

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

UNITED STATES OF AMERICA	:	Case No: 22-cr-15 (APM)
	:	
v.	:	
	:	
BRIAN ULRICH,	:	
	:	
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, Brian Ulrich, with the concurrence of his attorneys, agree and stipulate to the below factual basis for the defendant's guilty plea. If this case were to proceed to trial, the parties stipulate that the United States could prove the below facts beyond a reasonable doubt:

Introduction: The Transfer of Presidential Power in the United States

1. The United States Constitution and federal statutes codify the procedures and dates governing the transfer of presidential power in the United States. The Twelfth Amendment requires presidential electors to meet in their respective states and certify "distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each." It further requires that the Vice President "shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted." Title 3, Section 15 of the United States Code provides that the United States Congress must convene during a joint session proceeding ("the Joint Session") at 1:00 p.m. "on the sixth day of January succeeding every meeting of the electors," with the Vice President presiding, to count the electoral votes, resolve any objections, certify their validity, and announce the result ("Certification of the

Electoral College vote”). The Twentieth Amendment provides that the terms of the President and Vice President shall accordingly end at noon on the 20th day of January, “and the terms of their successors shall then begin.”

Plot to Oppose by Force the 2020 Lawful Transfer of Presidential Power

2. The 2020 United States Presidential Election (“Presidential Election”) occurred on November 3, 2020. As of November 7, 2020, the incumbent President Donald J. Trump was projected to have lost the Presidential Election.

3. After the Presidential Election, Brian Ulrich, Elmer Stewart Rhodes III, and others conspired to oppose by force the lawful transfer of presidential power. Rhodes, a 55-year-old resident of Granbury, Texas, is the founder and leader of the Oath Keepers, a large but loosely organized collection of individuals, some of whom are associated with militias. Ulrich, a 44-year-old resident of Guyton, Georgia, was a member of the Georgia chapter of the Oath Keepers. Some members of the Oath Keepers believe that the federal government has been coopted by a cabal of elites actively trying to strip American citizens of their rights. Though the Oath Keepers will accept anyone as members, they explicitly focus on recruiting current and former military, law enforcement, and first-responder personnel. The organization’s name alludes to the oath sworn by members of the military and police to defend the Constitution “from all enemies, foreign and domestic.” On their website, the “Oath Keepers declare they will not obey unconstitutional orders.”

4. Ulrich agreed to take part in a plan developed by Rhodes to stop the lawful transfer of presidential power by January 20, 2021, by deploying force to prevent, hinder, and delay the execution of the laws of the United States governing the transfer of presidential power. Rhodes, Ulrich, and other co-conspirators used encrypted and private communications, equipped

themselves with a variety of weapons, donned combat and tactical gear, and were prepared to answer Rhodes's call to take up arms. Members of the conspiracy amassed firearms on the outskirts of Washington, D.C.—some distributed across hotels and “quick reaction force” (“QRF”) teams—and planned, if called upon, to use them in support of the plan to halt the lawful transfer of presidential power.

5. Ulrich conspired to use force and did in fact use force in order to prevent, hinder, and delay the execution of the laws governing the transfer of power. Ulrich corruptly obstructed, influenced, and impeded 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.

Brian Ulrich's Participation in the Seditious Conspiracy

Before January 6, 2021 – Ulrich and Others Prepare to Keep President Trump in Power

6. Beginning in November 2020, Rhodes began disseminating messages on invitation-only encrypted group chats on an application called “Signal” that encouraged his co-conspirators to oppose by force the lawful transfer of presidential power. One such group chat was titled, “Oath Keepers of Georgia.”

7. On November 29, 2020, Ulrich joined the “Oath Keepers of Georgia” group chat using, at various times, monikers such as “Bilbo Baggins” and “Molon Labe.”

8. On December 5, 2020, Ulrich messaged the “Oath Keepers of Georgia” Signal group chat, “I seriously wonder what it would take just to get ever patriot marching around the capital armed! Just to show our government how powerless they are! That if they continue to rape our constitution—these are the folks who they will be dealing with....” Another member of the chat responded, “[A]s long as we are working, not starving, and not getting rounded up there will

never be a revolution. We have too much to lose and they know it.” Ulrich then stated, “There’s nothing I own that’s destined to go with me into the next life.”

9. On December 9, 2020, Ulrich purchased from “TacticalGear.com” the following: Mission Made Hellfox fingerless gloves, a combat long sleeve shirt, a recon backpack, an Elite Survival Systems tactical holster, and a Blackhawk reinforced web duty belt.

10. On December 11, 2020, Ulrich messaged the “Oath Keepers of Georgia” Signal group chat, “Gentlemen they are basically saying that we do not have a voice that governors and secretaries of State can pass laws legislators don’t matter.” Ulrich messaged that “Civil War” may be necessary if Joseph R. Biden became President of the United States, adding “I made my peace with God before I joined.” Another individual later messaged, “remember, it is not over until January 20th.” Ulrich responded, “And if there’s a Civil War then there’s a Civil War.”

11. On December 14, 2020, presidential electors from each state and the District of Columbia cast their votes in the Presidential Election.

- a. Rhodes messaged the “Oath Keepers of Georgia” Signal group chat about fighting a “bloody revolution/civil war to defeat the traitors” if Joseph R. Biden became President of the United States. Ulrich responded, “Sadly, it’s almost American to do it the hard way.”
- b. Rhodes messaged the “Oath Keepers of Georgia” Signal group chat, “And we are writing a letter to Trump on what he must do and why. I may publish it on our website too.” Ulrich responded, “God help you on this. We must win. We must defeat these radicals... there’s treason at work here. When someone committed treason it used to mean something. you used to pay with your life!” Later that

same day, Rhodes published a letter on the Oath Keepers website advocating for the use of force stop the lawful transfer of presidential power.

- c. Ulrich purchased two BaoFeng two-way radio transceivers.
- d. Rhodes messaged the “Oath Keepers of Georgia” Signal group chat, “May we all have both the wisdom, cool head, and courage to pick our ground well and make the enemy pay dearly when our time comes.” Ulrich responded, “we need to unite the clans. Shit may go down any day and we need to know what the plan is at that point.” Rhodes later messaged, “Good topic for a phone call.” Ulrich messaged, “Yes, probably don’t need to say more in a chat.”

12. On December 19, 2020, Ulrich booked a room with multiple beds at a hotel in Washington, D.C., and encouraged other members of the Signal group chat to join him. The next day, Ulrich messaged the “Oath Keepers of Georgia” Signal group chat, “Trump acts now maybe a few hundred radicals die trying to burn down cities... Trump sits on his hands Biden wins... millions die resisting the death of the 1st and 2nd amendment.”

13. On December 20, 2020, an individual in the “Oath Keepers of Georgia” Signal group chat, who later traveled with Ulrich to Washington, D.C., and breached the Capitol grounds with Ulrich on January 6, 2021, messaged, “January 6th. The great reset. America or not.”

14. On December 20, 2020, Joshua James messaged Ulrich on Signal, “I need you info for DC.” Ulrich responded with his name, address, and a photograph of himself in a shirt that read, “Molon Labe” in Greek.

15. On December 21, 2020, Ulrich purchased a Maglight heavy-duty incandescent 5-cell D flashlight, a D/C cell flashlight holder, a medical tourniquet, and a half skull cap motorcycle helmet.

16. On December 23, 2020, Rhodes published another open letter on the Oath Keepers' website. Referencing the Certification of the Electoral College Vote scheduled to occur on January 6, 2021, Rhodes explained that "tens of thousands of patriot Americans, both veterans and non-veterans, will already be in Washington D.C., and many of us will have our mission-critical gear stowed nearby just outside D.C." Rhodes warned that he and others may have to "take to arms in defense of our God given liberty."

17. That same day, another individual messaged the "Oath Keepers of Georgia" Signal group chat, "Man all patriot groups are fired up right now debating on when the time is right." Ulrich responded, "The right time will be a Ruby ridge scenario that we can rally behind."

18. On December 28, 2020, James added Rhodes, Mark Grods, and others to a Signal group chat that included Ulrich and others. James made Rhodes the administrator and titled the Signal group chat, "DC OP: Jan 6 21." Rhodes later added Kelly Meggs to the "DC OP: Jan 6 21" Signal group chat. The picture used for the group chat was a photograph of the Capitol.

19. On December 28, 2020, Kelly Meggs messaged the "DC OP: Jan 6 21" Signal group chat, "2 reasons to go to DC . . . #1 – celebrate republic is saved . . . #2 – Trumps one of them and the mission becomes a more critical and important with the repercussions beyond imagination. . . . Florida is rolling full kits for those that have them."

20. On December 29, Ulrich messaged the "DC OP: Jan 6 21" Signal group chat, "BREAKING NEWS: DC mayor is planning to close down every roads in Jan 6th. Be prepared!!" Kelly Meggs messaged "This ain't a rah rah Trump crowd coming that may be there biggest miscalculation."

21. On December 30, Kelly Meggs messaged the "DC OP: Jan 6 21" Signal group chat, "we want to save the republic."

22. On December 31, 2020, Ulrich messaged the “DC OP: Jan 6 21” Signal group chat, “Someone can tell me if I’m crazy, but I’m planning on having a backpack for regular use and then a separate backpack with my ammo load out with some basics that I can just sitch too is shit truly hits the fan blades ... I will be the guy running around with the ‘budget AR.’”

23. On January 1, 2021, Ulrich messaged James: “Hey we told to bring guns and maybe stage them in VA?? But you are showing hotels in DC for Alabama. Are we bring guns or no if so how will that work?” James responded, “Were working on a Farm location Some are bringing long rifles some sidearms... I’m bringing sidearm.” After explaining to Ulrich that others would be available with firearms, James and Ulrich had a phone conversation, and Ulrich said he would not bring firearms.

24. On January 4, 2021, Ulrich traveled with James, Grods, and others to the Washington, D.C., metropolitan area in two vehicles. James and others in his vehicle brought multiple firearms, including semi-automatic handguns, a shotgun, and ammunition. James stored the firearms at the Virginia hotel where he, Rhodes, Roberto Minuta, and others had rooms. Ulrich stayed in the Mayflower Hotel in Washington, D.C., with Grods and others.

25. In advance of and on January 6, 2021, Ulrich and others agreed to take part in the plan developed by Rhodes to, if called upon, use any means necessary, up to and including the use of force, to stop the lawful transfer of presidential power.

January 6, 2021 – Ulrich and Co-Conspirators Attack the Capitol to Stop the Transfer of Power

26. The United States Capitol, which is located at First Street, SE, in Washington, D.C., is secured twenty-four hours a day by United States Capitol Police. Restrictions around the Capitol include permanent and temporary security barriers and posts manned by Capitol Police. Only authorized people with appropriate identification are allowed access inside the Capitol.

27. On January 6, 2021, the exterior plaza of the Capitol was closed to members of the public as the Joint Session convened inside the building. During the Joint Session, elected members of the United States House of Representatives and the United States Senate met to certify the vote count of the Electoral College of the 2020 Presidential Election. 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. United States Vice President Michael R. Pence was present and presiding, first in the Joint Session, and then in the Senate chamber.

28. As the proceedings continued in both the House and Senate chambers, and with Vice President Pence present and presiding over the Senate, a large crowd gathered outside the Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the Capitol, and Capitol Police were present and attempting to keep the crowd away from the Capitol and the proceedings underway inside.

29. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and pushed past the officers of the Capitol Police who were attempting to keep them back. 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 required security screenings or weapons checks by Capitol Police Officers or other authorized security officials.

30. At such time, the Joint Session was still underway, and the exterior doors and windows of the Capitol were locked or otherwise secured. Members of the 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 Capitol, including by breaking windows

and by assaulting members of law enforcement, as others in the crowd encouraged and assisted those acts.

31. Shortly thereafter, at approximately 2:20 p.m., members of the House of Representatives and Senate, including the President of the Senate, Vice President Pence, were instructed to—and did—evacuate the chambers. Accordingly, all congressional proceedings, including the Joint Session, were suspended.

32. At 1:25 p.m., Rhodes messaged the “DC OP: Jan 6 21” Signal group chat, “Pence is doing nothing. As I predicted.” Later, at 1:38 p.m., Rhodes messaged, “All I see Trump doing is complaining. I see no intent by him to do anything. So the patriots are taking it into their own hands. They’ve had enough.”

33. At around 2:00 p.m., Ulrich was at the Mayflower Hotel in Washington, D.C., with James, Minuta, Jonathan Walden, Grods, and one other individual. Ulrich and his co-conspirators observed on a hotel television that other individuals were attacking the Capitol. James stepped to a corner of the room and participated in a telephone conversation, and Minuta became riled up and exclaimed that the group needed to get to the Capitol. James then told Ulrich and others to collect their gear and prepare to head to the Capitol.

34. At around 2:30 p.m., James, Minuta, Ulrich, Walden, Grods, and one other individual traveled to the Capitol on golf carts, driving around multiple barricades, including marked law enforcement vehicles.

35. James, Minuta, Ulrich, Walden, Grods, and one other individual then unlawfully entered the restricted grounds of the Capitol. Ulrich was wearing a tactical vest, radio equipment, a body-worn camera, goggles, a camouflage tactical backpack, a black neck gaiter, and an Oath

Keepers hat. James, Minuta, Ulrich, Walden, Grods, and one other individual weaved through the restricted area in a military “stack” formation with hands on shoulders and gear.

36. On the east side of the Capitol, Minuta berated law enforcement officers and, in part, demanded that they join the rioters rather than guard the Capitol.

37. Ulrich then marched in a line with James, Minuta, Walden, Grods, and one other individual up the stairs on the east side of the Capitol.

38. At 2:57 p.m., another individual messaged the “DC OP: Jan 6 21” Signal group chat, “Nurse just said news is reporting Congress given gas masks and are trying to get out.” At 3:09 p.m., Rhodes responded directly to this message, “Fuck em.”

39. At 3:15 p.m., James, Minuta, and Walden unlawfully entered the Capitol through the East Rotunda Doors.

40. At 3:22 p.m., Ulrich and Grods unlawfully entered the Capitol through the East Rotunda Doors. Once inside the Capitol, Ulrich powered on the body-worn camera positioned on his chest and attached to his tactical backpack. He maneuvered his way toward the entrance to the Rotunda as law enforcement officers were attempting to clear other individuals unlawfully inside the Capitol from that area. Law enforcement officers deployed chemical irritant spray and pushed Ulrich and others toward the exit of the Capitol. Ulrich regrouped with Walden near the elevators and eventually exited the Capitol.

41. After exiting the Capitol, Ulrich gathered with Rhodes and other co-conspirators approximately 100 feet from the Capitol, near the northeast corner of the building.

42. In taking such actions, Ulrich intended to influence or affect the conduct of the United States government and to retaliate against the United States government. He accomplished this by intimidating and coercing government personnel who were participating in or supporting

the Congressional proceeding, including Members of Congress, Congressional staff, and law enforcement officers with the Capitol Police and Metropolitan Police Department.

43. Because of the dangerous circumstances caused by the unlawful entry into the Capitol by Ulrich and others, including the danger posed by individuals who had entered the Capitol without any security screening or weapons checks, Congressional proceedings could not resume until after law enforcement had removed every unauthorized occupant from the Capitol and confirmed the building was secured. Accordingly, the proceedings did not resume until approximately 8:00 p.m. on January 6, 2021, 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.

44. The attack on the Capitol resulted in substantial damage, requiring the expenditure of more than \$1.4 million dollars for repairs.

After January 6, 2021 – Ulrich and Co-Conspirators Continue to Prepare to Forcibly Oppose the Lawful Transfer of Power

45. On January 6, 2021, at 7:30 p.m., Rhodes messaged the “DC OP: Jan 6 21” Signal chat, “Thousands of ticked off patriots spontaneously marched on the Capitol You ain’t seen nothing yet.”

46. Rhodes later added on the “DC OP: Jan 6 21” Signal chat, “Patriots entering their own Capitol to send a message to the traitors is NOTHING compared to what’s coming”

47. On January 7, 2021, another individual messaged the “DC OP Jan 6 21” Signal group chat, “Did any of our OKs actually go inside the Capitol yesterday? If so...” Ulrich responded, “Yes I can confirm. But I’m new and I want to be cautious please talk to Hydro,” referring to James’s Signal moniker.

48. On January 10, 2021, Ulrich messaged James on Signal, “We heard Stewart might be disseminating information to all of us is that true?” James responded, “He’s gone comms dark. I’m with him.”

49. On January 11, 2021, Ulrich messaged James on Signal that he and Rhodes “need to stay below the radar.”

50. On February 7, 2021, Ulrich messaged James on Signal with a news article attached that included Ulrich’s face in Washington, D.C. on or around January 6. James responded, “Remove that.” On February 11, 2021, Ulrich replied, “I did.” James later messaged, “Too late. Don’t do that again sir.” Ulrich replied, “Copy.”

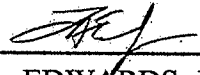
Limited Nature of Factual Basis

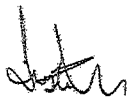
51. This proffer of evidence is not intended to constitute a complete statement of all facts known by Brian Ulrich or the government. Rather, it is a limited statement of facts intended to provide the minimal necessary factual predicate for Brian Ulrich's guilty plea.

Respectfully submitted,

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DEFENDANT'S ACKNOWLEDGMENT

I, Brian Ulrich, have read this Statement of the Offense and have discussed it with my attorney, A.J. Balbo. 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: 4-26-2022



Brian Ulrich
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read this Statement of the Offense and have reviewed it with my client, Brian Ulrich, fully. I concur in my client's desire to adopt this Statement of the Offense as true and accurate.

Date: 4/24/2022



A.J. Balbo
Attorney for Defendant Brian Ulrich