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JUDGE LANDETH

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

RYAN TAYLOR NICHOLS,

Defendant.

Case No.: 21-CR-117 (RCL)

18 U.S.C. §§ 1512(c)(2) and 2
18 U.S.C. § 111(a)(1)

*has this be filed.
Troy C. Ladd
U.S.A.G. 11/7/23*

STATEMENT OF OFFENSE

Pursuant to Fed. R. Crim. P. 11, the United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, Ryan Taylor Nichols, with the concurrence of the defendant's 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 twenty-four hours a day by U.S. Capitol Police (USCP). Restrictions around the Capitol include permanent and temporary security barriers and posts manned by USCP. Only authorized people with appropriate identification are allowed access inside the Capitol.

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

3. On January 6, 2021, a joint session of the United States Congress convened at the Capitol. 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 Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on Tuesday,

November 3, 2020. This joint session of Congress was an official proceeding as that term is used in Title 18, United States Code, Section 1512. The joint session began at approximately 1:00 PM. Shortly thereafter, by approximately 1:30 PM, 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 Capitol. Temporary and permanent barricades, as noted above, were in place around the exterior of the Capitol, and USCP officers were present and attempting to keep the crowd away from the Capitol and the proceedings underway inside.

5. At approximately 2:00 PM, certain individuals in the crowd forced their way through, up, and over the barricades. Officers of the USCP were forced to retreat and the crowd advanced to the exterior façade of the building. Officers with the D.C. Metropolitan Police Department were called to assist officers of the USCP who were then engaged in the performance of their official duties. 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 as required by USCP officers or other authorized security officials.

6. At such time, the certification proceedings were still underway, and the exterior doors and windows of the Capitol were locked or otherwise secured. Members of the USCP attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 PM, individuals in the crowd forced entry into the 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 Capitol, requiring the expenditure of more than \$2.9 million dollars for repairs.

7. Shortly thereafter, at approximately 2:20 PM, members of the House of Representatives and of the 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 PM on January 6, 2021. In light of the dangerous circumstances caused by the unlawful entry to the Capitol—including the danger posed by individuals who had entered the Capitol without any security screening or weapons check—Congressional proceedings could not resume until after every unauthorized occupant had been removed from or left the Capitol, and USCP confirmed that the building was secured. The proceedings resumed at approximately 8:00 PM after the building had been secured. Vice President Pence remained in the Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

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

8. On January 5, 2021, Nichols traveled from Texas to Washington, D.C., with his friend and co-defendant, Alex Kirk Harkrider, based on their belief that the 2020 presidential election was fraudulent. Nichols and Harkrider exchanged text messages in the preceding days, planning and organizing for the trip.

9. On December 31, 2020, Nichols sent Harkrider a photograph of body armor and pricing, stating that the body armor would protect against various bullets. On January 1, 2021, Nichols sent 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.”

10. On January 3, 2021, Nichols and Harkrider has the following text message 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. Nichols and Harkrider each brought two firearms with them on their trip, transporting them in a box that Nichols and another individual specifically constructed in the back of Nichols' truck for the trip. Nichols and Harkrider deny bringing any of the four firearms to the Capitol on January 6, 2021.

12. On the night of January 5, 2021, Nichols and Harkrider attended a rally on the streets of Washington, D.C. At one point, Nichols shouted, "Cops don't know what's going on. Too many of us, not enough of them." Later, Nichols shouted, "Those people in the fucking Capitol building are our enemy." In another verbal altercation with police, Nichols shouted, "We

had your fucking back but now we ain't got your no more. [...] You better have our back or we're going to fucking show you."

13. On January 6, 2021, Nichols and Harkrider attended a rally in support of then-President Trump near the Ellipse, before marching with others to the U.S. Capitol building. Nichols and Harkrider both wore a ballistic plate in a plate carrier, as alluded to in the earlier text messages. Nichols was armed with a crowbar and Harkrider was armed with a tactical tomahawk axe.

14. During their march to the Capitol, sometime after 2:24 p.m., Nichols and Harkrider learned from others in the crowd that President Trump had tweeted that, "Mike Pence didn't have the courage to do what should have been done to protect our Country and our Constitution, giving States a chance to certify a corrected set of facts, not the fraudulent or inaccurate ones which they were asked to previously certify. USA demands truth!" Nichols then stated:

I'm telling you what I'm hearing, that Pence, I'm hearing that Pence just caved. [...] I'm hearing reports that Pence caved. I'm telling you if Pence caved, we're gonna drag motherfuckers through the streets. You fucking politicians are going to get fucking drug through the streets. Because we're not going to have our fucking shit stolen. We're not going to have our election, our country stolen. If we find out you politicians voted for it, we're going to drag your fucking ass through the streets. Because this is the second fucking revolution and we're fucking done. I'm telling you right now, Ryan Nichols said it. If you voted for fucking treason, we're going to drag your fucking ass through the streets. So let us find out, let the patriots find out that you fucking treasoned this country. We're gonna drag your fucking ass through the street. I'll fucking choke him myself.

You think we're here for no reason? You think we patriots are here for no reason? You think we came just to fucking watch you run over us? No. No. You want to take it from us, motherfucker we'll take it back from you. Because I tell you what, we're not gonna go to the military and be told to fight for fucking freedom, were not going to be told to fight for fucking voting, were not going to be told to be go peacefully and then have it taken from us and the courts won't hear us and think that we won't fucking do something about it.

So we're going to fucking fight and we're going to take back what is ours. And if you are patriot, then get on board and if you're not then get the fuck out of my way, because I'll drag your fucking ass through the street. You want it? You fucking got it. So let me find out Pence let me find out myself that you treasoned the country, we'll fucking drag your ass too. We're tired of it. [...] You either do the right thing, or we're going to make you do the right thing.

Folks if you give up your liberty right now, it's gone. It's gone forever. If you give it up right now, it's gone. And the only people allowing that are you. [...]

And if you think Ryan is fucking crazy, well then you must think all these patriots are crazy. I don't feel, I'm not going to explain myself to people anymore, if you're a patriot you're done explaining yourself to people. You already heard the evidence, so when they say 'where's the evidence?' motherfucker, you heard the evidence. At this point you just don't want to hear it. And we're done with it. So take it from me, an angry business owner, American veteran, that we're fucking done. Ryan's not crazy, if you don't think so, you're fucking crazy. These patriots are not crazy. We're tired of being shut down, shut up, and told to fucking roll over and take it. We ain't taking it no more. So you want to take it from us, well we're here to take it back from you.

[...]

Hey, republican protestors are trying to enter the House right now at the Capitol, is the word that I'm getting. So if that's true, then get up in there. If you voted for treason, we're going to drag your ass through the streets. [...] Everybody here ain't here to fight. I am. You do the right thing or we're going to force you to do the right thing. [...]

You see the battle drums? I told you all, I said this was a war cry, January 6th. You don't have General Flynn out here. Who do generals rally? Generals rally troops. You hear the war cry? You hear the war drums? You think we're marching for nothing? You're gonna do the right thing. [...]

Alright folks, my battery is almost dead. I'm at 10% I gotta save a little bit of it and I'll probably be back live later, but know that Ryan and Alex are here in Washington, D.C. marching on the Capitol, apparently Pence just caved and if Pence caved we're going to fucking take it back, because we're not going to let it be stolen. So we're up here fighting. What are you doing to fight for your country today? Are you at home? At work? Chilling? Thinking everything

is all good? We're going to take care of it for you? Or are you fucking fighting too? Because you need to be fighting too. There's no excuse. If you're a patriot, if you're an American, you better be fighting today. Because today's it. If you let it go today, today's it.

15. After arriving at the Capitol grounds, Nichols and Harkrider joined a large crowd of rioters that had gathered in front of an arched entrance to the Lower West Terrace doors, which, in the context of the January 6, 2021, attack, has colloquially become known as the "tunnel" due to the partially constructed inaugural stage. U.S. Capitol Police and the Metropolitan Police Department guarded this entrance to the Capitol as rioters tried to force their way in.

16. At approximately 3:56 p.m., Nichols waved the crowd forward towards the tunnel as both he and Harkrider pushed with the crowd against the officers in synchronized movements.

17. At approximately 3:57 p.m., Nichols (circled in yellow below) and Harkrider (indicated by red arrow below) pushed with the crowd against the officers, rocking back and forth, as the crowd chanted, "Heave! Ho!"



18. At approximately 4:01 p.m., Nichols again called for the crowd to push forward.

19. At approximately 4:02 p.m., Nichols extended his palm and beckoned with his fingers for a large red canister of O.C. or pepper spray that was being passed through the crowd. Nichols, wearing yellow gloves, took hold of the canister and delivered two streams of spray into the tunnel, hitting multiple officers, including Officer I.D. of the Metropolitan Police Department.



20. At approximately 4:13 p.m., Nichols observed another rioter trying to break a window to the Capitol with a stolen canister of police pepper spray. Nichols and Harkrider then entered the Capitol through a broken window, specifically Room ST-2M.

21. At approximately 4:18 p.m., Nichols and Harkrider emerged from Room ST-2M and stood on the window ledge. Nichols held his crowbar (circled in yellow below) in one hand, and a bullhorn in the other. Harkrider's tactical tomahawk axe (indicated with red arrow below) was holstered, but visible under his jacket. Using a bullhorn, Nichols shouted, "Get in the building, this is your country, get in the building, we will not be told 'No'," "This is the second revolution," and "This is not a peaceful protest."



22. At approximately 4:21 p.m., Nichols repeatedly shouted through the bullhorn, “If you have a weapon, you need to get your weapon!” and “Pedo Pence, Pedo Pence!”

23. At approximately 4:25 p.m., Nichols and Harkrider crawled back into Room ST-2M through the broken window.

24. At approximately 4:35 p.m., Nichols and Harkrider exited the Capitol building through the broken window in Room ST-2M.

25. At approximately 8:13 p.m., Nichols posted a video from his hotel room to Facebook, titled “Are Patriots Calling For Violence? Why Weren’t You Here? WE HAVE TO TALK.” In the video, Nichols stated:

If you joined me today you probably saw that we were at in Washington, D.C. and then we also marched down Pennsylvania Avenue all the way to the Capitol building where we stormed the Capitol today and made our voices heard. We clashed with DC PD we also clashed with Capitol PD.

[...]

So today, I watched patriots gather and on the way down Pennsylvania Avenue after we listened to President Trump speak, we heard that Pence did the wrong the thing. And as we got the Capitol building the consensus across the board was the same, that if Pence did the wrong thing and sold us out, then we have to fight.

[...]

They showed where Pennsylvania said yesterday, 'hey, we screwed up. We want to change this' but Pence did the wrong thing and allowed them to continue with the vote. So we stormed the Capitol building, and they stopped the vote. And went down into the tunnels and hid, like the fucking cowards that they are.

Instead of coming out there and addressing 'we the people' they ran. Because they knew they were doing the wrong thing. So we clashed with Capitol Police.

[...]

So, if you won't hear us. If you're telling us our vote doesn't matter. And then you steal the election, and then you tell us we have no recourse of action. And you tell us that we just need to stand there and take it, yes, the patriots are calling for violence at this point. Yes, when you shoot unarmed, sixteen-year-old girls in the neck.

Yes, we are calling for violence at this point. So Ryan Nichols drove to Washington, D.C. to see the right thing done. But Ryan Nichols also drove to Washington, D.C., that if this happened today, which it did, the wrong thing happened, and they shot a sixteen year old girl and killed her, then yes, we're calling for violence now.

So if you want to know where Ryan Nichols stands, Ryan Nichols stands for violence.

Ryan Nichols is done allowing his country to be stolen and I understand that the first revolutionary war folks, it was violent. We had to be violent and take our country back.

Well guess what? The second revolutionary war. Right now, the American revolutionary war that's going on right now. It started today. On a Wednesday.

It's going to be violent. And yes, if you are asking is Ryan Nichols going to bring violence? Yes, Ryan Nichols is going to bring violence.

[...]

So, if you are god-fearing, American-loving, patriot, now is the time folks, not next week, not last week, now is the time. Time is of the essence, folks you better get on board. And if you're looking for a leader, I'll be your leader. If you're looking for guidance in this second American revolution, I will be your leader. Come seek me out. I will tell you where I'm going to be, what I'm going to be doing, Alex will be doing it, we will be with other veterans, other patriots, and we're here to take this country back.

So, yes, I'm calling for violence! And I will be violent! Because I've been peaceful and my voice hasn't been heard, I've been peaceful and my vote doesn't count. I've been peaceful and the Court's won't hear me. So you're fucking right, I'm going to be violent now! And I'm here in Washington, D.C. and it just got started. We shut down the vote today, because those coward ass politicians ran into the tunnels when we stormed the Capitol. I was inside the Capitol today. I was in the Capitol Building. I've got pictures from inside and videos from inside the Capitol Building.

[...]

I've seen the last of you treasonous, bastard, elected politicians, stealing our country. So I don't care if I have to die for it. Give me liberty or give me death! But I'm prepared to fucking die for this! I took a constitutional oath, to uphold for the United States and its people, against all enemies, foreign and domestic. So help me god. I will fucking die for this. But before I do that, I plan on making other people die first, for their country, if it gets down to that.

26. After returning to Texas, Nichols burned the clothing he wore to the Capitol, deleted evidence from his cell phone, and instructed Harkrider to delete evidence from his cellphone.

Elements of the Offense

27. The parties agree that Obstruction of an Official Proceeding (18 U.S.C. § 1512(c)(2)) requires the following elements:

- a. First, the defendant attempted to or did obstruct or impede an official proceeding.
- b. Second, the defendant intended to obstruct or impede the official proceeding.

- c. Third, the defendant acted knowingly, with awareness that the natural and probable effect of his conduct would be to obstruct or impede the official proceeding.
 - d. Fourth, the defendant acted corruptly.
28. The parties agree that Assaulting, Resisting, or Impeding Certain Officers (18 U.S.C. § 111(a)) requires the following elements:
- a. First, the defendant assaulted, resisted, opposed, impeded, intimidated, or interfered with Officer I.D., an officer from the Metropolitan Police Department.
 - b. Second, the defendant did such acts forcibly.
 - c. Third, the defendant did such acts voluntarily and intentionally.
 - d. Fourth, Officer I.D. was assisting officers of the United States who were then engaged in the performance of their official duties.
 - e. Fifth, the defendant made physical contact with Officer I.D. or acted with the intent to commit another felony. For purposes of this element, “another felony” refers to the offense charged in Count One of the Superseding Information and Count One of the Superseding Indictment.

Defendant’s Acknowledgments

29. The defendant knowingly and voluntarily admits to all the elements as set forth above. Specifically, the defendant admits that he committed obstruction of an official proceeding and during the course of that offense, assaulted officers from the United States Capitol Police and Metropolitan Police Department in a manner that created a substantial risk of serious bodily injury by spraying them with O.C. or pepper spray. The defendant further acknowledges that he acted entirely of his own accord at the Capitol, including when he assaulted police officers, and that he was not tricked, cajoled, or otherwise forced to engage in any of the above course of conduct.

Respectfully submitted,

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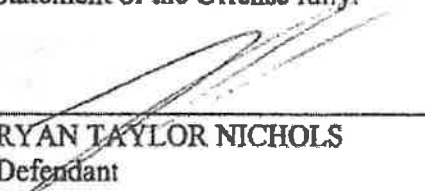
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DEFENDANT'S ACKNOWLEDGMENT

I, Ryan Taylor Nichols, have read this Statement of the Offense and have discussed it with my attorneys. 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: 10/2/23

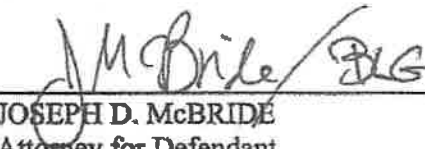


RYAN TAYLOR NICHOLS
Defendant

ATTORNEY'S ACKNOWLEDGMENT

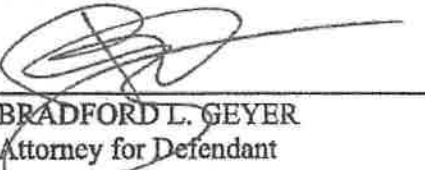
I have read this Statement of the Offense and have reviewed it with my client fully. I concur in my client's desire to adopt this Statement of the Offense as true and accurate.

Date: 10/2/23



JOSEPH D. McBRIDE
Attorney for Defendant

Date: 10/2/23



BRADFORD L. GEYER
Attorney for Defendant