd, including defendant, out of the Capitol Building through the Upper House Door at 2:54 PM. Defendant was inside the Capitol building for approximately 27 minutes.

Elements of the Offense

14. Matthew Montalvo knowingly and voluntarily admits to all the elements of 40 U.S.C. § 5104(e)(2)(G). Specifically, defendant admits that he willfully and knowingly paraded, demonstrated, or picketed inside the United States Capitol Building.

Respectfully submitted,

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

By: /s/ Jason M. Crawford
Jason Crawford
Trial Attorney
D.C. Bar No. 1015493

DEFENDANT'S ACKNOWLEDGMENT

I, Matthew Montalvo, 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: 10/13/22

Matthew S. Montalvo, Esq.
Matthew Montalvo
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: 11/13/2022

Aubrey Webb
Aubrey Webb
Attorney for Defendant