

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 22-cr-198 (JEB)
	:	
RODNEY KENNETH MILSTREED,	:	18 U.S.C. § 111(a)(1) and (b)
	:	18 U.S.C. § 113(a)(4)
Defendant.	:	26 U.S.C. § 5861(d)
	:	

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, RODNEY KENNETH MILSTREED, 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 U.S. Capitol. During the joint session, elected members of the U.S. House of Representatives and the U.S. Senate were meeting in separate chambers of the U.S. 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. 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 \$2.7 million dollars for repairs.

7. Shortly thereafter, at approximately 2:20 p.m., members of the U.S. House of Representatives and U.S. 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.

MILSTREED's Participation in the January 6, 2021, Capitol Riot

8. Rodney Kenneth Milstreed, a resident of Maryland, planned to attend the rally on January 6, 2021. In advance of the event, he attempted to recruit friends to join him. He procured a wooden club. He injected steroids and worked out in an effort to get “jacked.” He indicated he was prepared to “crack some skulls.”

9. On the morning of January 6, 2021, Milstreed took the train from his home in Maryland to Washington, D.C., and attended the “Stop the Steal” rally on the National Mall. He carried a wooden pick handle, approximately 4 feet long, with a blue “Trump” flag attached to it. Shortly before 1:00 pm, he made his way to the restricted grounds of the U.S. Capitol and was just behind the initial group of rioters who breached the police line at the Pennsylvania Avenue walkway. He made his way to the front of the crowd at the West Plaza barricade, where he broke through the police line. Shortly after 1:00 pm, Milstreed and a large group of rioters swarmed the

Upper West Plaza and attempted to overcome a group of officers who had formed a makeshift police line in an effort to stop the rioters from advancing further toward the building.

10. Between approximately 1:00 pm and 3:00 pm, Milstreed engaged with the crowd in an effort to break through the police barriers and approach the Capitol building. He reached the Upper West Terrace, within yards of the entrance to the Capitol itself. During the fighting, Milstreed grabbed and yanked on a bike rack barrier fence the U.S. Capitol Police were attempting to secure. Also during this time, Milstreed located a smoke grenade that had been deployed to disburse the crowd and threw it back into the police line. He took photos and videos with his phone, including recordings of himself shouting encouragement to the other rioters and obscenities to the police officers.

11. While Milstreed was on the Upper West Plaza, shortly after 1:00 pm, he forcibly assaulted a group of U.S. Capitol Police officers by throwing his wooden pick handle, with the flag still attached, into the line of U.S. Capitol Police officers attempting to prevent the crowd from advancing. The pick handle hit a U.S. Capitol Police officer and glanced off the officer's helmet. At the time he threw the pick handle, Milstreed knew that the officers he targeted were engaged in the performance of their official duties to protect the Capitol building and the people working inside, and he targeted them for this very reason.

12. While Milstreed was still on the Upper West Plaza, he took notice of an individual in the crowd who was dressed in black, wearing a helmet-style gas mask and a lanyard with Associated Press lettering, and carrying at least one large professional camera. This individual, who was a photographer for the Associated Press, came under attack by rioters in the area. Milstreed was one of the first to assault this individual, and in doing so he committed an act of striking, beating, or wounding the victim. Specifically, Milstreed grabbed on to the photographer's

backpack and yanked him down a set of steps to the Lower West Plaza. After the victim stumbled to the bottom of the stairs, Milstreed shoved him and advanced toward him in a threatening fashion. Additional rioters surrounded the victim and continued the assault, dragging him through the crowd, grabbing his media identification lanyard, and grabbing his face and neck.

13. After the riot, Milstreed sent messages to friends celebrating his participation in the riot and his assaults on law enforcement and members of the media. Around 8:00 pm that evening, Milstreed told one friend, “We fucked them federal cops up. They all ran when we got physical. LMFAO[.]” He then added, “Time for war.” Approximately two days later, on January 8, 2021, he told another friend, “I did get to punch a camera man with everything I had brother I felt good.” To another friend, three days after the riot, Milstreed stated, “When I went to DC I didn’t go there to be peaceful. In dont think most us wanted any damage. We want to get our hands on the politicians. We want to drag them in the street and put the fear of God in their soul. 🇺🇸 FACT.”

14. In the weeks Milstreed prepared for the violent events at the Capitol on January 6, 2021—including procuring and displaying weapons and ammunition, drug use and physical training, and recruiting of like-minded supporters—and in his violent acts during the riot itself, Milstreed’s conduct was calculated and designed to influence and affect the conduct of government and to retaliate against government conduct. In particular, Milstreed intended to stop the politicians in Congress from certifying the results of the 2020 Presidential election through intimidation and coercion. As one example, in November and December, he sent photos of the firearms collection he kept at his home in Maryland to associates on Facebook and suggested he would use his assault rifles to help ensure then-President Trump stayed in power. Making reference to his firearms and referring to the politicians in Congress, Milstreed wrote, “Think we’re just gonna let them have it. Over alot of dead bodies... I see war either way[.]” and “We will fuck

these punks up[.]” Milstreed did not bring firearms or ammunition to the Capitol on January 6, 2021.

15. The firearms, ammunition, and other items referred to in the previous paragraph included, but are not limited to the following:

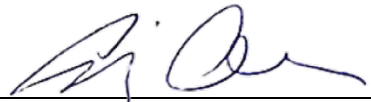
- a. Item # 2 - Unopened Ammo Box Labeled Wolf Military Classic
- b. Item # 3 - Upper Receiver for AR Style Weapon; No Bolt Carrier Group
- c. Item # 4 - Upper Receiver for AR Style Weapon with Bolt Carrier Group
- d. Item # 4a - AR Style Weapon Scope Attached to Item # 4
- e. Item # 4b - Suppressor Attached to Item #4
- f. Item # 5 - Upper Receiver for AR Style Weapon; No Bolt Carrier Group
- g. Item # 5a - Optic Mounted to Item # 5
- h. Item # 5b - Suppressor Attached to Item # 5
- i. Item # 6 - AR Style Weapon Scope, Black In Color ; Bearing 4-16x50aoeg
- j. Item # 7 - Aluminum Type, Improvised Suppressor (Black in Color) With Inscription 'D2037963705'
- k. Item # 8 - AR Style Weapon; No Bolt Carrier Group
- l. Item # 8a - AR Style Weapon Scope 'Micro3x' Attached To Item #8
- m. Item # 8b - AR Style Weapon Scope 'Strikeforce' Attached To Item #8
- n. Item # 9 - Lower Receiver, Black in Color, for AR Style Weapon
- o. Item # 10 - Lower Receiver for AR Style Weapon, Black in Color, with Coating, Silver in Color
- p. Item # 11 - Buffer Spring, Black in Color
- q. Item # 12 - Upper Receiver for AR Style Weapon, No Bolt Carrier Group
- r. Item # 13 - Unopened Box Labeled "Federal Ammunition .223 X 1000"
- s. Item # 14 - Remington Box Containing an Empty Magazine, 4 Shell Casings, 2 Live Rounds
- t. Item # 15 - Opened Ammo Box Labeled "UMC Bulk Pack" Containing Approximately (471) .223 Rounds
- u. Item # 16 - Box Containing (19) X 223. Rounds (20 Boxes), X 1 Winchester 556 (20 Rd Box)
- v. Item # 17 - Metal Ammo Box Partially Opened Containing Boxes of “Wolf Military Classic” .223 Rounds.
- w. Item # 19 - Buffer Spring, Black in Color
- x. Item # 21 - 11 Magazines Total: 9 X 5.56, 2 X 7.62, 7 X 30 Round Capacity, (1) Empty, (1) With (2) Rounds, (3) With 30 Rounds, (2) With 31 Rounds, 2 40 Round Capacity, (1) With 10 Rounds, (1) With 11 Rounds, Additional 3 Loose Rounds

16. Milstreed kept his assortment of firearms, which included assault rifles and boxes of ammunition, long after January 6, 2021. One of the firearms Milstreed maintained in his possession, which FBI agents located at his home in Finksburg, Maryland on May 24, 2022, was a .300 Blackout caliber rifle (AR 15-variant) with a barrel length of 10.19 inches that was a privately made firearm with an upper receiver manufactured by Aero Precision and a lower receiver with a manufacturer that could not be determined. This firearm was not registered to Milstreed in the National Firearms Registration and Transfer Record as required. In addition, Milstreed maintained in his possession two lower receivers and three upper receivers, all without serial numbers; three suppressors, including one that appeared to be hand-made; four assault rifle-style scopes, only one of which had a serial number; a mounted weapon optic; two buffer springs; approximately 2,000 to 2,500 rounds of ammunition; and 11 rifle-style magazines.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney
D.C. Bar No. 481052


By:



EMILY W. ALLEN
Assistant United States Attorney
Cal. Bar No. 234961

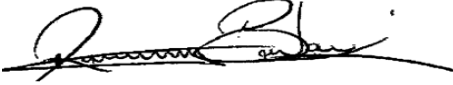
DEFENDANT'S ACKNOWLEDGMENT

I, RODNEY KENNETH MILSTREED, 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: March 27, 2023 
Rodney Kenneth Milstreed
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: April 4, 2023 
David Benowitz
Rammy Barbari
Attorneys for Defendant