

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

UNITED STATES OF AMERICA :
 :
 v. : **Case No. 21-cr-88**
 :
NATHANIEL DEGRAVE, :
 :
 Defendant. :

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, Nathaniel DeGrave (“DeGrave”), 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.

8. As described more fully below, on January 6, 2021, along with his co-conspirators Ronald Sandlin and Josiah Colt, Nathaniel DeGrave unlawfully entered the Capitol building intending to stop or delay the congressional proceeding. He also entered the Senate Chamber during a time in which he believed the Senate was convened for the Certification of the Electoral College vote, and where the Senate in fact had been meeting for this purpose only moments before. DeGrave thus 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.

DeGrave and His Co-Conspirators’ Preparation for January 6

9. On December 23, 2020, Sandlin posted a message on his Facebook account asking who else was traveling to the District of Columbia on January 6, 2021, to “stop the steal and stand

behind Trump when he decides to cross the rubicon.” DeGrave responded to Sandlin’s post that he was “considering” joining him, and that he could “come to Nashville and drive there with you.”

10. On December 30, 2020, Sandlin wrote DeGrave in a private message via Facebook, “Yo sorry bro I’m going back and fourth [sic] about going some people I respect are saying it may get dangerous” and then “Are you down for danger bro?” DeGrave responded, “Im bringing bullet proof clothing” and “yes.”

11. The next day, on December 31, 2020, DeGrave posted on Facebook asking: “Who can shoot and has excellent aim and can teach me today or tomorrow.” In response to other users’ comments to this post, he wrote “I want somebody special forces or ex fbi to teach me”; “I want personalized training from the best”; and “I’m open to learning all the essential skills. Whatever is necessary to survive.” When a user recommended a particular person for the task and advised “he’s not cheap,” DeGrave responded that “this is for a very patriotic cause.”

12. That same day, Sandlin posted to Facebook that he was organizing a caravan of patriots to travel to D.C., and that “Josiah Colt, Nate DeGrave and myself have already booked and paid for our trip....” Sandlin solicited donations from other “patriots,” asking them for financial support in exchange for a “personal thank you video shot on location in Washington D.C.” The post also contained a link to a GoFundMe webpage with the caption “Patriots Defending Our Country On Jan. 6th, organized by Ronnie Sandlin” and what appeared to be a photo-shopped image of Sandlin’s face superimposed on the image of a man in a car holding what appears to be a gold-plated semi-automatic rifle. The GoFundMe link also bore the caption, “The only thing necessary for the triumph of evil is for good men to do noth[ing]...Ronnie Sandlin needs your support for Patriots Defending Our Country On Jan 6th.” In response to the post with the GoFundMe link described above, DeGrave posted a comment stating that “[i]t’s time the

American people rise and stand up for this country. We're tired of the corruption.”

13. Also on December 31, 2020, DeGrave, Sandlin, and Colt (hereinafter, the “trio”) began a private group chat on Facebook to plan for the 6th. They discussed “shipping guns” to Sandlin’s residence in Tennessee, where they would all meet before driving to D.C. Colt said he would try to fly with his “G43”—a reference to a Glock .43 pistol. Sandlin later stated he was bringing his “little pocket gun” and a knife. When Sandlin provided his address to DeGrave later that evening, DeGrave wrote to Sandlin that he had “about 300 worth of stuff coming to you.” Sandlin and Colt later shared pictures of their recent purchases: Colt had purchased a Glock holster, a gas mask, and a helmet, while Sandlin purchased a “bionic face shield” and shin guards.

14. On January 3, 2021, DeGrave posted a picture of various items of clothing with skulls on them, a helmet, and a skull face mask on Facebook, with the following caption: “Gearing up. Only a fraction of what I have. #fbappropriate #dc #jan6 #drdeath.” He also posted that he was “flying in with friends on the 6th. We’re ready to do what is necessary to save the country.”

15. On January 4, 2021, DeGrave wrote Sandlin and Colt, “[w]e meet here at 10:00 a.m.” and sent a screenshot of “wildprotest.com,” depicting a map of the U.S. Capitol with a “Meet Here” notation in front of the building. He also forwarded them a post from the Parler application stating: “#DoNotCertify #january6th” and “#stopthestealcaravan #darktolight #thegreatawakening #DRAINTHESWAMP,” followed by his own commentary, “let em try us.”

16. That same day, Sandlin posted to Facebook a photograph that shows Colt lying in a bed holding a firearm, with the caption: “My fellow patriot [Colt] sleeping ready for the boogaloo Jan 6.” “Boogaloo” is a term used in some circles to refer to civil war. Colt responded to the post that he was “[r]eady for any battle.” DeGrave viewed this post before arriving in Washington, D.C.

17. The trio traveled together in a rental car from Tennessee to the District of Columbia on January 5, 2021. They brought with them gas/face masks, helmets, shin guards, protective gear, one Glock .43 pistol, an M&P bodyguard pocket pistol, knives, a slingshot, a handheld taser/stun gun, an expandable baton, walkie talkies, and two cans of bear mace. At the time he traveled, DeGrave believed that former Vice President Pence would reject the certification of the Electoral College vote.

18. On the evening of January 5, 2021, the trio and a fourth individual—a female friend—attended a rally in Washington, D.C. protesting the 2020 presidential election results, which they believed to be fraudulent. Sometime that same evening, Sandlin and Colt confirmed to DeGrave that they had each brought a gun with them on the trip.

19. While driving back from the rally, a can of bear spray accidentally discharged in DeGrave's pocket. Colt posted a video to his social media depicting this event, along with the caption: "Nate's bear mace was going off in his pocket and it started filling the van [with] bear spray." In the video, Sandlin stated that bear mace was going off in the car, and Sandlin and Colt can be seen coughing.

DeGrave and His Co-Conspirators' Participation in the January 6 Capitol Riot

20. On the morning of January 6, 2021, the trio prepared to go to the "Stop the Steal" rally in Washington, D.C. from their hotel room in Maryland. While there, Colt recorded a selfie-style video in which the trio and the female friend appear. Colt discussed a "debate we've been having for days now: should we carry our guns or not?" DeGrave responded, "for the camera's sake, we're not going to carry."

21. Throughout the day of January 6, 2021, the trio monitored the certification proceedings. At one point, Colt mistakenly announced to DeGrave and Sandlin that former Vice President Pence had rejected the vote certification for the state of Arizona.

22. After attending the “Stop the Steal” rally on the morning of January 6, 2021, but before the Capitol riot began, the trio went to a TGI Friday’s restaurant in Virginia to eat lunch. They watched former President Trump give a speech to the crowd gathered at the rally from a television in the restaurant. At the time, DeGrave believed that former President Trump had instructed the crowd to go to the Capitol.

23. After the former president’s speech ended, Sandlin live streamed a video featuring the trio on social media and called on “fellow patriots” to watch. In the video, Sandlin stated four times that “freedom is paid for with blood.” He also stated that “there is going to be violence.” He further stated that “if you are watching this and you are a patriot and are here, I think it is time to take the Capitol.” In the video, Sandlin continued to “urge other patriots” watching the video to “take the capitol.” Colt stated that “they can’t just steal an election,” to which DeGrave replied, “[w]e are sick and tired of the fucking lies. It is time to put an end to this once and for all.” Sandlin added that “we are going to be there [the Capitol] back by one o’clock when it is action time it is game time.” Colt then asked, “storming the Capitol?” to which Sandlin replied, “I’m willing to occupy the Capitol.” Shortly after this video was made, the trio agreed to go to the Capitol.

24. The trio traveled back to D.C. and walked together from the Ellipse to the U.S. Capitol. All three wore or carried protective gear, including gas/face masks, helmets, shin guards, and motorcycle jackets. DeGrave carried a can of bear spray in his pocket as well as a walkie talkie.

25. While DeGrave was walking past the reflecting pool on the National Mall, he heard conversations occurring on his walkie talkie. Specifically, he heard a female speaking about a meeting point somewhere near Constitution Avenue. Around this time, Sandlin stated that it was time to “occupy the Capitol building,” and “we’re going to go take the State Capitol building.”

26. After marching down Pennsylvania Avenue, the trio arrived at the Capitol Complex and breached the exterior barricades set up on the perimeter, at one point scaling a dismantled bike barricade to climb over a stone barrier. They then observed a large crowd amassed just below the northwest scaffolding set up on Capitol grounds in anticipation of the presidential inauguration.

27. Around this time, DeGrave heard members of the crowd state that the Capitol building had been breached. DeGrave then recorded a video just off the Lower West Terrace of the Capitol in which he stated: “They just breached the Capitol building. That’s it, bro. It’s game time. We all armored up, we got a gas mask. This is what separates us true patriots from everyone else who is all talk—you know, fuck this, fuck that, sitting at home, we out here taking action. It’s Dr. Death in the building and it’s about to go down.”

28. As the trio pushed past members of the crowd to get closer to the Capitol building, Sandlin repeatedly yelled things such as “we’re not here to spectate anymore,” “the time for talk is over,” “fuck the GOP,” and “if you’re not breaching the building, move out of the way.”

29. On the way up the stairs on the exterior of the Capitol building, DeGrave heard someone say that there was “pepper spray inside the building, masks up.” Once on the northwest terrace, Colt asked DeGrave if he was “ready,” to which DeGrave responded, “we’re fucking angry” and “we’re not the silent majority no more.”

30. As the trio approached an entrance to the Capitol, DeGrave heard the sound of glass shattering and an alarm sounding. He also observed more dismantled bike barricades. The trio

ultimately entered the Capitol building through the Upper West Terrace door. At the time he entered the Capitol, DeGrave believed that members of Congress were convened inside for the Electoral College vote certification proceedings.

31. As they walked up a set of stairs to the Rotunda, Sandlin shouted, “we made history” and “God is on our side.” From the Rotunda, the trio approached the Rotunda doors, on the other side of which a mob outside was attempting to gain entry to the Capitol. DeGrave observed three U.S. Capitol Police (“USCP”) officers standing guard in front of these doors, with twenty to thirty other individuals encircling them. DeGrave witnessed Sandlin approach the officers, yelling and pointing at them to “get out of the way.” Sandlin also shouted at the officers, “your life is not worth it today” and “you’re going to die, get out of the way.”

32. Shortly thereafter, the crowd, including DeGrave and Sandlin, began pushing against the officers and slowly forced the door behind the officers open, allowing the mob outside to begin streaming in. During this moment, DeGrave shouted, “get the fuck through” and “kick it the fuck open,” while Sandlin attempted to rip the helmet off of one of the officers.

33. The trio then ascended a set of stairs. DeGrave heard rioters chanting “treason.” As they walked down a hallway in the Capitol, Colt stated numerous times, “let’s get to the Senate,” adding “where they’re meeting.” DeGrave later shouted, as he recorded the events with his cell phone, “Antifa, where you at, bro?”

34. The trio, along with dozens of other rioters, eventually made their way to a hallway just outside the Senate Gallery, a balcony overlooking the Senate Chamber. Approximately twenty minutes prior, U.S. Senators engaged in the proceeding to count and certify the Electoral College vote had been evacuated. As the trio entered the hallway, several U.S. Capitol Police

(USCP) Officers were in the process of locking the various doors to the Gallery to prevent the rioters from gaining access.

35. DeGrave heard Sandlin shout at these officers, “don’t you lock another door,” and then at fellow rioters to “grab the door” multiple times. DeGrave watched as Sandlin began shoving the officers in an attempt to keep the doors to the Senate Gallery open, before putting his face mask down over his face and joining Sandlin in the shoving match. During the shoving match, DeGrave laid his hands directly on at least two of the three USCP officers, USCP 1 and USCP 2. As the three USCP officers retreated away from the doors, DeGrave, Sandlin, and several others walked towards the officers in an aggressive manner. DeGrave put up his fists as if to begin boxing one of the retreating USCP officers and then pounded his chest.

36. The trio then gained access to the Senate Gallery. While there, DeGrave told Colt that he “punched this guy, like, five times.” He later repeated, “I punched this guy, like, five times,” adding, “he didn’t see my face though.”

37. As Colt prepared to climb down to the Senate Chamber, DeGrave told the other rioters that Colt was “going down” and “opening the doors.” DeGrave then took Colt’s GoPro camera and kept recording as Colt dangled from the balcony and jumped down to the Senate Floor. DeGrave cheered as Colt ran to the chair reserved for the Senate President (i.e., the Vice President of the United States), stating “sit in Pelosi’s seat, that’s your fucking seat now.” DeGrave then instructed Colt to “open the door” to an antechamber off the Senate Floor and to “keep it open.” Colt followed these instructions. Sandlin also shouted, “don’t close that door,” later adding, “this is one of the biggest events in American history.” DeGrave then shouted down at Colt, “bro, you just made fucking history, bro.”

38. DeGrave stood by as Sandlin recorded a selfie-style video with his cell phone, exclaiming, “we took it. We did it.” DeGrave chimed in, “we fucking did it” and “we need everybody in here now.” DeGrave then shouted from the balcony at Colt and others on the Senate Floor to “take laptops, paperwork, take everything, all that shit.” As he made his way out of the Senate Gallery, DeGrave repeated, “we made history.”

39. As he continued to wander through the Capitol, Sandlin asked an unknown individual, “is that where the Senators are at?” He then told a law enforcement officer, “we’ve pushed our way through already, sir.”

40. As DeGrave and Colt exited the Capitol building, DeGrave held his arms up triumphantly, shouting, “we fucking did it” and “our fucking house now.” As DeGrave and Colt walked away from the Capitol, DeGrave stated, “we’re the heroes of this whole fucking thing.” He added, “in two hours ... we’re gonna hear a decision...they won’t reject it if they know what’s good for them.” DeGrave later stated to an unknown individual, while walking away from the Capitol, “we worked as a team, we were the ones that infiltrated.”

DeGrave and His Co-Conspirators’ Actions Post-Riot

41. Shortly after the riot, DeGrave deleted photographs, videos, and messages depicting the events of January 6 from his phone and social media. In one private Facebook conversation, DeGrave told Sandlin to “untag and delete all posts.” The trio also downloaded encrypted messaging software so that they could continue communicating, including about potentially selling their footage of the riot. DeGrave also encouraged friends to download the encrypted messaging app, wickr, to discuss the events at the Capitol.

42. After the riot, DeGrave was aware that Sandlin was moving from place to place to avoid detection by law enforcement. DeGrave ultimately let Sandlin spend the night at his apartment on January 27, 2021, the night before both were arrested.

43. In a Mirandized interview with the FBI after his arrest, DeGrave denied being inside the Capitol on January 6, 2021.

Conclusion

44. DeGrave admits that at the time he and his co-conspirators forcibly entered the U.S. Capitol and the Senate Gallery, DeGrave believed that he and the co-conspirators were trying to stop or delay the proceedings going on before Congress—specifically, Congress’s certification of the Electoral College vote.

45. DeGrave acted to affect the government by stopping or delaying the congressional proceeding and in fact did so. He accomplished this by intimidating and coercing government personnel who were participating in or supporting the congressional proceeding.

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

Respectfully submitted,

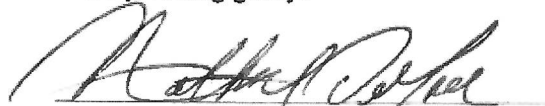
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DEFENDANT'S ACCEPTANCE

I have read every word of this Statement of Offense. Pursuant to Rule 11 of the Federal Rules of Criminal Procedure, after consulting with my attorney, William Shipley, Esq., I agree and stipulate to this Statement of Offense. The Statement of Offense is a summary made for the purpose of providing the Court with a factual basis for my guilty plea. It does not include all of the facts known to me regarding these offenses. I make this statement knowingly and voluntarily and because I am in fact guilty of the crime to which I am pleading guilty.


Dated: 5/18/22


NATHANIEL DEGRAVE, Defendant

ATTORNEY'S ACKNOWLEDGEMENT

I have read this Factual Basis and have reviewed it with my client fully. I concur in my client's desire to adopt and stipulate to this Factual Basis.

Dated: 6/16/22


WILLIAM SHIPLEY, ESQ.
Attorney for Nathaniel DeGrave