

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

UNITED STATES OF AMERICA	:	Case No:
	:	
v.	:	
	:	VIOLATIONS:
	:	
ROBERT MORSS,	:	18 U.S.C. § 111, 2
	:	(Assaulting, resisting, or impeding certain
	:	officers or employees)
Defendant.	:	
	:	18 U.S.C. § 231(a)(3)
	:	(Civil Disorder)
	:	
	:	18 U.S.C. § 2112
	:	(Robbery of Personal Property of the
	:	United States)
	:	
	:	18 U.S.C. § 1512(c)(2)
	:	(Obstruction of an Official Proceeding)

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

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

PURPOSE OF AFFIDAVIT

1. This Affidavit is submitted in support of a Criminal Complaint charging Robert Morss (“MORSS”) with violations of 18 U.S.C. §§ 111, 2, 231(a)(3), 2112, and 1512(c)(2).

AGENT BACKGROUND

2. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), and have been since 2008. I am currently assigned to a squad that investigates violent crimes out of the FBI’s Violent Crimes Task Force of the Washington, D.C. Field Office. During my participation in law enforcement, I have conducted arrests and obtained search warrants and court orders. I

have investigated crimes involving bank robberies, armored car robberies, assaults, carjackings kidnappings, and threats, which have resulted in arrests and convictions.

3. I am one of the investigators assigned to an ongoing investigation by the FBI, United States Capitol Police (“USCP”), Metropolitan Police Department (“MPD”), and other law enforcement agencies, of riots and civil disorder that occurred on January 6, 2021, in and around the United States Capitol grounds. Since I became involved in this investigation on January 6, 2021, I have conducted interviews, reviewed public tips, reviewed publicly available photos and video, and reviewed relevant documents, among other things.

4. The facts in this affidavit 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 in this affidavit between facts of which I have personal knowledge and facts of which I have hearsay knowledge. This affidavit 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.

BACKGROUND

5. On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, located at First Street Southeast, Washington, District of Columbia. During the joint session, elected members of the United States House of Representatives and Senate met in the United States Capitol to certify the vote count of the Electoral College for the 2020 Presidential Election, which took place on November 3, 2020.

6. The United States Capitol is secured 24 hours a day by security barriers and USCP occupy various posts throughout the grounds. Restrictions around the United States Capitol include permanent and temporary security barriers and posts manned by USCP. USCP

officers wore uniforms with clearly marked police patches, insignia, badges, and other law enforcement equipment. Only authorized people with appropriate identification are allowed access inside the United States Capitol. On January 6, 2021, the exterior plaza of the United States Capitol was also closed to members of the public.

7. The January 6, 2021 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 Michael R. 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 United States Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the United States Capitol building and USCP were present, attempting to keep the crowd away from the Capitol building and the proceedings underway inside. As the certification proceedings were underway, the exterior doors and windows of the Capitol were locked or otherwise secured.

9. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and past officers of the USCP, 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 the USCP or other authorized security officials.

10. A short time later, 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. As such, 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 United States Capitol, including the danger posed by individuals who had entered the United States Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the United States 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 sessions resumed.

11. After the Capitol was breached, USCP requested assistance from MPD and other law enforcement agencies in the area to protect the Capitol, keep more people from entering the Capitol, and expel the crowd that was inside the Capitol. Multiple MPD officers and other law enforcement officers came to assist.

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 United States Capitol building without authority to be there.

STATEMENT OF FACTS SUPPORTING PROBABLE CAUSE

13. An individual wearing tan camouflage clothing with a tactical style vest, scissors tucked in the front of the vest, tan gloves, and at times a red baseball style hat, who was subsequently identified as MORSS, as explained below, can be seen in multiple photos by the media on January 6, 2021, such as the ones below taken near the National Monument before the Capitol was stormed. MORSS had curly hair sticking out the side of his hat and wore clear

goggles at times. MORSS also had a blue patch on his right shoulder and appeared to be wearing a weightlifter's belt. As explained below, MORSS is subsequently captured on video near the frontline of rioters who pushed past police guarding the Capitol, organizing a shield wall in the violent attack on officers inside the Lower West Terrace tunnel, and entering into the Capitol through a broken window.



14. As captured on USCP surveillance, police Body Worn Camera (“BWC”) footage, and various videos posted to social media and YouTube, on January 6, 2021, law enforcement to include USCP and MPD were along a temporary fence line in the Lower West Terrace area of the Capitol. Law enforcement stood behind the metal fencing shoulder to shoulder. As time moved on, the crowd started to push and tear down the fencing separating them and law enforcement. Law enforcement attempted to push back and reestablish the fence line. During this time objects were thrown at officers, physical assaults occurred, and chemical irritants were

used. By around 2:40 p.m., the crowd of rioters eventually pushed through the fence line and law enforcement were forced to retreat.

15. MORSS is visible in this crowd early on. For example, around 2:09 p.m., a few minutes after the crowd can be seen on BWC footage unsuccessfully trying to violently push through the fence separating the crowd from the Capitol and while officers are repeatedly asking the crowd to back up, MORSS can be seen on BWC footage. As captured on BWC footage, after being asked to back up, MORSS grabs the officer's baton and tries to rip it away, as shown in the still below with a red arrow above MORSS. (MORSS does not appear to be successful in ripping away the baton.)



At approximately 2:11 p.m., MORSS can be seen near the front of the crowd on BWC footage again, as shown in the still below.



16. At approximately 2:14 p.m., MORSS can be seen on BWC footage again. On the video, he comes up behind those at the front line of the crowd facing law enforcement and stands there for about a minute. MORSS then seems to speak to the person to his right (who appears to be one of the same individuals he was photographed with near the National Monument earlier) and then to the person on his left. The person to his left can be seen nodding as if in response. A few seconds later, as shown in the still below, MORSS reaches through the crowd and grabs the fence being held by the MPD officer and being used to keep the crowd back. As seen on the video, MORSS then rips the fence out of the hands of the officer, with the assistance of the other rioters, including the one that appeared to nod in response to something MORSS said right before grabbing the fence. MORSS then retreats back into the crowd with the fence.



17. At approximately 2:26 p.m., MORSS can again be seen on BWC footage. While wearing a neck gaiter covering his mouth, it appeared as though MORSS was addressing the officers and can be heard saying, “You guys are betraying us. You get paid enough to betray your people?” MORSS then points and says, “look they are coming in over there.” As shown in the still below, MORSS then says “This is our Capitol. This is our Capitol.”



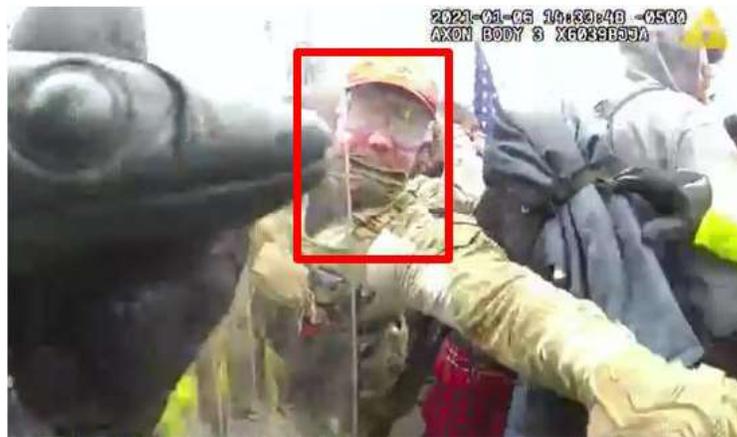
18. Then around 2:30 p.m., after the crowd again surged forward and pushed the officers further back, MORSS can be seen on BWC footage at the front of the rioters waiving a yellow flag, as captured in the still below with a red box around MORSS. MORSS can be heard telling the officers: “take a look around, back up, we are going to take our Capitol back.”



19. Around 2:33 p.m., as captured on BWC footage, as the crowd of rioters continued to advance and law enforcement began to retreat, MORSS and two unidentified individuals struggled over a black flag pole with an MPD officer, as shown in the still below with a red arrow above MORSS.



20. Around 15 seconds later, as captured on BWC footage, a helmet visor was thrown at an MPD officer presumably from someone in the crowd, the MPD officer attempted to pick up the visor off the ground. MORSS grabbed the visor as well and attempted to pull it out of the MPD officer's hands. The MPD Officer was able to pull away with the visor. At that point, MORSS lunged forward and grabbed the visor again; MORSS and unidentified individuals then tried to rip the visor out of the officer's hand. (This is shown in the stills below with a red box around MORSS.) The MPD officer then regained control of the visor.



21. As captured on BWC and surveillance footage, the rioters continued to move forward, yelling at officers to retreat. Around 2:35 p.m., MORSS can be seen on BWC footage near the front lines of the rioters surrounding the officers, as shown in the still below with MORSS (marked by a red arrow) motioning at the officers to retreat while holding a yellow flag.



22. By 2:40 p.m. on January 6, 2021, rioters had engulfed the west side of the United States Capitol and were climbing on the scaffolding in front of building as well as various features of the building. Although the Capitol Building had already been breached and rioters had flooded in through several entrances, a group of MPD officers and members of the USCP or other agencies had been able to hold their position and deny entry through the very prominent entrance of the Lower West Terrace. To enter the United States Capitol through the Lower West Terrace, one must walk through a short tunnel with a series of glass doorways. Around 2:40 p.m., a group of officers were maintaining a line at the second set of glass doors inside the tunnel. Officers reporting to the scene rushed to the tunnel from within the building while rioters outside of the tunnel continued to summon more men to push their way through the tunnel. A growing number of rioters made their way into the tunnel with a variety of tools and weapons. The tunnel became the point of an intense and prolonged clash between rioters and law

enforcement at the United States Capitol. Many of the rioters in the tunnel were recording video and many of the videos circulated and continue to circulate on Internet channels, social media, and the news.

23. Portions of the rioters' effort in the tunnel to get through the Lower West Terrace doors were captured both in video surveillance from USCP camera in the tunnel and in video footage posted to YouTube (hereinafter, YouTube Video 1). In YouTube Video 1, which was filmed by a member of the press and reviewed by your affiant, a large group of rioters attempted to break through the line of uniformed law enforcement officers who were in place to prevent rioters from entering the Lower West Terrace door of the United States Capitol. Law enforcement officers were at the front of the doors inside the tunnel attempting to stop numerous rioters from gaining access to the U.S. Capitol.

24. At approximately, 2:57 p.m., MORSS is visible in USCP surveillance footage at the entrance of the tunnel, where he stays for the next few minutes. MORSS can be seen in this surveillance footage with both the same yellow flag and goggles that he is pictured with in the BWC footage described above.

25. As captured on USCP surveillance footage, MORSS hung back by the entrance to the tunnel for a few minutes. Then around 3:02 p.m., he pushed his way forward towards the line of officers guarding the Lower West Terrace doors to the Capitol.

26. As captured on YouTube Video 1, MORSS joined the rioters directly confronting the officers guarding the Lower West Terrace doors. MORSS then grabbed an MPD Officer's shield, as shown in the still below with a red box around MORSS.



27. As captured on YouTube Video 1, MORSS continued pushing and pulling against law enforcement shields and the officers holding those shields for the next few minutes, as shown in the still below with a red box around MORSS.



28. As captured on YouTube Video 1, MORSS, with the assistance of other rioters then began to rip the USCP riot shield away from an MPD officer, while he (or someone near

him) yelled “send the shield back, send the shield back!” Together, MORSS and the rioters assisting him successfully ripped the USCP riot shield from the MPD officer. Then, around 3:05 p.m. as seen in USCP surveillance footage, MORSS carried the shield away MORSS then passed the shield back to the rioters behind him, who passed it back into the crowd, as captured in the still below with a red box around MORSS.



29. As captured on USCP surveillance footage, at approximately 3:06 p.m., MORSS then walked out of the tunnel and into the crowd near the arch entrance to the tunnel. As captured in a video posted to YouTube, hereinafter YouTube Video 2, upon exiting the tunnel, MORSS was seen on the steps that lead to the tunnel. He started to speak with other rioters.

MORSS yelled into the crowd, “shield wall” and started yelling for people to pass up police riot shields, as shown in the still from YouTube Video 2 below.



30. As shown in YouTube Video 2, shields were then passed from the crowd to MORSS and others by the tunnel’s front entrance. The shields were then passed to the rioters at the front of the line confronting the officers guarding the doors with MORSS then quickly returning into the tunnel to apparently direct the activity, as shown in the still below from surveillance video with a red box around MORSS.



31. MORSS re-entered the tunnel at approximately 3:07 p.m., as captured on surveillance footage. As captured in a video posted to YouTube, hereinafter YouTube Video 3,

which shows the same activity as the USCP surveillance footage from a different angle, MORSS, as shown in the still below with a red box around him, entered the tunnel and started to instruct rioters who had shields in their possession to organize a shield wall. MORSS yelled out: “Hey, everyone with a shield, back up and organize! Make a shield wall! Organize right now and make a shield wall. Where are those fucking shields!”



32. As shown in USCP surveillance footage and YouTube Video 3, MORSS then walked toward the front of the tunnel bracing both arms on the back of the person directly in front of him and began pushing forward, as shown in the still from YouTube Video 3 below with a red box around MORSS’s hand pushing forward on the rioter directly in front of him. MORSS then pushed with the crowd together as they pushed in unison attempting to break past the officers guarding the Lower West Terrace doors.



33. As captured in YouTube Video 3 and USCP surveillance footage, around 3:08 p.m., MORSS then instructed an individual to the side of the tunnel with a flag to “block out” or “take out” the camera, while pointing to the USCP camera affixed above the doors in the tunnel, as shown in the still below with a red box around MORSS. The individual he was speaking to then began to repeatedly knock out or block the camera with the tip of the flag pole. (This camera was part of the USCP security footage.)



34. Around 3:10 p.m. as shown on surveillance video, MORSS, who now held a shield moved away from the front line of rioters and towards the arch. He stayed in the tunnel, holding the shield, as shown in the still below with a red box around MORSS. MORSS then passed the shield off to another rioter and once again began pushing with the group in an attempt to break through the officers guarding the doors.



35. As seen in surveillance footage and YouTube Video 1, MORSS then continued to use his entire body to push against the rioters in front of him as the group tried to use the shields to push past the officers guarding the door. As can be heard in YouTube Video 1, the group of rioters all yelled “heave ho” as they pushed in unison against the officers guarding the doors. (This is shown in the still from YouTube Video 1 below, with MORSS in the red box.) It was during this time that an MPD officer was being violently crushed against the first set of doors with a shield held by another rioter, as also captured in YouTube Video 1.



36. Around 3:12 p.m., as captured on surveillance video, MORSS then passed another shield and also passed what appeared to be a riot style baton off to another rioter behind him, as shown in the still below with a red box around MORSS. Around 3:14 p.m., MORSS eventually walked out of the tunnel and back into the crowd, as can be seen in both surveillance footage and various photos and videos posted online.



37. Around 3:48 p.m., as captured in a Parler video posted by ProPublica, MORSS stood in the crowd near a window to the right of the archway entrance to the Lower West Terrace

doors into the Capitol. (Multiple other videos online show rioters breaking the window with various tools over the preceding hour.)

38. Then, in a video posted to YouTube, hereinafter YouTube Video 4, MORSS and other rioters climbed through the broken window into the Capitol, as shown in the still below with a red box around MORSS. Based on a comparison to surveillance footage showing some of the same events, this occurred around 4:17 p.m. Multiple other videos posted online captured the same activity.



39. The broken window MORSS climbed through led to a hideaway office for members of Congress, but was not specifically assigned to anyone on January 6. As captured on a livestream video from another rioter inside the room, furniture inside the room was toppled over and scattered, as well as some pieces appearing to be broken. In that video, someone inside the room can be heard asking for a crowbar and masks, and there are banging sounds. A few of the rioters were captured still breaking and pulling on a section of the remaining glass left in the window. (A still from that video is below, with a red box around MORSS.)



40. In another short video, filmed from within that same room by a separate rioter, MORSS is again visible, as shown in the still below. This video also shows other rioters in the room including furniture toppled over and scattered about, and legs missing from a desk as well as the drawers.



41. Video posted online showed rioters handing out furniture from the room through the broken window at different times throughout the unrest. Similar furniture (including what

appear to be legs of chairs/tables and desk drawers) was then used by other rioters to attack officers guarding the Lower West Terrace doors, as captured by surveillance and BWC footage. Around what appears likely to be approximately 4:30 p.m.,¹ MORSS can be seen inside the room and looking out after another window had been broken out, as shown in the media photograph below with a box around MORSS. At this time, it is unknown what, if any, actions MORSS may have taken while inside the room.



42. In addition, multiple high definition photographs were taken of MORSS by members of the media that day, including, for example the below photograph from around 2:49 p.m.,² where scissors and what appears to be a knife can be seen tucked into pockets on his tactical vest, as shown in the red circles below:

¹ The timestamp listed for this photograph online appears to be one hour fast based on a comparison to surveillance footage capturing some of the same actions shown in photographs by the same photographer that day.

² As with the above, the timestamp listed online for photos by this photographer appear to be one hour fast based on a comparison to surveillance footage capturing some of the same actions shown in photographs by the same photographer that day.



Identification of MORSS

43. While conducting their investigation into the events of January 6th, the FBI requested assistance from the public in identifying people of interest who were suspected of criminal activity that day. Pictures of subjects from January 6th were shared with the public, including “Photo 147 – AFO” the screenshot from YouTube Video 1 below. The FBI received a tip from a witness who only provided their first name and no contact information. This witness identified Photo 147 – AFO as Robert Morss a Penn State graduate.



Photograph #147 - AFO

44. Official government records indicated that there was a Robert Morss with an address in State College, Pennsylvania.

45. On February 20, 2021, law enforcement interviewed Witness 1 who knows MORSS personally from multiple close interactions with him in a professional capacity. Law enforcement showed Witness 1 the three pictures below and asked if Witness 1 recognized this individual. Witness 1 identified the pictures below as MORSS.



46. On February 20, 2021, law enforcement interviewed Witness 2 who knows MORSS personally in a different professional capacity than Witness 1. (Witness 1 and Witness 2 were interviewed separately and your affiant is not aware of any connection between the two.) Law enforcement showed Witness 2 the same three pictures above and asked if Witness 2

recognized this individual. Witness 2 identified the pictures above as MORSS, noting that he/she was 100% confident that it was MORSS. Witness 2 indicated that law enforcement should reach out to Witness 3, who also knows MORSS personally in a similar professional capacity as Witness 2.

47. On February 20, 2021, law enforcement interviewed Witness 3 who knows MORSS personally in a similar professional capacity as Witness 2. Law enforcement showed Witness 3 the same three pictures above and asked if Witness 3 recognized this individual. Witness 3 identified the individual in the pictures as MORSS, noting that he/she was 100% confident that it was MORSS. (Witness 3 also indicated that MORSS may struggle with some mental health issues due to his time in the military.)

48. On February 23, 2021, law enforcement interviewed Witness 4 who knows MORSS personally from multiple interactions with him in a professional capacity. Law enforcement showed Witness 4 the same three pictures above and asked if Witness 4 recognized this individual. Witness 4 identified the individual in the pictures as MORSS, noting that he/she was 100% confident that it was MORSS.

49. Financial records from an account owned by MORSS show spending at what appears to be a gas station in Falls Church, VA, on January 7, 2021. Similarly, based on a review of records obtained via a search warrant, MORSS's Uber account showed travel from Virginia to Washington, D.C. on the morning of January 6, 2021.

50. In addition, your affiant has compared known photographs of MORSS to the surveillance footage and confirmed that he indeed appears to be the same person.

51. The FBI also received nine tips indicating Photograph 147 was someone else other than MORSS. A review of those complaints revealed the following, four of the tipsters

alleged photograph 147 “looked like” the person they were reporting on. One tipster advised photograph 147 “looks very similar,” to the person they reported on. One of the tipsters was fifty percent sure it was the person they were reporting on but had not seen that person in approximately 25 years. Another tipster reported on a person who was forty years of age and the tipster had not seen that person in seven years. Two other tipsters were not certain it was the person they were reporting on. In all the tips, your affiant was able to acquire pictures believed to be the person the tipsters were speaking about except for two. The pictures acquired did not look like Photograph 147. In all the tips received, no tipster provided any corroborating information that the person they reported on actually traveled to Washington, D.C. and participated in the riot at the Capitol.³

CONCLUSION

For the reasons set forth above, I submit there is probable cause to believe that MORSS violated:

1. **18 U.S.C. § 111, 2** which makes it a crime to forcibly assault or interfere, and aid or abet such a forcible assault or interference, with any person designated in section 1114 of this title 18 while engaged in or on account of the performance of official duties. Persons designated within section 1114 include any person assisting an officer or employee of the United States in the performance of their official duties.
2. **18 U.S.C. § 231(a)(3)**, which makes it a crime to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully

³ Your affiant is not aware of any other information provided to the FBI about Photograph 147 at this time. However, the FBI is receiving tips from throughout the country on a semi-daily basis about individuals who may have participated in the events at the Capitol on January 6, 2021 and continue to analysis the backlog of tips already received.

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. (“Civil disorder” means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual. “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; and such term shall specifically include, but not be limited to, the collection and distribution of the United States mails. 18 U.S.C. § 232(1).)

3. **18 U.S.C. § 2112**, which makes it a crime to steal or take, by force and violence or by putting in fear, from the person and possession of another, personal property of the United States; and
4. **18 U.S.C. § 1512(c)(2)**, which makes it a crime to attempt to corruptly obstruct, influence, and impede an official proceeding. (An “official proceeding” includes a Congressional proceeding. 18 U.S.C. § 1515(1)(B).)

As such, your affiant respectfully requests that the court issue an arrest warrant for MORSS. The statements above are true and accurate to the best of my knowledge and belief.

Respectfully Submitted,



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 10th day of June 2021.



2021.06.10

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ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE

