

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

UNITED STATES OF AMERICA	:	Case No. 23-cr-138-5-RBW
	:	
v.	:	18 U.S.C. § 231(a)(3)
	:	
ARTHUR REYHER,	:	
	:	
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, ARTHUR REYHER, 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, S.E., in Washington, D.C., is secured 24 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. The grounds around the Capitol were posted and cordoned off, and the entire area as well as the Capitol building itself were restricted as that term is used in Title 18, United States Code, Section 1752 due to the fact that the Vice President and the immediate family of the Vice President, among others, would be visiting the Capitol complex that day.

3. On January 6, 2021, a joint session of the United States Congress convened at the Capitol. 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 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 were present and attempting to keep the crowd away from the Capitol and the proceedings underway inside. By shortly after 1:00 PM, the situation at the Capitol had become a civil disorder as that term is used in Title 18, United States Code, Section 231, and throughout the rest of the afternoon the civil disorder obstructed the USCP's ability to perform their federally protected function to protect the U.S. Capitol building and its occupants.

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. Officers with the D.C. Metropolitan Police Department were called to assist officers of the USCP who were engaged in the performance of their official duties. 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.

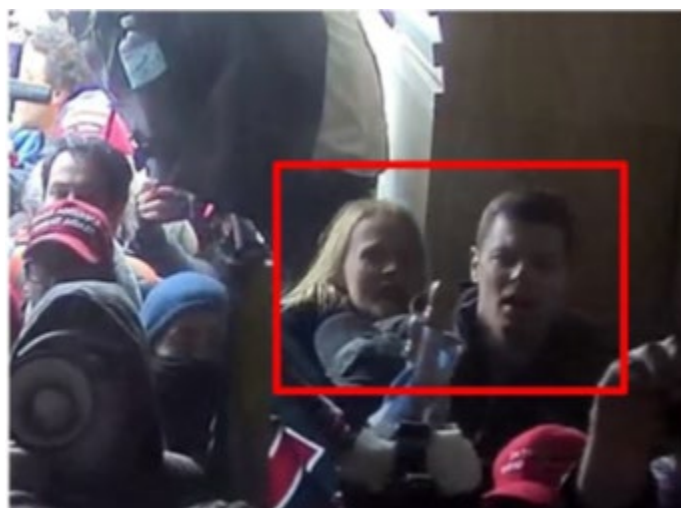
6. At such time, the certification proceedings were still underway and the exterior doors and windows of the Capitol were locked or otherwise secured. Members of the USCP attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 PM, individuals in the crowd 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 \$2.9 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 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.

ARTHUR REYHER's Participation in the January 6, 2021, Capitol Riot

8. On January 6, 2021, ARTHUR REYHER marched to the U.S. Capitol Grounds and made his way to the Lower West Terrace, joining a group of rioters who attempted to violently push their way past law enforcement officers guarding the Lower West Terrace Tunnel (tunnel) of the Capitol.

9. At about 2:43 PM, just as rioters had broken through the doors inside the tunnel, ARTHUR REYHER entered the tunnel alongside his wife and co-defendant JESSICA REYHER. Immediately, ARTHUR REYHER joined other rioters in screaming and chanting.



10. ARTHUR REYHER quickly pushed his way to the front of the pack of rioters in the tunnel. Around 2:46 PM, ARTHUR REYHER, was at the front of the mob of rioters attempting to push past the officers in the tunnel. ARTHUR REYHER held both of his hands in the air as he and other rioters yelled "OUR HOUSE!"



11. For the next few minutes, ARTHUR REYHER joined the mob in aggressively pushing against the officer line.



12. Around 2:50 PM, rioters, including ARTHUR REYHER, started coordinated pushes against the officers. One rioter coordinated the mob by making “1, 2, 3” gestures with his hand and yelling “PUSH!” ARTHUR REYHER and the mob joined their body weight to physically push against the officers.

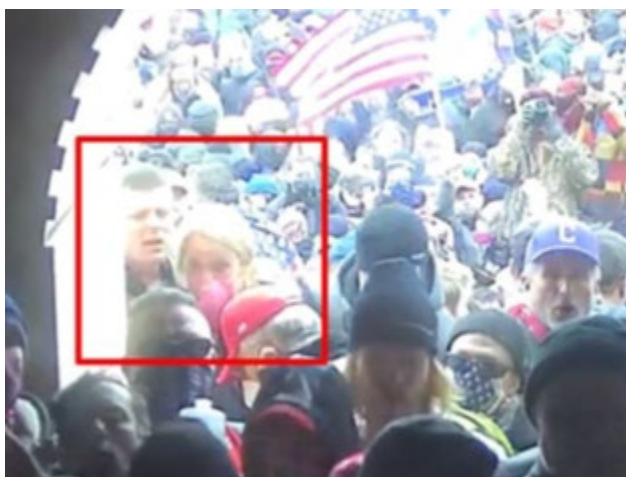
13. At about 2:51 PM, the officers gained ground in the tunnel, as they coordinated a counter push. The mob of rioters appear to fall back toward the mouth of the tunnel. At about 2:52 PM, ARTHUR REYHER moved to the side of the tunnel and, as police officers progressed forward, he turned to exit the tunnel.



14. Once outside the tunnel, ARTHUR REYHER raised his hands and yelled to another rioter, “Don’t hit ‘em! KEEP YOUR HANDS UP AND PUSH!”



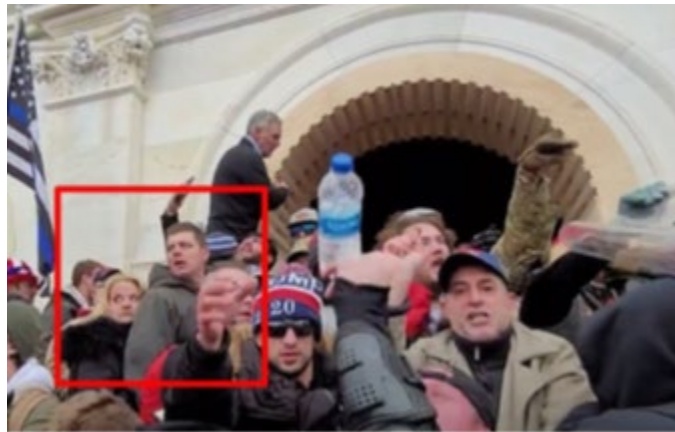
15. Shortly after, at about 3:01 PM, ARTHUR REYHER reapproached the archway of the tunnel.



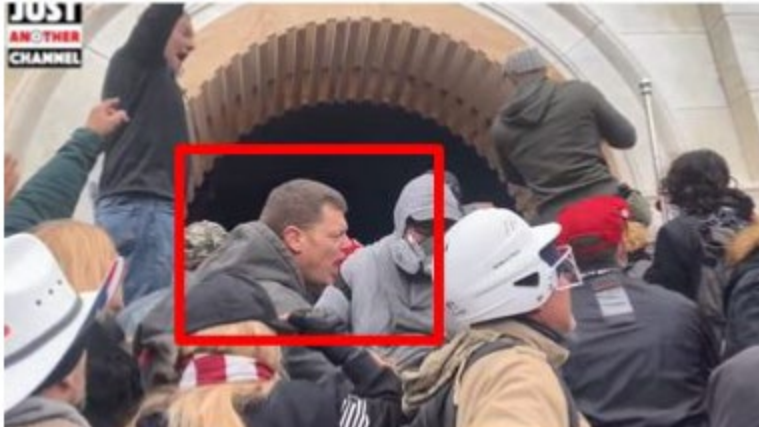
16. At about 3:04 PM, ARTHUR REYHER re-entered the tunnel and pushed his way to the front of the pack of rioters. ARTHUR REYHER once again joined other rioters and used his body weight to physically push in unison with the rioters against police officers.



17. At approximately 3:05 PM, a chemical irritant was sprayed inside the tunnel. ARTHUR REYHER covered his face and exited the tunnel, but remained near the archway as other rioters requested the crowd to pass stolen riot shields to the rioters inside the tunnel to make a “shield wall.”



18. At approximately 3:08 PM, as ARTHUR REYHER stood outside the tunnel, he yelled “PUSH!” and patted rioters on the back as they enter the tunnel.



19. Shortly thereafter, another individual came out of the tunnel and yelled several times, “We are almost through!” ARTHUR REYHER exclaimed “PUSH!” and “OUR HOUSE!” At that point, another rioter turned to ARTHUR REYHER and said, “hey guys, are you going in or not?”

20. Around 3:12PM, ARTHUR REYHER rushed into the tunnel for the third time. Almost immediately upon entering the tunnel, ARTHUR REYHER joined the collective efforts to push against the police line.



21. As ARTHUR REYHER and the rioters thrust their collective body weight into the officers, one officer could be heard screaming in agonizing pain as he was smashed between a shield and a metal door frame.



22. After his third stint in the tunnel, ARTHUR REYHER exited the tunnel. At approximately 3:17PM, ARTHUR REYHER stood outside of the tunnel and again joined rioters in repeatedly pushing in unison against the officer line. The pushing continued for several minutes until police officers were able to successfully push the rioters out of the tunnel.



Elements of the Offense

23. The parties agree that Civil Disorder, 18 U.S.C. § 231 requires the following elements:

- a. First, the defendant knowingly committed an act with the intended purpose of obstructing, impeding, or interfering with one or more law enforcement officers.

- b. Second, at the time of the defendant's act, the law enforcement officers were engaged in the lawful performance of their official duties incident to and during a civil disorder.
- c. Third, the civil disorder in any way or degree obstructed, delayed, or adversely affected commerce or the movement of any article or commodity in commerce, or the conduct or performance of any federally protected function.

Defendant's Acknowledgments

24. The defendant knowingly and voluntarily admits to all the elements as set forth above. Specifically, the defendant admits that he obstructed, impeded, or interfered with law enforcement officers lawfully engaged in the lawful performance of their official duties incident to and during the commission of a civil disorder which adversely affected commerce and the performance of a federally protected function.

Respectfully submitted,

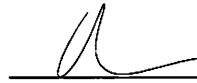
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DEFENDANT'S ACKNOWLEDGMENT

I, ARTHUR REYHER, 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: 10/10/2023

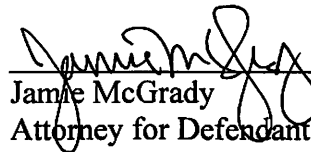


Arthur Reyher
Defendant

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: 10/10/23



Jamie McGrady
Attorney for Defendant