

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

<b>UNITED STATES OF AMERICA</b>	:	<b>Case No: 21-cr-117</b>
	:	
<b>v.</b>	:	
	:	
<b>RYAN NICHOLS</b>	:	
	:	
<b>Defendant.</b>	:	

**STATEMENT OF OFFENSE**

Pursuant to Federal Rule of Criminal Procedure 11, the United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, Ryan Nichols, 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:

***The Attack at the U.S. Capitol on January 6, 2021***

1. The U.S. Capitol, which is located at First Street, SE, in Washington, D.C., 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.

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

3. 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.

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

5. 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.

6. 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.

7. 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.

#### ***Ryan Nichols's Participation in the January 6, 2021 Capitol Riot***

8. On January 5, 2021 Defendant Nichols and Defendant Harkrider traveled together from Texas to Washington, D.C. based on the apparent belief that the 2020 presidential election was fraudulent. The co-defendants sent text messages back and forth to each other in the preceding days, planning and organizing for the trip.

9. On December 31, 2020, Defendant Nichols sent Defendant Harkrider a photograph of body armor and pricing, stating that the body armor would protect against various bullets. Likewise, on January 1, 2021, Defendant Nichols sent Defendant Harkrider several messages including “We’re going to need first aid kits and tourniquets,”; “I need to speak with you in person”; “Everything is ok. Just need to gameplan lol”; “We need to speak in person lol”; “what

I'm about to relay can't be done over the phone." Defendant Harkrider did not eschew or reject these messages nor did he inquire as to why a peaceful protest would require first aid kits, tourniquets, body armor, or the transportation of firearms.

10. On January 3, 2021, Defendants Nichols and Harkrider texted each other the following conversation:

Nichols: I've got goodies for the trip.  
Nichols: Goodies you've requested before but never got..  
Harkrider: [GIF file that says "Take acid and see reality."]  
Harkrider: Could it be?! Haha  
Nichols: Still some other stuff we have to talk about before we leave  
Nichols: The Line in the sand  
Nichols: Dad and I are building a gun container in the truck today  
Nichols: Just know I have intel that Washington will be a warzone  
Nichols: Big possibility that actual battle goes down  
Harkrider: I'm looking forward to it  
Nichols: I know how to get guns legally into DC now  
Nichols: It's called transporting  
Harkrider: I'll bring every freedom blaster I own then  
Harkrider: We're stopping in Kentucky on the way for those plate carrier too right?  
Nichols: Do you have any 10 round mags for an AR?  
Harkrider: I do not  
Nichols: Damn. I'd rather go with those so it's fully legal. 30 round mags are not  
Harkrider: Surely we can find some

11. Prior to arriving in the Washington, D.C. area on January 5, 2021, Defendant Nichols and another individual prepared a gun container for the truck that the defendants drove to D.C. in. Both defendants brought firearms with them to D.C.—with Defendant Harkrider bringing a 9 millimeter CZ pistol and a lever-action .30-30 rifle and Defendant Nichols bringing his own two firearms- although they claim to have left the firearms in the truck when they went to the Capitol.

12. In videos captured by Defendant Nichols and others, Defendant Nichols and Defendant Harkrider are seen walking through Washington, D.C. with a group of people. At one point, Defendant Nichols yells out, "Those people in fucking Capitol building are our enemy."

13. On January 6, 2021, the defendants traveled together to downtown Washington, D.C., first to the then-President Trump's rally, and then to the United States Capitol. Defendant Harkrider dressed in tactical gear, wearing a plate carrier equipped with one ballistic plate inserted into the carrier, as alluded to in the earlier text messages, and armed himself with a tomahawk axe. Defendant Nichols, too, dressed in tactical gear, wearing a ballistic plate carrier and arming himself with a crowbar.

14. Video evidence shows Defendant Nichols near an entrance to the U.S. Capitol building in a large crowd actively forcing entry into the building, which was guarded by the U.S. Capitol Police and the Metropolitan Police Department. Defendant Nichols took a large, red aerosol canister filled with bear or O.C spray from another person in the crowd and sprayed it at the line of uniformed law enforcement agents who were engaged in the performance of their official duties, that is, seeking to restrain the mob of individuals who were unlawfully forcing entry into the U.S. Capitol building. Defendant Harkrider can also be seen holding the large red aerosol canister. Defendant Harkrider is also seen pushing with the large crowd against the same entrance to the U.S. Capitol that was guarded by U.S. Capitol Police. In the video, the crowd appears to be chanting "Heave! Ho!" as it rocks back and forth in the direction of the entrance. Although other individuals are seen retreating from the steps leading into the Capitol, at no point do Defendant Nichols or Defendant Harkrider retreat; rather, they push forward into the Capitol.

15. Video and photographic evidence show the defendants entered the U.S. Capitol building through a broken window. They remained inside the Capitol for approximately 10-15 minutes and then exited through the same window. While inside of the Capitol, the defendants pushed furniture against the doorway in an effort to keep law enforcement out. Defendant

Harkrider took a table leg, property from the U.S. Capitol, when he left the building and took it back to Texas.

16. Additional photographs and video obtained during the investigation show Defendants Nichols and Harkrider standing on the ledge of a U.S. Capitol window that is broken, with Defendant Nichols holding a bullhorn and a crowbar. Defendant Harkrider is carrying a tomahawk axe. Defendant Nichols is yelling and inciting the crowd, “If you have a weapon, you need to get your weapon!” As shown in another video, Defendant Nichols can be seen and heard yelling, “This is the second revolution right here folks! [...] This is not a peaceful protest.”

17. Defendant Nichols posted several photographs of himself and Defendant Harkrider at the Capitol on Facebook, tagging Defendant Harkrider in one of the posts. One post is captioned “We’re in,” with two American flag emojis and shows Defendants Nichols and Harkrider at the Capitol. Another post from Defendant Nichols tags Defendant Harkrider and identifies their location as the United States Capitol. In that picture, Defendant Nichols is holding a megaphone and he and Defendant Harkrider are standing on the ledge of a broken U.S. Capitol window. That picture is captioned “In front of Nancy Pelosi’s smashed office at the Capitol Building. We ain’t done yet. We just got started!! EDIT\*\* apparently this wasn’t Nancy’s office. Guess that was around the other side of the building.” A third post from Defendant Nichols also tags Defendant Harkrider, identifies their location as the United States Capitol, and depicts a selfie of Defendants Nichols and Harkrider depicted at an elevated level above a large crowd. The post is captioned “Patriots stood their ground today. We aren’t done yet, either! You want to steal our election, and not hear us in court? Good! Now you’ll hear our civil unrest.”

18. Defendant Harkrider also posted a photograph of himself inside the Capitol to social media, stating “We’re in 2 people killed already. We need all the patriots of this country to

rally the fuck up and fight for our freedom or it's gone forever. Give us liberty, or give us death. We won't stand for it.”

19. After returning to Texas, Defendant Nichols destroyed evidence relating to his activities at the Capitol on January 6, 2021 and, among other things, burned the clothing he was wearing, deleted evidence from his cell phone and instructed others, including Defendant Harkrider, to delete evidence from their cellphones. It does not appear that Defendant Harkrider deleted evidence from his phone.

20. When Defendant Nichols sprayed the law enforcement officer with the bear or O.C. spray, an officer and employee of the United States Capitol Police or a person assisting the United States Capitol Police, that is, an officer from the Metropolitan Police Department, Defendant Nichols knew that the officer was engaged in the performance of official duties. Defendant Nichols also knew at the time he entered the U.S. Capitol Building that he did not have permission to enter the building. Defendant Nichols obstructed, influenced, and impeded 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.

Respectfully submitted,

CHANNING D. PHILLIPS  
Acting United States Attorney  
D.C. Bar No. 415793

By: /s/ Brittany Keil  
BRITTANY KEIL  
Assistant United States Attorney

DEFENDANT'S ACKNOWLEDGMENT

I, Ryan Nichols, have read this Statement of the Offense and have discussed it with my attorney. I fully understand this Statement of the Offense. I agree and acknowledge by my signature that this Statement of the Offense is true and accurate. I do this voluntarily and of my own free will. 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 the Offense fully.

Date: \_\_\_\_\_

\_\_\_\_\_  
RYAN NICHOLS  
Defendant

ATTORNEY'S ACKNOWLEDGMENT

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

Date: \_\_\_\_\_

\_\_\_\_\_  
BUCK FILES  
Attorney for Defendant