



PRESS RELEASE

Washington State Man Sentenced on Felony and Misdemeanor Charges for Actions During Jan. 6 Capitol Breach

Tuesday, September 17, 2024

For Immediate Release

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

USADC.Media@usdoj.gov

WASHINGTON — A Washington State man was sentenced to prison today after he previously pleaded guilty to a felony charge related to his conduct during the Jan. 6, 2021, breach of the U.S. Capitol. 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.

Benjamin John Silva, 37, of Yacolt, Washington, was sentenced to four months in prison, 24 months of supervised release to include four months' of home incarceration, and ordered to pay \$2,000 in restitution by U.S. District Judge Rudolph Contreras. Silva pleaded guilty to a felony charge of obstruction of law enforcement during a civil disorder on April 5, 2024.

According to court documents, Silva was identified on Jan. 6, 2021, at approximately 2:49 p.m., near an entrance to the Capitol building on the Lower West Terrace, often referred to as the Tunnel. Some of the most violent attacks against law enforcement on January 6th occurred at the Tunnel. Inside the Tunnel, Silva made his way to the front of a crowd of rioters confronting an established police line.

Court documents say that Silva entered the Tunnel for approximately two minutes and then left. Silva entered the tunnel for a second time at approximately 2:56 p.m. At about 3:04 p.m., Silva joined with other rioters inside the Tunnel as they began to move back and forth, applying force against the police line ahead of them that was guarding an entrance into the Capitol. Silva participated in this effort, adding his force, body, and momentum in a coordinated “heave-ho” effort. Silva also leaned into the line of officers with his hand upon the riot shield of one officer.

Silva then spoke with a police officer while an individual behind him sprayed the line of officers with a chemical irritant. At one point, as he continued to push toward the police line, an officer put his hand on Silva's forearm/wrist area in an effort to push him back but Silva resisted, pushing back against the officer. Court documents say that even when other rioters were leaving the Tunnel, Silva fought to stay in and to press forward against the police line in a concerted effort with other rioters doing the same. Silva made his way out of the Tunnel at about 3:07 p.m. but remained in the area outside the Tunnel for several minutes afterward.

The FBI arrested Silva on July 25, 2023, in Oregon.

This case is being prosecuted by the U.S. Attorney's Office for the District of Columbia and the Department of Justice National Security Division's Counterterrorism Section. Valuable assistance was provided by the U.S. Attorney's Office for the West District of Washington. The case was investigated by the FBI's Seattle and Washington Field Offices. Valuable assistance was provided by the U.S. Capitol Police and the Metropolitan Police Department.

In the 44 months since Jan. 6, 2021, more than 1,504 individuals have been charged in nearly all 50 states for crimes related to the breach of the U.S. Capitol, including more than 560 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.

Contact

USADC.Media@usdoj.gov

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VIOLENT CRIME

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