

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Holding a Criminal Term

Grand Jury Sworn in on September 15, 2022

UNITED STATES OF AMERICA : CRIMINAL NO. 21-CR-119 (CJN)
 :
 v. :
 : VIOLATIONS:
 GARRET MILLER, : 18 U.S.C. § 231(a)(3)
 : (Civil Disorder)
 Defendant. : 18 U.S.C. §§ 1512(c)(2), 2
 : (Obstruction of an Official Proceeding and
 : Aiding and Abetting)
 : 18 U.S.C. § 111(a)(1)
 : (Assaulting, Resisting, or Impeding
 : Certain Officers)
 : 18 U.S.C. § 875(c)
 : (Interstate Threats to Injure or Kidnap)
 : 18 U.S.C. § 1752(a)(1)
 : (Entering and Remaining in a Restricted
 : Building or Grounds)
 : 18 U.S.C. § 1752(a)(2)
 : (Disorderly and Disruptive Conduct in a
 : Restricted Building or Grounds)
 : 18 U.S.C. § 1752(a)(3)
 : (Impeding Ingress and Egress in a
 : Restricted Building or Grounds)
 : 40 U.S.C. § 5104(e)(2)(D)
 : (Disorderly Conduct in
 : a Capitol Building)
 : 40 U.S.C. § 5104(e)(2)(E)
 : (Impeding Passage Through the Capitol
 : Grounds or Buildings)
 : 40 U.S.C. § 5104(e)(2)(G)
 : (Parading, Demonstrating, or Picketing in
 : a Capitol Building)

THIRD SUPERSEDING INDICTMENT

The Grand Jury charges that:

COUNT ONE

On or about January 6, 2021, within the District of Columbia, **GARRET MILLER**, committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officer, that is an officer from the United States Capitol Police, in an entryway to the United States Capitol Building, lawfully engaged in the lawful performance of his/her official duties incident to and during the commission of a civil disorder which in any way and degree obstructed, delayed, and adversely affected commerce and the movement of any article and commodity in commerce and the conduct and performance of any federally protected function.

(Civil Disorder, in violation of Title 18, United States Code, Section 231(a)(3))

COUNT TWO

On or about January 6, 2021, within the District of Columbia, **GARRET MILLER**, committed and attempted to commit an act to obstruct, impede, and interfere with law enforcement officers, that is, an officer from the Metropolitan Police Department in the United States Capitol Building Rotunda, lawfully engaged in the lawful performance of her/his official duties incident to and during the commission of a civil disorder which in any way and degree obstructed, delayed, and adversely affected commerce and the movement of any article and commodity in commerce and the conduct and performance of any federally protected function.

(Civil Disorder, in violation of Title 18, United States Code, Section 231(a)(3))

COUNT THREE

On or about January 6, 2021, within the District of Columbia and elsewhere, **GARRET MILLER**, attempted to, and did, corruptly obstruct, influence, and impede 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.

(Obstruction of an Official Proceeding and Aiding and Abetting, in violation of Title 18, United States Code, Sections 1512(c)(2) and 2)

COUNT FOUR

On or about January 6, 2021, within the District of Columbia, **GARRET MILLER**, did forcibly assault, resist, oppose, impede, intimidate, and interfere with, an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, that is, Q.C., an officer from the Metropolitan Police Department, while such person was engaged in and on account of the performance of official duties, and where the acts in violation of this section involve physical contact and the intent to commit another felony.

(Assaulting, Resisting, or Impeding Certain Officers, in violation of Title 18, United States Code, Section 111(a)(1))

COUNT FIVE

On or about January 6, 2021, within the District of Columbia and elsewhere, **GARRET MILLER**, knowingly did transmit in interstate and foreign commerce a communication using a social media service, and the communication contained a threat to injure Congresswoman Alexandria Ocasio-Cortez, specifically, by threatening to assassinate her.

(Interstate Threats to Injure, in violation of Title 18, United States Code, Section 875(c))

COUNT SIX

On or about January 6, 2021, within the District of Columbia and elsewhere, **GARRET MILLER**, knowingly did transmit in interstate and foreign commerce a communication containing a threat using a social media service, and the communication contained a threat to injure a United States Capitol Police officer, specifically, by threatening to “hug his neck with a nice rope,” stating that the officer deserves to die, and stating that it is “huntin season.”

(Interstate Threats to Injure, in violation of Title 18, United States Code, Section 875(c))

COUNT SEVEN

On or about January 6, 2021, within the District of Columbia, **GARRET MILLER**, did knowingly enter and remain in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President was and would be temporarily visiting, without lawful authority to do so.

(Entering and Remaining in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1752(a)(1))

COUNT EIGHT

On or about January 6, 2021, within the District of Columbia, **GARRET MILLER**, did knowingly, and with intent to impede and disrupt the orderly conduct of Government business and official functions, engage in disorderly and disruptive conduct in and within such proximity to, a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President was and would be temporarily visiting, when and so that such conduct did in fact impede and disrupt the orderly conduct of Government business and official functions.

(Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1752(a)(2))

COUNT NINE

On or about January 6, 2021, within the District of Columbia, **GARRET MILLER** did knowingly, and with intent to impede and disrupt the orderly conduct of Government business and official functions, obstructed and impeded ingress and egress to and from a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President was and would be temporarily visiting.

(Impeding Ingress and Egress in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1752(a)(3))

COUNT TEN

On or about January 6, 2021, within the District of Columbia, **GARRET MILLER**, willfully and knowingly engaged in disorderly and disruptive conduct in any of the Capitol Buildings with the intent to impede, disrupt, and disturb the orderly conduct of a session of Congress and either House of Congress, and the orderly conduct in that building of a hearing before or any deliberation of, a committee of Congress or either House of Congress.

(Disorderly Conduct in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(D))

COUNT ELEVEN

On or about January 6, 2021, within the District of Columbia, **GARRET MILLER**, willfully and knowingly obstructed, and impeded passage through and within, the United States Capitol Grounds and any of the Capitol Buildings.

(Impeding Passage Through the Capitol Grounds or Buildings, in violation of Title 40, United States Code, Section 5104(e)(2)(E))

COUNT TWELVE

On or about January 6, 2021, within the District of Columbia, **GARRET MILLER**,

willfully and knowingly paraded, demonstrated, and picketed in any United States Capitol Building.

(Parading, Demonstrating, or Picketing in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(G))

COUNT THIRTEEN

On or about January 6, 2021, within the District of Columbia, **GARRET MILLER**, committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officer, that is an officer from the United States Capitol Police, outside the United States Capitol Building, lawfully engaged in the lawful performance of his/her official duties incident to and during the commission of a civil disorder which in any way and degree obstructed, delayed, and adversely affected commerce and the movement of any article and commodity in commerce and the conduct and performance of any federally protected function.

(Civil Disorder, in violation of Title 18, United States Code, Section 231(a)(3))

A TRUE BILL:

FOREPERSON.

*Matthew M. Grand / by
GRB*

Attorney of the United States in
and for the District of Columbia.