



PRESS RELEASE

Colorado Man Sentenced on Felony Obstruction Charge for Actions During Jan. 6 Capitol Breach

Friday, May 17, 2024

For Immediate Release

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

WASHINGTON – A Colorado man was sentenced to prison on May 16, 2024, after he pleaded guilty to a felony charge stemming from his conduct during the breach of the U.S. Capitol on Jan. 6, 2021. His actions and the actions of others disrupted a joint session of the U.S. Congress convened to ascertain and count the electoral votes related to the 2020 presidential election.

Avery MacCracken, 70, of Telluride, Colorado, was sentenced to 12 months and one day in prison, 36 months of supervised release, and ordered to pay \$2,000 in restitution by U.S. District Judge Richard J. Leon. MacCracken previously pleaded guilty to one count of obstructing law enforcement officers during a civil disorder on Oct. 20, 2023.

According to court documents, MacCracken traveled to Washington, D.C., to protest the certification of the results of the 2020 presidential election. At about 2:00 p.m., MacCracken was part of a large group of people who were in the restricted area on the West Plaza of the Capitol.

At approximately 2:23 p.m., MacCracken advanced to the front of a mob of rioters who were attempting to break through a police line on the West Front of the Capitol. MacCracken

stated to one of the officers, "You should be on our side, taking these sons of bitches out." As other rioters assaulted the police around him, MacCracken moved to an area where rioters had already pulled the metal barricades away. With two hands balled into fists, he advanced toward a police officer and raised one fist as if to strike. The officer deflected the attack, but MacCracken grabbed another officer's arm and uniform, tussling briefly with the second officer before moving past.

As the police lines on the Upper West Plaza caved to the overwhelming numbers of rioters, MacCracken continued to advance toward the Capitol building, threatening one officer, calling him a "m — f —" and asking if he wanted to "start something." MacCracken eventually climbed to the top of the Inauguration bleachers, where he joined other rioters who were resisting police efforts to remove them from the area. MacCracken faced the police and refused to leave until he was physically pushed off a platform by the police. Despite tear gas, flash bangs, and police efforts to dissipate the crowd, MacCracken participated in the riot on the West Front until approximately 5:00 p.m., when the police finally cleared the area.

The FBI arrested MacCracken on Dec. 11, 2021, in Colorado.

The U.S. Attorney's Office for the District of Columbia and the Department of Justice National Security Division's Counterterrorism Section prosecuted this case. The U.S. Attorney's Office for the District of Colorado provided valuable assistance.

This case was investigated by the FBI Denver and Washington Field Offices, which identified MacCracken as BOLO (Be on the Lookout) #387 on its seeking information photos. Valuable assistance was provided by the U.S. Capitol Police and the Metropolitan Police Department.

In the 40 months since Jan. 6, 2021, more than 1,424 individuals have been charged in nearly all 50 states for crimes related to the breach of the U.S. Capitol, including more than 500 individuals charged with assaulting or impeding law enforcement, a felony. The investigation remains ongoing.

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

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VIOLENT CRIME

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