

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA	:	Case No: 21-cr-051 (TJK)
	:	
v.	:	
	:	18 U.S.C. § 1752(a)(1)
BRYAN BETANCUR,	:	
also known as Bryan Clooney,	:	
also known as Maximo Clooney	:	
	:	
Defendant.	:	
	:	

STATEMENT OF OFFENSE

Pursuant to Federal Rule of Criminal Procedure 11, the United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, Bryan BETANCUR, 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 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol.
2. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.
3. On January 6, 2021, a joint session of the United States Congress convened at the United States 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 United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., 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 U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

5. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the U.S. Capitol Police, 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 by U.S. Capitol Police Officers or other authorized security officials.

6. At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. 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 U.S. Capitol, requiring the expenditure of more than \$1.4 million dollars for repairs.

7. Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and United States 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 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 p.m. after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

BETANCUR's Participation in the January 6, 2021, Capitol Riot

8. BETANCUR planned in advance to attend the rally in Washington, D.C. on January 6, 2021. In December 2020, BETANCUR requested permission from his probation officer to go to Washington. On January 4, 2021, BETANCUR sent a text message, in which he reiterated his request to travel to Washington, D.C. on January 6, 2021. BETANCUR traveled to the Parole and Probation office in person on January 5, 2021 and made a formal request to his probation officer's supervisor to travel to Washington, D.C. in order to distribute Bibles. The supervisor approved BETANCUR's request.

9. On January 6, 2021, BETANCUR was wearing a Global Positioning System ("GPS") enabled monitoring device under the terms of his Maryland probation. Maryland

Department of Public Safety and Correctional Services, Division of Parole and Probation agents use an online software to monitor their clients travel and adherence to court ordered curfews. On January 6, 2021, the GPS indicates that BETANCUR traveled from Silver Spring, Maryland to Washington, D.C. BETANCUR traveled in the direction of the White House Ellipse before moving East, to the area around the west front of the U.S. Capitol Building and was in the vicinity of the U.S. Capitol from approximately 2:00 pm to approximately 5:00 pm. BETANCUR's location was inside U.S. Capitol Police barricades, and inside the area restricted on that day.

10. Following the events on January 6, 2021, BETANCUR spoke with this probation officer and informed her that he had been inside the U.S. Capitol with the rioters. BETANCUR also claimed to have been tear gassed during these events. BETANCUR told his probation officer that he was paranoid about photographs people had taken of him. BETANCUR believed the FBI was watching him. BETANCUR later recanted his statement to probation that he was inside the Capitol, but maintained that he had been tear gassed.

11. BETANCUR wore a distinctive yellow and black jacket, mask and Proud Boys T-shirt. BETANCUR posted numerous images of himself at the Capitol on January 6, 2021, using social media accounts. BETANCUR climbed and stood on the scaffolding erected on the western side of the U.S. Capitol Building holding the corner of a confederate battle flag. BETANCUR used his hand to help rioters move a chair from inside the building passing it through a window and through the crowd. BETANCUR was present inside the U.S. Capitol holding a Trump flag in the room where rioters passed the chair through the window.

12. BETANCUR, posted photos and a video of himself at the Capitol on January 6, 2021, wearing a mask, looking at the camera and flashing the "ok" hand signal commonly used among white supremacy groups.

13. The defendant knew at the time he entered the U.S. Capitol Building that that he did not have authority to do so and that the building was restricted.

Respectfully submitted,

CHANNING D. PHILLIPS
Acting United States Attorney
D.C. Bar No. 415793

By: */s/ Brenda J. Johnson*
Brenda J. Johnson
Assistant United States Attorney

DEFENDANT'S ACKNOWLEDGMENT

I, Bryan Betancur, 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: 4/28/2022



Bryan Betancur
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: 4/28/2022

Ubong E. Akpan

Ubong Akpan
Attorney for Defendant