

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

JOSEPH LEYDEN,

Defendant.

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Case No.: 22-CR-314 (TNM)

18 U.S.C. § 111(a)(1)

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, JOSEPH LEYDEN, 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 \$2.8 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. On January 6, 2021 the USCP requested assistance from the Metropolitan Police Department (“MPD”) and other law enforcement agencies in the area to protect the Capitol, impede more people from entering the Capitol, and expel the crowd that was already in the Capitol. Multiple MPD officers and other law enforcement officers came to assist.

Joseph Leyden’s Participation in the January 6, 2021, Capitol Riot

9. The defendant, Joseph Leyden, lives in La Grange, Illinois. On January 5, 2021, Leyden, his co-defendant, Daniel Leyden, and others traveled from Illinois to Washington, D.C.

10. On January 6, 2021, Joseph Leyden attended the “Stop the Steal” rally and then marched with other protestors to the Capitol.

11. At approximately 12:45 p.m., a large crowd of protestors gathered to the west of the U.S. Capitol around the Peace Monument, located in the Pennsylvania Avenue, NW and 1st Street, NW roundabout. This area is commonly referred to as the “Peace Circle.”

12. At approximately 12:50 p.m., rioters leading the crowd passed the fence line that was erected on the perimeter of the Capitol grounds. The rioters then approached a second line of barricades that were manned by uniformed officers with the USCP. The second line of barricades was constructed of metal bike racks, physically linked end to end, and reinforced with plastic mesh safety fencing that was affixed to the racks. The USCP officers attempted to fend off the approaching rioters, who were pushing the metal barricade and attempting to assault officers.

13. The second line of barricades was eventually toppled, and the rioters moved closer to the Capitol building and gathered on the West Plaza of the Capitol grounds. Metropolitan Police Department (MPD) officers arrived at that location to assist USCP clear rioters from the area. At approximately 1:12 p.m., MPD officers instructed the rioters to move back as the officers attempted to reestablish a police line by moving the metal barricades back into place. A few minutes later, rioters began to pull the metal barricades into the crowd.

14. At approximately 1:14 p.m., MPD Officer KW attempted to regain control of one of the metal barricades. Joseph Leyden then advanced and rushed toward Officer KW. Joseph Leyden then lunged and pushed Officer KW. Another MPD officer then pushed Joseph Leyden away from Officer KW. Joseph Leyden then retreated into the crowd.

Elements of the Offense

15. The defendant, Joseph Leyden, forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with any person designated in 18 U.S.C. §1114 while engaged in or on account of the performance or their official duties.

16. Specifically, during this time, Joseph Leyden knew that the officers involved, including Officer KW, were engaged in the performance of official duties as officers with the MPD. The officers involved were in full uniform, including patches and other insignia identifying their respective agencies.

Respectfully submitted,

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

By:

A handwritten signature in blue ink, appearing to read "Matthew Moeder", is written over a horizontal line.

Matthew Moeder
Kyle McWaters
Assistant United States Attorneys

DEFENDANT'S ACKNOWLEDGMENT

I, Joseph Leyden, 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: 5/23/2023 Joseph Leyden
Joseph Leyden
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: 5/23/2023 Patrick E. Boyle
Patrick Boyle, Esq.
Attorney for Defendant