

STATEMENT OF FACTS

Affiant

Case: 1:23-mj-00123

Assigned To : Upadhyaya, Moxila A.

Assign. Date : 6/9/2023

Description: Complaint W/ Arrest Warrant

Your affiant, [REDACTED], is a Special Agent assigned to Richmond Field Office of the Federal Bureau of Investigation. In my duties as a special agent, I am responsible for investigating federal crimes that are connected to the Commonwealth of Virginia. 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.

Background on the Events of January 6, 2021

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.

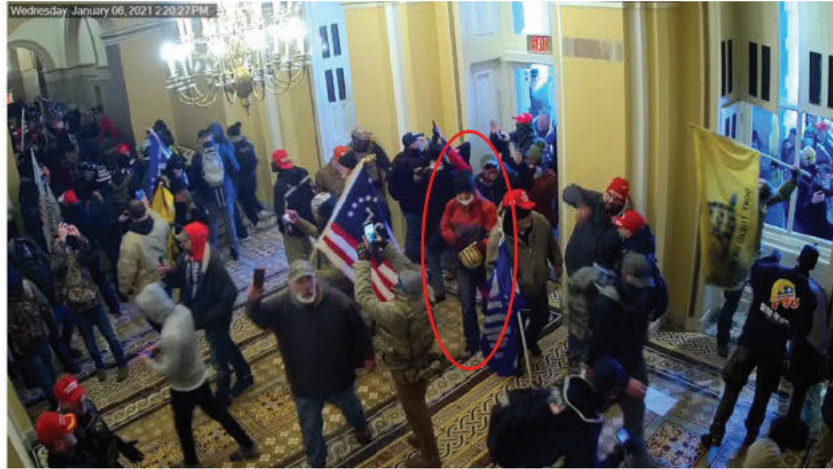
During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be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

Karthik Ramakrishnan's Entry into the Capitol

At 2:13 p.m., rioters breached the Senate Wing Door, which is an exterior, west-facing door located in the wing between the Capitol rotunda and the Senate Chamber. Rioters broke and climbed through windows on either side of the door and then opened the locked Senate Wing Door from the inside. The crowd outside then flowed through the now open door into the Capitol. At 2:19 p.m., Karthik Ramakrishnan approached the Senate Wing Door wearing a orange and brown Burton ski coat, blue jeans, black ski cap, red backpack, red gloves, and a surgical mask while banging a small drum.



Ramakrishnan paused outside for several seconds before entering the Capitol through the Senate Wing Door at 2:20 p.m. He then turned right and headed towards the Crypt.



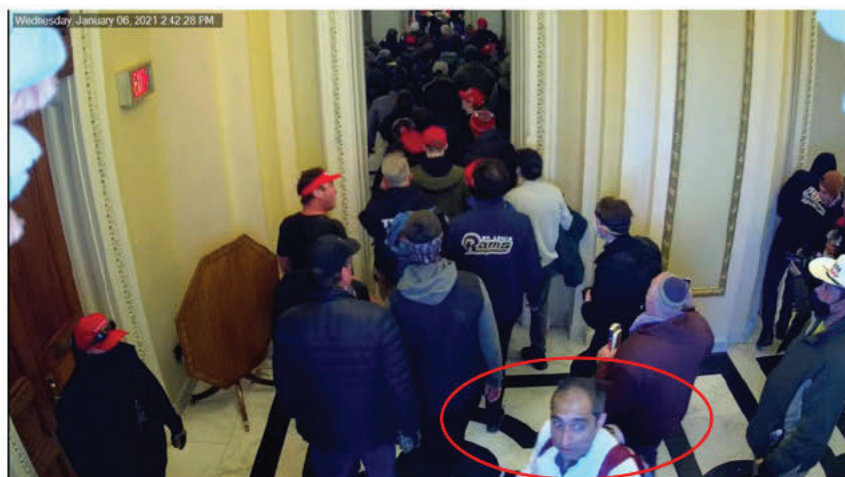
Between approximately 2:22 p.m. and at least 2:32 p.m., Ramakrishnan, still beating his drum, moved from the Crypt, through the Memorial Door to Statuary Hall, and then to the Statuary Hall Connector.¹

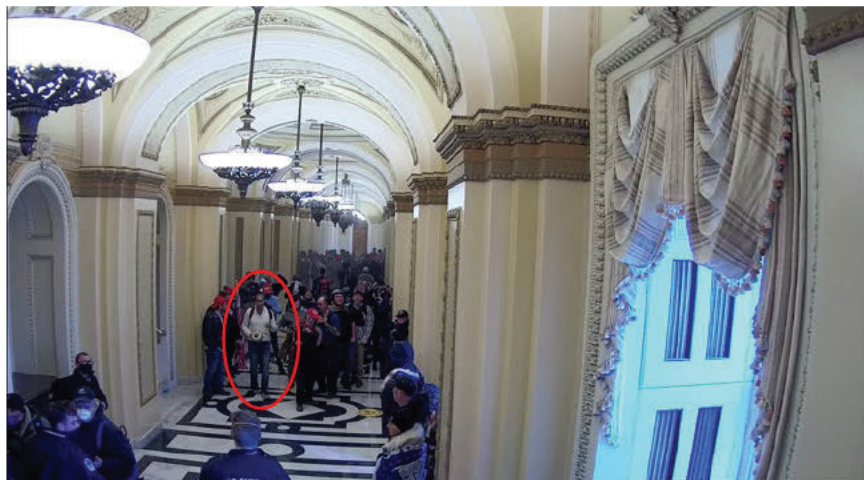


¹ At some point between moving through the Crypt to Statuary Hall, Ramakrishnan removed his jacket. He wore a cream-colored quarter-zip sweater and red backpack for the duration of his time parading through the Capitol. He is still readily identifiable by the backpack and his continued use of the small drum.

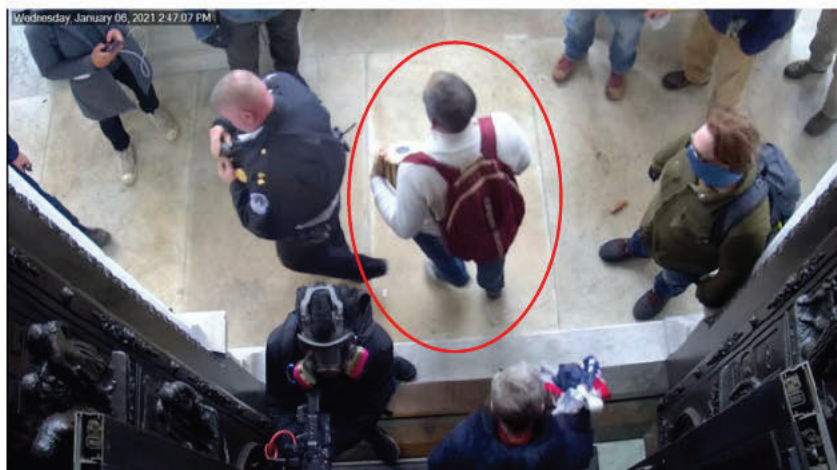


Between 2:42 p.m. and 2:46 p.m., Ramakrishnan moved from the East Stairs to the Main Door Hall.





Ramakrishnan, still holding the small drum in his hands and wearing his cranberry-colored backpack, exited the Capitol via the East Front House Door at 2:47 p.m.



Identification

On April 13, 2022, your affiant interviewed a tipster who stated that Ramakrishnan had gone to Washington, D.C., on January 6, 2021. The tipster is a business associate of Ramakrishnan, has had numerous face-to-face interactions with Ramakrishnan, and has communicated with him many times via his cell phone number. Ramakrishnan sent the tipster photographs and videos of his trip to Washington on January 6, 2021, including a photo from the speech at the Ellipse and a photo of crowds. Ramakrishnan further stated to the tipster that he had other photos which he could not send or post on social media because “they could get him in trouble.” During a visit by the tipster to Ramakrishnan’s house on January 23, 2021, Ramakrishnan showed the tipster additional photos depicting the events of January 6, 2021. When the tipster asked Ramakrishnan if he had entered the Capitol, Ramakrishnan replied, “I deny it.” Your affiant then showed the tipster five photos, four of which came from either open-source materials or Capitol CCTV footage and one of which was Ramakrishnan’s driver license photo. The tipster identified Ramakrishnan in each photo.



[Redacted] April 13, 2022
I.D.ed.



[Redacted] April 13, 2022
I.D.ed.



[Redacted] April 13, 2022
I.D.ed.



[Redacted] April 13, 2022
I.D.ed.

Offenses

Based on the foregoing, your affiant submits that there is probable cause to believe that Ramakrishnan 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 so; 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 Ramakrishnan violated 40 U.S.C. § 5104(e)(2)(D) and (G), which, respectively, makes it a crime to willfully and knowingly (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 to (G) parade, demonstrate, or picket in any of the Capitol Buildings.



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 9th day of June.

M. A. Upadhyaya



Moxila A. Upadhyaya
2023.06.09 12:32:42
-04'00'

HONORABLE MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE