

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

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO.</b>
	:	
<b>v.</b>	:	
	:	<b>VIOLATIONS:</b>
<b>MARK GRODS,</b>	:	
	:	<b>18 U.S.C. § 371, 1512(c)(2)</b>
<b>Defendant.</b>	:	

**INFORMATION**

The United States Attorney charges that, on or about the dates and at or around the times set forth below:

**Introduction**

***The 2020 United States Presidential Election and the Official Proceeding on January 6, 2021***

1. The 2020 United States Presidential Election occurred on November 3, 2020.
2. The United States Electoral College (“Electoral College”) is a group required by the Constitution to form every four years for the sole purpose of electing the president and vice president, with each state appointing its own electors in a number equal to the size of that state’s Congressional delegation.
3. On December 14, 2020, the presidential electors of the Electoral College met in the state capital of each state and in the District of Columbia and formalized the result of the 2020 U.S. Presidential Election: Joseph R. Biden Jr. and Kamala D. Harris were declared to have won sufficient votes to be elected the next president and vice president of the United States.
4. On January 6, 2021, a Joint Session of the United States House of Representatives and the United States Senate (“the Joint Session”) convened in the United States Capitol (“the Capitol”) building. The purpose of the Joint Session was to open, count, and resolve any

objections to the Electoral College vote of the 2020 U.S. Presidential Election, and to certify the results of the Electoral College vote (“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 Attack at the U.S. Capitol on January 6, 2021***

5. The Capitol is secured 24 hours a day by United States Capitol Police (“Capitol Police”). The Capitol Police maintain permanent and temporary barriers to restrict access to the Capitol exterior, and only authorized individuals with appropriate identification are allowed inside the Capitol building.

6. On January 6, 2021, at approximately 1:00 p.m., the Joint Session convened in the Capitol building for the Certification of the Electoral College vote. Vice President Michael R. Pence, in his constitutional duty as President of the Senate, presided over the Joint Session.

7. A large crowd began to gather outside the Capitol perimeter as the Joint Session got underway. Crowd members eventually forced their way through, up, and over Capitol Police barricades and advanced to the building’s exterior façade. Capitol Police officers attempted to maintain order and stop the crowd from entering the Capitol building, to which the doors and windows were locked or otherwise secured. Nonetheless, shortly after 2:00 p.m., crowd members forced entry into the Capitol building by breaking windows, ramming open doors, and assaulting Capitol Police officers. Other crowd members encouraged and otherwise assisted the forced entry. The crowd was not lawfully authorized to enter or remain inside the Capitol, and no crowd member submitted to security screenings or weapons checks by Capitol Police or other security officials.

8. Shortly thereafter, at approximately 2:20 p.m., members of the House and Senate (including Vice President Pence)—who had withdrawn to separate chambers to resolve an

objection—were evacuated from their respective chambers. The Joint Session was halted while Capitol Police and other law-enforcement officers worked to restore order and clear the Capitol of the unlawful occupants.

9. Later that night, law enforcement regained control of the Capitol. At approximately 8:00 p.m., the Joint Session reconvened, presided over by Vice President Pence, who had remained hidden within the Capitol building throughout these events.

10. In the course of these events, over 100 members of law enforcement were assaulted. The Capitol suffered millions of dollars in damage—including broken windows and doors, graffiti, and residue from pepper spray, tear gas, and fire extinguishers deployed both by crowd members who stormed the Capitol and by Capitol Police officers trying to restore order. Additionally, many media members were assaulted and had cameras and other news-gathering equipment destroyed.

**COUNT ONE**  
**(Conspiracy—18 U.S.C. § 371)**

11. The introductory allegations set forth in paragraphs 1 through 10 are re-alleged and incorporated by reference as though set forth herein.

**The Conspiracy**

12. From at least as early as November 3, 2020, through January 6, 2021, in the District of Columbia and elsewhere, the defendant,

**MARK GRODS,**

did knowingly combine, conspire, confederate, and agree with others known and unknown to commit an offense against the United States, namely, to corruptly obstruct, influence, and impede an official proceeding, that is, the Certification of the Electoral College vote, in violation of Title

18, United States Code, Section 1512(c)(2).

**Purpose of the Conspiracy**

13. The purpose of the conspiracy was to stop, delay, and hinder the Certification of the Electoral College vote.

**Manner and Means**

14. GRODS and others known and unknown carried out the conspiracy through the following manner and means, among others:

- a. Agreeing to participate in and planning an operation to interfere with the Certification of the Electoral College vote on January 6, 2021 (the “January 6 operation”);
- b. Attending or scheduling trainings to teach and learn paramilitary combat tactics in advance of the January 6 operation;
- c. Using websites, social media, text messaging, and messaging applications to recruit other individuals to travel to Washington, D.C., to support the January 6 operation;
- d. Coordinating in advance with others, including members of the Oath Keepers from other regions, and joining forces with these individuals and groups to further the January 6 operation;
- e. Traveling to Washington, D.C., for the January 6 operation;
- f. Bringing and contributing paramilitary gear and supplies—including firearms, camouflaged combat uniforms, tactical vests with plates, helmets, eye protection, and radio equipment—for the January 6 operation;
- g. Donning clothes with the Oath Keepers insignia for the January 6 operation;

- h. Changing into paramilitary gear—including helmets—before participating in the January 6 operation;
- i. Moving together in a military “stack” formation while utilizing hand signals to maintain communication and coordination while advancing toward the Capitol as part of the January 6 operation;
- j. Forcibly storming past exterior barricades, Capitol Police, and other law enforcement officers, and entering the Capitol in executing the January 6 operation; and
- k. Using secure and encrypted communications applications like Signal<sup>1</sup> and Zello<sup>2</sup> to develop plans and later communicate during the January 6 operation.

#### **Overt Acts**

15. On December 31, 2020, GRODS and others known and unknown joined an invitation-only encrypted Signal group message titled, “DC OP: Jan 6 21.”

16. On December 31, 2020, GRODS participated in a four-person GoToMeeting<sup>3</sup> titled, “SE leaders dc 1/6/21 op call.”

17. On January 2, 2021, GRODS messaged another individual on Signal and asked, “So I guess I am taking full gear less weapons? Just reading through all the posts. Would rather have it and not need it.”

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<sup>1</sup> Signal is an encrypted messaging service.

<sup>2</sup> Zello is an application that emulates push-to-talk walkie-talkies over cellular telephone networks. Zello can be used on electronic communication devices, like cellular telephones and two-way radios.

<sup>3</sup> GoToMeeting is an online meeting site that allows users to host conference calls and video conferences via the Internet in real time.

18. On January 4, 2021, GRODS and others known and unknown traveled together to Washington, D.C.

19. GRODS brought firearms to Washington, D.C., and eventually provided them to another individual to store in a Virginia hotel.

20. GRODS and others known and unknown stayed at the Mayflower Hotel in Washington, D.C. A debit card associated with GRODS was used to pay for a room at the Mayflower Hotel that was reserved under another individual's name.

21. On January 6, 2021, GRODS and others known and unknown rode in a pair of golf carts towards the Capitol, at times swerving around law enforcement vehicles.

22. At 2:33 p.m., GRODS and others known and unknown parked the golf carts near the intersection of Third Street and Pennsylvania Avenue, Northwest. They then continued on foot towards the Capitol.

23. While walking through the restricted area and toward the Capitol building, GRODS and others known and unknown moved together in a military "stack" formation with hands on the shoulders of those in front of them to communicate and effectively move toward the Capitol.

24. At 3:21 p.m., GRODS and others entered the Capitol building through the East Rotunda Doors, minutes after others GRODS had traveled with had entered the same doors and assaulted law enforcement officers in the Rotunda. GRODS entered the Capitol building with a large stick.

25. At 3:25 p.m., GRODS exited the Capitol as law enforcement officers deployed pepper balls at a wall near GRODS.

26. Shortly after 4:00 p.m., GRODS and others known and unknown gathered together approximately 100 feet from the Capitol, near the northeast corner of the building.

27. On January 8, 2021, another individual instructed GRODS to “make sure that all signal comms about the op has been deleted and burned,” and GRODS confirmed that he had.

(In violation of Title 18, United States Code, Section 371)

**COUNT TWO**  
**(18 U.S.C. §§ 1512(c)(2), 2—Obstruction of an Official Proceeding and Aiding and Abetting)**

28. Paragraphs 1 through 10 and 15 through 27 of this Information are re-alleged and incorporated as though set forth herein.

29. On January 6, 2021, in the District of Columbia and elsewhere, the defendant,

**MARK GRODS**

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.

(In violation of Title 18, United States Code, Sections 1512(c)(2), 2)

Respectfully submitted,

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