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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Clerk, U.S. District and
Bankruptcy Courts

Holding a Criminal Term

Grand Jury Sworn in on August 11, 2021

UNITED STATES OF AMERICA

: CRIMINAL NO.

v.

:
:

JOSHUA LEE HERNANDEZ,
also known as "Ace Hernandez,"

: VIOLATIONS:

Defendant.

: 18 U.S.C. § 231(a)(3)

: (Civil Disorder)

: 18 U.S.C. §§ 1512(c)(2) and 2

: (Obstruction of an Official Proceeding and

: Aiding and Abetting)

: 18 U.S.C. § 111(a)(1)

: (Assaulting, Resisting, or Impeding

: Certain Officers)

: 18 U.S.C. § 1752(a)(1)

: (Entering and Remaining in a Restricted

: Building or Grounds)

: 18 U.S.C. § 1752(a)(2)

: (Disorderly and Disruptive Conduct in a

: Restricted Building or Grounds)

: 18 U.S.C. § 1752(a)(4)

: (Engaging in Physical Violence in a

: Restricted Building or Grounds)

: 40 U.S.C. § 5104(e)(2)(B)

: (Entering and Remaining in the Gallery of

: Congress)

: 40 U.S.C. § 5104(e)(2)(D)

: (Disorderly Conduct in

: a Capitol Building)

: 40 U.S.C. § 5104(e)(2)(G)

: (Parading, Demonstrating, or Picketing in

: a Capitol Building)

INDICTMENT

The Grand Jury charges that:

COUNT ONE

On or about January 6, 2021, within the District of Columbia, **JOSHUA LEE HERNANDEZ**, also known as “Ace Hernandez,” committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officer, lawfully engaged in the lawful performance of his/her official duties incident to and during the commission of a civil disorder which in any way and degree obstructed, delayed, and adversely affected commerce and the movement of any article and commodity in commerce and the conduct and performance of any federally protected function.

(Civil Disorder, in violation of Title 18, United States Code, Section 231(a)(3))

COUNT TWO

On or about January 6, 2021, within the District of Columbia and elsewhere, **JOSHUA LEE HERNANDEZ**, also known as “Ace Hernandez,” attempted to, and did, corruptly 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.

(Obstruction of an Official Proceeding and Aiding and Abetting, in violation of Title 18, United States Code, Sections 1512(c)(2), and 2)

COUNT THREE

On or about January 6, 2021, within the District of Columbia, **JOSHUA LEE HERNANDEZ**, also known as “Ace Hernandez,” did forcibly assault, resist, oppose, impede, intimidate, and interfere with, an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), that is, B.A., an officer from the United States Capitol Police, while such person was engaged in and on account

of the performance of official duties, and where the acts in violation of this section involve the intent to commit another felony.

(Assaulting, Resisting, or Impeding Certain Officers, in violation of Title 18, United States Code, Section 111(a)(1))

COUNT FOUR

On or about January 6, 2021, within the District of Columbia, **JOSHUA LEE HERNANDEZ**, also known as “Ace Hernandez,” did knowingly enter and remain in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President was temporarily visiting, without lawful authority to do so.

(Entering and Remaining in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1752(a)(1))

COUNT FIVE

On or about January 6, 2021, within the District of Columbia, **JOSHUA LEE HERNANDEZ**, also known as “Ace Hernandez,” did knowingly, and with intent to impede and disrupt the orderly conduct of Government business and official functions, engage in disorderly and disruptive conduct in and within such proximity to, a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President was temporarily visiting, when and so that such conduct did in fact impede and disrupt the orderly conduct of Government business and official functions.

(Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1752(a)(2))

COUNT SIX

On or about January 6, 2021, within the District of Columbia, **JOSHUA LEE HERNANDEZ**, also known as “Ace Hernandez,” did knowingly, engage in any act of physical

violence against any person and property in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President was temporarily visiting.

(Engaging in Physical Violence in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1752(a)(4))

COUNT SEVEN

On or about January 6, 2021, within the District of Columbia, **JOSHUA LEE HERNANDEZ**, also known as “Ace Hernandez,” willfully and knowingly entered and remained in the gallery of either House of Congress, without authorization to do so.

(Entering and Remaining in the Gallery of Congress, in violation of Title 40, United States Code, Section 5104(e)(2)(B))

COUNT EIGHT

On or about January 6, 2021, within the District of Columbia, **JOSHUA LEE HERNANDEZ**, also known as “Ace Hernandez,” willfully and knowingly engaged in disorderly and disruptive conduct within the United States Capitol Grounds and in any of the Capitol Buildings with the intent to impede, disrupt, and disturb the orderly conduct of a session of Congress and either House of Congress, and the orderly conduct in that building of a hearing before or any deliberation of, a committee of Congress or either House of Congress.

(Disorderly Conduct in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(D))

COUNT NINE

On or about January 6, 2021, within the District of Columbia, **JOSHUA LEE HERNANDEZ**, also known as “Ace Hernandez,” willfully and knowingly paraded, demonstrated, and picketed in any United States Capitol Building.

(Parading, Demonstrating, or Picketing in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(G))

A TRUE BILL:

FOREPERSON.

Matthew M. Graves ^{se}

Attorney of the United States in
and for the District of Columbia.