

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

Case No.: 21-CR-392-2 (RCL)

v.

RUSSELL TAYLOR

Defendant.

*Let this be filed.
Tyrone...
U.S. ... 4/19/23*

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, Russell Taylor, 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 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, 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 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. 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. 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 \$2.7 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.

Russell Taylor's Participation in the January 6, 2021, Capitol Riot

8. The defendant, Russell Taylor, lives in Ladera Ranch, California. In the autumn of 2020, he had joined the board of a California-based organization known as the American Phoenix Project (“APP”), organized by Alan Hostetter. Participation in the APP allowed the defendant to expand his own efforts to end certain restrictions in California, which were government responses to the COVID-19 pandemic.

9. On or about December 19, 2020, the defendant posted to an unnamed Telegram chat, organized by Hostetter, a link to a Tweet that then-President Trump posted on Twitter earlier that day, which stated, “Statistically impossible to have lost the 2020 Election. Big protest in D.C. on January 6th. Be there, will be wild!” Alongside the link, the defendant posted the message, “Who is going?”

10. On or about December 19, 2020, the defendant agreed with Hostetter and others to travel to Washington, DC for the events of January 6, 2021. Their intent was to intimidate Congress, including through their overwhelming intimidating presence at the U.S. Capitol building, in order to corruptly influence members of Congress to reject the certification of the 2020 electoral college vote, and to return the results to the states. In order to accomplish this, the defendant and Hostetter agreed to work together and to coordinate their actions with other members of various Telegram groups, as discussed further below.

11. On or about December 20, 2020, the defendant renamed the unnamed Telegram chat to "The California Patriots-Answer the Call Jan 6" ("Answer the Call"). In addition to the defendant and Hostetter, among the members of the Answer the Call Telegram group were Derek Kinnison, using the moniker "Derek Midnightrider"; Ronald Mele, using the moniker "Redline Ron Mele"; Tony Martinez; and Erik Warner.

12. On or about December 21, 2020, in a separate Telegram chat, an individual wrote, "I have a feeling it's going to get serious on January 6th.[] I'm hoping the people storm the senate!" The defendant responded, "I'll be in the steps on the senate....join us!"

13. On or about December 29, 2020, in response to a question about when to be at the Capitol on the morning of January 6, 2021, the defendant posted to the Answer the Call Telegram chat, <https://wildprotest.com/> This says event starts at 10am. I personally want to be on the front steps and be one of the first ones to breach the doors! We will most likely meet at 7:30am at hotel and walk over. Be there by 8:15-8:30." On December 29, 2020, the website www.wildprotest.com included the headline "#DONOTCERTIFY #JAN6 #STOPTHESTEAL #WILDPROTEST." The website also included the following event description, "We the People must take to the US Capitol lawn and steps and tell Congress #DoNotCertify on #JAN6! Congress cannot certify this

fraudulent Electoral College. Our presence in Washington D.C. will let Members of Congress know that we stand with Rep. Mo Brooks and his colleagues in the House of Representatives who will bravely object to the certification of the Electoral College. We're in need of at least one Senator. We've identified six (seven including Senator-elect Tommy Tuberville) that could join our cause. StopTheSteal.us is working closely, whipping the vote up, with patriots in the Congress."

14. On or about December 30, 2020, the defendant delivered to Hostetter a backpack, containing, among other items, a knife, a stun baton, two hatchets, and carbon fiber knuckle gloves, which the defendant left in Hostetter's truck, so Hostetter could transport the bag to Washington, D.C. The defendant, who intended to fly to Washington, D.C. on January 4, gave these items to Hostetter under the belief he could not transport them by plane.

15. On or about December 30, 2020, Derek Kinnison asked, in the Answer the Call Telegram chat, what items could be brought into Washington, D.C. The defendant responded, "Check a bag. Bring more than a pocket knife."

16. On or about January 1, 2021, the defendant created a separate Telegram chat called "The California Patriots-DC Brigade" ("DC Brigade") and invited other individuals to join. In addition to the defendant, the members of the DC Brigade Telegram group included Kinnison, Mele, Martinez, and Warner.

17. In the "about" section that described the purpose of the DC Brigade Telegram chat, the defendant wrote: "This group will serve as the Comms for able bodied individuals that are going to DC on Jan 6. Many of us have not met before and we are all ready and willing to fight. We will come together for this moment that we are called upon."

18. In a series of messages on or about January 1, 2021, the defendant further explained the purpose of the DC Brigade Telegram group. In one message, he explained: "This thread is exclusive to be utilized to organize a group of fighters to have each other's backs and ensure that no one will trample on our rights. Also, if there is key intel that we need to be aware of tor[sic] possible threats." He added: "I am assuming that you have some type of weaponry that you are bringing with you and plates as well." The defendant also asked members to identify if they had previous law enforcement experience, military experience, or "special skills relevant to our endeavors," as well as the planned date and time of their arrival in Washington, D.C.

19. On or about January 1, 2021, Kinnison introduced himself, Mele, Martinez, and Warner to the DC Brigade Telegram group by sharing a photograph and writing, "I'm Derek, driving up with Tony Redline and Erik. We are part of so cal 3%, we work well and train with each other. Leaving tomorrow and driving instead of flying because our luggage would be too heavy[.] We will have lots of gear from medical kits, radios, multiple cans of bear spray, knives, flags, plates goggles, helmets. I'm not military or Leo but I can order a mean pizza reach things on the top shelf and know how to give Indian burns. I think we should clear all text in this chat the morning of the 5th just in case for opsec purposes."

20. On or about January 1, 2021, the defendant, in a private Telegram chat with Kinnison, asked Kinnison to "take point lead on Comms" for the DC Brigade Telegram group. Kinnison responded, "No problem." Less than a minute later, in the DC Brigade Telegram group, Kinnison wrote, "142.422 simplex no PL tones just radio to radio." On or about January 3, 2021, the defendant told the DC Brigade Telegram group, "@midnightriderZ8 will be point on Comms." Kinnison responded, "No tones just 142.422 simplex."

21. On or about December 31, 2020, the defendant, in a private Telegram chat with Martinez, asked Martinez if he would be joining the defendant's group on January 6, 2021, and said he was "[g]lad to hear we have some additional warriors." Martinez said he would join the defendant's group, and the defendant responded, "We will take you brother!" Martinez joined and introduced himself to the DC Brigade Telegram group on or about January 1, 2021, writing, "Military brat. Heavy construction worker. Have trained in the fighting arts most of my life."

22. On or about January 1, 2021, Kinnison asked the defendant to invite Mele to the DC Brigade Telegram group. A few minutes after that request, the defendant invited Mele, and Mele joined the group. That same day, Mele messaged the group, "Damn right I'll be there! Looking forward to meeting you Porter as well as hundreds of thousands more." "Porter" refers to "Porter RockQwell," the moniker used by the defendant on Telegram.

23. On or about January 1, 2021, Warner also joined the DC Brigade Telegram group. Warner shared a photograph of himself and wrote, "Marine, RN, EMS."

24. On or about January 2, 2021, in a DC Brigade Telegram discussion regarding what weapons could be carried in Washington, D.C., the defendant suggested a "[h]atchet," "[b]at," or "[l]arge metal flashlight" and then stated: "I believe that you can carry most fixed blades just not into the government buildings. Something tells me though if we are inside government buildings it won't be on the top of our list."

25. On or about January 4, 2021, the defendant flew from California to Washington, D.C.

26. On January 5, 2021, the defendant spoke at a Virginia Women for Trump rally in front of the United States Supreme Court as part of a panel of speakers. In his speech, he stated:

I am Russell Taylor and I am a free American. And I stand here in the streets with you in defiance of a communist coup that is set to take over America. But we are awake and we

are never going back to sleep. We are free Americans and in these streets, we will fight and we will bleed before we allow our freedom to be taken from us. We declare that we will never bend a knee to the Marxists within Antifa, to the tyrannical Democrat governors who are puppets, and to the deep state commie actors who threaten to destroy America.... But now these anti-Americans have made the fatal mistake, and they have brought out the Patriot's fury onto these streets and they did so without knowing that we will not return to our peaceful way of life until this election is made right, our freedoms are restored, and America is preserved.

27. At 11:28 PM on or about January 5, 2021, the defendant posted a photo to a chat on another encrypted messaging service showing gear arranged on a bed, including a khaki backpack, black plate-carrier vest, two hatchets, a walkie talkie-type radio, a stun baton, helmet, scarf, and a knife. In the caption he wrote, "Now getting ready for tomorrow."

28. In the early morning hours of January 6, 2021, the defendant and Hostetter met at their Washington, D.C. hotel. At this meeting, the defendant showed Hostetter that he was carrying a hatchet in his backpack. Hostetter showed the defendant that, in his backpack, he was carrying a similar hatchet, which the defendant had previously given Hostetter as a gift.

29. Later that morning, the defendant, Hostetter, and approximately twenty to thirty others met in a group in downtown Washington, D.C. to walk to the Ellipse for a rally featuring a speech by then-President Trump. The defendant wore the black plate-carrier vest and carried a knife in a vest pocket. He also carried a backpack containing a hatchet and stun baton. The defendant and Hostetter remained outside the secure area of the Ellipse where President Trump was speaking because they were carrying "personal protective gear" that was not allowed inside under Secret Service regulations.

30. Following then-President Trump's speech, the defendant, Hostetter, and others walked down Pennsylvania Avenue to the Capitol. The defendant made a "selfie" video as he walked, in which he stated, "We are on the move. Heading up to the Capitol." In response to a

police siren and the sight of officers standing nearby, the defendant stated, "We'll see who these guys end up working for." The defendant then reiterated, "On the march to the Capitol."

31. While the defendant, Hostetter, and others walked down Pennsylvania Avenue to the Capitol, the defendant received information and repeated, "the barricades have been breached," and "they are storming the Capitol."

32. The defendant, Hostetter, and others continued past police barricades and entered the restricted area of the U.S. Capitol grounds, moving around a line of police officers on the Lower West Terrace and up stairs toward the Upper West Terrace. Specifically, at approximately 2:30 PM, the defendant and Hostetter joined rioters on the Lower West Terrace of the Capitol. Below him, the defendant observed a line of law enforcement officers attempting to keep the crowd behind a police line on a lower level of the West Terrace. The defendant, seeing the crowd push against that police line, and seeing officers under assault, yelled, "Move forward, Americans! Americans, move forward!" When the defendant observed the police line below breaking, he yelled, "Now's your chance! Move back!" The defendant, still carrying a knife in the front chest pocket of his plate carrier vest, then turned back to the officers a few feet away from him, who were trying to keep the rioters from moving toward the Upper West Terrace and U.S. Capitol building, yelling, "Last chance boys. Move back!" The defendant, followed closely by Hostetter, joined a group of rioters pushing past law enforcement officers, moved up the stairs onto a structure erected for the Inauguration, and continued moving on to the Upper West Terrace.

33. At approximately 2:32 PM, just after the defendant climbed over a railing and onto the Inaugural Stage, a police officer discharged pepper spray at him. After the defendant was sprayed in the face with pepper spray, he briefly retreated to wash his face and eyes with water. He then proceeded to walk past the officer in defiance of the pepper spray, which the defendant

understood equated to an instruction to stop and retreat. The defendant continued past the officer up to the steps of the U.S. Capitol building. He paused briefly to raise his arms before the crowd in a cheering fashion. The defendant then walked up to the Capitol steps where he, Hostetter, and others celebrated their success in making it to the Upper West Terrace, where multiple doors to the Capitol are located.

34. On the Upper West Terrace, Hostetter stated, observing the crowd, "The people have taken back their house. . . . Hundreds of thousands of patriots showed up today to take back their government!" Upon hearing another member of the crowd announce that rioters were entering the U.S. Capitol building, the defendant yelled to other rioters, "Inside!"

35. The defendant and Hostetter remained on the Upper West Terrace for approximately two hours. While on the Upper West Terrace, the defendant and Hostetter met with Kinnison and Martinez. The defendant took a photograph with Kinnison and Martinez.

36. At approximately 4:23 PM, law enforcement began physically removing the crowd on the Upper West Terrace, including the defendant and Hostetter. While law enforcement pushed back the crowd, the defendant shouted toward the police, "1776! Choose a side!" He continued to shout, "Freedom is the cost!" Choose a side! We know what you want to do! Stand down! This is your last chance, boys!"

37. At approximately 6:18 PM, the defendant posted to a Telegram chat, "I was pushing through traitors all day today. WE STORMED THE CAPITOL! Freedom was fully demonstrated today!"

38. Between approximately 7:52 PM and 9:11 PM, the defendant sent text messages to several individuals saying that he "stormed the capital," but because he "had weapons," he did not

go inside. When asked by one of the individuals with whom he was texting what happens next, the defendant responded, "Insurrection!"


Elements of the Offense

39. Russell Taylor knowingly and voluntarily admits to all the elements of Conspiracy To Obstruct an Official Proceeding. Specifically, the defendant admits that the defendant willfully and knowingly, did conspire with one or more other persons to corruptly obstruct, influence, and impede an official proceeding, to wit, the Certification of the Electoral College vote, and that, to further the objective of that conspiracy, the defendant committed one or more overt acts in furtherance of that conspiracy.

Respectfully submitted,

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DEFENDANT'S ACKNOWLEDGMENT

I, Russell Taylor, 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: 4-19-2023




Russell Taylor
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: 4-19-23



Dyke Huish
Attorney for Defendant