

FOR THE DISTRICT OF COLUMBIA

Holding a Criminal Term

Grand Jury Sworn in on January 8, 2021

UNITED STATES OF AMERICA

v.

JOSEPH LINO PADILLA
also known as "Jose Padilla,

Defendant.

: CRIMINAL NO.
:
: MAGISTRATE NO. 21-MJ-00252
:
: VIOLATIONS:
: 18 U.S.C. §§ 111(a)(1)
: (Assaulting, Resisting, or Impeding
: Certain Officers)
: 18 U.S.C. § 231(a)(3)
: (Civil Disorder)
: 18 U.S.C. §§ 111(a)(1) and (b)
: (Assaulting, Resisting, or Impeding
: Certain Officers Using a Dangerous
: Weapon)
: 18 U.S.C. §§ 1512(c)(2), 2
: (Obstruction of an Official Proceeding)
: 18 U.S.C. § 1752(a)(1) and (b)(1)(A)
: (Entering and Remaining in a Restricted
: Building or Grounds with a Deadly or
: Dangerous Weapon)
: 18 U.S.C. § 1752(a)(2) and (b)(1)(A)
: (Disorderly and Disruptive Conduct in a
: Restricted Building or Grounds with a
: Deadly or Dangerous Weapon)
: 18 U.S.C. § 1752(a)(4) and (b)(1)(A)
: (Engaging in Physical Violence in a
: Restricted Building or Grounds with a
: Deadly or Dangerous Weapon)
: 40 U.S.C. § 5104(e)(2)(D)
: (Disorderly Conduct in the Capitol
: Grounds or Buildings)
:
:
:

INDICTMENT

The Grand Jury charges that:

On or about January 6, 2021, at or around 1:37 p.m. to 1:39 p.m., within the District of Columbia, **JOSEPH LINO PADILLA**, also known as “Jose Padilla” did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such person was engaged in and on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

(Assaulting, Resisting, or Impeding Certain Officers, in violation of Title 18, United States Code, Sections 111(a)(1))

COUNT TWO

On or about January 6, 2021, at or around 1:37 p.m. to 1:39 p.m., within the District of Columbia, **JOSEPH LINO PADILLA**, also known as “Jose Padilla” committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officers lawfully engaged in the lawful performance of their official duties incident to and during the commission of a civil disorder, and the civil disorder obstructed, delayed, and adversely affected the conduct and performance of a federally protected function.

(Civil Disorder, in violation of Title 18, United States Code, Section 231(a)(3))

COUNT THREE

On or about January 6, 2021, at or around 1:39 p.m. to 1:41 p.m., within the District of Columbia, **JOSEPH LINO PADILLA**, also known as “Jose Padilla” using a deadly or dangerous weapon, that is, a large metal sign, did forcibly assault, resist, oppose, impede, intimidate, and interfere with, an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an

officer and employee, while such officer or employee was engaged in or on account of the performance of official duties.

(Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))

COUNT FOUR

On or about January 6, 2021, at or around 1:39 p.m. to 1:41 p.m., within the District of Columbia, **JOSEPH LINO PADILLA**, also known as “Jose Padilla” committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officers lawfully engaged in the lawful performance of their official duties incident to and during the commission of a civil disorder, and the civil disorder obstructed, delayed, and adversely affected the conduct and performance of a federally protected function.

(Civil Disorder, in violation of Title 18, United States Code, Section 231(a)(3))

COUNT FIVE

On or about January 6, 2021, at or around 4:47 p.m. to 4:49 p.m., within the District of Columbia, **JOSEPH LINO PADILLA**, also known as “Jose Padilla” using a deadly or dangerous weapon, that is, a flagpole, did forcibly assault, resist, oppose, impede, intimidate, and interfere with, an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such officer or employee was engaged in or on account of the performance of official duties.

(Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))

On or about January 6, 2021, at or around 4:47 p.m. to 4:49 p.m., within the District of Columbia, **JOSEPH LINO PADILLA**, also known as “Jose Padilla” committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officers lawfully engaged in the lawful performance of their official duties incident to and during the commission of a civil disorder, and the civil disorder obstructed, delayed, and adversely affected the conduct and performance of a federally protected function.

(Civil Disorder, in violation of Title 18, United States Code, Section 231(a)(3))

COUNT SEVEN

On or about January 6, 2021, within the District of Columbia and elsewhere, **JOSEPH LINO PADILLA**, also known as “Jose Padilla” attempted to, and did, corruptly obstruct, influence, and impede an official proceeding, that is, a proceeding before Congress, by entering and remaining in the United States Capitol without authority and committing an act of civil disorder, and engaging in disorderly and disruptive conduct.

(Obstruction of an Official Proceeding and Aiding and Abetting, in violation of Title 18, United States Code, Sections 1512(c)(2) and 2)

COUNT EIGHT

On or about January 6, 2021, within the District of Columbia, **JOSEPH LINO PADILLA**, also known as “Jose Padilla” did unlawfully and knowingly enter and remain in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the

temporarily visiting, without lawful authority to do so, and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a flagpole and a metal sign.

(Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Section 1752(a)(1) and (b)(1)(A))

COUNT NINE

On or about January 6, 2021, within the District of Columbia, **JOSEPH LINO PADILLA**, also known as “Jose Padilla” did knowingly, and with intent to impede and disrupt the orderly conduct of Government business and official functions, engage in disorderly and disruptive conduct in and within such proximity to, a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, when and so that such conduct did in fact impede and disrupt the orderly conduct of Government business and official functions, and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a flagpole and a large metal sign.

(Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Section 1752(a)(2) and (b)(1)(A))

COUNT TEN

On or about January 6, 2021, within the District of Columbia, **JOSEPH LINO PADILLA**, also known as “Jose Padilla” did knowingly, engage in any act of physical violence against any person and property in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President

and Vice President-elect were temporarily visiting, and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a flagpole and a large metal sign.

(Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Section 1752(a)(4) and (b)(1)(A))

COUNT ELEVEN

On or about January 6, 2021, within the District of Columbia, **JOSEPH LINO PADILLA**, also known as “Jose Padilla” willfully and knowingly engaged in disorderly and disruptive conduct in any of the Capitol Buildings and its grounds with the intent to impede, disrupt, and disturb the orderly conduct of a session of Congress and either House of Congress, and the orderly conduct in that building of a hearing before or any deliberation of, a committee of Congress or either House of Congress.

(Disorderly Conduct in the Capitol Grounds or Buildings, in violation of Title 40, United States Code, Section 5104(e)(2)(D))


COUNT TWELVE

On or about January 6, 2021, within the District of Columbia, **JOSEPH LINO PADILLA**, also known as “Jose Padilla” willfully and knowingly engaged in an act of physical violence within the United States Capitol Grounds and any of the Capitol Buildings.

(Act of Physical Violence in the Capitol Grounds or Buildings, in violation of Title 40, United States Code, Section 5104(e)(2)(F))

A TRUE BILL:

FOREPERSON.


Attorney of the United States in
and for the District of Columbia.