

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America
v.
BRANDON STRAKA
Date of Birth: XXXXXXXX
Case No.

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of in the
in the District of Columbia, the defendant(s) violated:

Code Section

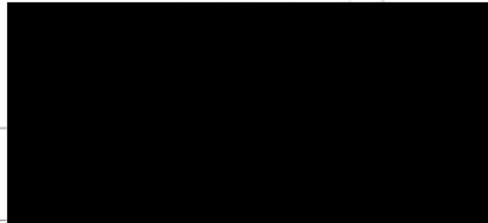
Offense Description

- 18 U.S.C. 231(a)(3) - impeding law enforcement officer during civil disorder;
18 U.S.C. 1752(a)(1) and (2) - knowingly entering and remaining on restricted grounds without lawful authority and/or engaging in disorderly conduct within proximity to a restricted building to impede official functions;
40 U.S.C. 5104(e)(2)(D) - engage in disorderly conduct with intent to disturb a hearing before Congress.

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.



Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 01/20/2021

Handwritten signature of Robin M. Meriweather

Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

Your affiant is a Special Agent with the Federal Bureau of Investigation (FBI). I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, 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 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.

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 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.

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.

On January 11, 2021, I was informed the FBI had received a tip indicating **BRANDON STRAKA** (DOB 12/XX/1976) had posted a video on Twitter depicting a location near an entrance to the U.S. Capitol on January 6, 2021 in which he shouted, “Go, go.” I conducted open-source searches for **STRAKA** and found he was active on Twitter with the username “@BrandonStraka.” As of the evening of January 11, 2021, the video of **STRAKA** near the U.S. Capitol entrance was no longer up on **STRAKA**’s Twitter account.

Open-source searches revealed that **STRAKA** was a self-described “former liberal” and the founder of the “WalkAway Campaign.” The WalkAway Campaign website described the campaign as a “true grassroots movement” that **STRAKA** founded on May 26, 2018. The website further stated that the campaign “encourages and supports those on the Left to walk away from the divisive tenets endorsed and mandated by the Democratic Party of today. We are walking away from the lies, the false narratives, the fake news, the race-baiting, the victim narrative, the violence, the vandalism, the vitriol. We are walking away from a party driven by hate. We are walking toward patriotism and a new, unified America! We are the future of this great nation!”

After reviewing **STRAKA**’s Twitter account, I discovered that he had posted a 58-minute video of himself on January 7 in which he discussed the events of January 6, 2021. About one minute into the video, **STRAKA** stated, “I literally just got home...minutes ago from Washington, D.C.” Later in the video, **STRAKA** stated, “Yesterday, a lot of us got up very, very early. We went to this event in which Donald Trump spoke. The plan was always to go to the Capitol. We were going to march from that event...to the Capitol, and there was going to be another rally. I was one of the speakers slated to speak at the Capitol.” **STRAKA** later stated that, while riding the metro to the Capitol, he received alerts on his phone stating that Vice President Pence was “not going to object to certifying Joe Biden.” **STRAKA** stated that he learned on his walk from the metro to the Capitol that people had “breached” the Capitol and that “patriots had entered the Capitol.” **STRAKA** said that he thought to himself, “Wow, so they’re going to basically storm and try to get into the chamber so that they can demand that we get the investigation that we want.”

STRAKA later described what he did when he arrived at the U.S. Capitol. **STRAKA** described himself making his way through a crowd of people and walking up the stairs to the U.S. Capitol. **STRAKA** stated that he observed two large metal doors. **STRAKA** said that he saw “nothing being broken” and “nobody committing any acts of violence” or “vandalism.”

STRAKA described a “bottleneck effect” that resulted from the large group of people trying to get into the building. **STRAKA** stated that he was within 10 to 20 feet of the building when he saw “bursts of teargas coming out of the doors.” **STRAKA** said, “Shortly after that, a man came out, he said, “They’ve cleared Congress. Everybody’s left. There’s no one else inside. Everybody turn around. No one else come inside.” **STRAKA** further stated that the

man “said something to the effect of it being a victory for us, we got what we wanted, they cleared Congress.” **STRAKA** stated that he left the Capitol shortly after this interaction.

STRAKA later stated that he had commented on Twitter that “it was not Antifa, it was patriots desperate to be heard.” **STRAKA** stated that, “When I made that comment on Twitter, I had no idea that there was any vandalism or violence or any of that stuff. I literally saw people walking through an open door, and for anyone who doubts my story, I have it all on video. I have the entire thing on video.”

My review of **STRAKA**’s Twitter account on January 11, also found a video he had posted of himself speaking at a “Stop the Steal” rally held at Freedom Plaza in Washington, D.C. on January 5, 2021. As of January 13, **STRAKA** had removed this video from his Twitter account, but a video of the entire event had been posted to YouTube. The video showed that **STRAKA** was introduced by name and brought onto stage. **STRAKA** spoke for about five minutes during which time he repeatedly referred to the attendees as “Patriots” and referenced the “revolution” multiple times. **STRAKA** told the attendees to “fight back” and ended by saying, “We are sending a message to the Democrats, we are not going away, you’ve got a problem!”

My review of **STRAKA**’s Twitter account on January 11, did not find video or any other posts from January 6, 2021 relating directly to **STRAKA**’s actions at the U.S. Capitol. However, the FBI received tips from the public with screenshots of **STRAKA**’s Twitter activity from January 6, 2021. These screenshots revealed that **STRAKA** made the following comments on Twitter on January 6, 2021:

- “Patriots at the Capitol – HOLD. THE. LINE!!!!”
- “I arrived at the Capitol a few hours ago as Patriots were storming from all sides. I was quite close to entering myself as police began tear gassing us from the door. I inhaled tear gas & got it in my eyes. Patriots began exiting shortly after saying Congress had been cleared.”
- “I’m completely confused. For 6-8 weeks everybody on the right has been saying ‘1776!’ & that if congress moves forward it will mean a revolution! So congress moves forward. Patriots storm the Capitol – now everybody is virtual signaling their embarrassment that this happened.”
- “Also- be embarrassed & hide if you need to- but I was there. It was not Antifa at the Capitol. It was freedom loving Patriots who were DESPERATE to fight for the final hope of our Republic because literally nobody cares about them. Everyone else can denounce them. I will not.”

- “Perhaps I missed the part where it was agreed this would be a revolution of ice cream cones & hair-braiding parties to take our government back from lying, cheating globally interested swamp parasites. My bad.”

The FBI received multiple tips referencing the video of **STRAKA** at the U.S. Capitol, including a tip from **Witness-1**. I interviewed **Witness-1** on January 13. **Witness-1** stated that he/she was a relative of **STRAKA**. **Witness-1** stated that he/she watched a video that **STRAKA** had filmed and posted of himself on the “cusp” of entering the U.S. Capitol. **Witness-1** stated that **STRAKA** could be heard on the video saying, “We’re going in. We’re going in.” **Witness-1** stated that **STRAKA** had since deleted the video from Twitter.

Later on January 13, **Witness-1** contacted me to advise that he/she had found a copy of the **STRAKA** video on YouTube. **Witness-1** advised that the video was the same video that he/she had previously viewed through **STRAKA**’s Twitter account. **Witness-1** then sent me a link to a video on YouTube titled “Straka attacking the Capitol on Jan 6th.” The video description read, “Fair use historical record of Brandon Straka storming the Capitol on Jan 6th.”

Witness-1 sent me a link to the video. The video is eight minutes and 37 seconds in length. The video started with footage of **STRAKA**¹ walking through a crowd of people standing at or near the base of a set of steps leading up to an entrance to the U.S. Capitol. **STRAKA** then walked up the steps and through a crowd of people standing on the steps. While doing so, **STRAKA** could be heard stating, “They seem to be summoning people to get inside.” Another individual could be heard saying, “We’re going in.” **STRAKA** then stated, “We’re going in. They’re saying we’re going in. We’re going in. We’re going in. The people are going in.”²

STRAKA reached the top of the stairs, where he was behind a large crowd of people attempting to enter the U.S. Capitol through a single entrance. **STRAKA** began moving through the crowd of people to get closer to the entrance and asked, “Are people going in?” **STRAKA** later asked somebody, “What’s the hold?” As the crowd in front of him tried to push their way into the entrance of the U.S. Capitol, **STRAKA** yelled, “Go! Go!” This occurred at around the 02:27 mark of the video. **STRAKA** could then be heard saying to somebody, “I wanna try.”

STRAKA continued to push forward with the crowd and appeared to get within several feet of the entrance to the U.S. Capitol. At around the 3:45 mark of the video, an officer from the United States Capitol Police holding a protective shield could be seen in the crowd. As

¹ **STRAKA** turns the camera on himself near the end of the video but is otherwise filming what he is seeing so he is not visible for most of this particular video’s footage.

² Your affiant has watched numerous videos of **STRAKA** speaking and has familiarized himself with his voice and can recognize when he is speaking in the video above, both because of this familiarity but also because it is evident when he speaks based on the higher volume.

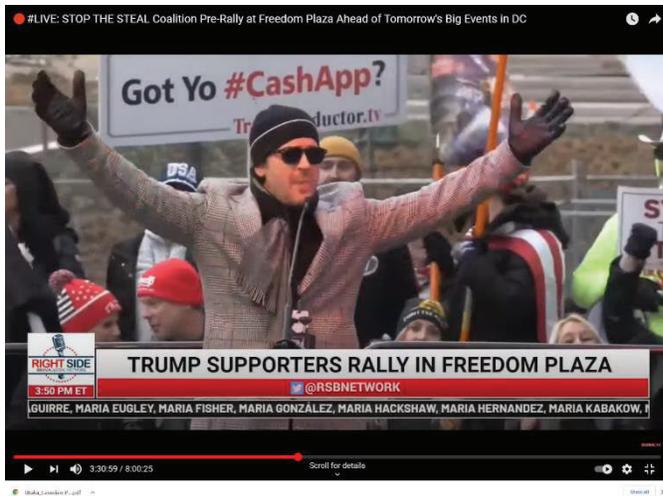
individuals pushed past the officer toward the entrance of the U.S. Capitol, the officer held his shield up in the air. At around the 3:59 mark of the video, **STRAKA** stated, “Take it away from him.” **STRAKA** and others in the crowd then yelled, “Take the shield!” As several people in the crowd grabbed the officer’s shield, **STRAKA** yelled, “Take it! Take it!”

The crowd successfully pulled the shield away from the officer as the officer appeared to be trying to move back toward the entrance of the building. The officer then went back into the crowd to get his shield back. Several people pulled on the shield as the officer grabbed it, thus pulling the officer deeper into the crowd. A large group of people then simultaneously pushed toward the officer as **STRAKA** and others chanted, “USA!” The officer was able to get his shield back and then appeared to exit the crowd by going through the entrance to the U.S. Capitol.

STRAKA then moved closer to the entrance to the U.S. Capitol and appeared to get within a few feet of the doorway. As **STRAKA** neared the entrance, he turned the camera to film himself stating, “They’re using gas. We’re being gassed right now.” A screenshot from this portion of the video is below:



In the video, **STRAKA** was wearing the same hat, sunglasses, and coat that he wore during his videotaped speech at the “Stop the Steal” rally on January 5, 2021. A screenshot from that speech is below:



At around the 07:35 mark of the video, a male exiting the U.S. Capitol could be heard saying, “We did our job... We got our job done.” This individual then said, “Let’s get out of here.” Another individual stated, “Mission accomplished.” The video ended with **STRAKA** still in the area at the top of the steps near the entrance to the U.S. Capitol but not having entered the building.

Based on the foregoing, your affiant submits that there is probable cause to believe that **STRAKA** violated 18 U.S.C. § 231(a)(3) and 18 U.S.C. § 2(a), which make it unlawful to obstruct, impede, or interfere, and/or to aid and abet another person 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 ... 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 an officer or employee thereof. Your affiant knows that the U.S. Capitol Police are federal law enforcement agents.

Based on the foregoing, your affiant submits that there is probable cause to believe that **STRAKA** 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.

Your affiant submits there is also probable cause to believe that **STRAKA** violated 40 U.S.C. § 5104(e)(2)(D), which makes it a crime to willfully and knowingly 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.



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 2021.



ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE