

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Task Force Officer with the Federal Bureau of Investigation, assigned to the Tampa Division Joint Terrorism Task Force. In my duties as a Task Force Officer, I investigate individuals and groups who have committed violations of federal laws, including federal laws related to threats, international terrorism, and domestic terrorism. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Task Force Officer, 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 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. In January 2021, law enforcement received a tip stating that Richard Avirett (“AVIRETT”) was in the Capitol on January 6, 2021.

AVIRETT is known to reside in Florida. Body-worn cameras worn by officers of Metropolitan Police Department (“MPD”) depict the person, whom law enforcement has probable cause to believe is AVIRETT, wearing a black beanie, black gloves brown jacket, and sunglasses. The videos depict AVIRETT on restricted Capitol grounds near the inauguration stage on the West Terrace, from approximately 2:12 through 2:36 PM Eastern Standard Time. The below screenshot is from a body-worn camera of an MPC officer and depicts AVIRETT highlighted in a red circle:



AVIRETT later entered the Capitol building. Law enforcement obtained a video from Raw Story, an online news website. The video depicts multiple individuals inside the Capitol building on January 6, 2021. The image below, a still shot from the Raw Story video, depicts the person, highlighted in the red circle, whom law enforcement has probable cause to believe is AVIRETT. The screenshot below depicts AVIRETT in an office in the Capitol building identified as ST2M:



The same video later depicts AVIRETT in an office identified as ST4M, which was assigned to Senator James Risch on January 6, 2021:



On January 12, 2022, your affiant interviewed an individual who has known AVIRETT for many years. The individual viewed the Raw Story video noted above as well as other pictures of AVIRETT taken at the Capitol and positively identified AVIRETT in the pictures and video.

Law enforcement executed a search warrant on a Facebook account belonging to AVIRETT. The account was identified as AVIRETT's by a tipster. The returns from Facebook confirm that the account belonged to AVIRETT. For example, the name on the account is "Richard Avirett." In addition, the returns included photos taken by AVIRETT at the Capitol on January 6, 2021, including a photo with AVIRETT had taken of himself outside the Capitol, and a photo taken inside the office identified as ST2M. AVIRETT also sent a Facebook message stating, "I'm inside."

Based on the foregoing, your affiant submits that there is probable cause to believe that Richard AVIRETT 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 Richard AVIRETT violated 40 U.S.C. § 5104(e)(2)(C), (D), and (G), which makes it a crime to willfully and knowingly (C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of— (i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; or (ii) the Library of Congress; (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.



Task Force Officer
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 19th day of January 2023.

A handwritten signature in blue ink, appearing to read 'ZMF'.



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ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE