

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

JOSHUA PRUITT,

Defendant.

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Case No.: 21-cr-23 (TJK)

18 U.S.C. § 1512(c)(2)

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 PRUITT**, 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 \$1.4 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.

JOSHUA PRUITT's Participation in the January 6, 2021, Capitol Riot

8. In December 2020, the defendant, JOSHUA PRUITT, was living in Washington, D.C. On December 22, PRUITT sent a message to PERSON-1 saying, “Apparently on the 6th I will be downtown as well.” PRUITT asked PERSON-1, “So, can we still win?” PERSON-1 replied, “Yes! But they have to pull resources and might have to seize the servers from Michigan and Pennsylvania.” PRUITT responded, “Ok, I feel like they are playing so dirty and we are being politically correct and need to just go 100 mph at them now.”

9. On January 4, 2021, PRUITT filmed a video (later posted to Parler) in which he declared himself against Antifa, “D.C.,” and the mayor, saying, “bring it motherfuckers. You want to arrest Enrique, fuck you, you have got to arrest all of us. Because I am going balls to the walls...I’m ready.” During the video, he then placed a mouthguard, on which “FIGHTR” was written, into his mouth and held up a tactical glove (which he later wore on January 6, at the U.S.

Capitol). He said, "I only have one glove. You know why? I only need fucking one, I'm a one-hitter quitter."

10. On the morning of January 6, 2021, PRUITT posed for pictures holding what appeared to be a rifle, which he posted to social media. He received a text message from PERSON-2 stating, among other things, "Storm the steps!!!" PERSON-2 also sent PRUITT a text message stating, "I hope Trump declares war. It doesn't look good for the Republic. My god, what is happening!!?!?" PRUITT responded by sending the photograph of himself holding a rifle.

11. PRUITT then met members of the Maryland Proud Boys chapter near the "Stop the Steal" rally. At approximately 12:30 p.m., PRUITT began marching from the area of the rally to the Capitol with other protestors.

12. By about 2:10 p.m., PRUITT was on the Northwest Lawn. On his dominant hand, he wore a tactical glove with knuckle pads. PRUITT saw rioters push through a line of officers and advance up the stairs to the Upper West Terrace. PRUITT followed them and used a piece of fencing as a makeshift ladder to climb onto the stairs.

13. PRUITT then advanced up the stairs to the Upper West Terrace. He then advanced toward the Capitol building. Upon nearing the crowd and the Capitol building, PRUITT leapt over a railing before entering the Capitol Building through the Senate Wing Door at approximately 2:14 p.m.

14. PRUITT turned right and walked through a hallway leading toward the Capitol Building's Crypt. He passed through the area outside the Old Supreme Court, where he picked up a wooden sign, lifted it overhead, and violently threw it.

15. PRUITT arrived in the Crypt at approximately 2:14:30 p.m., at the front of a group of rioters that eventually overwhelmed the police line at approximately 2:25 p.m.

16. After the crowd overwhelmed the police line in the Crypt, some officers retreated from the Crypt to the Capitol Visitor's Center. PRUITT and other rioters followed, and PRUITT descended a staircase to the Capitol Visitor's Center. He picked up a chair near the bottom of the staircase and tossed it in the direction that officers had retreated. PRUITT and another rioter continued northbound through the Capitol Visitor's Center, in the direction of the Senate subway.

17. Meanwhile, then-Minority Leader Charles Schumer and his security detail had evacuated from the Senate Chamber and were attempting to reach their motorcade in an effort to move Senator Schumer to a secure location. Senator Schumer and his security detail walked up a ramp toward the elevators in the northern part of the Capitol Visitor's Center. They waited by the elevators.

18. As they waited, a member of Senator Schumer's security detail saw PRUITT and one other man approaching. The security detail and Senator Schumer reversed course and ran away from the elevator, back down the ramp, and away from PRUITT.

19. PRUITT turned around and proceeded southbound through the Capitol Visitor's Center, toward a set of double doors that officers were guarding. PRUITT was present for another confrontation between rioters and police. Eventually, a U.S. Capitol Police Lieutenant announced to the group that shots had been fired. Rioters, including PRUITT, then turned around left the Capitol Visitor's Center.

20. PRUITT made his way out of the Capitol Building, climbing through a window near the Senate Wing Doors to exit the building at approximately 2:52 p.m.

21. Later that day, PRUITT received a message from PERSON-3 asking "was that you inside the Capitol about to go at it with the cops?????" He replied, "yes." Later in the exchange, PRUITT wrote, "inside was fun."

22. PRUITT was arrested the night of January 6 for violating the curfew in place in Washington, D.C. He told the arresting officers that what had happened earlier that day was that “people fought for Trump.”

23. After January 6, PRUITT gave interviews to CNN. In one interview, PRUITT claimed that the 2020 presidential election had been stolen. In another interview, PRUITT said that he was a “Patriot” who had been “protesting” against “a stolen election.”

Elements of the Offense

24. PRUITT knowingly and voluntarily admits to all the elements of obstruction of an official proceeding, in violation of 18 U.S.C. § 1512(c)(2). Specifically, PRUITT admits he willfully and knowingly entered the U.S. Capitol Building knowing that that he did not have permission to do so. PRUITT further admits that while inside the Capitol, he obstructed, influenced, and impeded an official proceeding, that is, a proceeding before Congress, specifically, Congress’s certification of the Electoral College vote as set out in the Twelfth Amendment of the Constitution of the United States and 3 U.S.C. §§ 15-18.

Respectfully submitted,


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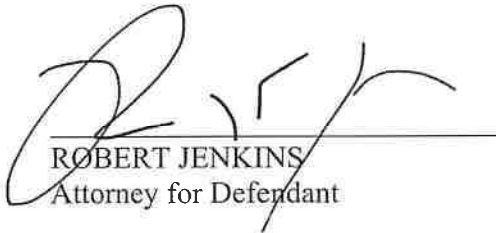
DEFENDANT'S ACKNOWLEDGMENT

I, JOSHUA PRUITT, 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: 6/02/22 
JOSHUA PRUITT
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: 6-1-22 
ROBERT JENKINS
Attorney for Defendant