

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

ZACH RASH,

Defendant.

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Case No.: 24-MJ-113

18 U.S.C. § 111(a)(1)

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, Zach Rash, with the concurrence of the defendant's 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 United States 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. 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 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. Officers with the D.C. Metropolitan Police Department were called to assist officers of the USCP who were then 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 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.

The Defendant's Participation in the January 6, 2021, Capitol Riot

8. In the days preceding January 6, 2021, Zach Rash travelled from Utah to Washington D.C. to attend the former president's rally. Following the rally, Rash walked to the United States Capitol, eventually arriving at the West Plaza. On the West Plaza, Rash approached a police line established by officers to prevent the developing mob from advancing on the Capitol.

9. At approximately 2:28 p.m., the police line on the West Plaza collapsed after rioters successfully overcame officers, forcing officers to retreat to the Capitol. After this breach, Rash, carrying a fire extinguisher, moved to the Lower West Terrace as an initial rioter to overtake this location as depicted in *Image 1*.



Image 1: Rash carrying a fire extinguisher after the police line broke.

10. Rash moved toward the Inauguration Tunnel Entrance (“Tunnel”) on the Lower West Terrace. Rash initially entered the Tunnel at approximately 2:50 p.m. and immediately moved to the front of the mob where rioters assaulted law enforcement. For the next few minutes, Rash moved to different locations inside the Tunnel and, at one point, waived to other rioters on the Lower West Terrace to join the chaotic scene around him. (*Image 2*)



Image 2: Rash waving rioters to the Tunnel.

11. At approximately 2:53 p.m., another rioter removed a stun gun from his pocket and tested the stun gun to ensure it worked. *Image 3* depicted this rioter (circled in green) holding and spark testing the stun gun (circled in red), while Rash (circled in yellow) is several feet to the right.



Image 3: Another rioter spark testing the stun gun before handing it to Rash.

12. After the rioter ensured the stun gun worked properly, the rioter waived the stun gun and offered it to other rioters in front of him. In *Image 4*, Rash (circled in yellow) reached for the stun gun and took it from this rioter. Rash's hand appeared on the stun gun in the red circle in *Image 4*.



Image 4: Rash grabbing the stun gun from another rioter.

13. After receiving the stun gun, Rash immediately turned towards the wall in the Tunnel and inspected the stun gun in his hand. At approximately 2:53 p.m., and seconds after receiving it, Rash lunged toward officers and activated the stun gun. Approximately 20 seconds later, Rash lunged at officers again with the stun gun.

14. At approximately 2:54 p.m., Rash passed the stun gun to another rioter and exited the Tunnel. This rioter handed the stun gun to another rioter who retained the stun gun and used it against other officers defending the Capitol.

15. After Rash left the Tunnel, Rash encouraged rioters to enter the Tunnel and join the ongoing melee. He remained near the Tunnel entrance for several minutes observing the chaotic scene around him and chanting "Whose House, our House!" with other rioters.

16. At approximately 2:57 p.m., Rash entered the tunnel again. He made his way to the front of the mob and joined a coordinated "Heave-Ho" push by rioters against officers. At certain points in this push, Rash yelled at other rioters, encouraging and directing their actions. At approximately 3:00 p.m., Rash climbed above other rioters to secure a view of the ongoing assaults against officers at the front of the mob. Rash helped pass a police shield to the back of the mob

while standing above other rioters after rioters stole the shield from an officer defending the Tunnel. (*Image 5*)



Image 5: Rash passing a police shield in the Tunnel.

17. From here, Rash jumped forward to a position at the front of the mob. There, he joined another coordinated push by rioters at 3:03 p.m. Rash and other rioters struggled with officers to keep a door leading to the Capitol interior open.



Image 6: Rash struggling with officers over a door in the Tunnel.

18. Rash stayed at this location for nearly 10 minutes and departed the Tunnel at approximately 3:15 p.m. He remained on the Lower West Terrace with the mob before departing the Capitol.

19. On October 5, 2022, Rash submitted to an interview with the FBI. In this interview, Rash told the FBI that he received a stun gun in the Tunnel. Rash acknowledged holding the stun gun for several minutes but advised he “dropped it and didn’t want anything to do with it.” This statement was false in that Rash used the stun again to assault law enforcement and Rash gave the stun gun to another rioter. In response to further questions about the stun gun, Rash equivocated on whether he assaulted officers with the stun gun in the Tunnel. He stated, “I don’t think I used it that day” but “it could have happened.”

Elements of the Offense

20. The parties agree that 18 U.S.C. § 111(a)(1) requires the following elements:
- a. Rash assaulted, resisted, opposed, impeded, intimidated, or interfered with an officer from the United States Capitol Police or Metropolitan Police Department;
 - b. Rash did such acts forcibly;
 - c. Rash did such acts voluntarily and intentionally;
 - d. The person assaulted, resisted, opposed, impeded, intimidated, or interfered with was an officer or an employee of the United States who was then engaged in the performance of his or her official duties or assisting officers of the United States who were then engaged in the performance of their official duties;
 - e. Rash made physical contact with the officers and acted with the intent to commit another felony.

Defendant's Acknowledgments

21. Rash knowingly and voluntarily admits to all the elements as set forth above. Specifically, Rash admits that following the former president's speech on January 6, 2021, he travelled to the Capitol's Lower West Terrace and Tunnel. In the Tunnel, Rash forcibly assaulted officers when he lunged at officers with a stun gun. His conduct was voluntary and intentional. As Rash assaulted officers, he did so with the intent to commit another felony.

Respectfully submitted,

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DEFENDANT'S ACKNOWLEDGMENT

I, Zach Rash, 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:

6/20/24



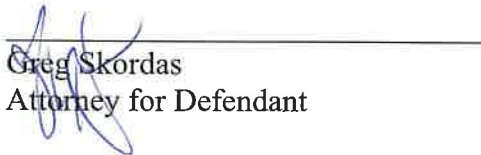
Zach Rash
Defendant

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:

6/20/24



Greg Skordas
Attorney for Defendant