

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA)
)
 v.)
)
Henos Woldemichael,)
)
)
 Defendant.)

Case: 1:22-mj-206
Assigned To: Magistrate Judge G. Michael Harvey
Assign. Date: 9/16/2022
Description: Complaint with Arrest Warrant

**AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, [REDACTED] being duly sworn, affirm and state:

INTRODUCTION

1. I am a special agent with the Federal Bureau of Investigation. I have been in this position since December 2020. I am currently assigned to a squad that investigates counterintelligence out the Washington Field Office of the FBI.

2. This affidavit is submitted for the purpose of establishing probable cause. The facts in this affidavit are based on my investigation, personal observations, training, and experience, as well as information conveyed to me by other law enforcement officials. Because this affidavit is limited in purpose, it is not intended to include each and every fact and matter observed by me or known to the United States.

STATEMENT OF FACTS

Probable Cause – The U.S. Capitol on January 6, 2021

3. 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 are 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.

4. 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.

5. 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.

6. At such time, the certification proceedings 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 after 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.

7. 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.

8. 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 and on the grounds of the U.S. Capitol without authority to be there.

Probable Cause – WOLDEMICHAEL

9. Following the civil unrest at the U.S. Capitol described above, on February 4, 2022, the Washington Field Office of the FBI sought to identify a person seen in a video on Felipe MARQUEZ's (hereinafter "MARQUEZ") cellular telephone. MARQUEZ was arrested on January 19, 2021, in relation to the January 6, 2021 United States Capitol Riots. MARQUEZ gave FBI Miami Field Office consent to search MARQUEZ's cellular phone. The video of interest from MARQUEZ's cellular telephone showed an interview of an unknown subject while inside a United States Senator's office. While inside the United States Capitol MARQUEZ had exchanged text messages with phone number xxx-xxx-1495. FBI Washington Field Office identified cellular telephone number, xxx-xxx-1495, connected to WOLDEMICAHEL. According to records

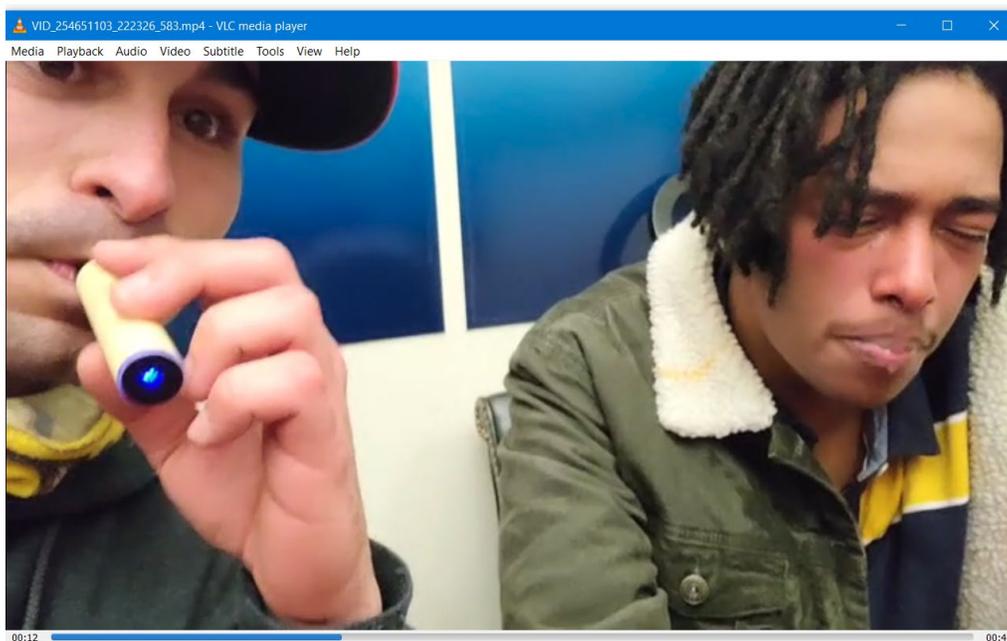
obtained through a search warrant, which was served on AT&T, on January 6, 2021, in and around the time of the incident, the cell phone associated with xxx-xxx-1495 was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the United States Capitol building.

10. On July 27, 2021, Special Agent Peter Green and I interviewed WOLDEMICHAEL's mother Zufan ABATE (hereinafter "ABATE") at her home, in Burke, VA 22015. During the interview, the interviewing agents showed a still shot from MARQUEZ's video to ABATE and asked if she knew the individual in the photo. ABATE stated that she knew the person in the picture was her son, Henos Araya WOLDEMICHAEL:



11. Interviewing agents asked ABATE if WOLDEMICHAEL was home and would come to the door which ABATE responded yes and called WOLDEMICHAEL to the door. We showed the above photograph to WOLDEMICHAEL which he confirmed was him. He told us he was inside the U.S. Capitol during the riot on January 6, 2021. WOLDEMICHAEL stated he was on a "one man mission" and was alone going to the U.S. Capitol. WOLDEMICHAEL provided the phone number xxx-xxx-1495 as his cellular telephone number during the interview.

Woldemichael stated he had been exposed to, and had showed physical effects of, exposure to law enforcements use of “tear gas”. Signs of being exposed to tear gas were physically apparent in a second video from Marquez’ telephone, where he displayed watery eyes, a swollen face, and mucus excretion, as depicted below:



12. In a screenshot from a Parler video, below, WOLDEMICHAEL is seen standing outside Senate Wing doors prior to the breach during the riots on January 6, 2021:



13. He is also seen in another rioter's video standing out the Senate Wing doors, with the windows smashed, looking into the Senate Wing vestibule:



14. A video request was sent to United States Capitol Police for video (CCTV) of the Senate Wing Door camera, on January 6, 2021. I reviewed the CCTV after receiving it. WOLDEMICHAEL is captured on video speaking to U.S. Capitol Police before leading the charge to breach the Senate Wing door a second time. Pictures below, taken from the video, depict what occurred:



15. At approximately 2:47 PM, WOLDEMICHAEL is seen outside of the Senate Wing Doors. According to video footage, WOLDEMICHAEL entered the Capitol Building at approximately 2:47 p.m. on January 6, 2021, through the doors on the Senate side of the building. Prior to his entry, the doors were guarded by law enforcement officers, who monitored the three entryways, as depicted below:



16. At approximately 2:47 pm, rioters led by WOLDEMICHAEL aggressively pushed a podium placed in the middle doorway, which had acted as a barrier between the law enforcement officers and the rioters, against the law enforcement officers. As depicted below, the law enforcement officers struggled to push back against the crowd of rioters:



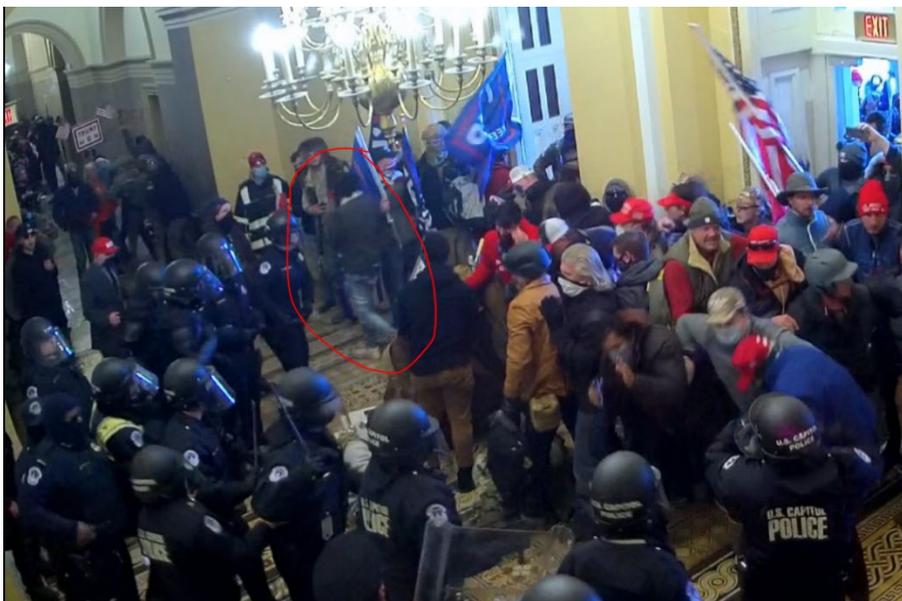
17. Also at approximately 2:47 pm, WOLDEMICHAEL is seen being pepper sprayed by US Capitol Police Officers:



18. Once inside this vestibule, WOLDEMICHAEL took a triumphant selfie video stating “See grandkids, this is what it’s all about. This is why you’re free. All these great patriots”;



19. At approximately 2:49 pm, WOLDEMICHAEL is seen headed towards the Crypt with his hands over his face after being exposed to pepper sprayed:

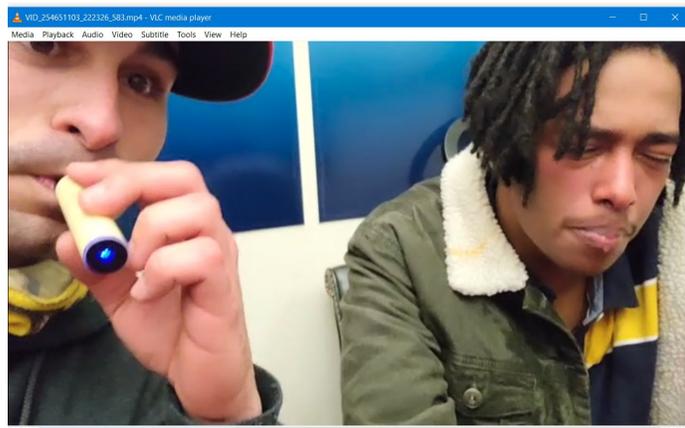


20. While reviewing more footage from U.S. Capitol Riots subject MARQUEZ, WOLDEMICHAEL is next seen inside an office of the U.S. Capitol sitting at a desk and being interviewed by MARQUEZ. The office was later identified to be the office of Senator Merkley, office number S-140. This office is located on the way from the Senate Wing door to the Crypt. The office was identified by artwork and décor in the office compared to a video taken by Senator Merkley showing the destruction of his office. The video contained matching artwork and décor as the videos taken by MARQUEZ.

21. In one of the videos WOLDEMICHAEL is seen knocking over a lamp in the Senator's office and still under the effects of pepper spray. WOLDEMICHAEL seen below with lamp he knocks over in Senator Merkley's office on January 6, 2021:



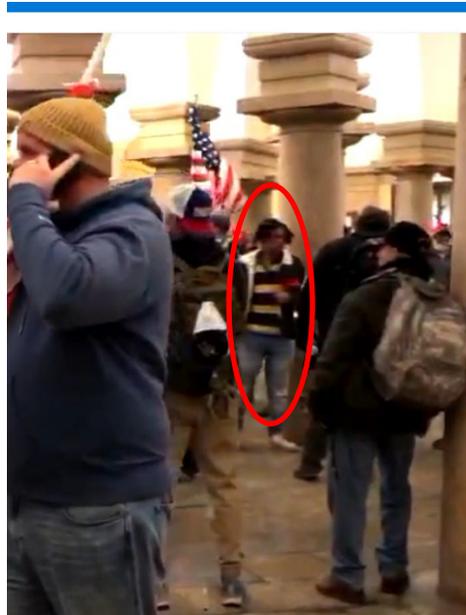
22. In the video taken by MARQUEZ in Senator Merkley's office, S-140, WOLDEMICHAEL is speaking to the camera and states, "it's me Henos, y'all know me", a screen shot is depicted below:



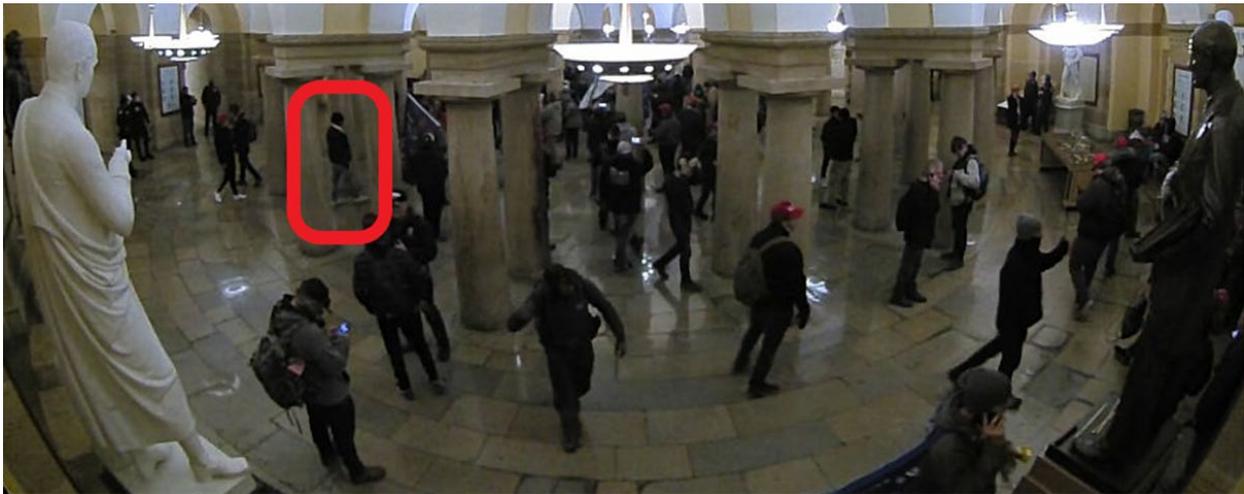
23. WOLDEMICHAEL is also seen in MARQUEZ'S video in the Crypt of the United States Capitol building:



24. Shortly after the entry on the Senate Wing entrance to the United States Capitol, WOLDEMICHAEL is seen standing in the Crypt on a video taken by US Capitol Riots subject MARQUEZ:



25. WOLDEMICHAEL was also depicted in CCTV from the Crypt, walking around at approximately 3:08 p.m.:



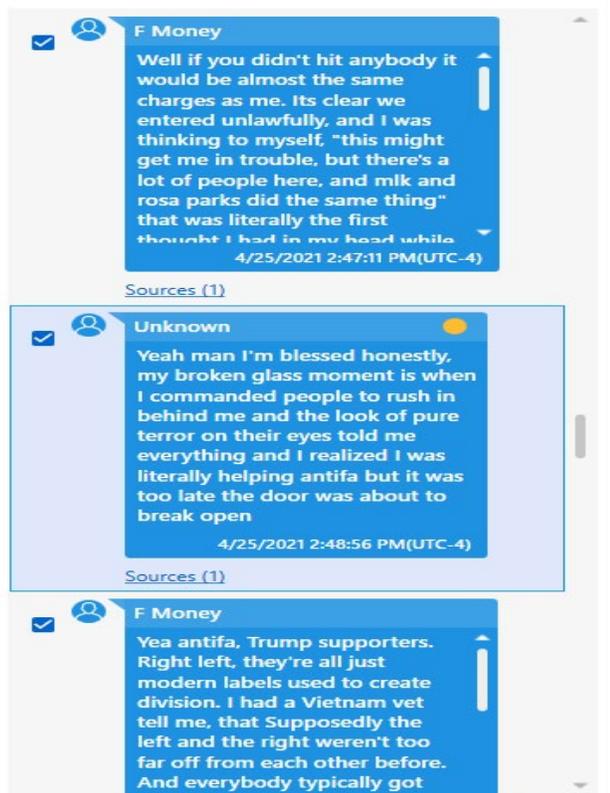
26. A still shot from video footage taken by U.S. Capitol Riots subject Nathan ENTREKIN, was taken in the Crypt of the United States Capitol on January 6, 2021. In the video, WOLDEMICHAEL can be seen traversing the crypt during the riots:



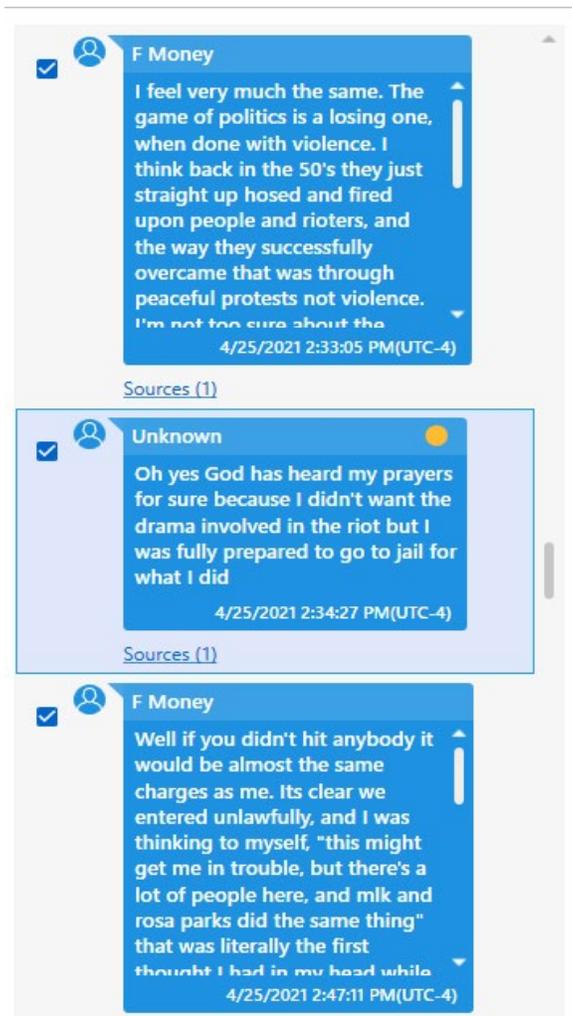
27. WOLDEMICHAEL is seen on CCTV leaving the Capitol through the Senate Wing Doors at approximately 3:16 p.m., after being inside 29 minutes:



26. On January 29, 2022, a subpoena was sent to Apple.Inc for subscriber information. Subsequently after identifying the account “*****@outlook.com”, SA Ryan Stephen served a search warrant to Apple.inc for an account associated with “*****@outlook.com”. After being reviewed, multiple items were found on the iCloud account “henosw@outlook.com” in association to January 6, 2021. Conversations between MARQUEZ (MARQUEZ shown in WOLDEMICHAEL’s phone as “F Money”) shows WOLDEMICHAEL explaining to MARQUEZ that he “commanded people to rush in” storming the Senate Wing door. Below dictates the conversation between WOLDEMICHAEL and MARQUEZ:



27. In another text message sent from WOLDEMICHAEL to MARQUEZ, WOLDEMICHAEL states that he is fully prepared to go to jail for what he did. MARQUEZ then replies that both he and WOLDEMICHAEL entered the United States Capitol Building unlawfully. Below dictates the conversation found on WOLDEMICHAEL's Apple iCloud account:



28. Additionally multiple photos and videos were found on the account in association with January 6, 2021. Pictures below dictate WOLDEMICHAEL's presence at the Donald Trump rally on the Ellipse and at/inside the U.S. Capitol during the riots:





CONCLUSION

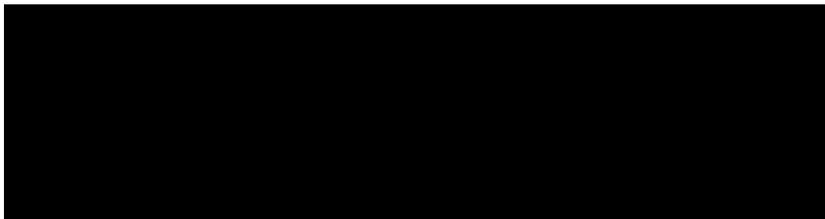
29 Based on the events that took place at the United States Capitol on January 6, 2021; and after reviewing videos and photos of the event, WOLDEMICHAEL was a willing and active

participant during the riots. Therefore, I do determine there is probable cause in that WOLDEMICHAEL participated in the January 6, 2021 U.S. Capitol Riots.

30. Based on the foregoing, your affiant submits that there is probable cause to believe that WOLDEMICHAEL violated 18 U.S.C. § 231(a)(3), which make it a crime to (3) whoever commits or attempts to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his 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.

31. Your affiant submits there is also probable cause to believe that WOLDEMICHAEL violated 18 U.S.C. § 1752(a)(1) and (2), which make 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.

32. Your affiant submits there is also probable cause to believe that WOLDEMICHAEL violated 40 U.S.C. § 5104(e)(2)(D) and (G), which make 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 16th day September 2022.

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE