

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

UNITED STATES OF AMERICA	:	Case No.: 22-CR-_____
	:	
v.	:	18 U.S.C. § 231(a)(3)
	:	
ROGER KENT BAUGH,	:	
	:	
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, Roger Kent Baugh, 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.

Baugh’s Participation in the January 6, 2021, Capitol Riot

8. The defendant, Roger Kent Baugh, lives in Louisville, Kentucky. The defendant’s friend, Mark Andre Mazza (“Mazza”), lives in Shelbyville, Indiana. Mazza has been charged in United States v. Mark Mazza, 21-CR-736 (JEB), and pled guilty to one count of 18 U.S.C. §111(a)(1) and (b), and one count of 22 D.C. Code § 4514. Baugh picked up Mazza in a car from a casino in Ohio, and they traveled together to Washington, D.C. Baugh’s intent to travel to Washington, D.C. with Mazza was to attend the “Stop the Steal” rally at the Ellipse to protest Congress’ certification of the Electoral College.

9. Mazza possessed a concealed firearm permit for the state of Indiana, and prior to departing Indiana, Mazza armed himself a .45 caliber Taurus revolver (the “Judge”). The Taurus Revolver can fire both shotgun shells and regular bullets through the barrel. Mazza loaded the Taurus with three rounds of .410 gauge shotgun shells and two .45 caliber hollow point rounds.

Mazza did not have a license to carry a firearm or ammunition in the District of Columbia, nor did he register any firearms in the District of Columbia. On the evening of January 5, 2021, the defendant and Mazza stayed at an Airbnb residence in the District of Columbia. Baugh became aware on January 6, 2021, that Mazza was armed with a firearm after he saw Mazza strap on a holster on his body and Mazza told him he was carrying a firearm. Baugh was not aware of whether Mazza was licensed to carry a firearm in the District of Columbia.

10. On January 6, 2021, Baugh and Mazza attended the “Stop the Steal” Rally at the Ellipse. At approximately 2:00 PM, Baugh and Mazza walked down Pennsylvania Ave., N.W. toward the U.S. Capitol. Baugh and Mazza passed over fencing at the entrance to the Capitol Grounds and moved toward the West side of the U.S. Capitol Building. Sometime on U.S. Capitol Grounds before 2:45 PM, Mazza lost possession of his Judge revolver.

11. . A stage for the 2021 Inauguration had been erected on the West Front Terrace of the U.S. Capitol. Off the Inaugural Stage was a tunnel in the center of the platform that led to the inside of the U.S. Capitol Building, where numerous members of Congress were sheltering in place. On January 6, 2021, that tunnel led to two sets of locked metal and glass doors that led to a controlled entrance, which contained a magnetometer and portable x-ray machine (“Lower West Terrace”). As of 2:00 p.m. on January 6, 2021, the tunnel entrance doors were locked and closed to the public.

12. At approximately 2:50 PM, Mazza and Baugh moved up the Northwest staircase of the West Front Terrace of the U.S. Capitol to the Inaugural Stage. At approximately 3:09 p.m. Baugh moved to the mouth of tunnel area and observed rioters assaulting officers further inside the tunnel at the entrance to the doors. Mazza had already gone into the tunnel area at approximately 3:08 pm. While standing in the mouth of the tunnel behind numerous rioters, Baugh

observed numerous acts of violence against the officers. The doors in the tunnel had broken glass, and armed law enforcement officers were blocking the entire entrance to the doorway and trying to close the doors. Baugh also saw rioters pushing with others from behind, as a group, towards Metropolitan Police Department (MPD) and U.S. Capitol Police (USCP) officers who were jointly defending the doorway and keeping rioters from entering the U.S. Capitol. The officers were wearing helmets, body armor, and distinctive police attire emblazoned with the words "POLICE" and "Metropolitan Police Department." At least 20 MPD and USCP Officers were assisting in blocking the attack inside the tunnel at the time of Mazza's presence inside the tunnel area, and include: MPD Sergeant W.B., Officer M.F., Officer J.A., Officer N.M., Officer H.F., Sgt. J.P., Officer D.H., Officer P.N. and Officer O.F. While in the mouth of the tunnel Baugh observed fellow rioters forcibly attacking the officers and taking law enforcement riot shields from the officers in the front of the tunnel and giving them to other rioters in the back of the line. Baugh further observed rioters pushing the same law enforcement riot shields toward the front of the line where a group of rioters then used the shields taken from the officers against the law enforcement officers at the front. Baugh also personally observed law enforcement officers order the rioters to stop, physically push the crowd back, and deploy OC/pepper spray on the rioters to try and stop the ongoing assault. While Baugh was observing, Mazza further joined in collective efforts of the rioters to push through the officers defending the tunnel entrance.

13. At approximately 3:12 p.m., Baugh entered the tunnel and assisted other rioters who were pushing against the officers who were resisting rioters who were trying to push through officers stationed at first set of doors in the tunnel. The group of rioters in the tunnel were already in the tunnel pushing forward and yelling, "heave-ho!" Baugh joined in this effort and pushed against the back of other rioters who, in turn, were physically pushing against the

officers who were guarding the door from access by the rioters. These “heave-ho” efforts - by which multiple rioters collectively used their body mass for greater force in pushing back officers by gaining momentum through leaning back and then pushing forward while chanting “heave-ho” to coordinate their efforts - resulted in contact between the rioters and the officers with significant physical force and pressure being placed upon the officers at the front of the tunnel. The “heave-ho” efforts were partially successful in moving the officer line further down the tunnel area. The “heave ho” were made against the direction and active resistance of the MPD and USCP officers in the tunnel, and during these pushes, other rioters used flag poles, batons, sticks, and stolen law enforcement shields as weapons to strike at, hit, and try to force their way through, multiple MPD and USCP officers. Inside the tunnel, the officers were actively resisting the rioters and used batons and shields to push back the rioters, including Baugh, and yelled at them multiple times to back up, disperse, and leave. Officers who were being obstructed and pushed by these rioters included MPD Officer M.F., Officer J.A., Officer H.F., Sgt. J.P., Officer D.H., Officer P.N. and Officer O.F.

14. Baugh retreated from the rioters who were actively resisting the officers in the tunnel at approximately 3:14:30 pm, and he again took position at the mouth of the tunnel, watching the rioters continue to attack the officers. Mazza was one of those persons, as he remained actively resisting officers inside the tunnel with other rioters. Shortly thereafter, Mazza took a metal baton from an officer at struck him in the arm and yelled inside the tunnel, “This is our fucking house! We own this house! We want our house! Get out of the citizen of the United States’ way!”

15. After failing to break through the line of officers, Mazza moved from the front of the tunnel to the back of the tunnel area at approximately 3:15:30. Mazza showed other rioters the

baton that he had taken from the officers, and he then encouraged other rioters to enter the tunnel area to assist in pushing through the officers. While Mazza pulled other rioters into the tunnel area to attack and push against the MPD Officers at the front of the tunnel, Baugh looked at Mazza and proceeded into the tunnel to assist other rioters engage in further heave-ho pushes against the law enforcement in the tunnel. See Images One and Two (Mazza is red circle, and Baugh is in blue circle).



Image One



Image Two

16. The group of rioters in the tunnel, including Baugh, continued to obstruct the officers and push forward and again yell, “heave-ho!” Baugh continued to push with the other rioters until approximately 3:17:55 pm. Officers who were being obstructed and pushed by the rioters at this time also included MPD Officer M.F., Officer J.A., Officer H.F., Sgt. J.P., Officer D.H., Officer P.N. and Officer O.F. While the rioters were physically pushing against the officers, the officers told the rioters to get back and to exit the tunnel area, but the rioters obstructed and interfered with those efforts. Baugh left the tunnel area as law enforcement officers were successfully pushing the rioters back from the doorway area, at approximately 3:18:30 pm. Mazza departed at approximately 3:18:50. Baugh claimed he left the tunnel area after his second entry because he believed it was no longer a good idea for him to be there.

17. Baugh and Mazza separated after they left the tunnel and Baugh called Mazza to meet up with him on the grass on the grounds of the U.S. Capitol. Baugh and Mazza met up shortly

thereafter on U.S. Capitol grounds. Mazza told Baugh that he lost his gun somewhere in the crowd during the riot. Baugh and Mazza remained on the U.S. Capitol Grounds until flash-bang grenades were deployed by law enforcement later that afternoon.

18. After leaving the U.S. Capitol Grounds, Mazza and Baugh went to the AirBnB and they left for home the next day. Mazza told Baugh that he had kept with him the stolen baton he had taken from the officer at the U.S. Capitol. Mazza also told Baugh that he was going to file a police report that falsely claimed that Mazza lost his gun in Indiana, not Washington, D.C. at the U.S. Capitol.

19. In a consensual and recorded interview after Mazza was arrested, Federal Bureau of Investigation (FBI) special agents interviewed Baugh on November 19, 2021, in Louisville, Kentucky. Baugh acknowledged that he and Mazza attended the Stop the Steal rally, and that they both came onto the U.S. Capitol Grounds. Baugh acknowledged that Mazza had a firearm in his possession, and that he lost the firearm at some point at the U.S. Capitol. Baugh was asked specifically whether he went into the tunnel area to the U.S. Capitol and whether he was involved in any violence against officers. Baugh falsely denied entering the tunnel area, and he also denied being involved in any violence against officers.

20. On or about February 23, 2022, Baugh was subpoenaed to attend the Grand Jury in the District of Columbia in the case against Mazza, and he was provided subject warnings. Baugh declined an offer to obtain counsel on his behalf, or to have one appointed for him, and he voluntarily came to a witness conference in the District of Columbia on March 3, 2022 before his grand jury appearance. After being warned about the possible penalties for lying or obstructing justice before a grand jury, and being advised of his rights, in the witness conference with an Assistant U.S. Attorney and a U.S. Capitol Special Agent, Baugh repeated information he had

provided the FBI about Mazza. Baugh again falsely denied entering the tunnel area, or being involved in any violence against officers on January 6, 2021.

Elements of the Offense


21. Baugh knowingly and voluntarily admits to all the elements of Title 18, United States Code, Section 231(a)(3) (Civil Disorders). Specifically, Baugh admits:

- A civil disorder existed at time of the defendant's actions inside the tunnel area of the Lower West Terrace to the U.S. Capitol;
- This civil disorder resulted in the interference with a federally protected function, that is the counting of Electoral College votes for election of President of the United States;
- The multiple Metropolitan Police Department and U.S. Capitol Police officers whom he obstructed, interfered with, and assisted in pushing, were lawfully engaged in performance of official duties incident to and during commission of such civil disorder;
- he obstructed and interfered with the law enforcement officers, and assisted others in pushing against the law enforcement officers, with the intent to obstruct, impede, or interfere in violent manner with the law enforcement officer or officers; and
- he committed such acts willfully and knowingly.

The defendant further admits that he/she knew at that time of the incident that the officers were engaged in the performance of their official duties.

Respectfully submitted,

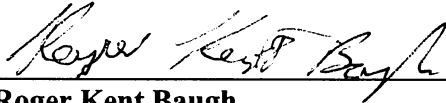
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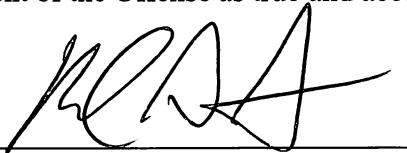
DEFENDANT'S ACKNOWLEDGMENT

I, **Roger Kent Baugh**, 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: 9/30/2022 
Roger Kent Baugh
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: 10/4/22 
Richard S. Stern
Attorney for Defendant