



PRESS RELEASE

Off-Duty Police Officer Found Guilty by Jury of Felony Charges For Actions Related to Capitol Breach

Monday, April 11, 2022

For Immediate Release

U.S. Attorney's Office, District of
Columbia

Defendant Carried Wooden Stick, Confronted Police Officers; Later Destroyed Cellphones to Hide Evidence of Crimes

WASHINGTON – An off-duty police officer from Virginia was found guilty today by a federal jury of charges for his actions during and after the breach of the U.S. Capitol on Jan. 6, 2021. His and others' actions disrupted a joint session of the U.S. Congress convened to ascertain and count the electoral votes related to the presidential election.

Thomas Robertson, 49, of Ferrum, Virginia, was found guilty of a total of six charges following a trial in the District of Columbia. The jury found him guilty of five felonies: obstruction of an official proceeding, civil disorder, entering and remaining in a restricted building or grounds while carrying a dangerous weapon, disorderly and disruptive conduct in a restricted building while carrying a dangerous weapon, and tampering with a document or proceedings. He also was found guilty of the misdemeanor offense of disorderly conduct in a Capitol building.

Another off-duty officer and co-defendant, Jacob Fracker, 30, of Rocky Mount, Virginia, pleaded guilty on March 18, 2021, to a federal conspiracy charge. He is awaiting sentencing.

According to court documents, Robertson and Fracker, both officers with the Rocky Mount, Virginia Police Department, were off duty when they headed for Washington, D.C. in Robertson's car on the morning of Jan. 6. Both brought along their police identification badges and firearms but left those in their vehicle when they arrived in the Washington metropolitan area. They went to the Washington Monument area, where they attended a rally, and then headed to the Capitol, where a mob was gathering. Both donned gas masks and approached the Lower West Terrace of the Capitol, where they joined an advancing mob of rioters. Robertson carried a large wooden stick and confronted members of the Metropolitan Police Department, who had arrived to provide back-up to U.S. Capitol Police officers who were defending the West Front of the Capitol from the mob.

Fracker entered the Capitol at approximately 2:14 p.m. and Robertson entered a few minutes later. They met up inside the Capitol's Crypt, where they took a selfie of themselves making an obscene gesture in front of a statue. Throughout the day, both Robertson and Fracker used their mobile phones to take photos and video footage of their activity.

Robertson and Fracker were arrested on Jan. 13, 2021. Prior to their arrests, federal law enforcement officers called them, informed them of their arrest warrants, and ordered them to turn themselves in later in the day. After learning he had been criminally charged for his conduct at the Capitol, Robertson took Fracker's phone and destroyed it and his own phone to hide the evidence of their crimes.

Robertson will be sentenced at a date to be set later by the Court. The charges of obstruction of an official proceeding and tampering with a document or official proceeding each carry statutory maximums of 20 years in prison. The charges of entering and remaining in a restricted building or grounds while carrying a dangerous weapon and disorderly and disruptive conduct in a restricted building while carrying a dangerous weapon each carry statutory maximums of 10 years in prison. The charge of civil disorder carries up to five years, and the charge of disorderly conduct in a Capitol building carries a statutory maximum of six months. A federal district court judge will determine any sentence after considering the U.S. Sentencing Guidelines and other statutory factors.

The case is being prosecuted by the U.S. Attorney's Office for the District of Columbia with assistance from the Department of Justice National Security Division's Counterterrorism Section. Valuable assistance was provided by the U.S. Attorney's Office for the Western District of Virginia.

The case is being investigated by the FBI's Washington Field Office with assistance from the Roanoke Resident Agency of the FBI's Richmond Field Office. Valuable assistance was provided by the U.S. Capitol Police and the Metropolitan Police Department.

In the 15 months since Jan. 6, 2021, nearly 800 individuals have been arrested in nearly all 50 states for crimes related to the breach of the U.S. Capitol, including over 250 individuals charged with assaulting or impeding law enforcement. The investigation remains ongoing.

Anyone with tips can call 1-800-CALL-FBI (800-225-5324) or visit tips.fbi.gov.

Updated April 11, 2022

Topic

VIOLENT CRIME

Components

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Guilty Plea in Theft and Sale of Hundreds of Government-Issued Phones and Computers Slated for Destruction

Nikhil Parekh, 37, of Randallstown, Maryland, pleaded guilty today in U.S. District Court in connection with the theft and sale of hundreds of government-issued smartphones, laptop computers, and other IT...

February 4, 2025

PRESS RELEASE**Alleged Armed Carjacker Charged After Arrest**

Parren Hawkins, 33, of Washington, D.C., was charged today in Superior Court with armed carjacking in connection with an incident, yesterday, in Northeast D.C. The charge was announced by U.S...

February 3, 2025

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Darius Anderson, 23, of Washington, DC, was sentenced today to 32 years of in prison for first-degree murder while armed and related offenses in the June 2022 killing of 30-year...

January 31, 2025

**District of Columbia**

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