

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

UNITED STATES OF AMERICA	:	Case No: 21-cr-75 (RDM)
	:	
	:	
	:	18 U.S.C. §§ 111(a)(1); 1512(c)(2)
	:	Assaulting, Resisting, or Impeding Certain Officers;
v.	:	Obstruction of an Official Proceeding
	:	
MATTHEW RYAN MILLER,	:	
	:	
Defendant.	:	
	:	

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, Matthew Ryan Miller, 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 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, 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 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. 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 \$1.4 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.

Matthew Ryan Miller's Participation in the January 6, 2021, Capitol Riot

8. The defendant, Matthew Ryan Miller, lives in Cooksville, Maryland. On or before January 5, 2021, defendant traveled from Maryland to Washington, D.C. The purpose of the defendant's trip to Washington, D.C., was to protest Congress' certification of the Electoral College.

9. On January 6, the defendant dressed in a black cowboy hat, a Washington Capitals red, white and blue jersey, and a black backpack with blue trim on the shoulder straps, attended the "Stop the Steal" rally and then went to the U.S. Capitol grounds. The defendant posted a picture of himself at the rally on his Instagram account (profile name "mattrmillz"),

with the caption “President’s Park (White House).”

10. As the mob gathered on the West side of the U.S. Capitol, while draped in a confederate flag, the defendant threw an unidentifiable object towards the Capitol building.

11. The defendant used a section of the USCP temporary barriers as a ladder to scale the walls of the west side of the Capitol plaza. The defendant also assisted other rioters with scaling Capitol walls and other architectural obstacles on the U.S. Capitol grounds.

12. Once on the Lower West Terrance and close to the tunnel, the defendant waved his hand, and said multiple times, “Come on” as the mob chanted “Heave! Ho!” and rocked back and forth in a push towards the tunnel entrance, where law enforcement officers were attempting to secure the U.S. Capitol. Multiple times, the defendant also put up his fingers and yelled, “one, two, three, push!”

13. From this position, the defendant also threw a few unidentifiable objects towards the Lower West Terrace tunnel where law enforcement officers were attempting to secure the U.S. Capitol.

14. At approximately 4:55 PM, and at his closest position to the Lower West Terrace tunnel, the defendant used a fire extinguisher to spray directly into the tunnel where the law enforcement officers from the Metropolitan Police Department and United States Capitol Police were stationed, defending this entrance to the U.S. Capitol building.

Elements of the Offense

15. Matthew Ryan Miller knowingly and voluntarily admits to all the elements of 18 United States Code § 1512(c)(2) and 18 United States Code § 111(a). Specifically, defendant admits that

- The defendant admits that he assaulted officers who were protecting the entrance to the U.S. Capitol at the Lower West Terrance tunnel in an attempt to gain entrance to the U.S.

Capitol building for himself and others. Defendant further admits he did so in an attempt to 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.

- The defendant forcibly assaulted any person designated in 18 U.S.C. § 1114 while engaged in or on account of the performance of their official duties. Specifically, the defendant admits that from close range he deployed the contents of a fire extinguisher directly into the Lower West Terrance tunnel where members of the Metropolitan Police Department and the United States Capitol Police, were protecting the U.S. Capitol. The defendant further admits that he knew at that time that those officers were engaged in the performance of their official duties and that he assaulted the officers on account of their performance of their official duties.

Respectfully submitted,

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

By: /s/ Jacqueline Schesnol
Jacqueline Schesnol
Assistant United States Attorney

DEFENDANT'S ACKNOWLEDGMENT

I, Matthew Ryan Miller, 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: _____

2/3/22



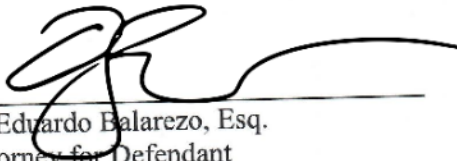
Matthew Ryan Miller
Defendant

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: _____

2/3/22



A. Eduardo Balarezo, Esq.
Attorney for Defendant