

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, [REDACTED], being duly sworn, hereby depose and states as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so since 2010. As such, I am an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Titles 18 and 21 of the United States Code. During my employment as an FBI Agent, I have been assigned to investigate violations of federal law including Health Care Fraud and National Security violations, and have also assisted in the investigation of various other violations of federal crimes. I was assigned as a Supervisory Special Agent at FBI Headquarters with the Directorate of Intelligence for approximately 18 months. I have received training and I have gained experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, and various other criminal laws and procedures. Prior to my employment as an FBI agent, I was employed as a United States Border Patrol Agent for approximately three and a half years. I am currently assigned to the Washington Field Office, Counterterrorism Division.

2. This affidavit is submitted in support of a criminal complaint alleging that Dominic Pezzola ("PEZZOLA"), also known as "Spaz," committed violations of 18 U.S.C. §§ 1752(a) (Restricted Buildings or Grounds), 1361 (destruction of government property), and 1512(c)(2) (obstruction of an official proceeding), in connection with his actions at and inside the U.S. Capitol on or about January 6, 2021.

3. This affidavit is based on my personal knowledge, information provided to me by other law enforcement agents and officers, law enforcement records, and my training and experience.

4. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause that PEZZOLA violated 18 U.S.C. §§ 1752(a), 1361, and 1512(c)(2).

PROBABLE CAUSE

5. The U.S. Capitol, which is located at First Street, SE, in Washington, D.C., 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.

6. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.

7. 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.

8. As the proceedings continued in both the House and the Senate, and with Vice President 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.

9. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the U.S. Capitol Police, and the crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by U.S. Capitol Police Officers or other authorized security officials.

10. 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 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.

11. 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 Pence, were instructed to—and did—evacuate the chambers. Accordingly, all proceedings of the United States Congress, including the joint session, were effectively suspended until shortly after 8:00 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 p.m. after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

12. 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.

13. On January 8, 2021, FBI received a lead depicting publicly available photographs and videos of an unknown individual breaking the window of the U.S. Capitol Building, which is located in Washington, D.C., with a clear plastic shield, and then entering the Capitol building. According to time and date stamps, this occurred on January 6, 2021, at approximately 2:39 p.m.. Below are screen shots from one such video. In the video, soon after the glass in the window is broken, an unidentified individual can be heard yelling words to the effect of, “Go, Go, Go!” The individual with the shield is depicted in the video as entering the Capitol building, while still holding the shield. The screen shot on the left shows the individual breaking the window, and the screen shot on the right, which is taken seconds after the other screenshot, shows his face.



14. A review of open source photographs also revealed photographs of a person, who appears to be the same individual wielding the shield in the video referenced in the paragraph above, at a Make America Great Again (MAGA) rally, which occurred in Washington, D.C. on or about December 12, 2020.

In one of those photographs, the individual who appears similar to the individual who broke the Capitol window with a shield was wearing a black short-sleeved t-shirt with yellow, consistent with the “Proud Boys” logo. In another picture from the MAGA rally, also available on open source, the individual was wearing a t-shirt with a logo consistent with the United States Marine Corps. Depicted standing next to this individual in the same photograph is another person wearing a helmet bearing what appears to be the logo for the “Proud Boys.”

15. Another video posted to social media shows someone who appears to be the same individual that broke the window of the Capitol with the shield, smoking a cigar inside the Capitol building. In the video, the individual states words to the effect of, “Victory smoke in the Capitol, boys. This is fucking awesome. I knew we could take this motherfucker over [if we] just tried hard enough.” A screenshot from that video is below.



16. The FBI has spoken to an individual your affiant will refer to as “W-1” for purposes of this

affidavit. W-1 stated that W-1 was in Washington, D.C., during the protests that occurred on January 6, 2021.

17. W-1 stated that after the events at the Capitol as described above, he or she spoke to an individual he or she knows as “Spaz,” along with other individuals. W-1 stated that during that conversation, “Spaz” bragged about breaking the windows to the Capitol and entering the building. In a subsequent interview W-1 clarified that “Spaz” said that he used a Capitol Police shield to break the window. W-1 said that “Spaz” can be seen on the cover of many newspapers and recognizes him from those photographs. W-1 stated that other members of the group talked about things they had done during the day, and they said that anyone they got their hands on they would have killed, including Nancy Pelosi. W-1 further stated that members of this group, which included “Spaz,” said that they would have killed [Vice President] Mike Pence if given the chance. According to W-1, the group said it would be returning on the “20th,” which your affiant takes to mean the Presidential Inauguration scheduled for January 20, 2021, and that they plan to kill every single “m-fer” they can.¹ W-1 stated the men said they all had firearms or access to firearms.

18. According to an FBI write-up of W-2’s initial interview, W-2 provided a telephone number for “Spaz” of xxx-xxx-7260.² W-1 identified the individual with the gray beard in the photograph below as “Spaz.” Your affiant notes that this photograph appears to have been taken inside the U.S. Capitol, and that the individual identified as “Spaz” is carrying what appears to be a clear plastic shield, similar in appearance to the one used to break the window of the Capitol.³

¹ In a later interview, W-1 stated that the group had no definitive date for a return to Washington, D.C., but W-1 re-iterated that the others agreed there would be guns and that they would be back soon and they would bring guns.

² As noted below, this number is incorrect, but only incorrect as to the final digit of the number, which is a “2,” and not a “0.” As of filing, your affiant is not sure how this discrepancy arose.

³ In W-1’s initial interview with law enforcement, W-1 initially incorrectly the individual in the black knit hat in the foreground of this photograph as someone I will refer to as



19. The FBI has also spoken to an individual referred to for purposes of this affidavit as “W-2.” W-2 told the FBI that W-2 has known PEZZOLA for over five years, including a period of time where W-2 saw PEZZOLA frequently, but that he or she had not seen PEZZOLA in the last couple of years. W-2 was shown a portion of the above photograph that included only the individual with the gray beard, along with another version of the above photograph that was cropped to include the visible faces. W-2 stated that the person with the gray beard depicted in the photographs shown to him or her was the individual he or she knows as Dominic PEZZOLA.

20. On January 9, 2021, FBI obtained New York State Department of Motor Vehicles (DMV)

“Individual A.” W-1 later clarified that the person in the knit hat is not in fact Individual A and identified a different person in a separate photograph as Individual A.

records for Dominic PEZZOLA. Records checks identified Dominic Pezzola, with a date of birth in 1977 and a residence in Rochester, New York. A copy of that DMV photograph is below.



21. On January 9, 2021, FBI located a publicly available Telegram account username @KINGbehavior. The profile listed a display name of Spazzo 2nd°. The Bio stated: “Marine vet / boxer / patriot/ Proud Boy 2nd°.”

22. Further FBI database checks established that Dominic PEZZOLA, with the same date of birth in 1977 as listed in the New York DMV records, is the registered owner of cellular telephone number xxx-xxx-7262. According to information provided by Verizon, PEZZOLA is the registered subscriber of xxx-xxx-7262. Open source database queries identified xxx-xxx-7262 as the likely telephone number linked to the Telegram account with a username of KINGbehavior and Display name of Spazzo – 2nd°. ⁴

⁴ Your affiant is aware that the FBI has established a system whereby anyone with access to the Internet can submit tips regarding the incident that occurred at the U.S. Capitol on January 6, 2021. The FBI has similarly set up a telephone number whereby individuals can report any information they may have regarding the incident at the Capitol. Your affiant has reviewed every

Conclusion

23. For all of the reasons stated above, there is probable cause that PEZZOLA violated at least 18 U.S.C. §§ 1752(a), 1361, and 1512(c)(2).

“tip” she has been able to locate that mentions a shield. A summary of those tips is as follows: (1) On January 7, 2021, an anonymous caller reported that the person with long hair seen in the media entering the Capitol with a “battle shield” looked like an individual from Texas who is not PEZZOLA. The anonymous caller continued that he had not seen this individual from Texas in over twenty-five years, but that he has seen photographs on Facebook. (2) On January 7, 2021, the FBI received a tip sent via the Internet, from an individual whose IP address resolved to Michigan, that the man who broke the Capitol window with a shield is an individual who lives in Florida. The Michigan tipster did not divulge how he or she claimed to know the person from Florida. (3) On January 8, 2021, the FBI received a telephonic tip from an individual who stated that he or she lived in Georgia. This Georgia tipster reported that he or she was told by a friend that an airline pilot, who is not PEZZOLA, was in the Capitol on January 6, holding up the shield that was used to smash the windows. The tipster did not see the photographs at question because, according to the Georgia tipster, the pilot had deleted his entire social media. (4) On or about January 9, 2021, the FBI received a tip from the New York State Police, which passed on information that an anonymous tipster had provided to that agency. The anonymous New York State tipster told the police that he was “99 percent” sure that the individual who broke the Capitol window with a shield is a named individual from New York who is not PEZZOLA. (5) On or about January 9, 2021, the FBI received a tip via the Internet from an individual who claimed to be located in Ohio. This Ohio tipster claimed to identify a person from a photograph taken at the Capitol, which did not involve a shield, on January 6, 2021. The Ohio tipster identified a 55-year-old individual who is not PEZZOLA. The FBI believes the person described by the tipster is indeed PEZZOLA. This Ohio tipster claimed to know the individual in the photograph from interactions with him in Ohio. (6) On or about January 10, 2021, an individual who did not leave a name reported to the FBI via the Internet that an individual from North Carolina, who is not PEZZOLA, looked like the man using the shield to break into the Capitol. According to this tipster, this North Carolina man put up a photo of Nancy Pelosi’s podium for sale. This tipster stated, “I swear it looks like [this North Carolina man] with the black beard.”

24. I declare under penalty of perjury that the information provided above in this affidavit is true and correct to the best of my knowledge.



Special Agent
Federal Bureau of Investigation

Subscribed and sworn pursuant to Fed. R. Crim. P. 4.1 on January 13, 2021.

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



Zia M. Faruqui
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ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE