

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No: 21-228 (CRC)	
	:		
	:		
v.	:	18 U.S.C. § 5104(e)(2)(G)]	
	:	22 D.C. Code § 3212	
	:		
	:		
ERIC GENE BARBER	:		FILED
	:		DEC 16 2021
Defendant.	:		Clerk, U.S. District & Bankruptcy Courts for the District of Columbia
	:		

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, ERIC GENE BARBER, 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.

Eric Gene Barber's Participation in the January 6, 2021, Capitol Riot

8. On January 6, 2021, the defendant livestreamed via Facebook showing his walk to the Capitol using his Facebook account “***** *****.399.” On January 6, 2021, the defendant was interviewed via phone with an NBC local affiliate WTAP in West Virginia. In the interview, which references the defendant as a former Parkersburg City Council member, the defendant stated, that the Capitol had already been breached when he arrived and, “[w]hen those windows were being broken, there was officers 15 feet away with their hands in their pocket just watching.” “I think at any point Capitol Police could of stopped what was happening but just didn’t.”

9. On January 7, 2021, the *Parkersburg News and Sentinel* ran an article titled “Parkersburg man shares experience from the U.S. Capitol.” The article summarized an interview of the defendant, “a former Parkersburg City Councilman,” who provided a summary of his experience at the U.S. Capitol on January 6, 2021. He expressed that the violence went too far. The article included three photographs from the defendant’s Facebook account, one which depicted individuals scaling a wall outside the Capitol, a second showing protestors heading to what looks like a broken window at the Capitol, and the third pictured protestors standing on the grounds immediately outside the Capitol. The article references the defendant as providing:

“there were already people on the Capitol steps when he arrived. He said he went up the steps and saw some climbing the walls. Barber said he did not initially see Capitol Police officers cracking down on the advancing group. *“It took `em a while before they started responding with force,”* he said. While he said he looked in a window and couldn’t see much because of so many people inside, Barber said he did not enter the building.”

The defendant did not show any pictures depicting himself in the Capitol.

10. On January 10, 2021, a video was posted on YouTube by Jayden X titled “Shooting and Storming Of The US Capitol In Washington DC (View Discretion Is Advised).” The defendant was captured on the video inside the Capitol wearing a green army helmet, saying “They’re giving us the building.” The video then shows the defendant attempting make it further in the Capitol building where officers have barricaded or locked the door.

11. CCTV footage from U.S. Capitol Police (USCP) captured the movement of the defendant through the Capitol. The defendant moved through Statuary Hall and the Capitol Rotunda. The defendant took selfie photographs in the Rotunda and stopped at the C-SPAN media station located in Statuary Hall.

12. The defendant searched through items at the C-SPAN media stand, before unplugging a powerstation, plugging it into a device, and taking it with him. A C-SPAN field service technician, DH was operating that media stand in the Statuary Hall at the time the Capitol was evacuated. Upon return to the media stand, DH noted that only two items were taken, one was a C-SPAN foldable stool and the other was DH's personal powerstation that was used to charge an IPAD. DH noted that the powerstation was approximately \$52.95. DH was reimbursed for the theft by his employer. On March 3, 2021, the FBI executed a search warrant at the defendant's residence in West Virginia. The stolen powerstation was observed being used inside the defendant's home along with the helmet worn during the riot on January 6th.

13. The defendant knew at the time he entered the U.S. Capitol Building that that he did not have permission to enter the building and the defendant paraded, demonstrated, or picketed. The defendant knew at the time he removed the powerstation from the CSPAN station in Statutory Hall that he did not have the permission of the lawful owner to remove it. The defendant committed theft in the second degree when he took the powerstation for his own use and removed it from the Capitol building.

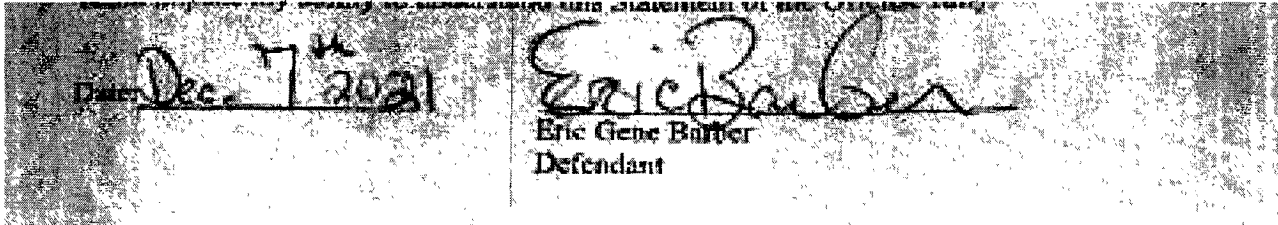
Respectfully submitted,

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

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

DEFENDANT'S ACKNOWLEDGMENT

I, Eric Gene Barber, 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.



Dec 7th 2021
Eric Gene Barber
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: 12/7/2021

Ubong E. Akpan
Ubong Akpan
Attorney for Defendant