

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America
v.
William Vogel

Case: 1:21-mj-00159
Assigned to: Judge Zia M. Faruqui
Assign Date: 1/25/2021
Description: COMPLAINT W/ ARREST WARRANT

Date of Birth: XXXXXXXX

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of in the
in the District of Columbia, the defendant(s) violated:

Code Section

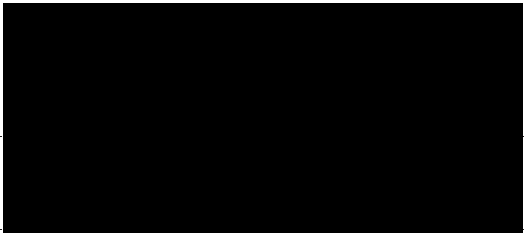
Offense Description

- 18 U.S.C. 1752(a)(1)- Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority
18 U.S.C. 1752(a)(2)- Knowingly Engages in Disorderly or Disruptive Conduct in any Restricted Building or Grounds
40 U.S.C. 5104(e)(2)- Violent Entry and Disorderly Conduct on Capitol Grounds

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.



Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 01/25/2021

Signature and timestamp: 2021.01.25 15:32:39 -05'00'

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

## STATEMENT OF FACTS

On January 6, 2021, your affiant, [REDACTED], was on duty and performing my official duties as a Task Force Officer. Specifically, I am assigned to the FBI-New York Division Joint Terrorism Task Force and tasked with investigating criminal activity in and around the Capitol grounds. As a Task Force Officer, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, 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.

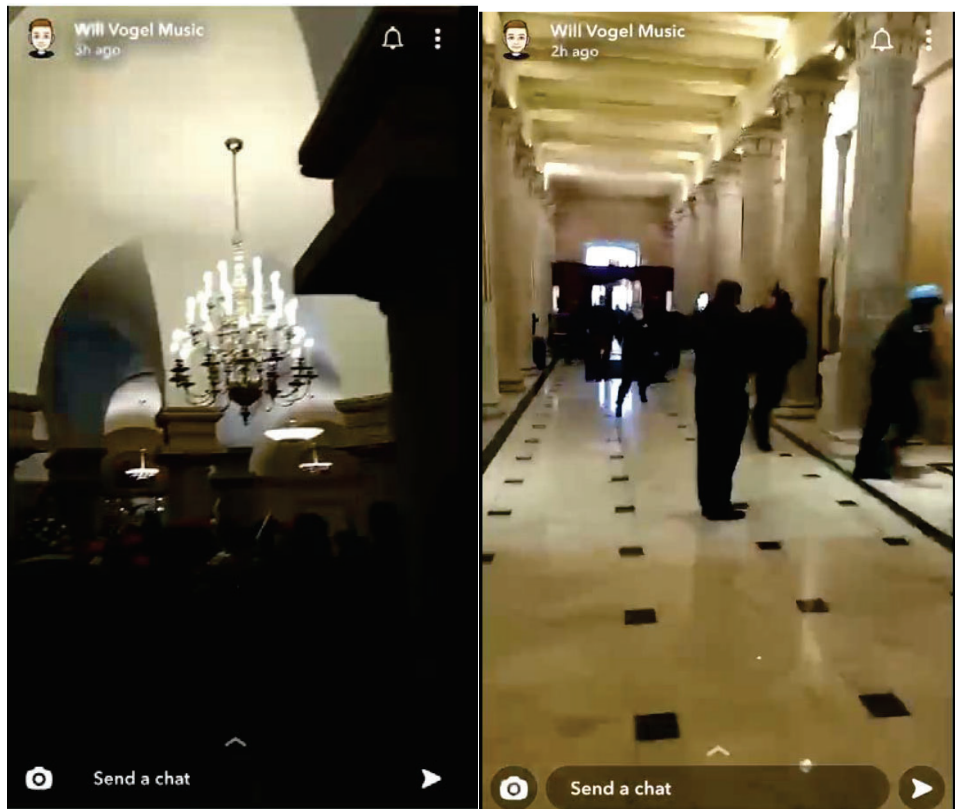
As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, 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, shortly 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 which 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.

Your affiant has reviewed multiple videos seen by and provided to the FBI by multiple tipsters. In these videos, the individual taking the video is participating in the events in Washington, D.C. on January 6, 2021, including participation in the riots on the U.S. Capitol Grounds and inside the U.S. Capitol Building at the time of the certification proceedings described above. Specifically, the videos show the person taking the video marched onto the Capitol building property while people chant “whose house? Our house!” The videos show multiple people actively damaging scaffolding and police barriers around the Capitol building and the individual recording ultimately enters into the Capitol building. The video shows the individual recording the video moving through various halls and corridors inside the U.S. Capitol Building, as shown by the two screenshots from the video below:



While inside the Capitol building, the individual taking the video records Law Enforcement Officers retreating from the impeding rioters all while the individual continues to walk throughout the Capitol building. The person taking the video can also be heard on the audio supporting the actions of other persons engaged in disorderly conduct on the U.S. Capitol Grounds and U.S. Capitol Building.

The above-referenced videos were captured via the application Snapchat. The videos show the Snapchat usernames will vogel and willvogelmusic. The emoji created alongside both usernames is consistent with the actual appearance of WILLIAM VOGEL in other photographs obtained pursuant to this investigation. Numerous tipsters contacted the FBI to report these videos and the subsequent posting of these same videos on Facebook. Tipster 1, who has known VOGEL socially for several years, recognized the Snapchat user “will vogel” to belong to WILLIAM

VOGEL of Pawling, NY and claimed to be “100% sure” that the voice of the person taking the video and narrating was the voice of WILLIAM VOGEL. Tipster 2 saw videos from what Tipster 2 described as the personal Snapchat account of WILLIAM VOGEL posted to the personal the Facebook account belonging to WILLIAM VOGEL. Tipster 2, who has known WILLIAM VOGEL socially for several years, verified that both accounts belong to WILLIAM VOGEL of Pawling, NY. Tipster 3 saw a video from the Snapchat account “will vogel.” Tipster 3, who has known WILLIAM VOGEL socially for several years, verified that the account belongs to WILLIAM VOGEL of Pawling, NY. Tipster 4, who has known VOGEL socially for several years, saw a video on Facebook and verified that the Facebook account as well as the related Snapchat account belongs to WILLIAM VOGEL of Holmes, NY, which is a mailing address for Pawling, NY. Tipster 4 also stated that WILLIAM VOGEL is “very vocal” about being at the “Stop the Steal” rally in Washington, D.C., which took place on January 6, 2021, at the White House prior to the riot at the U.S. Capitol. In fact, portions of the video described above, as viewed by your affiant, appear to be in the area of the National Mall with WILLIAM VOGEL moving from the area of the rally to the area where he is seen engaged in the disorderly conduct on the U.S. Capitol Grounds and inside the U.S. Capitol Building.

As part of the investigation, WILLIAM VOGEL was identified as the account holder of Facebook account “Will Vogel”. Facebook subscriber records confirm that the account holder identifies himself with name Will Vogel, verified his phone number as +1-\*\*\*5-\*\*\*-1324, gave his current city as Pawling, NY, registered his email and Facebook confirmed the user’s mobile device type as a Samsung SM-G955U1. Data searches through multiple services identified one WILLIAM VOGEL, with a legal address in the Town of Pawling, NY. Google documentation confirms that the user of the same email address mentioned above is ‘Will Vogel’. Additionally, data searches affirm that WILLIAM VOGEL is the user of phone number \*\*\*-\*\*\*-1324, which is serviced by AT&T/Cingular Wireless. Records from AT&T confirm that \*\*\*-\*\*\*-1324 is used on a Samsung SM-G955U1 cellular phone.

Additionally, the FBI was able to confirm that WILLIAM VOGEL had a mailing address in Holmes, New York, and had an active registration of a vehicle with New York plates, with license plate number “\*\*\*-4369.”

Your affiant also reviewed information from the license plate reader (“LPR”) system from a number of states. This system showed the car registered to WILLIAM VOGEL with license plate number “\*\*\*-4369,” leaving New York, driving southbound, on the Henry Hudson Bridge in New York, at approximately 6:06:08 A.M. on January 6, 2021. The car was then captured by the LPR system driving southbound over the Delaware Memorial Bridge, connecting New Jersey and Delaware, at approximately, 7:54:31 A.M. The same car was then seen driving by the LPR system in a number of locations in Maryland in the morning of January 6, 2021. First, it was seen driving southbound through Maryland at approximately 8:44:56 A.M. on the JFK Memorial Highway. Then, the car was captured driving southbound through Baltimore on the Harbor Tunnel Thruway at approximately 9:15:27 A.M. There were no other known LPR hits until the late afternoon, when WILLIAM VOGEL’s vehicle was again captured in Maryland, this time driving northbound. Specifically, the vehicle was pictured at approximately 4:58:24 P.M. driving northbound in Anne Arundel County, Maryland. The LPR system then captured the vehicle at approximately 8:12:29 P.M. on January 6, 2021 on the Harbor Tunnel Thruway in Baltimore. The car was also seen

driving on the JFK Memorial Highway, but this time northbound at 8:44:01 P.M. on January 6, 2021. Finally, the LPR system showed this car belonging to WILLIAM VOGEL, returning to New York, driving on George Washington Bridge, at 23:59:22 P.M. on January 6, 2021. This LPR evidence shows that WILLIAM VOGEL left New York in his car, early on January 6, 2021 before the riots at the Capitol, and then departed after the riots, driving through Maryland back to New York that evening.

Records from Facebook show that WILLIAM VOGEL uses the aforementioned Facebook account regularly to post and communicate with others. On January 7, 2021, WILLIAM VOGEL communicated via his Facebook account with USER 1, a Facebook friend of VOGEL, by sending USER 1 a video of the riot and occupation of the U.S. Capitol building using Facebook's messenger service. USER 1 responded that he/she saw a picture of WILLIAM VOGEL "in dc" after which the two discussed the events of January 6, 2021. USER 1 then sent the following photo to WILLIAM VOGEL:



In the photo, WILLIAM VOGEL can be seen carrying a large red hat and a jacket. In a photo from the LPR Reader hit on JFK Memorial Highway in Cecil County, MD from 8:44 AM on January 6, 2021, provided below, WILLIAM VOGEL can be seen wearing what appears to be the same jacket while driving his vehicle and with what appears to be the same large red hat sitting in the front passenger seat area.



WILLIAM VOGEL also previously posted a photo of himself, shown below, on his Facebook account wearing what appears to be the same large red hat.



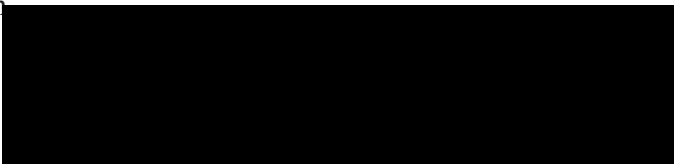
On January 7, 2021, WILLIAM VOGEL sent USER 2, another Facebook friend of VOGEL's, the video of his actions on January 6, 2021 via Facebook's messenger service. USER 2 asked WILLIAM VOGEL "did you take that?" WILLIAM VOGEL replied, "yes ma'am" and went on to state "So they have these shadow twitter accounts and they're trying to report me to the FBI/DOJ and put me away for 10 years for Domestic Terrorism, because of my snapchat story,

where I simply walked into the lobby of the capital” and “And didn’t even film anything crime wise”.

On January 6, 2021, WILLIAM VOGEL had another conversation using Facebook’s messenger service with USER 3, another Facebook friend of VOGEL’s, during which VOGEL sent a location verifying that he was in Washington D.C. Thereafter VOGEL and USER 3 sent multiple messages back and forth to include WILLIAM VOGEL sending USER 3 the aforementioned video. During the ensuing messages, WILLIAM VOGEL references “stop the steal 2021,” meeting “a few Capitol officers,” and also shares an additional video taken from the top of the West Front steps of the Capitol building facing Pennsylvania Avenue N.W., Washington, D.C. The two continue to talk about WILLIAM VOGEL’s involvement during the riot and their thoughts on WILLIAM VOGEL’S criminal culpability.

Based on the foregoing, your affiant submits that there is probable cause to believe that WILLIAM VOGEL violated 18 U.S.C. § 1752(a)(1) and (2), 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; 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.

Your affiant submits there is also probable cause to believe that WILLIAM VOGEL violated 40 U.S.C. § 5104(e)(2)(D) & (G). (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings



FBI-New York

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 25<sup>th</sup> day of January 2021.

A handwritten signature in blue ink, appearing to read 'Zia M. Faruqi'.



2021.01.25  
15:29:46 -05'00'

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ZIA M. FARUQUI  
U.S. MAGISTRATE JUDGE