

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent assigned to the Federal Bureau of Investigation (“FBI”) Syracuse Resident Agency. I have been with the FBI since 2017. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent with the FBI, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of violations 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.

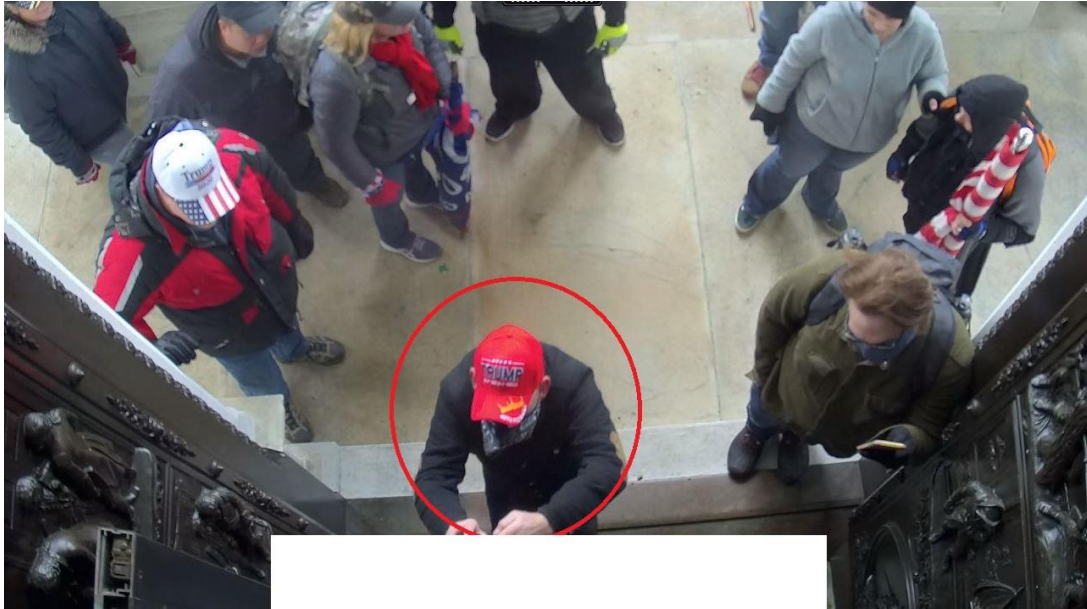
At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly around 2:00 p.m., individuals 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.

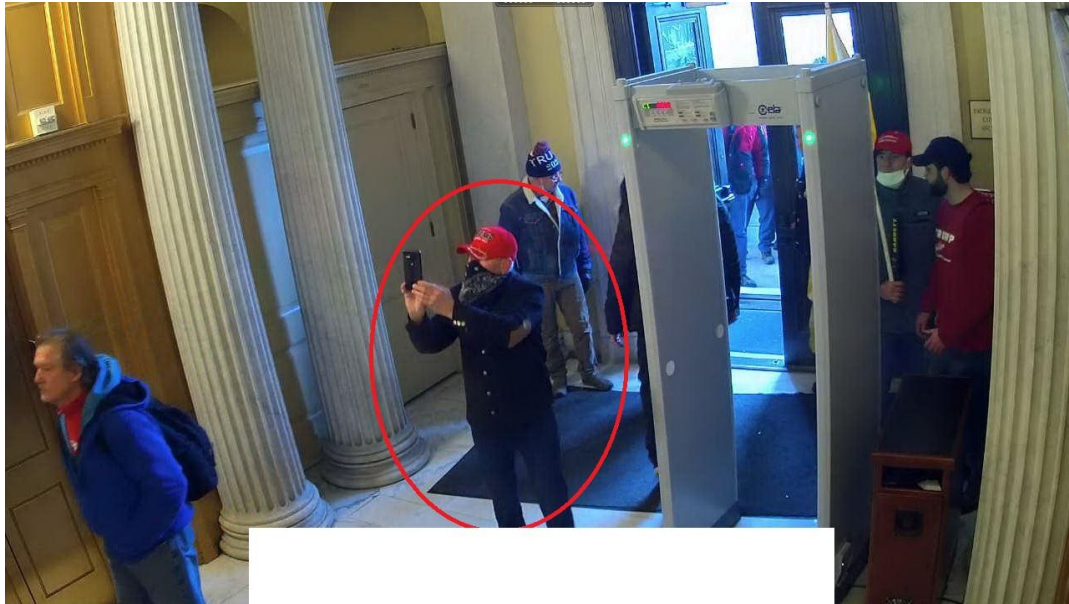
During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of

violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there. Photographs and videos of several of these persons were disseminated via social media and other open source online platforms.

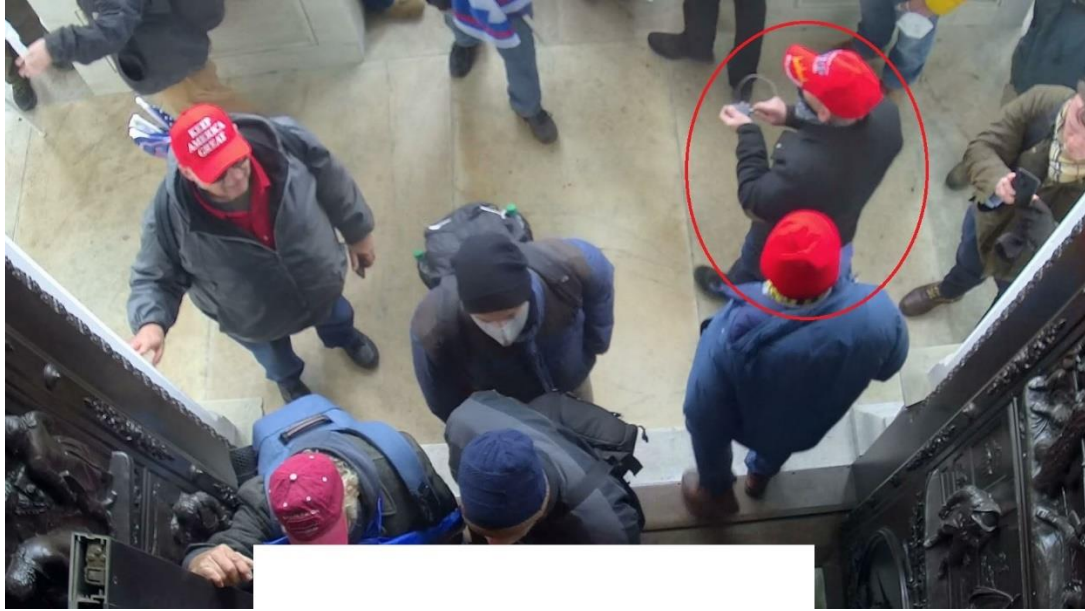
During the course of the investigation into the events of January 6, 2021, your affiant has identified Richard Bryan WATROUS as one of the individuals who was unlawfully inside of the Capitol. Specifically, I have located U.S. Capitol surveillance footage and open-source recordings of the incident, wherein WATROUS is captured entering the U.S. Capitol through the Upper House Door at approximately 2:48 pm on January 6, 2021, as depicted below:



On January 6, 2021, WATROUS was wearing a red “Trump” baseball cap, a blue bandana as a facemask and a blue coat with tan patches on the elbows, as depicted below:



Based upon my review of Capitol surveillance footage, WATROUS remained in the hallway area near the Upper House Door and exited the Capitol through the Upper House Door at approximately 2:53 pm, as depicted below:



According to records obtained from Verizon, on January 6, 2021, in and around the time of the incident, a cellphone ending in -0508¹ was identified as having utilized a cell site consistent with providing service to a geographic area that includes the interior of the United States Capitol building. Law enforcement subsequently interviewed WATROUS at his home in New York on or about June 11, 2021. During the interview with WATROUS, he confirmed that the phone number ending -0508 was his phone number.

During the interview, WATROUS stated he planned to go to Washington, D.C. on January 6, 2021 as soon as former President Trump told people to. WATROUS stated he drove alone to Washington, D.C. from his home in New York on January 5, 2021. WATROUS stated that January 6 was significant because of the debate on Capitol Hill to certify the presidential election. WATROUS stated that even though he was attending, he did not feel he was going to have any big impact on what was happening in Congress.

WATROUS stated he attended the rally at the Ellipse on January 6. WATROUS stated that as soon as Trump was done speaking, he went to the Capitol. Upon arriving at the Capitol, WATROUS said he saw people were already on the inauguration stage. WATROUS stated he heard flashbangs going off and could detect tear gas in the air even though he wasn't close to the Capitol building.

WATROUS stated he entered the Capitol building and thought, "this is fucked up." WATROUS stated that once inside the Capitol, there was a man yelling, "they just killed a girl!" Based upon my training, experience and knowledge of the case, your affiant believes this individual was referencing the shooting of Ashli Babbitt that had taken place minutes earlier. WATROUS stated that a security guard in the area told him that no one had been shot.

¹ This filing references only the last four digits of the phone number due to the public nature of this filing.

WATROUS told agents that upon being inside the Capitol, he thought, “This is crazy. What the hell is going on here?” WATROUS told agents, “The whole vibe was uncomfortable to me because I could see something else going on. I was pissed they were allowing it to happen.” WATROUS stated he “wasn’t sure I was supposed to be there.”

WATROUS stated that once inside, he walked up and down the hallway and walked down a second hallway but stated there’s “no damn way I am going deeper in there.” WATROUS stated the people around him seemed like troublemakers and did not seem like peaceful protestors.

WATROUS estimated he was inside the Capitol for approximately five minutes and then left out the same door he had entered. WATROUS stated that outside, he sat on the Capitol steps and observed an unknown male who said he was going to Nancy Pelosi’s office. WATROUS said the man entered the Capitol and then came back out crying because he had clearly been pepper-sprayed but was now holding a bottle of wine that said Democratic Convention. WATROUS stated the man said, “I got Nancy Pelosi’s wine!”

WATROUS said that after sitting on the steps for approximately 15 minutes, he walked away and met a woman who had a YouTube channel whom he told he had gone inside and there “wasn’t much to see.” The woman wanted to go inside the Capitol and WATROUS stated he re-entered the Capitol with her through more centrally located doors and they briefly entered the Rotunda. WATROUS stated that after he left the Capitol the second time, he left the area and returned to his hotel.

During the interview, WATROUS showed your affiant a “selfie” photograph he had taken of himself on January 6 that was on WATROUS’ phone. Your affiant photographed the “selfie” photo as WATROUS showed it to me, as depicted below:




WATROUS stated he had been to Washington, D.C. in December 2020 and had gone to the Capitol. He stated that in December, he could not get close to the Capitol because of the police and barriers.

On June 11, 2021, your affiant had personal contact with WATROUS and in my opinion, the individual in the pictures above in the U.S. Capitol is Richard Bryan WATROUS.

Based on the foregoing, your affiant submits there is probable cause to believe that Richard Bryan WATROUS 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 Bryan WATROUS violated 40 U.S.C. § 5104(e)(2)(D) & (G), which 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 (G) parade, demonstrate, or picket in any of the Capitol Buildings.



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 21st day of September 2021.

HON. ROBIN M. MERRIWEATHER
U.S. MAGISTRATE JUDGE