

STATEMENT OF FACTS

Your affiant is a Special Agent with the Federal Bureau of Investigation (FBI) and I am currently assigned to the Washington, D.C. Field Office. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent, 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 U.S. Congress convened at the U.S. 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.

The facts in this statement come from my review of the evidence, my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. Except as explicitly set forth below, I have not distinguished between facts of which I have personal knowledge and facts of which I have hearsay knowledge. This statement is intended to show simply that there is sufficient probable cause for the requested arrest warrant and does not set forth all of my knowledge about this matter.

I have reviewed publicly available video from the evening of January 6, 2021 in which an individual wearing a red “Florida for Trump” hat, a blue and white mask, and an American flag jacket is interviewed near the Capitol building. The individual states that he has been there all day and at one point, takes his mask off and identifies himself as ROBERT PALMER from Florida.



The images of the individual who identified himself as PALMER on the video match a Florida driver’s license photograph for ROBERT SCOTT PALMER that I have reviewed.

The Lower West Terrace is located directly in the front-center of the U.S. Capitol, facing the Washington Monument. In the center of the Lower West Terrace is an archway with a short set of stairs that leads to a set of double doors; those doors permit entrance directly into the Capitol Building. At around 2:30 p.m., a large group of Metropolitan Police Department (“MPD”) and U.S. Capitol Police (“USCP”) officers assembled to protect the Lower West Terrace entrance from an advancing mob.

I have reviewed publicly available video showing PALMER at or near the front of the mob near the line of officers. In this video, PALMER, wearing the same red hat, face mask, and American flag jacket, can be seen throwing what appears to be a wooden plank at USCP and MPD officers protecting the Lower West Terrace entrance.



I have reviewed additional publicly available video showing PALMER at or near the front of the mob. While there, the video shows PALMER spraying the contents of a fire extinguisher at the officers and then throwing the fire extinguisher at them.



I have also reviewed footage from security cameras inside the Lower West Terrace tunnel provided by the U.S. Capitol Police (“USCP”). In this footage, at approximately 4:55 p.m., PALMER can be seen spraying the contents of the fire extinguisher at the police and then throwing the fire extinguisher at the police. Thereafter, the security footage shows PALMER picking up the fire extinguisher from the ground and throwing it at the officers a second time.



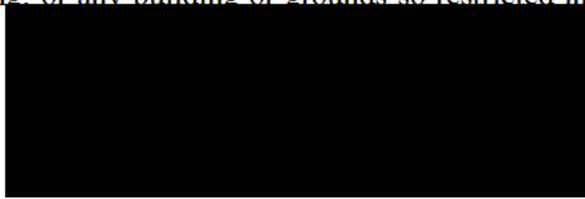


Based on the foregoing, your affiant submits that there is probable cause to believe that ROBERT SCOTT PALMER violated 18 U.S.C. § 111(a)(1) and (b), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in section 1114 of title 18 while engaged in or on account of the performance of official duties and using a deadly or dangerous weapon (including a weapon intended to cause death or danger but that fails to do so by reason of a defective component). Persons designated within section 1114 include any person assisting an officer or employee of the United States in the performance of their official duties.

Your affiant submits there is also probable cause to believe that ROBERT SCOTT PALMER violated 18 U.S.C. § 231(a)(3) and § 2, which makes it unlawful to commit or attempt 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. 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 any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

Your affiant submits that there is also probable cause to believe that ROBERT SCOTT PALMER violated 18 U.S.C. § 1752(a)(1), (2), and (4), which make it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; (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; (4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds; or attempts or conspires to do so; and (b)(1)(A) during and in relation to the offense, did use and carry a deadly and dangerous weapon, to wit: a plank and a fire extinguisher. 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 e



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 12th day of March 2021.

A handwritten signature in blue ink, appearing to read "G. Michael Harvey".

Digitally signed by G. Michael
Harvey
Date: 2021.03.12 14:16:17 -05'00'

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE