

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

UNITED STATES OF AMERICA	:	Case No. 22-mj-XXXX
	:	
v.	:	
	:	
WILLIAM TODD WILSON,	:	
	:	
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, William Todd Wilson (“Wilson”), 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, Wilson, 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. Wilson, a 44-year-old military and law enforcement veteran, was an Oath Keeper member since 2016. He is a resident of Sampson County, North Carolina, and on the date of the offense, was a county leader of the North Carolina chapter of the Oath Keepers. Some members of the Oath Keepers, like Wilson, 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. Wilson agreed to take part in a plan developed by Rhodes and others, including regional leaders, 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. They 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. Wilson and others 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 were prepared to halt the lawful transfer of presidential power.

Wilson's Participation in the Seditious Conspiracy

Before January 6, 2021 — Wilson and Others Prepare to Keep President Trump in Power

5. Beginning in November 2020, Rhodes began disseminating messages on end-to-end encrypted messaging applications, including GoToMeeting and Signal, that encouraged Wilson and his co-conspirators to oppose by force the lawful transfer of presidential power.

6. On Signal, Wilson joined Rhodes and others in invitation-only group chats titled “Leadership intel sharing secured” (“Leadership Intel Chat”), “NC Members,” “NC OK County Leaders,” “DC Op North Carolina,” and “DC OP: Jan 6 21”.

7. On November 5, 2020—two days after the Presidential Election—Rhodes urged members of the “Leadership Intel Chat,” which included Wilson, to reject the presidential election result and stated, “We aren't getting through this without a civil war. Too late for that. Prepare your mind, body, spirit.”

8. On November 9, 2020, Rhodes held a private meeting limited to Oath Keepers members on GoToMeeting, an online meeting site that allowed users to host conference calls and video conferences via the Internet in real time. The meeting, titled, “Oath Keepers National Call – Members Only,” was attended by Wilson, and other co-conspirators, including a person who Rhodes later appointed as the operation leader for January 6, 2021. During the meeting, Rhodes outlined a plan to stop the lawful transfer of power, including preparations for the use of force and


urged those listening to participate: “You’re from Oath Keepers. You got a responsibility and duty. You raised your freaking right hand. You swore that oath . . . you got to fight.”

9. That same day, in reference to a post in the “NC Members” Signal chat that the Georgia state election result was announced in favor of President Biden, Wilson replied, “how in the damn hell?” Another member of the chat explained, “Folks, the machine was set to ensure Trump couldn’t win. Remember that the Coyote Rules applies to every kind of crime: For every coyote you see, you have five.” Wilson responded, “Rigged,” followed by, “I’m ready to go coyote hunting.”

10. On November 24, 2020, in the “NC OK County Leaders” Signal chat, a group member advised, “we all need to be very careful about what we post here . . . While Signal is end-to-end encrypted, it’s always safest to operate under the assumption that someone is monitoring our conversations electronically.”

11. On December 14, 2020—the same day that presidential electors from each state and the District of Columbia cast their votes in the Presidential Election—Rhodes published a letter on the Oath Keepers website advocating for the use of force to stop the lawful transfer of presidential power. He made similar posts that day to the “Leadership Intel Chat” Signal group chat, in which Wilson was a participant.

12. On December 14, 2020, after reading an article posted by a group member in the “Leadership Intel Chat” titled, “General Flynn warns of unelected ‘tyrants,’ says ‘time for God-fearing Americans to fight,’” Wilson replied, “It is time to fight!”

13. On December 30, 2020, Wilson posted to the “Leadership Intel Chat”: “Things are about get real! I believe the  [poop emoji] is about to hit the fan and we need to be ready as ever!”

14. On December 31, 2020, Rhodes added Wilson to the “DC OP: Jan 6 21” Signal group chat under the profile name of “Todd Wilson Sampson Co Lead,” referring to Wilson’s position as the leader of the group of Oath Keepers from Sampson County, North Carolina. Rhodes described Wilson and others to the Signal group chat members as “some of the NC leaders and experienced prior op veterans from NC.” Rhodes, Wilson, and co-conspirators used this Signal group chat and others-to plan for January 6, 2021.

15. On December 31, 2020, Rhodes wrote to the “Leadership Intel Chat”: “There is no standard political or legal way out of this.”

16. On January 4, 2020, Wilson asked the “Leadership Intel Chat” members, “So I have a question. If the decision doesn’t go in Trump’s favor is that the end of his fight? ... On the 6th?” In response, another group chat participant replied, “Constantly adapt ... a battle plan never survives first contact, yet you are responsible for it and contingency planning. What if on the 6th we enter into ten days of election audits? The movement does not tie itself to one action or one result . . . The future is uncertain, but our commitment is not. The leadership will adjust and guide as appropriate.”

17. Between January 4 and January 6 of 2021, Wilson exchanged nearly two dozen calls with Rhodes, as well as numerous calls and texts with other co-conspirators.

18. On the evening of January 4, Wilson and Rhodes engaged in multiple phone calls to finalize plans for attending the January 6 operation in Washington, D.C. During these conversations, Rhodes confirmed Wilson’s hotel accommodations and told him to “come prepared.”

19. Based on Rhodes’s directive, on January 5, Wilson drove himself from North Carolina to the Washington, D.C. Metropolitan Area. Wilson brought with him on the trip an AR-

15-style rifle, a 9-millimeter pistol, approximately 200 rounds of ammunition, body armor, a camouflaged combat uniform, pepper spray, a large walking stick intended for use as a weapon, and a pocketknife. While on his drive, Wilson declared to the “DC OP: Jan 6 21” Signal group chat members, “It’s going to hit the fan tonight!” In response, another group chat member posted, “Not like it will tomorrow after the senate vote.” Wilson replied, “That’s why I have all my gear with me.”

20. That night, Wilson arrived at the Hilton Garden Inn Hotel in Vienna, Virginia. Rhodes, Wilson, and other leading Oath Keeper members and affiliates stayed in rooms at the hotel that Rhodes had reserved and paid for. After arriving, Wilson informed Rhodes by phone that he would be storing his firearms in his hotel room.

21. Later that night, Wilson met with Rhodes, who told him that another North Carolina Oath Keeper leader was expected to participate in the QRF on January 6. That same day, Wilson directly confirmed that plan by phone with the North Carolina Oath Keeper leader. Wilson believed that, if called upon, the QRF would provide firearms or cover to co-conspirators (such as himself) operating inside of Washington, D.C.

22. In advance of January 6, Wilson on multiple occasions heard Rhodes discuss the potential need for Rhodes and co-conspirators to engage in force, up to and including lethal violence, in order to stop the transfer of power. With this understanding, Wilson agreed to take part in a plan developed by Rhodes to use any means necessary, up to and including the use of force, to achieve this objective.

*January 6, 2021 — Wilson and Co-Conspirators Attack the Capitol
to Stop the Transfer of Power*

23. On the morning of January 6, 2021, at approximately 6:27 a.m., Rhodes confirmed to the members of the “DC OP: Jan 6 21” Signal group chat that “[w]e will have several well

equipped QRFs outside DC. And there are many, many others, from other groups, who will be watching and waiting on the outside in case of worst case scenarios.”

24. Later that morning, Wilson, Rhodes, and other Oath Keepers leaders traveled together in the same car from their hotel in Virginia to Washington, D.C. Wilson stored his firearms, ammunition, and combat gear in the hotel room, left his pepper spray and large stick in a co-conspirator’s car parked nearby, and carried a pocketknife with him. Wilson was prepared to retrieve his weapons for use in Washington, D.C., if called upon to do so.

25. That afternoon, Wilson, Rhodes, and others marched to the United States Capitol. The Capitol, which is located at First Street, SE, in Washington, D.C., is secured 24 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.

26. 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.

27. 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 erected around the exterior of

the Capitol. Capitol Police were present and attempting to keep the crowd away from the Capitol and the proceedings underway inside.

28. Just before 1:30 p.m., in response to a claim by an Oath Keeper affiliate on the “Leadership Intel Chat” that Antifa had breached the Capitol, Rhodes replied: “Nope. I’m right here. These are Patriots.” Minutes later, Rhodes posted to the group that he was standing at the corner of the Capitol building with four people to include Wilson. Rhodes then posted to the “DC OP: Jan 6 21” Signal group chat: “Pence is doing nothing. As I predicted.” Rhodes added, “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.”

29. By approximately 2:00 p.m., certain individuals in the crowd had 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 after 2:00 p.m., Wilson, Rhodes, and others bypassed barricades and Capitol Police officers, and unlawfully entered the restricted grounds of the Capitol. While

advancing, Wilson heard Rhodes proclaim that they were in the midst of a “civil war.” Through plumes of smoke, Wilson could see mobs of people climbing up scaffolding and descending on the Capitol. Rhodes soon directed his followers to meet him at the Capitol.

32. Around that time, 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.

33. At 2:34 p.m., Wilson entered through the Upper West Terrace Doors of the Capitol—the first of the co-conspirators to breach the building. Wilson was armed with a pocketknife and wore a neck gaiter and beanie hat to mask his appearance. Wilson entered the Capitol with the goal of disturbing the Congressional proceeding and gathering intelligence. He took these actions in furtherance of the conspiracy to oppose by force the execution of the laws governing the transfer of presidential power, and in order to prevent, hinder, and delay the certification of President-Elect Joseph R. Biden as President of the United States.

34. By 2:38 p.m., Wilson had marched through the Rotunda to the east side of the Capitol where he joined in the center of a mob of people trying to push open the Rotunda Doors from inside of the building. Two Capitol police officers stood in front of the closed doors attempting to keep the mob at bay.

35. At 2:38 p.m., a co-conspirator in the “DC OP: Jan 6 21” Signal group chat, Edward Vallejo, posted, “QRF standing by at hotel. Just say the word...”

36. At approximately 2:39 p.m., the Rotunda doors were forced open, and a mob of people forcibly entered the Capitol through the doors. The entering mob included fourteen Oath Keepers co-conspirators—many of whom were wearing paramilitary clothing and patches with the

Oath Keepers name, logo, and insignia—who had moved up and through the crowd on the east side of the Capitol in a military-style “stack” formation (“Stack One”). Wilson took cell phone video of them entering. The Rotunda Doors and surrounding façade suffered thousands of dollars’ worth of damage during the attack on the Capitol.

37. After Stack One entered the Capitol, Wilson made brief contact with some of the co-conspirators, to include James Dolan and Kenneth Harrelson, then followed closely behind co-conspirators Kelly Meggs and Caleb Berry into the Rotunda. Wilson walked through the Capitol for the next fifteen minutes, at times interacting with Dolan, Harrelson, and other co-conspirators who were heading southbound toward the House of Representatives.

38. After exiting the Capitol at 2:55 p.m., Wilson gathered with Rhodes and several co-conspirators approximately 100 feet from the northeast corner of the Capitol. Rhodes seemed pleased that Wilson and others had gone inside of the Capitol, stating to Wilson that “pissed off Patriots” were engaged in the still-unfolding attack on the Capitol.

39. Wilson intended to use force and did, in fact, use force in the Capitol, in order to prevent, hinder, and delay the execution of the laws governing the transfer of power. Wilson 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.

40. In taking such actions, Wilson intended to influence or affect the conduct of the United States government by intimidation or coercion. 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.

41. Because of the dangerous circumstances caused by the unlawful entry into the Capitol by Wilson 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.

42. 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 – Wilson Continues to Engage in Discussions and Plans With Co-Conspirators to Forcibly Oppose the Lawful Transfer of Power

43. At approximately 5:00 p.m., Wilson, Rhodes, and others left the Capitol grounds and walked together to the Phoenix Hotel.

44. At the Phoenix Hotel, Rhodes gathered Wilson and other co-conspirators inside of a private suite. Rhodes then called an individual over speaker phone. Wilson heard, Rhodes repeatedly implore the individual to tell President Trump to call upon groups like the Oath Keepers to forcibly oppose the transfer of power. This individual denied Rhodes's request to speak directly with President Trump. After the call ended, Rhodes stated to the group, "I just want to fight."

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. At Rhodes’s instruction, Wilson and other co-conspirators met Rhodes that evening at a restaurant in Vienna, Virginia. Wilson recalled that Rhodes continued to discuss the need to prepare for a larger fight against the government akin to the American Revolutionary War.

48. While at the restaurant, Wilson, Rhodes and other co-conspirators came to believe that law enforcement was searching for Rhodes and others in connection to the events earlier that day at the Capitol. Before leaving the restaurant, one of the co-conspirators stated in front of Wilson and Rhodes that incriminating materials should be deleted from their cell phones. The group immediately returned to their hotel, collected their belongings, and met at a nearby gas station. Rhodes intentionally left his mobile phone with one person and departed with another person in their car. Wilson, along with the other cars, departed from the gas station in separate directions.

49. On January 7, 2021, after arriving at his home, Wilson took steps to conceal incriminating evidence of his participation in this conspiracy from being stored in his Apple iCloud account.

50. On January 7, 2021, Wilson notified members of the “Leadership Intel Chat” that Rhodes was having issues with his cell phone in response to a member seeking to advise Rhodes of the need to run intelligence operations on law enforcement officers using “[s]canners, inside sources, boots on the ground, and CB comms.”

51. On January 13, 2021, Rhodes posted in the “Leadership Intel Chat” a draft message that he intended to make public and asked for feedback from the group members, which Wilson reviewed. In this message, titled “RED ALERT! OATH KEEPERS WARNING ORDER PART

I,” and addressed to President Trump, Rhodes reiterated that he still had time to “[h]onor your oath” and warned that “domestic enemy wolves will be at the door of all your supporters as well. We will have no choice but to honor our oaths and fight back when they come for us. A fight is coming no matter what we do” (emphasis included).

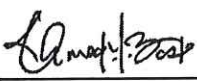
52. In late January 2021, Wilson intentionally discarded his only cell phone into the Atlantic Ocean to prevent law enforcement from discovering incriminating evidence about his participation in this conspiracy.

Limited Nature of Factual Basis

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

Respectfully submitted,

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April __, 2022

DEFENDANT'S ACCEPTANCE

I, William Todd Wilson, have read every word of this Statement of Offense and have discussed it with my attorneys, Christian Dysart, Ryan Willis, and James Kurosad. I agree and acknowledge by my signature that this Statement of Offense is true and accurate. I do this voluntarily and of my own free will and because I am in fact guilty of the crimes to which I am pleading guilty. 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 Offense fully.


Date: 4/20/2022 
William Todd Wilson
Defendant

ATTORNEY'S ACKNOWLEDGEMENT

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

Date: 4/20/2022 
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Attorney for William Todd Wilson

Date: 4/20/2022 
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