

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent of the Federal Bureau of Investigation. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent, I am authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of a violation of Federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States 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 United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. 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. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

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

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage that appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

Within the West Front of the Restricted Grounds there were additional temporary barriers due to preparations and ongoing construction for the Inauguration including green snow fencing and signage stating, “Area Closed By order of the United States Capitol Police Board.” The exterior plaza of the U.S. Capitol was also closed to members of the public. The below picture indicates all area within the red lines designated as a secure area with no public access as previously referenced in the “Area Closed By order of the United States Capitol Police Board.”



Figure 1

According to records obtained through a search warrant which was served on Google, a mobile device associated with Google Device ID 140364435 was present at the Capitol on January 6, 2021. The records also showed that Google account ID 559437646514 was associated with Device ID 140364435, that the email address associated with the account was possumcods2000@gmail.com, that the name on the Google account was “schuck2000 possumcods,” and that the recovery SMS telephone number was 256-595-3151. Google estimates device location using sources including GPS data and information about nearby Wi-Fi access points and Bluetooth beacons. This location data varies in its accuracy, depending on the source(s) of the data. As a result, Google assigns a “maps display radius” for each location data point. Thus, where Google estimates that its location data is accurate to within 10 meters, Google assigns a “maps display radius” of ten meters to the location data point. Finally, Google reports that its “maps display radius” reflects the actual location of the covered device approximately 68% of the time. In this case, Google location data showed that a device associated with Google Device ID 140364435 was on the restricted grounds of the Capitol on January 6, 2021, between approximately 1:12 PM (EST) and 4:32 PM (EST).

According to records provided by AT&T, the mobile device associated with phone number 256-595-3151 was registered in the name of “Bobby Russell” with an address in Falkville, Alabama. The records listed “Bobby Russell” as the financially responsible party.

I have reviewed U.S. Capitol Surveillance Video, Open-Source Videos, and Washington, D.C. Metropolitan Police Department (“MDP”) Body Worn Camera (“BWC”) footage capturing events from January 6, 2021, in attempting to identify unknown subjects who assaulted law enforcement.

During my review of BWC footage, I observed an individual your affiant believes to be Bobby Wayne RUSSELL. The subject was wearing a brown coat, a red hooded sweatshirt with the words “Alabama Crimson Tide” on the front, a red and white hat, jeans, and brown shoes. I observed the subject at two different locations outside of the U.S. Capitol.

During my review of Metropolitan Police Officer M.T., M.R., S.C.B., and A.M.’s BWC, I observed that at approximately 1:56 p.m., Ofcs. M.T., M.R., S.C.B., A.M., and others were in a group of MPD and U.S. Capitol Police officers who were holding a line of bicycle barricades on the southwest side of the Capitol grounds and within the restricted area outlined in Figure 1 above. Ofc. M.T. and M.R.’s BWC showed a white male, approximately 45 years of age, wearing the clothing described in the above paragraph. Ofc. M.T. and M.R.’s BWC showed the subject standing with his back turned to the officers and using his buttocks and back to push up against the bicycle barricade that Ofcs. M.T., M.R. and multiple other officers were holding in place. At least one officer told the subject to “back off the fence,” and to “back up”:

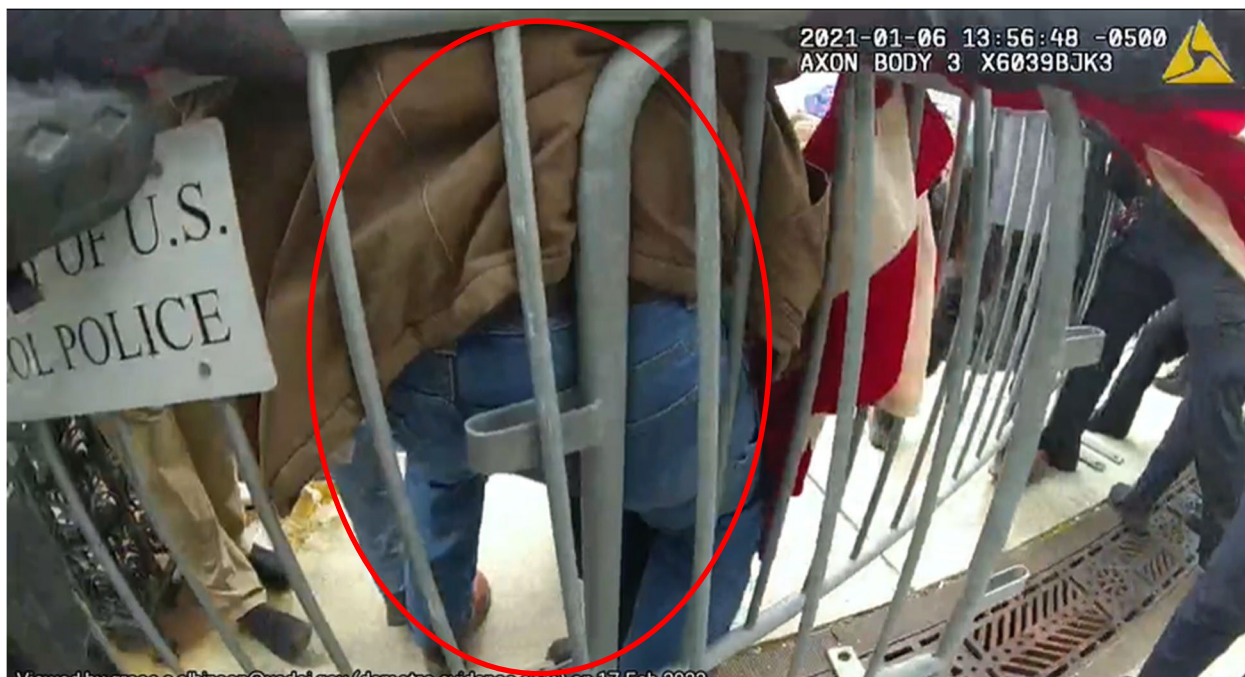


Figure 2



Figure 3

Ofcs. M.T., M.R., and other officers attempted to remove the subject from the barricade by pushing him away, and at that point, the subject turned and grabbed the barricade with his right hand:



Figure 4

Ofc. M.T. then sprayed the subject with Oleoresin Capsicum spray (commonly referred to as pepper spray):



Figure 5

The subject then turned fully around to face the officers and grabbed the barricade with both hands:



Figure 6

The subject's hat fell to the ground. The subject continued to grip the barricade with both hands:



Figure 7



Figure 8

The subject then put his right arm through the bars of the bicycle barricade:



Figure 9

The subject leaned over the bars in the direction of the officers:



Figure 10

The barricade then broke apart and the subject pulled the jacket of Ofc. M.T. causing Ofc. M.T. and the subject to fall at least four steps to the ground:



Figure 11



Figure 12



Figure 13



Figure 14



Figure 15

During my review of Metropolitan Police Officer C.F.'s BWC, I observed a white male, approximately 45 years of age, wearing a red hooded sweatshirt with the words "Alabama Crimson Tide" on the front, a red and white hat, jeans, and brown shoes, standing with a white female, wearing a grey petit coat, black hat, and jeans, standing in front of the Capitol building near the Senate Wing doors on the northwest side. I observed the male and female standing in that area from approximately 3:28 p.m. until approximately 4:20 p.m.:



Figure 16

During my review of Metropolitan Police Officer C.F., C.B., P.D., and M.M.'s BWC, I observed that at approximately 4:20 p.m., law enforcement guarding the area formed a line, began walking towards the rioters gathered in the area including the subject, and shouted "move back" repeatedly, in an effort to clear the area. Despite these orders, the subject refused to move and instead pushed his back and buttocks into the shields of several officers, resisting their orders to move:



Figure 17



Figure 18



Figure 19

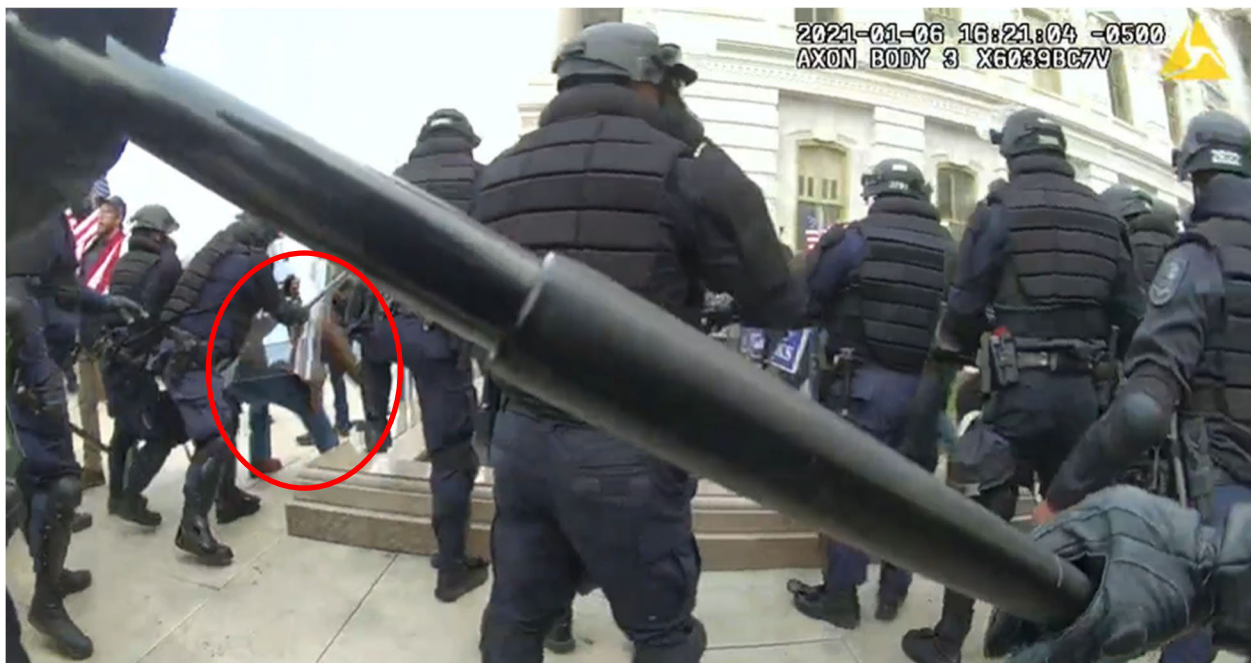


Figure 20

The subject then turned around to face Ofc. C.B., and said “I’m not scared of you and I’m not weak”:



Figure 21

I also interviewed Prince George’s County Corporal J.B., who identified himself in Figures 17 through 20 above as the individual with the two handcuffs on his belt. Corporal J.B. stated he remembered RUSSELL because prior to the police’s push to clear the area, RUSSELL said to the police, “There’s more of us than you guys, you’re gonna lose.” Then when the police began to move in a line formation, RUSSELL pushed back against Corporal J.B. and other officers’ riot shields.

I conducted an open-source search of the Facebook account entitled, “bobby.russell.927,” and located the photographs depicted in Figures 22 and 23 below. The photograph in Figure 22 was posted to the account for “bobby.russell.927” on January 19, 2021, and appears to show RUSSELL and the same woman he was with at the Capitol as seen in Figures 16 and 21 above – who your affiant believes to be RUSSELL’s wife, Deborah Russell – standing in front of the Lincoln Memorial Reflecting Pool with the Washington Monument in the background. The subject appears to be wearing the same brown coat, red hooded sweatshirt with the words “Alabama Crimson Tide” on the front, red and white hat, jeans, and brown shoes that he wears in the Figures above. Facebook records for account “bobby.russell.927” also showed that the account holder provided the name “Bobby Russell” and the phone number 256-595-3151 (which is the phone number associated with Google Device ID 140364435).

I have additionally compared the woman in Figures 16, 21, and 22, with the individual pictured on the Alabama driver’s license photograph for Deborah Russell, and the individuals pictured are consistent. The Alabama driver’s license for Deborah Russell lists the same address in Alabama as the address listed on RUSSELL’s Alabama driver’s license.

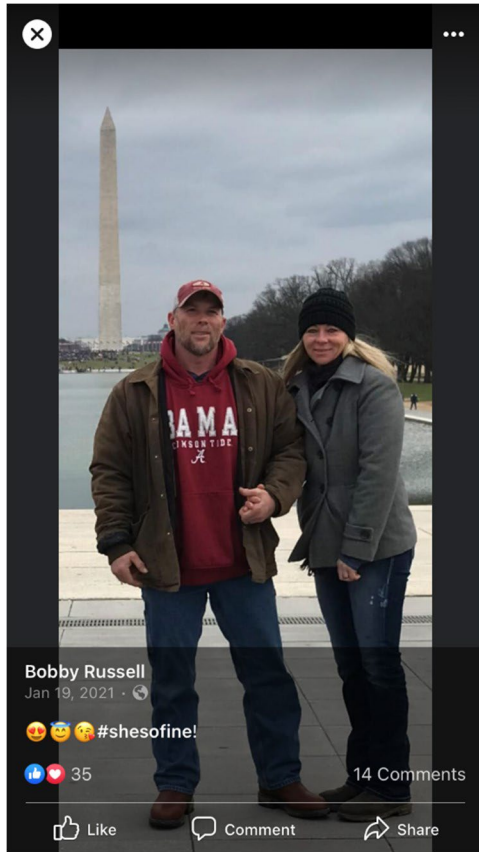


Figure 22

The photograph in Figure 23, below, appears to depict RUSSELL in Washington, D.C. on January 6, 2021, standing in front of the crowd. In Figure 23, RUSSELL can be seen wearing what appear to be the same red sweatshirt and hat that the subject can be seen wearing in Figures 3-5, 16, and 21-22, above.



Figure 23

I have compared the individual shown in Figures 2 through 23 above with the individual pictured on the Alabama driver's license photograph for Bobby Wayne RUSSELL, and the individuals pictured are consistent.

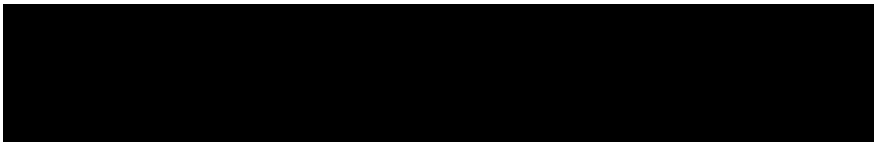
Based on the foregoing, your Affiant submits that there is probable cause to believe that Bobby Wayne RUSSELL violated:

1. 18 U.S.C. § 111(a)(1), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, and interfere with, an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such persons were engaged in and on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim of the assault and the intent to commit another felony.
2. 18 U.S.C. § 231(a)(3), which makes it a crime to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, and adversely affects commerce and the movement of any article and commodity in commerce and the conduct and performance of any federally protected function. "Civil

disorder” means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual. “Federally protected function” means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof; and such term shall specifically include, but not be limited to, the collection and distribution of the United States mails. 18 U.S.C. §232(1).

3. 18 U.S.C. § 1752(a)(1), (2), and (4), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; and (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.
4. 40 U.S.C. § 5104(e)(2)(F), which makes it a crime to willfully and knowingly engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

As such, your Affiant respectfully requests that the court issue an arrest warrant for Bobby Wayne RUSSELL. The statements above are true and accurate to the best of my knowledge and belief.



Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 23rd day of August 2022.

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE