

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

UNITED STATES OF AMERICA

v.

CHARLES DONOHOE,

Defendant.

:
:
:
:
:
:
:

Criminal No. 21-cr-175-4 (TJK)

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, Charles Donohoe, with the concurrence of his attorneys, agree and stipulate to the below factual basis for the defendant’s guilty plea. If this case were to proceed to trial, the parties stipulate that the United States could prove the below facts beyond a reasonable doubt.

Background

1. Donohoe and his co-defendants, Enrique Tarrio, Ethan Nordean, Joseph Biggs, Zachary Rehl, and Dominic Pezzola, were affiliated through their membership in the Proud Boys organization. The Proud Boys describes itself as a “pro-Western fraternal organization for men who refuse to apologize for creating the modern world; aka Western Chauvinists.” Throughout the United States, there are local Proud Boys chapters, which are typically led by chapter “presidents.” Each chapter has a degree of autonomy.

2. Donohoe joined the Proud Boys in 2018 and became the president of his local Proud Boy chapter in North Carolina. As of January 6, 2021, Donohoe was a fourth-degree member of the Proud Boys. A fourth-degree member of the Proud Boys is the highest “rank” within the Proud Boys.

3. Donohoe traveled to Washington, D.C., as a member of the Proud Boys for the election rally on December 12, 2020.

4. On the evening of December 12, 2020, several individuals, including Proud Boys members, were involved in an altercation in downtown Washington, D.C. During that altercation, a member of the Proud Boys from North Carolina (“Person-1”), among others, was stabbed.

5. Also on the evening of December 12, 2020, a group of Proud Boys were marching in the streets near Asbury United Methodist Church. Members of the Proud Boys stole a banner from the church’s property. The banner was then burned. The Proud Boys Chairman, Enrique Tarrío, later publicly admitted that he was present and that he had burned the banner.

6. As a member of the Proud Boys since 2018 and an attendee at prior national rallies attended by the Proud Boys, Donohoe knew and understood that some members of the Proud Boys—known internally as the “rally” boys—would resort to unlawful conduct to achieve an objective.

**Donohoe’s Participation in the Plot to
Corruptly Obstruct the Certification of the Electoral College Vote**

Before January 6, 2021 – the Creation of the Ministry of Self Defense

7. On December 19, 2020, plans were announced for a protest event in Washington, D.C., on January 6, 2021, which protest would coincide with Congress’s certification of the Electoral College vote.

8. On or before December 20, 2020, Tarrío approached Donohoe and solicited his interest in joining the leadership of a new chapter of the Proud Boys, called the Ministry of Self Defense (“MOSD”). Donohoe understood from Tarrío that the new chapter would be focused on

the planning and execution of national rallies and would consist of hand-selected “rally” boys. Donohoe felt privileged to be included and agreed to participate.

9. On December 20, 2020, Tarrío created an encrypted message group for the leaders of the MOSD. The leaders of MOSD included Nordean, Biggs, Rehl, and Donohoe.

10. Immediately after its formation, Tarrío and others in the MOSD leadership group began making preparations for the MOSD’s attendance in Washington, D.C., on January 6, 2021. Donohoe understood that the purpose of the rally in Washington, D.C., on January 6, 2021, was to stop the certification of the Electoral College vote.

11. Donohoe initially advised the group that he did not plan to travel to Washington, D.C., on January 6, but that he would help with the planning.

12. Members of the MOSD leadership discussed how to organize and direct the group using a top-down structure. Tarrío, Nordean, and Biggs formed a three-person “Marketing” council. Donohoe understood this council to be the top level of the MOSD leadership structure, with Tarrío superior to Nordean and Biggs. Rehl and two other members were to be “Operations” leaders that would take direction from the “Marketing” council.

13. Donohoe and a small group of other members formed the regional leadership. As a regional leader, Donohoe committed to follow the commands of those above him including Tarrío, Nordean, Biggs, and Rehl. As a regional leader, Donohoe was responsible for recruiting trusted Proud Boys members to join the MOSD. Any member selected to join the MOSD was expected to follow the commands of leadership. Proud Boys members recruited into the MOSD chapter were repeatedly admonished by MOSD leadership, including Tarrío and Donohoe, that they were to follow the commands of leadership and that, if they did not, they would be removed from the MOSD chapter.

14. On December 27, 2020, Tarrío created another encrypted messaging group to recruit potential members of the MOSD (the “MOSD Prospect Group”). On that same day, Donohoe reposted a message to prospective members in the MOSD Prospect Group in which he stated that the D.C. government was expected to limit access to Washington, D.C., on January 6. Donohoe’s message stated “They want to limit the presence so that they can deny Trump has the People’s support. We can’t let them succeed. This government is run FOR the People, BY the People....Congress needs a reintroduction to that fact.” When he reposted this comment, Donohoe understood that Congress was responsible for certifying the Electoral College vote on January 6.

15. On December 30, 2020, Tarrío convened a video call for prospective members of the MOSD. On this video call, Tarrío, Donohoe, and others in MOSD leadership emphasized that members of the MOSD were to follow the commands of leadership.

16. On January 2, 2021, Tarrío created an encrypted message group for recruits who had been accepted to become members of the MOSD (the “MOSD Members Group”). Tarrío posted a message that read, “Open for business.” The group included at least 65 members, including Tarrío, Nordean, Biggs, Rehl, and Donohoe. Dominic Pezzola was added to the MOSD Members Group by Person-1, who had been designated a regional leader of the MOSD. Donohoe understood that Pezzola had been fast-tracked into membership in the Proud Boys by Tarrío.

17. At least as early as January 4, 2021, and prior to Donohoe’s decision to travel to D.C., Donohoe was aware that members of MOSD leadership were discussing the possibility of storming the Capitol. Donohoe believed that storming the Capitol would achieve the group’s goal of stopping the government from carrying out the transfer of presidential power. Donohoe understood that storming the Capitol would be illegal.

Before January 6, 2021 – Donohoe Travels to Washington, D.C.

18. On January 4, 2021, after being informed of Tarrío’s impending arrest pursuant to a warrant issued by D.C. Superior Court, Donohoe made the decision to travel to Washington, D.C., with the MOSD to participate in the events of January 6, 2021. Donohoe believed that Tarrío’s arrest could create a leadership void for the MOSD, and Donohoe wanted to assist the group.

19. Also on January 4, 2021, Donohoe created a new group on the encrypted messaging application for MOSD leadership (“New MOSD Leaders Group”) that did not initially include Tarrío. Donohoe then advised the other leaders, “Each one of us should personally clear our history of that MOSD chat.” Rehl responded, “you gotta manually delete each message from each chat” and then added, “since [Tarrío] knew the cops were for him, hopefully he logged outta” the encrypted messaging service. Donohoe responded, “Well at least they won’t get our boots on ground plans because we are one step ahead of them.” Donohoe knew that discussions among MOSD leaders and members on the encrypted messaging application included discussion of unlawful activity to take place in Washington, D.C., on and around January 6.

20. Donohoe then created a new group on the encrypted messaging application for the MOSD members and advised the group to leave the earlier group because “we are nuking that one.” Another member of the group advised that he had “removed everyone from the other group” and that it had been “nuked.” After its creation, the new MOSD member group (“New MOSD Member Group”) included approximately 90 participants in total, including Nordean, Biggs, Rehl, Donohoe, Pezzola, and Person-1.

21. At 7:15 p.m. on January 4, Donohoe posted a message on the New MOSD Member Group that read, “Hey have been instructed and listen to me real good! There is no planning of any

sorts. I need to be put into whatever new thing is created. Everything is compromised and we can be looking at Gang charges.” Donohoe then wrote, “Stop everything immediately” and then “This comes from the top.” Donohoe’s messages in the New MOSD Member Group repeated those posted by a participant in the MOSD Member Group.

22. At 9:17 p.m. on January 5, 2021, Biggs posted a message on the New MOSD Member Group that read, “We just had a meeting with [sic] a lot of guys. Info should be coming out” and then posted “Just spoke with Enrique [Tarrío].” At approximately 9:20 p.m., Biggs posted a message that read, “We have a plan. I’m with rufio.” Donohoe responded, “What’s the plan so I can pass it to the MOSD guys.” Biggs responded, “I gave Enrique [Tarrío] a plan. The one I told the guys and he said he had one.” Donohoe understood from these discussions that a tactical plan for January 6, 2021, was being discussed at least among Tarrío, Nordean, and Biggs.

23. Donohoe was not given details of the plan referred to by Biggs, but Donohoe understood from discussions among the MOSD and other Proud Boys that the objective in Washington, D.C., on January 6, 2021, was to obstruct, impede, or interfere with the certification of the Electoral College vote. Donohoe understood from discussions that the group would pursue this through the use of force and violence, in order to show Congress that “we the people” were in charge.

24. At 9:20 p.m. on January 5, 2021, Tarrío was added to the New MOSD Leaders Group. At 9:36 p.m. on January 5, 2021, Donohoe added Tarrío to the New MOSD Member Group. Donohoe added Tarrío to the New MOSD because Tarrío remained the leader of the MOSD.

25. At 12:01 a.m. on January 6, 2021, Tarrío posted a message on the New MOSD Leaders Group. At 12:03 a.m., Donohoe posted, “Standby” and then reposted the instructions that had been issued in the Boots on Ground Group—a group meant for any Proud Boys members

attending the January 6, 2021, protests—and the New MOSD Members Group regarding the plan to meet at the Washington Monument at 10 a.m. Donohoe reposted the instructions in the New MOSD Leaders Group so that Tarrío would know the instructions that had been issued by Donohoe and other leaders to the MOSD membership.

January 6, 2021 – Donohoe and Co-Conspirators March to the Capitol

26. Donohoe arrived in Washington, D.C., by car around 6 a.m. on January 6, 2021. At 6:37 a.m. on January 6, 2021, Donohoe posted a message to the New MOSD Leaders Group that asked, “Are we gonna do a commanders briefing before the 10 a.m.?” Subsequently, Donohoe posted a message to the New MOSD Members Group and Boots on Ground group that he was on his way to the Washington Monument. Donohoe added, “I have the keys until Rufio [Nordean] and Zach [Rehl] show up.” Donohoe understood Nordean and Rehl to be his superiors in the MOSD and deferred to their leadership.

27. Nordean, Biggs, and Rehl arrived at the Washington Monument after Donohoe. Nordean told Donohoe that the MOSD and the rest of the Proud Boys members would march together and that the MOSD would not break off to do something different. Donohoe understood that, as a Proud Boys elder, Nordean would carry a degree of authority over other Proud Boys even if they were not in MOSD. Nordean subsequently made an announcement that the group would be marching to the Capitol but would be returning for the speech. It soon became evident to Donohoe that Nordean and Biggs did not intend to lead the group back to President Trump’s speech.

28. Shortly after 10 a.m., Nordean and Biggs led a group of 100 or more Proud Boys, including Donohoe, on a march away from the Washington Monument towards the Capitol. Nordean and Biggs led the group on a march around the Capitol, ending at the Peace Circle on the west side of the Capitol grounds.

29. Shortly after 12 p.m. Nordean and Biggs directed the group to a position approximately two blocks west of the Capitol and directed them to wait. While waiting in that area, Donohoe posted that he was at the Capitol “WITH 200-300 PBS.”

30. Nordean and Biggs then mustered the group of assembled Proud Boys, including Donohoe, and directed them back toward the Capitol. Donohoe understood that Nordean and Biggs were searching for an opportunity to storm the Capitol.

January 6, 2021 – Donohoe and Co-Conspirators Attack the Capitol to Stop the Certification

31. The United States Capitol, which is located at First Street, SE, in Washington, D.C., is secured twenty-four hours a day by United States Capitol Police. Restrictions around the Capitol include permanent and temporary security barriers and posts manned by Capitol Police. Only authorized people with appropriate identification are allowed access inside the Capitol.

32. On January 6, 2021, the exterior plaza of the Capitol was closed to members of the public as the Joint Session of Congress convened inside the building. During the Joint Session, elected members of the United States House of Representatives and the United States Senate met to certify the vote count of the Electoral College of the 2020 Presidential Election. 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. United States Vice President Michael R. Pence was present and presiding, first in the Joint Session, and then in the Senate chamber.

33. As the proceedings continued in both the House and Senate chambers, and with Vice President Pence present and presiding over the Senate, a large crowd gathered outside the Capitol. As noted above, temporary and permanent barricades were in place around the exterior of

the Capitol, and Capitol Police were present and attempting to keep the crowd away from the Capitol and the proceedings underway inside.

34. Shortly before 12:53 p.m., Nordean and Biggs led the group back to the First Street pedestrian entrance near the Peace Monument. Donohoe observed that at least one other large group appeared to arrive at that location at the same time. Donohoe immediately noticed that the crowd had become more aggressive. Donohoe recognized that the handful of officers who were guarding the Capitol were severely outnumbered. Donohoe knew that the crowd was not permitted to advance past the metal barriers.

35. Within minutes of arriving, members of the crowd breached the barriers and advanced onto Capitol grounds. Donohoe saw Nordean and Biggs advance onto Capitol grounds and followed them. Donohoe believed these actions were intended to stop the certification of the Electoral College vote.

36. Shortly after 1:00 p.m., messages were posted in the New MOSD Leaders Group by individuals who were not present at the Capitol that stated, "Push inside! Find some eggs and rotten tomatoes!" and "They deploy the mace yet." Donohoe responded, "We are trying." Donohoe posted this message to the other leaders without hesitation because he knew these actions were consistent with the leadership's objective.

37. Donohoe threw two water bottles at a line of law enforcement officers engaged in the lawful performance of their official duties who were attempting to prevent the mob's advance in the West Plaza at the Capitol building. It was reasonably foreseeable to Donohoe that members of the Proud Boys who had been led to the Capitol by Nordean and Biggs would engage in assaults on law enforcement.

38. Shortly after throwing the water bottles at officers, Donohoe encountered Pezzola. Donohoe recognized Pezzola as a Proud Boys member and confirmed that fact with another Proud Boys member. Donohoe then grabbed the riot shield that Pezzola was holding and led Pezzola to the rear of the West Plaza. After reaching the rear of the concrete area of the West Plaza, Donohoe posted a message to MOSD leaders at 1:37 p.m. that read, "Got a riot shield." While standing at the rear of the plaza, Donohoe took a picture of Pezzola holding the riot shield and making a hand gesture associated with the Proud Boys.

39. Donohoe then advanced back toward the Capitol in an effort to locate other Proud Boys members. Upon arriving near the base of a set of concrete stairs, Donohoe recognized a Proud Boys member known as "Milkshake" at the front of the crowd standing opposite a line of officers. Donohoe heard shouting and other discussion among those surrounding him indicating that the crowd was preparing to push toward the Capitol. Donohoe recognized that the concrete stairs offered a path to advance further toward the Capitol. Donohoe and others in the crowd pushed up the stairs. It was reasonably foreseeable to Donohoe that the use of force to advance toward the Capitol would involve property destruction by members of the Proud Boys who had been led to the Capitol by Nordean and Biggs.

40. After Milkshake initiated an altercation at the front of the crowd, Donohoe pushed forward to advance up the concrete stairs toward the Capitol. The crowd overwhelmed law enforcement who were attempting to stop their advance.

41. Donohoe advanced up the concrete stairs to assist the crowd in pushing forward toward the Capitol. Law enforcement countered the attack with non-lethal measures, and Donohoe eventually succumbed to pepper balls that had been deployed by officers. After becoming

overwhelmed by lachrymatory agents, Donohoe left the Capitol grounds and traveled back to a hotel where he planned to stay on the evening of January 6, 2021.

42. Donohoe intended to use force and did, in fact, use force to obstruct, impede, or interfere with the certification of the Electoral College vote, and did forcibly assault, resist, oppose, impede, intimidate, or interfere with, officers or employees of the United States.

43. In taking such actions, Donohoe intended to influence or affect the conduct of the United States government. He accomplished this by intimidating and coercing government personnel who were participating in or supporting the Congressional proceeding, including Members of Congress, Congressional staff, and law enforcement officers with the Capitol Police and Metropolitan Police Department.

44. At approximately 4:03 p.m., Donohoe responded to a comment by Person-1 in which Person-1 indicated that he had not seen anyone he knew breaking windows or entering the building. Donohoe responded, “Def a video of one of our guys smashing out the window with a stolen police riot shield.” Donohoe was referring to a video that he had seen of Pezzola breaking a window of the Capitol building.

45. Shortly after 7:00 p.m., Donohoe posted messages in the New MOSD Leadership Group that celebrated the accomplishments of the group. Among other things, Donohoe wrote, “[w]e stormed the capitol unarmed” and then “[a]nd took it over unarmed” and then “[t]he people are fucking done.”

46. Because of the dangerous circumstances caused by the unlawful entry into the Capitol by Donohoe’s codefendants and others, including the danger posed by individuals who had entered the Capitol without any security screening or weapons checks, Congressional proceedings could not resume until after law enforcement had removed every unauthorized

occupant from the Capitol and confirmed the building was secured. Accordingly, the proceedings did not resume until approximately 8:00 p.m. on January 6, 2021, 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.

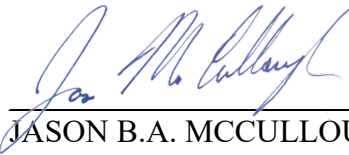
47. The attack on the Capitol resulted in substantial damage, requiring the expenditure of more than \$1.4 million dollars for repairs.

Limited Nature of Factual Basis

48. This proffer of evidence is not intended to constitute a complete statement of all facts known by Donohoe or the government. Rather, it is a limited statement of facts intended to provide the necessary factual predicate for Donohoe's guilty plea.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney
DC Bar No. 481052




JASON B.A. MCCULLOUGH
D.C. Bar No. 998006; NY Bar No. 4544953
LUKE M. JONES, VA Bar No. 75053
ERIK M. KENERSON, OH Bar No. 82960
Assistant United States Attorneys
555 4th Street, N.W.
Washington, D.C. 20530
(202) 252-7233
Jason.McCullough2@usdoj.gov

DEFENDANT'S ACKNOWLEDGMENT

The preceding statement is a summary made for the purpose of providing the Court with a factual basis for my guilty plea to the charges against me. I make this statement knowingly and voluntarily, and I stipulate and agree that this Statement of Offense concerning my actions is true and accurate. I have read every page of this Statement of Offense and have discussed it with my attorneys, Lisa Costner and Ira Knight. I am fully satisfied with the legal services provided to me in connection with this plea. 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 Offense fully.

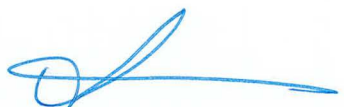
Date: 04 APR 20 22


Charles Donohoe
Defendant

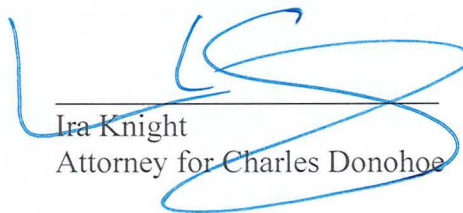
ATTORNEYS' ACKNOWLEDGMENT

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

Date: 4-4-22


Lisa Costner
Attorney for Charles Donohoe

Date: April 4, 2022


Ira Knight
Attorney for Charles Donohoe