

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Holding a Criminal Term

Grand Jury Sworn in on September 15, 2023

UNITED STATES OF AMERICA	:	CRIMINAL NO. 23-CR-427
	:	
v.	:	VIOLATIONS:
	:	18 U.S.C. § 1512(k)
DAN EDWIN WILSON, and	:	(Conspiracy To Obstruct an Official
(Counts 1, 2, 3, 4, 5, 6)	:	Proceeding)
	:	18 U.S.C. §§ 1512(c)(2), 2
DAVID SCOTT KUNTZ,	:	(Obstruction of an Official Proceeding)
(Counts 1, 2, 3, 4, 5)	:	18 U.S.C. § 1752(a)(1)
	:	(Entering and Remaining in a Restricted
Defendants.	:	Building or Grounds)
	:	18 U.S.C. § 1752(a)(2)
	:	(Disorderly and Disruptive Conduct 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)(G)
	:	(Parading, Demonstrating, or Picketing in
	:	a Capitol Building)
	:	

SUPERSEDING INDICTMENT

The Grand Jury charges that, at all times material to this Superseding Indictment, on or about the dates stated 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, the exterior plaza of the U.S. Capitol was closed to members of the public.

7. 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 presided, first in the Joint Session and then in the Senate chamber.

8. 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 onto the Capitol grounds and advanced to the building’s exterior facade. 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 building or grounds, and no crowd member submitted to security screenings or weapons checks by Capitol Police or other security officials.

9. Shortly thereafter, at approximately 2:20 p.m., members of the House and Senate (including Vice President Pence) 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 building and grounds of the unlawful occupants.

10. Later that night, law enforcement regained control of the Capitol building and grounds. 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.

11. In the course of these events, over 100 law enforcement officers were injured. 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.

“Three Percenters”

12. A group of individuals, some of whom associate with militias, identify as “Three Percenters” (also called “III%” or “3%” or “Threepers”), based on their view that only three percent of American colonists took up arms against the British during the American Revolution.

Some Three Percenters liken the present-day U.S. Government to British authorities that infringed on civil liberties in the period leading up to and during the American Revolution. Many independent or multi-state militia groups incorporate “III%” in their unit names.

Conspirators

13. DAN EDWIN WILSON is a 48-year-old resident of Louisville, Kentucky.

14. DAVID SCOTT KUNTZ is a 53-year-old resident of Elizabeth, Indiana.

15. As described herein, WILSON and KUNTZ conspired with each other, and with others known and unknown, to corruptly obstruct, influence, and impede the Congressional proceeding at the U.S. Capitol on January 6, 2021.

16. WILSON and KUNTZ both identify as Three Percenters and members of the Gray Ghost Partisan Kentucky Rangers, a Three Percenter militia.

COUNT ONE

17. The allegations in paragraphs 1 through 16 are realleged and incorporated as if fully set forth in this paragraph.

18. Between on or about December 19, 2020 and January 6, 2021, within the District of Columbia and elsewhere, the defendants,

**DAN EDWIN WILSON, and
DAVID SCOTT KUNTZ**

together and with others, did conspire to 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.

Acts in Furtherance of the Conspiracy

Preparing for January 6, 2021

19. WILSON, KUNTZ, and others used Telegram, an encrypted messaging app that can send messages, photos, videos, and files, to share information regarding the 2020 presidential election, to coordinate travel and plans for January 6, 2021. For example, with the assistance of another individual, KUNTZ created the “Coalition of the Unknown” Telegram group, where participants discussed plans to travel to Washington, D.C. in December 2020 and January 2021, among other things. WILSON and KUNTZ, among others, participated in this Telegram chat, which ran from at least November 24, 2020 through at least December 22, 2020.

20. On December 1, 2020, a member of the Coalition of the Unknown group shared a YouTube video titled, “Trump Lawyers Push Call for MARTIAL LAW As More Evidence Of FRAUD Emerges, DEMAND New Election.” Two minutes later, KUNTZ responded, “This is Reaper. You must choose is it war or do we allow marshall law. The decision must be made.” “Reaper” was a moniker used by KUNTZ.

21. In early December 2020, KUNTZ and others in the Coalition of the Unknown group discussed traveling to Washington, D.C. for January 20, 2021—the date for President Joe Biden’s inauguration. On December 6, 2020, KUNTZ wrote, “[L]ets go train and remove the Democratic party it is a must.”

22. On December 14, 2020, in the Coalition of the Unknown group, KUNTZ wrote, “This is Reaper. January the 20th in Washington D.C. is our day they will see we are not playing anymore we are going fully armed. No more fucken games guy’s you are in this 100% or your out and be a couch keyboard patriot we go in numbers they will not be able to do shit to us you must not be scared and be ready to not go home if something goes down you must start making a

big stand no more rules this is our country no there's if you are in then say you are in and mean it no i will be there and not show up tell all groups you no to be thete in force. Tell all guy's no fucken around on this time to do what we have been training for." WILSON—who used the username and moniker "Live Wire" in the Coalition of the Unknown group—responded, "Everyone needs to start reaching out to everybody you know every state you know this is not gonna be an easy task to organize but we have to organize and go in together come out together or none of us come the fuck out." KUNTZ responded, "Tell and bring all on this we go in numbers they won't do shit guy's but watch. Dan3% is right on this one we go together." Later that day, KUNTZ added, "The 20th is are date period."

23. In his Facebook account, KUNTZ also tried to rally others to travel to Washington, D.C. for January 20, 2021. On December 14, 2020, KUNTZ posted a Facebook status update: "This is Reaper. This is to all groups January the 20th we go to Washington. D.C. armed no matter what they say we go in for the million milita march we go in numbers they wont be able to do shit. Its time to show them we have had enough this is our time guy's we got this no more games. We only want true patriots. We are tired of the games they will no who owns this country. You groups must start standing up this is what we all have been training for." An individual responded, "Hate to say this, but you need permits in DC to carry. Not saying it is a bad idea, but adds some problems." KUNTZ responded, "No more playing we go in numbers we do not care about there gun laws thats why we go in numbers they won't be able to do shit."

24. On December 19, 2020, then-President Trump tweeted, "Peter Navarro releases 36-page report alleging election fraud 'more than sufficient' to swing victory to Trump <https://washex.am/3nwaBCe>. A great report by Peter. Statistically impossible to have lost the 2020 Election. Big protest in D.C. on January 6th. Be there, will be wild!" Following this Tweet,

WILSON and KUNTZ redirected their organizing efforts to January 6, 2021.

25. On December 20, 2020, on Facebook, KUNTZ posted a screenshot of the Tweet from then-President Trump with a red line under the words “Be there, will be wild!” To that image, KUNTZ added the following message: “This is Reaper. Washington D.C. is listing to us we have there attention for the 6th and the 20th that the militia groups are coming. They have evacuated all none essential personnel out of D.C.”

26. On December 22, 2020, KUNTZ made the following statement in the Coalition of the Unknown group: “January the 6th will be the target date for D.C. this goes to all groups that can help to defend those that can not defend themselves.” WILSON responded to KUNTZ by stating, “Ooh Rah. Curb stomp crew all in!!!” KUNTZ responded, “Hell ta D.C. here we come.”

27. On December 22, 2020, WILSON posted to the Coalition of the Unknown group, “For the new members in case you are not aware DC on the sixth here we come.” About one minute later, another individual in the Coalition of the Unknown group posted an image of the U.S. Capitol building, with the following language: “Occupy Congress. #OccupyCongress. If they won’t hear us they will fear us. The great betrayal is over. Election fraud is treason. January 6, 2021.” About a minute later, WILSON responded, “Some of us in here are extremely active patriots so if you want to start getting boots on the ground reach out we do the damn thing.” A few minutes later, WILSON replied to a question from another individual: “What’s the current thoughts on Battle rattle? WILSON responded, “Everyone has differing opinions my personal opinion is if we’re going to go in and take over the world Guns up. if we’re just trying to put on a show leave them at home.” Another individual responded, “I would always carry it with me at least a vest and plates under clothing.” WILSON responded, “Absolutely you can wear your attire I will have my plates on I was just talking about firearms.” Another individual responded, “I

wouldn't do firearms. Looks bad firing in a crowd. Knives and batons." WILSON replied, "That's my opinion you can ask people here that know me I'm a hands-on kind a guy." Later that same day, WILSON added, "I have to admit I have carried my expandable baton both times I've been there I understand it's against the rules but I haven't had a problem yet hard knuckle gloves are a must." Later that same day, WILSON wrote, "It is an easy choice but it's not an easy choice I stand with you all I will go down swinging." Later that same day, WILSON posted, "They might set up a perimeter as usual this line was pushed out even further I expect the sixth and the 20th to continue with that trend but they cannot stop us from walking in." WILSON continued, "We've already been up there twice so we are starting to understand the lay of the land and how to get around and what to expect if anybody has any questions feel free to ask."

28. WILSON and KUNTZ also planned for January 6, 2021, in another Telegram group organized by KUNTZ, called "United Front." For example, on December 23, 2020, in the United Front group, another individual asked, "What is the goal of this group or chat? What are we trying to accomplish?" KUNTZ responded, "Getting groups in here to fig shit out what are next move will be when shit goes crazy." KUNTZ asked that person, "are you still going on the 6th to D.C." The individual responded, "Groups over here are talking about it now. The 6th is when they count the electoral votes. Republican Senators and Congressmen will be objecting to the votes, this is where things can change." KUNTZ responded, "Yes but i do believe thats when shit will get crazy what you think." The other individual replied, "It will get nuts if the vote is sent to the House to vote and the People's vote is considered null and void." He added, "That's where Trump will win, but it's a long shot." KUNTZ responded, "I think eaiter way its not gonna be good."

29. On December 22, 2020, on Facebook, KUNTZ updated his status to read, "This is Reaper. Spread the fast January 6th in D.C. A must show for all groups that are willing to help."

Along with this status, KUNTZ posted an image that included the following language: “Fight For America. Patriot Party. Jan. 6th Washington D.C. Capitol. Join The Official Patriot Party Inc. to March on the Capital to fight corruption, fight for our rights and demand election integrity.”

30. On December 22, 2020, on Facebook, KUNTZ updated his status to read, “This is Reaper. This is to all groups going to D.C. on the 6th because i do believe after that we must defend our states. I believe after this date antifa and blm will start there shit big time. So this is how i see it i would not show up on the 20th they will have the city shute down were we can not get in unless we fight our way in. Im almost shure you will be defending your states after the 6th so to all groups you must be on high alert if i am wrong pls let me no i am only human this is my appinion only. But i do believe from the 6th on we all will be very busy. So pls let me no what you all think on this. Thank you all for your time on this matter.” WILSON responded, “Everything is definitely fluid at this time we continue to try to plan and prepare as best we can we just have to play it by ear.” KUNTZ replied, “dan we are going to D.C. on the 6th and ready to fight no more games.”

31. On December 23, 2020, in the United Front group, WILSON posted a link to an open letter from the website oathkeepers.org, entitled, “Open Letter to President Trump: You Must Use Insurrection Act to ‘Stop the Steal’ and Defeat the Coup.”

32. On December 24, 2020, WILSON discussed in the United Front group his plan to travel to Washington D.C. on January 6, 2021. Among other messages, another individual messaged the group, “Yes a lot is happening legally and a lot can happen on the 6th. The most important thing is for the Electoral College results to get contested and that Patriotic Militias set differences aside and gather together.” WILSON responded, “In my opinion I don’t think it’s time to gun up for the sixth we have to play this out but if they seat biden on the 20th all bets are off

it's gonna happen even if Trump wins we have to get this government under control it's been crossing my mind if we go to a Civil War do we try to take Washington DC first or do we try to take state capitals first." Another individual said, "I'm in DC the 6th with others." WILSON responded, "Our team is going. I have had a lot of people reaching out to me about going on the sixth it's going to be the biggest one yet."

33. On December 27, 2020, in the United Front group, an individual shared an image of a building labeled "BIDEN HARRIS" being blown up, with the message, "Betrayed by nearly everyone in Congress...WE MUST FIGHT. He's the only chance anyone has got. DONALD J. TRUMP. FIGHT HARD." WILSON responded, "I am ready to lay my life on the line. It is time for good men to do bad things." KUNTZ responded later that morning, "Ok guy's lets get this clear once and for all there will be no talking about taking over nothing or blowing up shit period on here if you do you are out. So stop that shit now keep it to yourself act like the law is right beside you. Reaper out."

34. On December 27, 2020, in the United Front group, another individual asked WILSON, "Is Reaper going to DC?" WILSON responded, "We will be there." The other individual asked, "Yall in the same Squad trip Wire? Or same Militia Group." WILSON responded, "Yes." WILSON added, "The time is now." KUNTZ replied, "The 6th will tell it all im ready." Later that day, WILSON wrote, "I ain't nobody but when it comes down to it follow me and I'll show you a symphony of destruction." KUNTZ responded, "Come on the 6th lets do this shit."

35. On December 27, 2020, in the United Front group, KUNTZ shared a tweet from then-President Trump, "See you in Washington, DC, on January 6th. Don't miss it. Information to follow!" KUNTZ added, "He is asking us to be there." WILSON added, "Y'all wanna do it."

Ask your self. Are you really ready. This is not for the faint of heart.” KUNTZ responded, “Good he does need us im going armed period.” He added, “alot of groups are going in hot.”

January 6, 2021: Participation in the Riot at the U.S. Capitol

36. WILSON and KUNTZ, who had both previously traveled to Washington, D.C. for rallies in November and December 2020, drove together to Washington, D.C. for January 6, 2021.

37. In the early morning of January 6, 2021, WILSON and KUNTZ gathered with others in the area of the Lincoln Memorial. Later that morning, WILSON and KUNTZ gathered with other individuals in the area of the Ellipse and the Washington Monument, during the time when then-President Donald Trump, among others, addressed the crowd.

38. After listening to speeches in the area of the Ellipse, KUNTZ and WILSON walked together to the U.S. Capitol building.

39. At approximately 1:44 p.m., over Zello—a live voice push-to-talk communication platform available on cell phones—WILSON received a message from another individual. The individual asked, “How many patriots do we have pushing through at the Capitol, Live Wire?” WILSON responded a few seconds later, “Hey, pass the word, Badlands, as fast as you can, the people are pushing on the Capitol. We need hands on deck.” The individual responded, seconds later, “Heard, Live Wire. Will send.” Later, at 1:55 p.m., that same individual sent a message to WILSON, “Live Wire, when your team touches down in the Capitol, I need a sit rep, please.”

40. At approximately 1:44 p.m., over Zello, WILSON shared a message to a group called, “Oath Keepers general chat.” In that message, WILSON said, “Hey, whoever’s got ears on, even if you ain’t in D.C., pass the word, the people are pushing on the Capitol. We need all hands on deck.”

41. At approximately 1:45 p.m., over Zello, WILSON shared an audio message to a

group called, “Stop the Steal J6.” WILSON said, “The people are trying to push through the barricade at the Capitol building. We’re headed that way.”

42. At the U.S. Capitol building, WILSON wore a pair of blue jeans, tan boots, and a blue hooded sweatshirt, and carried a red backpack and an olive-green fabric pouch. At times, he also wore a gas mask.

43. After he arrived at the U.S. Capitol building, WILSON climbed to an area above the Inaugural Stage and stood on a set of bleachers that had been constructed on the Upper West Terrace, overlooking the Inaugural Stage and West Plaza. Wilson triumphantly raised his fist in the air, as he observed the crowd below, before turning back and walking up the bleachers—toward the U.S. Capitol building.

44. WILSON entered the U.S. Capitol building through the Upper West Terrace Door at approximately 2:37 p.m., while wearing his gas mask. After entering the building, WILSON walked into the Rotunda, where he remained for several minutes. While in the Rotunda, WILSON removed his gas mask and placed it in the olive-green fabric pouch he was wearing in front. From the Rotunda, WILSON walked through Statuary Hall, before returning to the Rotunda.

45. WILSON ultimately exited the U.S. Capitol building at 2:49 p.m., through the East Rotunda Doors.

46. At the U.S. Capitol building, KUNTZ wore a black tactical vest, with a red and white reaper image on the back. At times, he also wore a dark-colored hat, sunglasses, and dark-colored gloves.

47. KUNTZ entered the Upper West Terrace by approximately 2:22 p.m., from the northeast side of the U.S. Capitol building. From there, KUNTZ walked toward the area of the Parliamentarian Door and Senate Wing Door, on the Upper West Terrace.

48. At approximately, 2:42 p.m., rioters breached the Parliamentarian Door on the Upper West Terrace of the U.S. Capitol building. KUNTZ was present in the area at the time of this breach. As rioters swarmed the Parliamentarian Door, KUNTZ called out, “Fuck the police!”

49. While on the Upper West Terrace, KUNTZ held up a radio to his mouth and can be heard referring to “Live Wire”—the moniker used by WILSON.

(Conspiracy To Obstruct of an Official Proceeding, in violation of Title 18, United States Code, Sections 1512(k))

COUNT TWO

50. The allegations in paragraphs 1 through 16 and paragraphs 19 through 49 are realleged and incorporated as if fully set forth in this paragraph.

51. On or about January 6, 2021, within the District of Columbia, the defendants,

**DAN EDWIN WILSON, and
DAVID SCOTT KUNTZ**

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 THREE

52. The allegations in paragraphs 1 through 16 and paragraphs 19 through 49 are realleged and incorporated as if fully set forth in this paragraph.

53. On or about January 6, 2021, in the District of Columbia, the defendants

**DAN EDWIN WILSON, and
DAVID SCOTT KUNTZ**

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 FOUR

54. The allegations in paragraphs 1 through 16 and paragraphs 19 through 49 are realleged and incorporated as if fully set forth in this paragraph.

55. On or about January 6, 2021, in the District of Columbia, the defendants,

**DAN EDWIN WILSON, and
DAVID SCOTT KUNTZ**

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 FIVE

56. The allegations in paragraphs 1 through 16 and paragraphs 19 through 49 are realleged and incorporated as if fully set forth in this paragraph.

57. On or about January 6, 2021, in the District of Columbia, the defendants,

**DAN EDWIN WILSON, and
DAVID SCOTT KUNTZ**

willfully and knowingly engaged in disorderly and disruptive conduct within the United States Capitol Grounds and 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 SIX

58. The allegations in paragraphs 1 through 16 and paragraphs 19 through 49 are realleged and incorporated as if fully set forth in this paragraph.

59. On or about January 6, 2021, in the District of Columbia, **DAN EDWIN WILSON** 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))

A TRUE BILL:

FOREPERSON.

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