

Case: 1:22-mj-00154
Assigned To : Harvey, G. Michael
Assign. Date : 7/7/2022
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

On January 6, 2021, your affiant, Federal Bureau of Investigation (“FBI”) Special Agent [REDACTED] was on duty and performing my official duties as a Special Agent. Specifically, I am assigned to the Washington Field Office, Criminal Branch, and tasked with investigating criminal activity in and around the United States Capitol grounds (“the Capitol”). 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 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 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 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, 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.

IDENTIFICATION OF ETHRIDGE AND HIS INVOLVEMENT IN THE EVENTS OF JANUARY 6, 2021

On January 7, 2021, the FBI received information from an online tip indicating that an individual identified as Tyler Ethridge (hereinafter referred to as “ETHRIDGE”) participated in the storming of the Capitol on January 6, 2021. The tipster, who knew ETHRIDGE personally from observing him at Bible College in Woodland Park, CO, further noted ETHRIDGE livestreamed the event via Facebook and that his videos were later removed. According to the tipster, ETHRIDGE was “on scaffolding outside Nancy Pelosi’s office and inside the chamber. He was on Facebook telling everyone about it.”

Based on this information, the FBI conducted social media and law enforcement database checks, which further identified ETHRIDGE as Tyler Earl ETHRIDGE (DOB [REDACTED]/[REDACTED]/88). The FBI and your affiant learned that ETHRIDGE maintained multiple social media accounts on multiple platforms, including Facebook, Twitter, Instagram, and Tik Tok, as well as several email addresses.

On January 22, 2021, FBI agents interviewed ETHRIDGE at the FBI Resident Agency in Abilene, TX. In addition to the interviewing agents, ETHRIDGE’s attorney was present. Agents advised ETHRIDGE of his rights and ETHRIDGE acknowledged that he understood those rights by signing an FBI FD-395, Advice of Rights form with his attorney present. Agents documented the ensuing interview via audio recording and by subsequently authoring a summary report.

ETHRIDGE stated during the interview that in the fall of 2020, he traveled with his wife and daughter to visit friends in Colorado Springs, Colorado. ETHRIDGE advised that a friend, Person-1, offered him a paid-for, roundtrip plane ticket and Airbnb stay to attend former President Donald Trump’s rally in Washington, D.C. on January 6, 2021.

On January 4, 2021, ETHRIDGE, Person-1, and Person-1’s son flew from Denver International Airport to Philadelphia International Airport on a redeye flight that landed on January 5, 2021. The threesome then rented a car and drove to Washington, D.C. to meet Person-2, who helped Person-1 organize the trip.

On January 6, 2021, ETHRIDGE, Person-1, Person-1’s son, and Person-2 took an Uber to the Washington Monument to attend the rally. Person-2 left the group to charge his phone and was not seen or heard from the rest of the day. ETHRIDGE claimed that he could not hear the rally speakers clearly from his vantage point. Midway through former President Trump's speech, ETHRIDGE, Person-1, and Person-1’s son walked with the crowd to the U.S. Capitol Building.

ETHRIDGE acknowledged that he watched others destroy the first, second, and third barricades that led up to the U.S. Capitol Building but insisted that he did not participate in the destruction of any barricades. Law enforcement officers subsequently discovered video revealing that this was untrue, however. Open-source video captures ETHRIDGE directly participating in

the first breach of the Capitol’s perimeter fencing. As illustrated by the screenshot below, ETHRIDGE helped remove the fencing erected on the northwest approach to the U.S. Capitol, and that fencing bore a large sign declaring “Area Closed.” ETHRIDGE thus facilitated the rioters’ breach of the U.S. Capitol.



Photo 1: Screenshot of video of ETHRIDGE (circled in yellow) helping to remove fencing along the northwest approach to the U.S. Capitol.

As open-source video shows, and as ETHRIDGE admitted to the FBI agents, ETHRIDGE proceeded with the crowd past the barricades to the West Plaza outside of the U.S. Capitol building. There, while people in ETHRIDGE’s earshot chanted “Stop the steal! Stop the steal!”, ETHRIDGE was pepper-sprayed and shot with rubber bullets by law enforcement officers attempting to control and disperse the crowd. As ETHRIDGE documented via a video he posted on social media, one of the rubber bullets struck ETHRIDGE in the knee, causing him to yelp in pain, and the pepper spray caused him to cough.



Photo 2: Screenshot of video posted to Parler of ETHRIDGE on the West Plaza holding up a rubber bullet round and exclaiming "I just got shot in the knee!" In the same video, ETHRIDGE pans and shows pepper spray cannisters launched by law enforcement officers landing amongst the crowd.

Instead of leaving the Capitol grounds, ETHRIDGE climbed a media scaffolding and exhorted the crowd to continue fighting.



Photo 3: Photograph of ETHRIDGE (circled in yellow) standing on the northwest media scaffolding.

According to ETHRIDGE, while on the scaffolding he received a text from Person-1 directing him to meet at the statue of Ulysses S. Grant outside of the Capitol. ETHRIDGE stated that he then climbed down the media scaffolding and waited at Grant's statue for approximately 10–15 minutes for Person-1 but that Person-1 did not appear. As he lost patience waiting for Person-1, ETHRIDGE observed people going up the stairs and into the Capitol, so he joined the crowd.

At approximately 2:35 p.m., ETHRIDGE entered the U.S. Capitol building via the Upper West Terrace Door, as captured on the Capitol's surveillance cameras.

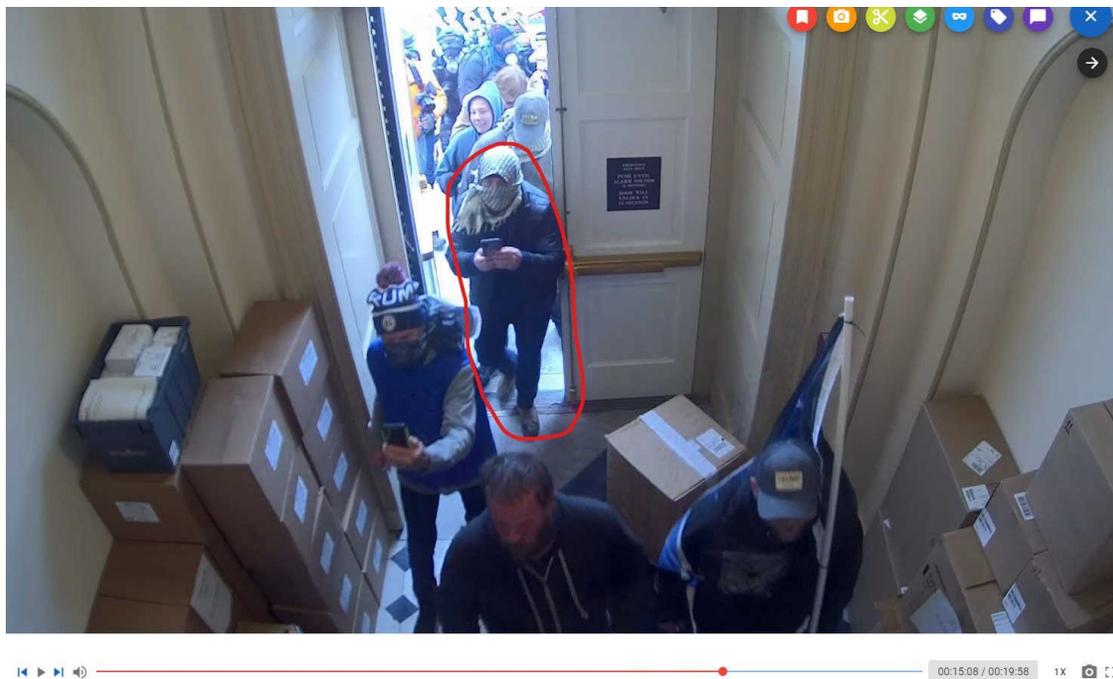


Photo 4: Photograph of ETHRIDGE (circled in red) entering the U.S. Capitol building via the Upper West Terrace doors.

From there, Ethridge proceeded to the Capitol Rotunda, where he stayed for approximately three minutes.

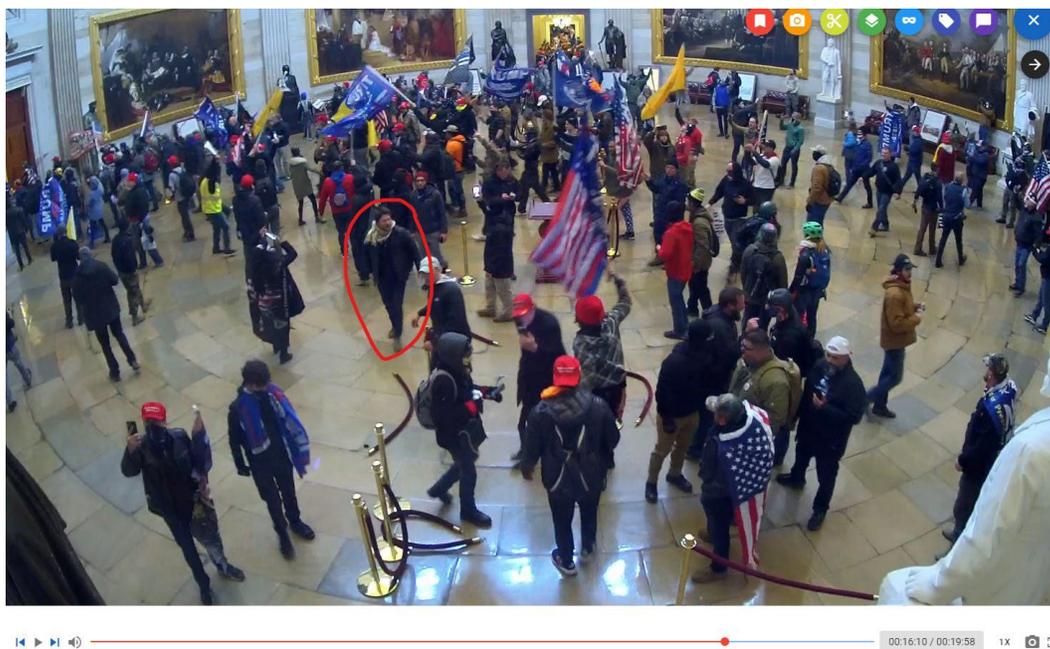


Photo 5: Ethridge (circled in red) within the Capitol Rotunda.

While in the Capitol Rotunda, law enforcement officers attempting to control and disperse the crowd deployed more pepper spray, and again ETHRIDGE suffered its effects. Rather than exit the Capitol, ETHRIDGE remained and filmed several videos that he posted to social media. During these videos, ETHRIDGE made statements such as:

- “We stormed the Capitol. [. . .] This is amazing. I hope this doesn’t get me thrown in jail. I’m officially a pastor. This is what pastors need to do. [...] Christians, we need to infiltrate every area of society like this. Every area of society like this. Peacefully. But if it takes a little bit of aggression to barge through the walls that Satan separates us from the culture, it’s time for the body of Christ to infiltrate the culture.”
- “I don’t want to say what we’re doing is right. But if the election is being stolen, what is it going to take? [. . .] I’m probably going to lose my job as a pastor after this [. . .] I think we’re to a point where talk is cheap. If this makes me lose my, my reputation, I don’t care.”

Photo #6 is a screenshot from one of the videos ETHRIDGE took of himself. Your affiant reviewed Photo #6 with U.S. Capitol Police Special Agents and confirmed, based on their training, experience, and familiarity with the grounds and layout of the inside of the Capitol, that Photo #6 was taken within the Capitol Rotunda.



Photo 6: Screenshot of video of ETHRIDGE inside the U.S. Capitol, specifically inside the Capitol Rotunda. This and other similar videos were discovered by law enforcement on social media as well as provided by ETHRIDGE during the interview with law enforcement.

Approximately five minutes after leaving the Rotunda, ETHRIDGE joined a crowd of rioters in the hallway between the Rotunda and the Senate Chamber. ETHRIDGE and the other rioters found themselves blocked by a line of Washington, D.C. Metropolitan Police Department (MPD) officers, who were protecting the Senate Chamber. The MPD officers repeatedly ordered

ETHRIDGE and the other rioters to turn around and disperse. ETHRIDGE and the other rioters refused. Eventually, the line of MPD officers forcibly pushed ETHRIDGE and the other rioters out of the hallway. Some of the rioters, including ETHRIDGE, attempted to passively physically resist the officers' efforts to move them out of the hallway. ETHRIDGE appeared to help a person up who had fallen to the floor.



Photo 7: ETHRIDGE in the hallway between the Rotunda and the Senate Chamber, attempting to passively physically resist officers' efforts to physically remove him from the area.

After this physical conflict with law enforcement officers, ETHRIDGE returned to the Rotunda.

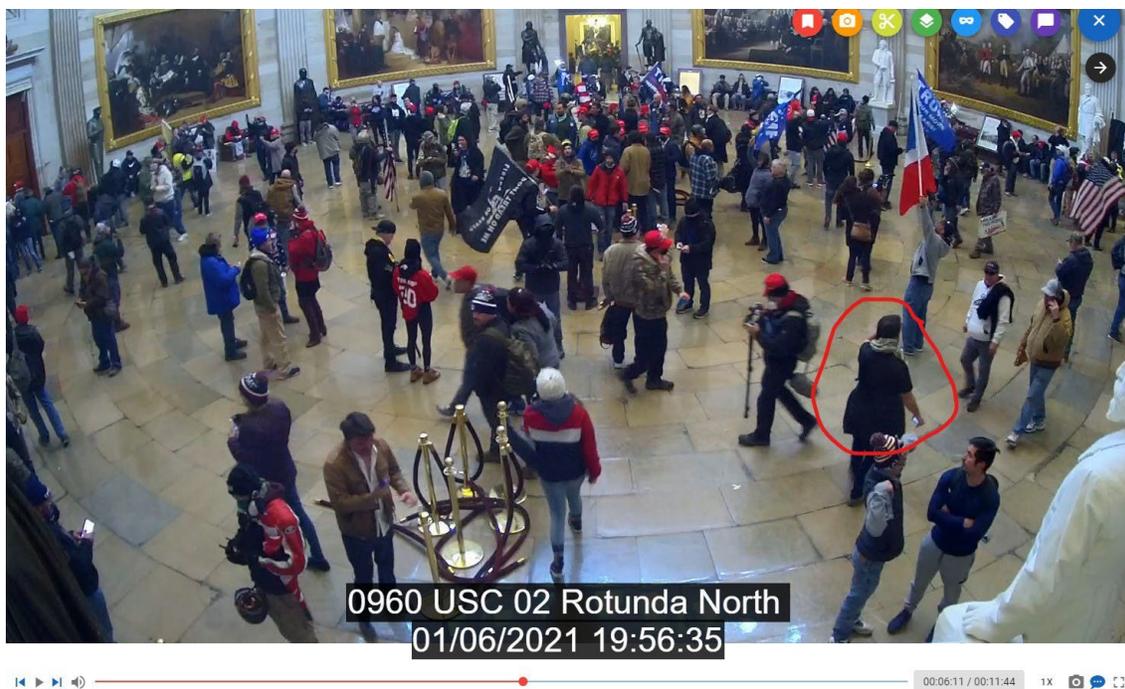


Photo 8: ETHRIDGE (circled in red) in the Rotunda a second time.

After approximately ten minutes, ETHRIDGE left the Rotunda



Photo 9: ETHRIDGE (circled in red) exiting the Rotunda

ETHRIDGE then exited the Capitol building through the East Rotunda Door, having spent approximately 30 minutes inside the building.

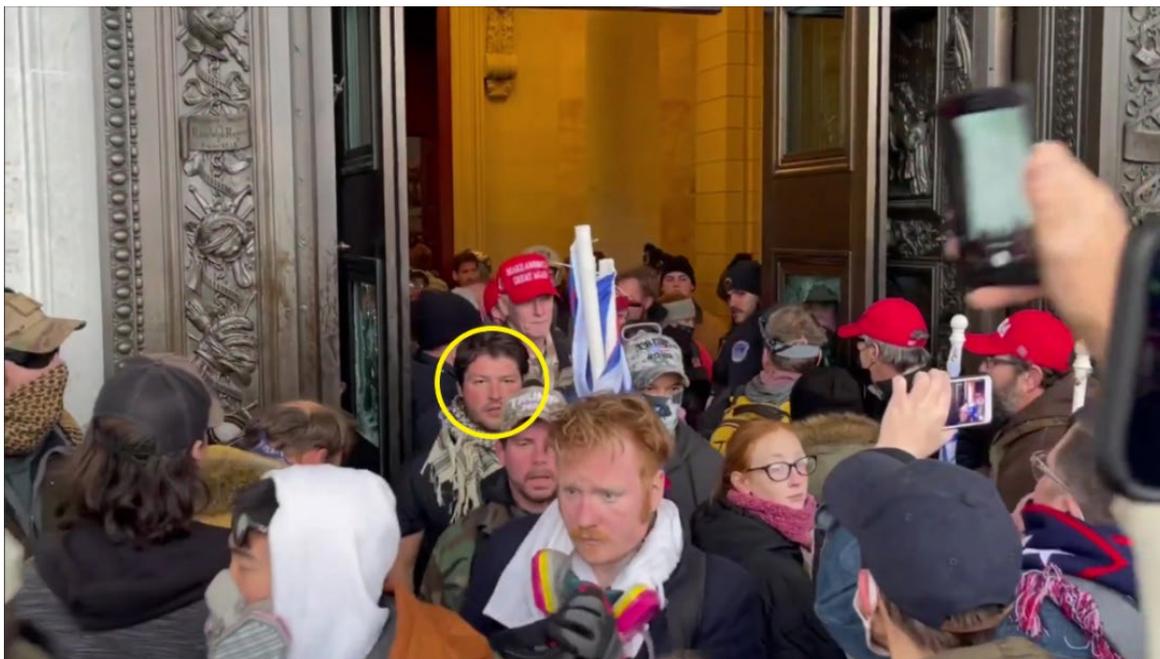


Photo 10: ETHRIDGE (circled in yellow) exiting the Capitol building.

During an interview of ETHRIDGE by law enforcement, agents provided ETHRIDGE with a floor plan map of the Capitol and ETHRIDGE used a blue pen to hand-draw indications of where he entered the Capitol and walked within it. ETHRIDGE's hand markings on the floor plan are reproduced below.

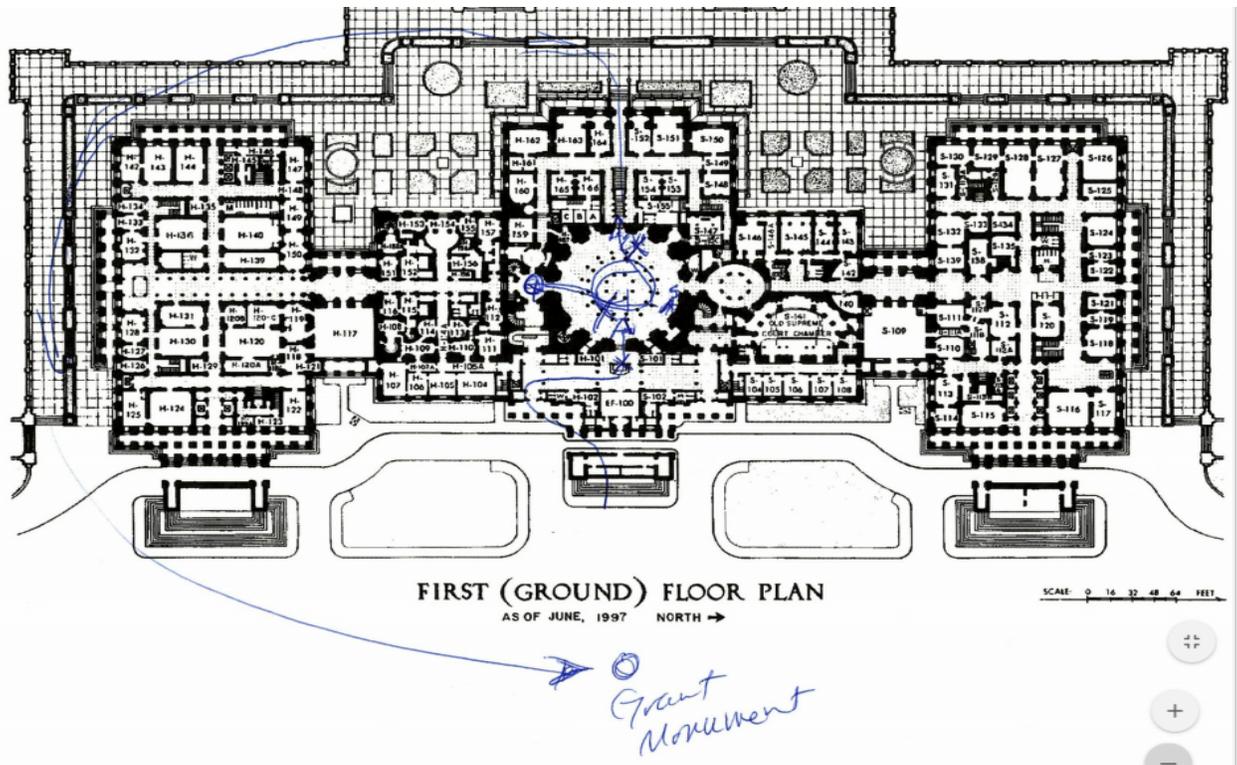


Photo 11: Map annotated by ETHRIDGE and provided to the FBI of his location inside the U.S. Capitol.

ETHRIDGE's hand markings match his movements within the Capitol building as captured on surveillance footage with the exception of his conflict with MPD officers in the hallway between the Rotunda and the Senate Chamber, which ETHRIDGE either omitted from his map or transposed to the hallway between the Rotunda and the House Chamber.

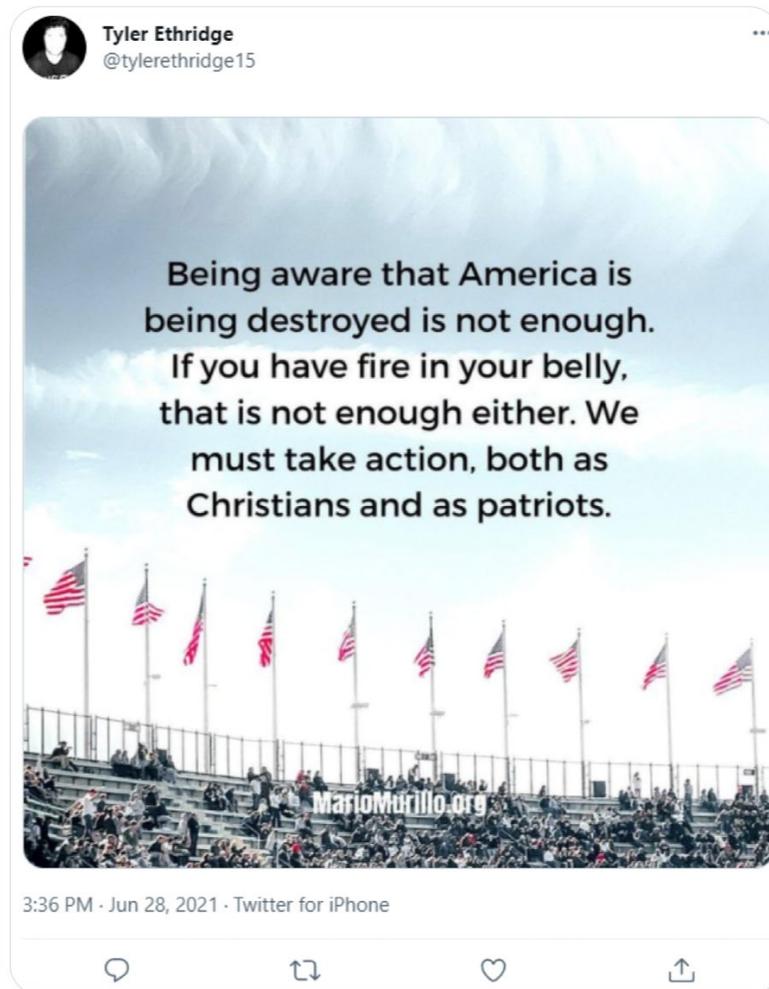
In the aftermath of the riot at the Capitol on January 6, 2021, Ethridge was active on social media. ETHRIDGE allowed law enforcement officers to use his login credentials to review the contents of his social media profiles and e-mail account. The following posts by ETHRIDGE on his Facebook profile, tyler.ethridge. [REDACTED] with Facebook ID [REDACTED] 2554, each dated January 7, 2021, are representative of ETHRIDGE's conduct on social media in the immediate aftermath of his invasion of the Capitol:

- ETHRIDGE posted: "We weren't inspired by anyone to do what we did. We've been awakened over the past four years to a communist insurgence," and "I was there. Literally the tip of the spear. Yes, I encouraged us to press forward to the base of the Capitol. I don't regret that decision one bit."
- In response to comments on ETHRIDGE's Facebook profile, ETHRIDGE posted "It's hard for anyone who wasn't personally there to understand the moment. It truly felt like a peaceful revolution. I stand by my stance and believe we should have stormed the Capitol to peaceably protest. Read it how you want. No one was

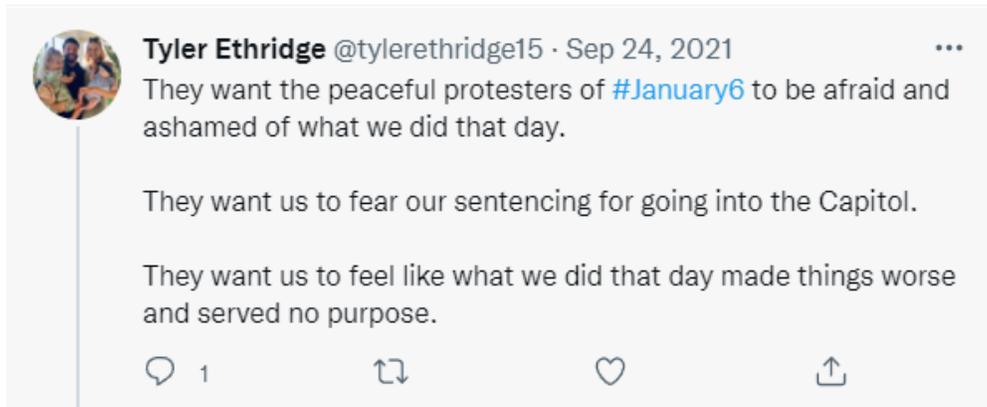
shooting at the police. Some threw water bottles at them after they shot us with rubber bullets, threw smoke grenades and pepper sprayed us.”

- An individual asked, “How did you personally get into the Capitol?” ETHRIDGE responded, “a door behind the inauguration stage was wide open. We walked right in.”
- In response to another post, ETHRIDGE commented, “I don’t think they anticipated the storming of the Capitol. There was great push back when people tried getting to Nancy Pelosi’s office, but lenience in other places in the Capitol. The greatest resistance was right at the base of where we hold the inauguration. I think inside the Capitol was fishy. Especially after seeing other footage. I didn’t stay long in there. It felt iffy so I bailed shortly after entering.”

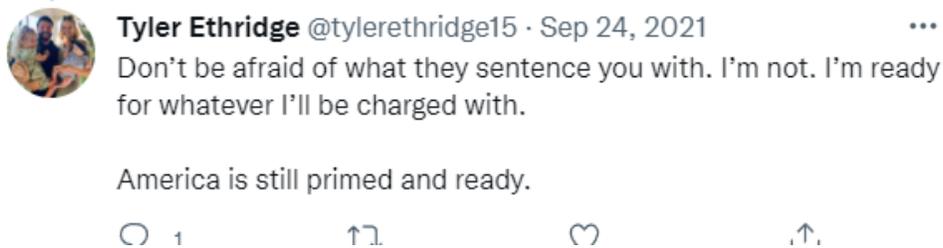
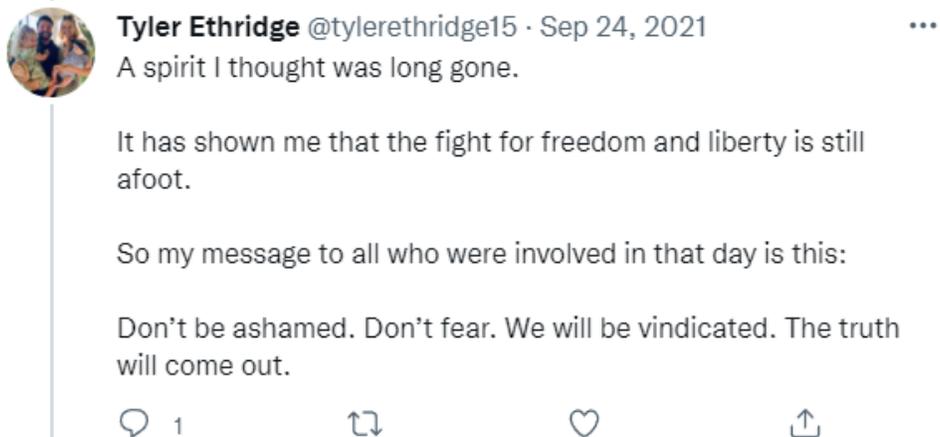
ETHRIDGE was similarly active on Twitter. The following post by ETHRIDGE on his Twitter profile, @tylerethridge, dated June 28, 2021, demonstrates ETHRIDGE’s mental state in the months prior to January 6, 2021:



Meanwhile, the following tweets, each dated September 24, 2021, are representative of ETHRIDGE's lack of remorse in the time since his invasion of the Capitol:



[Show this thread](#)



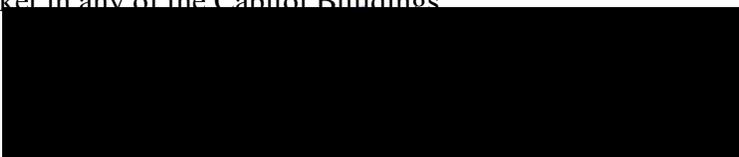
Based on the foregoing, there is probable cause to believe that ETHRIDGE violated 18 U.S.C. 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official 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 18 U.S.C. 231, 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

There is also probable cause to believe that ETHRIDGE 18 U.S.C. § 1512(c)(2), which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings

There is also probable cause to believe that ETHRIDGE 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; or attempts or conspires to do so. For purposes of 18 U.S.C. § 1752, 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.

Finally, there is also probable cause to believe that ETHRIDGE 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



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 7th day of July.

HONORABLE G. MICHAEL HARVEY
UNITED STATES MAGISTRATE JUDGE