

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

UNITED STATES OF AMERICA :
 :
 v. : **Criminal No. 21-cr-52-3 (TJK)**
 :
MATTHEW GREENE, :
 :
 Defendant. :

Pursuant to Federal Rule of Criminal Procedure 11, the United States of America, by and through its attorney, the Acting United States Attorney for the District of Columbia, and the defendant, Matthew Greene, 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. It does not represent all relevant facts known to defendant Greene or the government.

BACKGROUND

1. As of January 6, 2021, Greene was a first-degree member of the Central New York chapter of the Proud Boys.¹ He had officially joined the group following a rally that took place in Washington, D.C. in December 2020.

2. On January 6, 2021, Greene conspired with co-defendants Dominic Pezzola (whom Greene knew as “Spaz”) and William Pepe (whom Greene knew as “Pepe”), along with other members of the Proud Boys, to unlawfully enter the Capitol grounds by overwhelming police

¹ The Proud Boys describes itself as a “pro-Western fraternal organization for men who refuse to apologize for creating the modern world; aka Western Chauvinists.” Membership in the Proud Boys generally has four tiers, with “first-degree” being the least senior members of the group.

defenses, for the purpose of interfering with the certification of the Electoral College Vote taking place inside the Capitol building.

GREENE'S ACTIONS PRIOR TO JANUARY 6

3. On December 19, 2021, when Greene saw then-President Donald Trump's tweet referencing a "wild" protest to take place on January 6, 2021, he decided that he would attend the event, and he booked a hotel in Washington, D.C. for January 5-7, 2021.

4. In advance of January 6, 2021, Greene coordinated with Pezzola and other members of the Proud Boys to make plans to come to Washington, D.C. for the events surrounding January 6. Greene used an encrypted messaging application and was part of planning channel among Proud Boys chapters from New York State whose members planned to come to Washington, D.C.

5. On January 5, 2021, Greene drove from Syracuse, New York to Washington, D.C., in a caravan with one other car. The other car in the caravan included three Proud Boys from Central New York, including Pezzola.

6. Greene, Pezzola, and the others who traveled with them from Syracuse, stayed at a hotel in downtown Washington, D.C. (the "Downtown Washington Hotel") on the night of January 5, 2021. At some point that night, Greene received word, after it had been decided by Proud Boys leadership, that members of the Proud Boys were to meet at the Washington Monument the next morning at 10:00 a.m. for further instruction.

7. On the night of January 5, 2021, Greene assisted in programming Baofeng radios belonging to Pezzola, the other Central New York Proud Boys with whom he traveled, and others who came into his hotel, whom Greene understood to be members of the Proud Boys. Pezzola told Greene that the National Chairman of the Proud Boys would stop by to have his radio

programmed, but the National Chairman did not in fact stop by, nor did Greene program his radio. To assist him in programming the radios, Greene had emailed himself a “chirp” file, which is a type of computer file associated with radio programming that allowed him to program the radios in such a way that the radios would only communicate with other radios containing the same file.

8. During the early morning hours of January 6, 2021, co-defendant Pepe arrived at Greene’s room at downtown Washington hotel room mentioned above, where he slept on the floor.

THE ATTACK ON THE U.S. CAPITOL ON JANUARY 6, 2021

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

10. 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.

11. As the proceedings continued in both the House and the Senate, and with Vice President Mike 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.

12. 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.

13. 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.

14. 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.

GREENE'S ACTIONS ON JANUARY 6

15. On the morning of January 6, 2021, Greene, along with Pezzola, Pepe, and the others he had traveled with from Syracuse, met up at the Washington Monument with members of the Proud Boys from across the country, as instructed by Proud Boys leadership. As also instructed by leadership, neither Greene, Pezzola, Pepe, nor any of the other individuals in their group wore the Proud Boys' traditional colors of black and yellow.

16. Greene, Pezzola, and the others they traveled with from Syracuse, then followed the Proud Boys leadership in departing from the Washington Monument and marching on the National Mall towards the U.S. Capitol.

17. At some point, Greene, Pezzola, and the other Proud Boys they traveled with from Syracuse, left the larger group and walked back towards the Washington Monument. Greene, Pezzola, and the other Proud Boys they traveled with from Syracuse later met up with the Proud Boys that had continued marching, and they marched in a group with those Proud Boys to the Peace Circle, following the more senior Proud Boys who were leading the march.

18. At the Peace Circle, outside the pedestrian entrance to the Capitol grounds, it was clear that the U.S. Capitol Police had barricaded the area and restricted access to it. Some of the

members of the Proud Boys who had been leading the march from the Washington Monument to the Capitol were leading the crowd—which included numerous members of the Proud Boys—in chants.

19. Greene noticed that during and following the chanting, the mood in the crowd changed, and it reminded him of his time in Afghanistan while stationed there with the U.S. Army, when protests changed from peaceful to violent.

20. Greene saw an individual walk up to one of the barricades near the Peace Circle, confront U.S. Capitol Police officers behind that circle, and tear down barricades. The crowd followed shortly thereafter, assaulting police and trampling the barricades. Dozens of Proud Boys rushed up the pedestrian walkway that runs from the Peace Circle towards the U.S. Capitol. Greene joined them, unlawfully running up the First Street walkway behind Pepe, Pezzola, and other members of the Proud Boys. As they advanced up the walkway, some members of the Proud Boys moved aside additional barricades erected by the Capitol Police.

21. Once inside the restricted area of the Capitol grounds, members of the Proud Boys and others fanned out along a row of fences guarded by U.S. Capitol Police, meant to keep people out of the plaza to the west of the U.S. Capitol building (“West Plaza”). Greene positioned himself next to Pezzola on the front line of this fencing.

22. Greene witnessed members of this crowd, including others he understood to be members of the Proud Boys, tear down the fencing and storm into the plaza to the west of the Capitol building. Greene, in tandem with Pezzola, was among the first wave to cross the downed police line and advance unlawfully into the West Plaza. He advanced with Pezzola to the south side of the plaza. Greene lost track of Pepe sometime shortly before this point.

23. Shortly after the crowd had advanced into the West Plaza, Greene noticed that their presence had caused U.S. Capitol Police to send in additional officers in riot gear. Greene and Pezzola positioned themselves in front of the line of rioters, near this police line. Many other persons Greene understood to be members of the Proud Boys did the same.

24. After Pezzola had stolen a riot shield belonging to the U.S. Capitol Police, Greene followed him away from the scene of the robbery, through the crowd, away from the Capitol, and to the back of the West Plaza. During this journey, Pezzola met up and traveled with at least two other individuals, one of whom jointly carried the riot shield with Pezzola.

25. After Greene, Pezzola, and the two people they traversed the plaza with made it to the back of the West Plaza, Pezzola turned back around and again advanced towards the Capitol, this time to a set of stairs that ran from the West Plaza to the Upper West Terrace, which was covered by the partially complete Inauguration stage. Greene noticed that a group of people, including individuals he believed to be members of the Proud Boys, were congregating at the base of the stairs, and he followed Pezzola in this advance. Those stairs were guarded by a few U.S. Capitol Police Officers who stood behind a set of metal barriers. Greene witnessed rioters assault the police and overrun them. He and Pezzola—who was still carrying the riot shield—followed other rioters up those stairs moments after the police line was breached, along with multiple other individuals, some of whom Greene knew to be members of the Proud Boys.

26. Greene exited the stairs after a hole was cut in the fabric covering the side of the scaffolding. He lost track of Pezzola at that point. After Greene exited the stairs, he participated with other rioters, including members of the Proud Boys, in moving police barricades out from under the scaffolding. Greene did not leave the Capitol grounds for some time, and he observed

many people, including people he believed to be members of the Proud Boys, helping other rioters climb over a wall onto the stairs to the Upper West Terrace and on to the Capitol.

27. At approximately 2:14 p.m., Pezzola used a U.S. Capitol Police riot shield to break the window of the U.S. Capitol, thereby causing damage to the building in an amount greater than \$1,000 and allowing other rioters to enter behind him.

28. After he left the Capitol grounds, Greene returned to the Downtown Washington Hotel with some of the individuals with whom he drove from Syracuse. Later in the evening, both Pepe and Pezzola returned to that hotel as well.

29. Greene's intent in conspiring with others to unlawfully enter the restricted area of the Capitol grounds was to send a message to legislators and Vice President Pence. Greene knew the lawmakers and the Vice President were inside the Capitol building conducting the certification of the Electoral College Vote at the time the riot occurred. Greene hoped that his actions and those of his co-conspirators would cause legislators and the Vice President to act differently during the course of the certification of the Electoral College Vote than they would have otherwise. Greene believed that by unlawfully entering the Capitol grounds, he and other rioters outside the building would send a stronger message to lawmakers and the Vice President inside the building, than if Greene and others had stayed outside the restricted area. Greene knew that the Capitol grounds he intended to enter were lawfully guarded by U.S. Capitol Police at the time he entered. Greene agrees that a reasonably foreseeable outcome, based on all the circumstances, taking into account the actions of other individuals, including Pezzola and Pepe, of his joining with members of the Proud Boys, to charge up the pedestrian walkway, into the West Plaza, and up the stairs under the Inauguration stage was that destruction of and/or damage to U.S. Capitol or Capitol Grounds property would occur.

30. Greene believed that he and his co-conspirators were trying to obstruct, influence, and impede an official proceeding, that is, a proceeding before Congress, specifically, Congress's certification of the Electoral College vote as set out in the Twelfth Amendment of the Constitution of the United States and 3 U.S.C. §§ 15-18.

31. Greene intended to affect the government by stopping or delaying the Congressional proceeding, and, in fact, did so. Greene accomplished this by intimidating and coercing government personnel who were participating in or supporting the Congressional proceeding.

LIMITED NATURE OF FACTUAL BASIS

32. This proffer of evidence is not intended to constitute a complete statement of all facts known by Greene or the government. Rather, it is a limited statement of facts intended to provide the necessary factual predicate for Greene's guilty plea.

Respectfully submitted,

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

By: /s/ Erik M. Kenerson
Erik M. Kenerson
Assistant United States Attorney
Ohio Bar No. 82960
555 4th Street, N.W., Room 11-909
Washington, D.C. 20530
202-252-7201
Erik.Kenerson@usdoj.gov

DEFENDANT'S ACKNOWLEDGMENT

The preceding statement is a summary made for the purpose of providing the Court with a factual basis for my guilty plea to the charges against me. I make this statement knowingly and voluntarily, and I stipulate and agree that this Statement of Offense concerning my actions is true and accurate. I have read every page of this Statement of Offense and have discussed it with my attorneys, Michael Kasmarek and Michael Spano. I am fully satisfied with the legal services provided to me in connection with this plea. 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 Offense fully.

Date: 01/03/22


Matthew Greene
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read this Statement of Offense and have reviewed it fully with my client, Matthew Greene. I concur in my client's desire to adopt and stipulate to this Statement of Offense as true and accurate.

Date: 1/14/22


Michael Kasmarek
Attorney for Matthew Greene

Date: 1/20/22


Michael Spano
Attorney for Matthew Greene