

FILED

JUN 14 2021

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

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

UNITED STATES OF AMERICA

:

Case No. 1:21-cr-00238 (TFH)

v.

:

:

**JOSHUA KAHLE BUSTLE, and
JESSICA LOUISE BUSTLE,**

:

40 U.S.C. § 5104(e)(2)(G)

:

:

Defendants.

:

STATEMENT OF OFFENSE

1. The Government respectfully submits the following Statement of Offense in support of a plea of guilty by defendants JOSHUA KAHLE BUSTLE and JESSICA LOUISIE BUSTLE to Count Four of the Information in the above-captioned matter.

2. If this case were to go to trial, the government would prove the following facts beyond a reasonable doubt:

3. 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.

4. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. On January 6, 2021, defendant JESSICA LOUISE BUSTLE and her husband, defendant JOSHUA KAHLE BUSTLE, entered the U.S. Capitol building and remained within for at least approximately twenty minutes. Neither defendant had permission or authority to be inside.

11. Records obtained from Google and Verizon confirm that cell phones associated with JOSHUA KAHLE BUSTLE and JESSICA LOUISE BUSTLE were in or around the Capitol building beginning at around 2:30 p.m. Ms. Bustle's device was shown to be in or around the Capitol building from 2:32 p.m. to 2:50 p.m., and Mr. Bustle's device was shown to be in or around the Capitol building from 2:28 p.m. to 3:31 p.m.

12. Video surveillance footage from inside the Capitol building show JOSHUA KAHLE BUSTLE and JESSICA LOUISE BUSTLE enter the U.S. Capitol building via the east entrance to the Capitol rotunda. They remained in and around the Capitol rotunda, from at least about 2:53 p.m. to about 3:10 p.m. In these video segments, both of the BUSTLES carried signs

protesting the U.S. government's efforts to vaccinate the population against COVID-19. JESSICA LOUISE BUSTLE held aloft a double-sided sign as she walked through the Capitol building. One side read, in part, "Vaccine injury is the real pandemic," and the other read, in part, "Mandatory medical procedures have no place in a free society." JOSHUA KAHLE BUSTLE carried a similar sign. At times, he held this sign aloft; at other times, he appeared to record JESSICA LOUISE BUSTLE using his cell phone.

13. In addition, through their presence at the U.S. Capitol building, JOSHUA KAHLE BUSTLE and JESSICA LOUISE BUSTLE demonstrated against the certification of the vote count of the Electoral College of the 2020 Presidential Election. Through her Facebook account, both before and after the riot at the Capitol, JESSICA LOUISE BUSTLE wrote about her and her husband's purpose for entering the Capitol building. Before traveling to the Capitol, she posted a message that read, in part, "We don't win this thing sitting on the sidelines. Excited to stand for truth with my fellow patriots and freedom fighters in D.C. today." During or after the riot, she posted a message that read, in part, "Pence is a traitor. We stormed the capital [*sic*]. An unarmed peaceful woman down the hall from us was shot in the neck by cops. It's insane here." In another message, apparently written after the riot, she wrote "We need a Revolution! We can accept an honest and fair election but this is NOT fair and patriots don't want to see their country brought into communism and destroyed over a lie."

