

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

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|----------------------------------|---|----------------------------|
| UNITED STATES OF AMERICA, |) | CRIMINAL ACTION NO. |
| |) | |
| Plaintiff, |) | 1:21-CR-00119-CJN |
| |) | |
| v. |) | |
| |) | |
| GARRET MILLER, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

FACTUAL BASIS FOR GUILTY PLEAS TO COUNTS 4 and 5

Garrett Miller, by and through his attorneys, respectfully submits this Factual Basis for his plea to Counts 4 and 5.

COUNT 4

I agree and admit that while in the Rotunda, I grabbed at an officer’s baton, and I refused Officer T.C.’s command to back up. I responded to Officer T.C. that “I will not back up.” The officer who I now know to be Sargent Q.C. stepped in my direction to assist Officer T.C. and I forcibly resisted her by putting my hand on her hand and forearm. While forcibly resisting, I intended to further obstruct, interfere with, or impede officers by remaining on the front lines contrary to officers’ commands to leave the Rotunda.

These events took place in the District of Columbia.

COUNT 5

On January 6, 2021, Congresswoman Alexandria Ocasio-Cortez publicly tweeted a message over the internet of “Impeach” in response to the attack on the United States Capitol in which I participated. At approximately 7:28 p.m.—less than 90 minutes after the Capitol building had been cleared of rioters—I replied to the Congresswoman’s message with my own tweet which

stated: "Assassinate AOC." My reply was directed to @AOC, the Congresswoman's twitter account.

In other public tweets that I sent around the same time of my message to the Congresswoman, I acknowledged my involvement in the attack on the Capitol. For example, I tweeted a message stating: "I was there. We where [sic.] gentle with police. We where [sic.] pepper sprayed, batoned [sic.], tear gassed, cuffed and released. We stormed congress and pushed our way through. Patriots fighting fir [sic.] freedom. I've seen 2 news stories about it and both were completely false. It was Beautiful [sic.]"

At the time that I tweeted at the Congresswoman, I intended that the communication be perceived as a serious intent to commit violence against the Congresswoman. My tweet to the Congresswoman was sent just hours after the January 6 attack on the United States Capitol in which lawmakers—including Congresswoman Ocasio-Cortez—had been forced to evacuate for safety. At the time of my tweet, I also knew that the day's attack on the Capitol was viewed as a threat of violence towards members of Congress as seen in a text message that I sent on the evening of January 6 which read: "Dude we uhh terrified congress."

Accordingly, I acknowledge that my tweet to the Congresswoman—when viewed in the context of the day's events and my own public statements about my involvement in those events—could lead an objective observer to conclude that my communication was a serious expression of intent to commit violence. I also acknowledge that the Congresswoman was in the District of Columbia at the time of my tweet so that venue for this Count is proper in the District of Columbia.



December 12, 2022

GARRET MILLER