

STATEMENT OF FACTS

Your Affiant, [REDACTED], is a Special Agent assigned to Federal Bureau of Investigation (“FBI”) Dallas Field Office. In my duties as a special agent, I investigate a variety of federal crimes. Currently, I am tasked with investigating criminal activity in and around the United States 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 United States Capitol is secured 24 hours a day by United States Capitol Police. Restrictions around the United States Capitol include permanent and temporary security barriers and posts manned by United States Capitol Police. Only authorized people with appropriate identification were allowed access inside the United States Capitol. On January 6, 2021, the exterior plaza of the United States 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 people present on the scene depicted evidence of violations of

local and federal law, including many people inside the U.S. Capitol building without authority to be there.

At or around 2:51 p.m., a crowd had assembled at the U.S. Capitol at the stairs to the Upper West Terrace. Metropolitan Police Department (“MPD”) officers formed a police line at the stairs to the Upper West Terrace to act as a barrier against the crowd. While law enforcement officers were attempting to control the crowd at the stairs to the Upper West Terrace, numerous people began charging and striking law enforcement officers.

After reviewing MPD body-worn camera (“BWC”) footage recorded at the United States Capitol on January 6, 2021, your Affiant observed an unidentified individual, later identified as Robert Wayne Dennis (“DENNIS”), assaulting law enforcement officers and impeding law enforcement officers from performing official duties. FBI has positively identified one law enforcement officer, MPD Officer J.S., who was assaulted by DENNIS. The law enforcement officers that DENNIS assaulted were attempting to control the crowd at or near the stairs to the Upper West Terrace.

While reviewing BWC footage recorded at or around 2:51 p.m. on January 6, 2021, near the stairs to the Upper West Terrace, your Affiant observed the following: DENNIS approached the line of MPD Officers separating the crowd from the United States Capitol (Figure One). DENNIS was wearing a black jacket, black beanie, dark glasses, tan face covering, blue jeans, and gloves.

DENNIS pointed at the officers with both hands and appeared to place his hands on an officer. Officer D.P. then used a two handed baton technique to push DENNIS away from the line of officers. DENNIS then grabbed Officer D.P.’s baton and was turned sideways, colliding with Officer J.S. Officer J.S. then used a two-handed baton technique to push DENNIS away from the line. DENNIS then turned back to Officer J.S. while keeping hold of a baton and took Officer J.S. to the ground after a violent struggle with him (Figure Three). Officer J.S.’s baton was knocked out of his hands. Officer J.S. recovered his baton, returned to a standing position, and resumed his position on the line separating the crowd from the United States Capitol while other officers attempted to control DENNIS.



Figure One

Figure Two below is a picture taken from MPD Officer J.S.'s BWC at or around 2:51 p.m. on January 6, 2021, near the stairs to the Upper West Terrace. In that video, your Affiant observed DENNIS charging MPD Officer J.S., and DENNIS is shown grabbing another MPD Officer's baton with both hands. DENNIS then struggles violently with MPD Officer J.S. and takes him to the ground, which is shown in Figure Three (DENNIS is the man in blue jeans on top of Officer J.S.).

Figure Three is a picture taken from MPD Officer C.C.'s BWC at or around 2:51 p.m. on January 6, 2021, near the stairs to the Upper West Terrace. In the video from that BWC your Affiant observed DENNIS involved in a physical altercation on the ground with MPD Officer J.S. Figure Four is a picture taken from MPD Officer J.S.'s BWC at or around 2:51 p.m. on January 6, 2021, and shows a close-up of DENNIS during his violent struggle with Officer J.S.



Figure Two



Figure Three



Figure Four

FBI agents conducted a telephonic interview of MPD Officer C.C. on or about August 25, 2021. The following is a summary of the interview and is not intended to be a verbatim account. MPD Officer C.C. was standing on the police line near the stairs to the Upper West Terrace when he observed DENNIS approach the line and get pushed back. DENNIS approached the line again and pushed an officer to the ground. The unknown officer is known by your Affiant to be MPD Officer J.S. MPD Officer C.C. left the line to assist when he observed DENNIS throwing punches at MPD Officer J.S. while DENNIS was holding onto the officer.

While reviewing BWC footage recorded on the grounds of the U.S. Capitol (believed to be at stairs to the South Terrace) at or around 3:13 p.m. on January 6, 2021, your Affiant observed DENNIS identifying himself by name, address, and Social Security Account Number to an MPD officer. At or around 3:12 p.m. in that same video, DENNIS is seen consenting to an MPD officer retrieving DENNIS' ID from his wallet in his pocket, which the officer used to confirm DENNIS' identity. After confirming DENNIS' identity, the officer advised him that law enforcement would apply for a warrant for his arrest at a later time, and then released him so that he could seek medical treatment that officers were unable to provide due to the ongoing riot. When asked if he understood that law enforcement would apply for a warrant for his arrest, DENNIS replied, "yes."

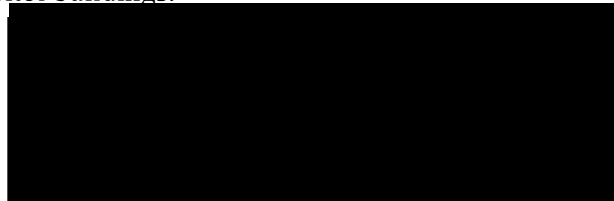
Based on the foregoing, your Affiant submits that there is probable cause to believe that DENNIS violated 18 U.S.C. § 111(a)(1), which makes it a crime to assault, resist, oppose, impede, intimidate, or interfere with a federal law enforcement officer, as designated in Section 1114 of Title 18, while engaged in or on account of the performance of official duties. Section 1114 specifically lists United States Capitol Police (USCP) officers as federal law enforcement officers. This definition under Section 1114 is further extended to any person assisting such a federal officer or employee in the performance of his or her duties or on account of that assistance. USCP officers are Federal law enforcement officers, and MPD officers were assisting them in protecting the Capitol and the Members of Congress on January 6, 2021.

Your Affiant submits there is also probable cause to believe that DENNIS violated 18 U.S.C. § 231(a)(3), which makes it unlawful 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 or her official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a 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. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

Your Affiant further submits that there is probable cause to believe that DENNIS violated 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; (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 attempt or conspire 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.

Finally, your Affiant submits there also is probable cause to believe that DENNIS violated 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.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 14 day of October, 2021.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE