

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.

JOSEPH PAVLIK
DOB: XXXXXX

Case: 1:23-mj-20
Assigned To: Magistrate Judge Zia M. Faruqui
Assign. Date: 1/20/2023
Description: Complaint with Arrest Warrant

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

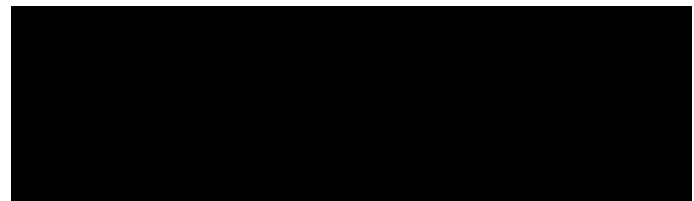
Offense Description

- 18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder;
18 U.S.C. § 1752(a)(1) - Entering and Remaining in a Restricted Building or Grounds;
18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds.

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: 01/20/2023

Handwritten signature



Zia M. Faruqui
2023.01.20 16:10:26
-05'00'

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

## STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to the Federal Bureau of Investigation, Detroit Division. In my duties as a Special Agent, I investigate criminal activity pertaining to international and domestic terrorism. Currently, I am tasked with investigating criminal activity in and around the United States Capitol and its 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, detection, investigation, or prosecution of a violation of Federal criminal laws.

The Capitol is secured twenty-four hours a day by United States Capitol Police (USCP). Restrictions around the Capitol include permanent and temporary security barriers and posts manned by USCP. Only authorized people with appropriate identification were allowed access inside the Capitol. On January 6, 2021, the exterior plaza of the Capitol was closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the Capitol, located at First Street, S.E., 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 Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on Tuesday, 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 Michael R. Pence present and presiding over the Senate, a large crowd gathered outside the Capitol. As noted above, temporary barricades and permanent barricades were in place around the exterior of the Capitol. USCP officers were present and attempting to keep the crowd away from the Capitol and the certification proceedings underway inside.

While the certification proceedings were underway, the exterior doors and windows of the Capitol were locked or otherwise secured. USCP officers attempted to maintain order and keep the crowd from entering the Capitol. Around 2:00 p.m., however, individuals in the crowd forced entry into the Capitol, including by breaking windows and by assaulting USCP officers. Others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m., members of the House of Representatives and Senate, including the President of the Senate, Vice President Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the Capitol from the time he was evacuated from the Senate Chamber to the time the session 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 Capitol without authority to be there.

## **B SQUAD**

**JOSEPH PAVLIK** (“**PAVLIK**”) is an individual associated with B SQUAD that is being charged via Criminal Complaint to include this affidavit. The facts included below are intended to show that on January 6, 2021, **PAVLIK** engaged in criminal behavior in connection with the riot at the U.S. Capitol on January 6, 2021. Specifically, **PAVLIK** is alleged to have knowingly committed an act or attempted to commit an act with the intended purpose of obstructing, impeding, or interfering with one or more law enforcement officers while the law enforcement officers were engaged in the lawful performance of their official duties incident to and during a civil disorder, and that this civil disorder in any way or degree obstructed, delayed, or adversely affected either commerce or the movement of any article or commodity in commerce.

**PAVLIK** is also alleged to have knowingly entered or remained in a restricted building or on restricted grounds without lawful authority to do so. **PAVLIK** is further alleged to have engaged in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds at a time that such conduct, in fact, impeded or disrupted the orderly conduct of Government business or official functions; and did so knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions.

Members of the group with whom **PAVLIK** travelled attempted to forcibly enter the Capitol Building through a police line located within a tunnel on the Capitol’s Lower West Terrace. At least one group member (**BENSCH**) assaulted an individual with a chemical irritant while on the Lower West Terrace. On or about August 24, 2022, pursuant to a criminal complaint<sup>1</sup> issued by Magistrate Judge Meriweather, the FBI arrested five members of the group (“Subgroup B”): **BENJAMIN JAMES COLE** (“**COLE**”), **JOHN EDWARD CROWLEY** (“**CROWLEY**”), **BRIAN MICHAEL PRELLER** (“**PRELLER**”), **JONATHAN ALAN ROCKHOLT** (“**ROCKHOLT**”), AND **TYLER QUINTIN BENSCH** (“**BENSCH**”).

**JOSEPH PAVLIK** also attempted to forcibly enter the Capitol Building through a police line located within the aforementioned tunnel, at times doing so in direct coordination with **CROWLEY**. Further, a video captured **PAVLIK** on restricted Capitol grounds at approximately 3:09 p.m. with numerous members of B Squad. **PAVLIK** was also captured in video on restricted Capitol grounds as late as 5:05 p.m.

### ***The Inaugural Stage***

During each presidential inauguration, the Architect of the Capitol (AOC) coordinates with the Joint Congressional Committee on Inaugural Ceremonies, Secret Service, the military, Department of Homeland Security, Presidential Inaugural Committee, District Government, and all of the AOC’s Congressional partners to prepare the Capitol for the Inauguration. One such task is the creation from scratch of the 10,000 square foot Inaugural platform. One part of that process includes turning a west entrance to the Capitol, into a smaller, tighter, tunnel-like area that has commonly been referred to as “The Tunnel” in investigations and prosecutions surrounding January 6, 2021. The two photos below show the West Side of the Capitol as set up for Inauguration Day (*top*) and a closer view of The Tunnel (*bottom*).

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<sup>1</sup> 1:22-mj-00184



At 12:53 p.m., rioters breached their first barricade at the Peace Circle onto Pennsylvania Walkway. Just under two hours later, at approximately 2:41 p.m., the rioters made their way past several additional lines of police officers and barricades to The Tunnel, which provides direct access into the Capitol. The siege on The Tunnel lasted for over two hours, until approximately 5:00 p.m.



Rioters attempted on multiple occasions to forcibly enter the Capitol through the line of USCP and Metropolitan Police Department (MPD) officers who gathered in The Tunnel and successfully repelled the attack. During the two plus hours, rioters assaulted the officers with blunt objects, including poles and crutches, and they used chemical irritants against the officers. Rioters also attempted to use their numbers and collective mass in a heave-ho effort to push the officers back. At times, the rioters forcibly pressed the officers' bodies against each other and against the doorway, crushing them. COLE, CROWLEY, PRELLER, and ROCKHOLT—and **PAVLIK**--participated in at least one attempt by rioters to force their way through into the Capitol through the line of police officers. BENSCH moved with the other B SQUAD members and was present when one of the heave-ho pushes against the officers occurred.

### **Actions of Subgroup B, including PAVLIK, at The Tunnel**

**PAVLIK**, COLE, PRELLER, CROWLEY, ROCKHOLT, AND BENSCH were present on the Lower West Terrace and in The Tunnel on January 6, 2021. Each of the individuals joined the group of rioters who were attempting to force their way past the officers responsible for securing The Tunnel, an entry to the Capitol that provides immediate and unobstructed access to sensitive areas and offices used by Members of Congress.

Publicly available images depicted **PAVLIK** (circled in yellow) standing nearby **ROCKHOLT** (circled in red), **BENSCH** (circled in green), and **COLE** (circled in blue), while on restricted Capitol grounds just outside the Tunnel.



The following images depict Subgroup B members COLE, PRELLER, CROWLEY, AND ROCKHOLT preparing to enter and then entering The Tunnel.





**PAVLIK** appeared to travel to the Capitol's Lower West Terrace Tunnel with **CROWLEY**, and both enter the Tunnel.



*(PAVLIK, circled in red, and Crowley, circled in yellow)*

After entering the tunnel, **PAVLIK** appeared to push on the police line. An image from Metropolitan Police Department Officer M.A.'s body-worn camera (BWC) below shows **PAVLIK** applying pressure to the police line inside the Tunnel.





Metropolitan Police Department Officer N.M. attempted to push **PAVLIK** out of the Tunnel. Another officer's body-worn camera (Officer M.A., who was standing on a small ledge just above **PAVLIK** and Officer N.M.) appeared to capture this interaction. Officer N.M.'s arm, in neon jacket, is pushing against **PAVLIK**'s face and helmet. A screenshot is below:



Officer N.M.'s BWC captured the ongoing struggle approximately one and a half minutes later:



Officer M.A.'s BWC appeared to capture the same struggle. Officer M.A.'s arm, holding chemical irritant spray, is visible:



Another image from Officer M.A.'s BWC shows **PAVLIK** still in the Tunnel mouth a few minutes later as other rioters assault police officers:



During the siege of The Tunnel that stretched from 2:41 p.m. for more than two hours, rioters pushed into The Tunnel and were repelled in a constant back-and-forth of heave-ho efforts by the rioters and resistance by the officers. Some members of Congress were sheltering in place near that entrance. The effort to force into the Capitol through the Tunnel ultimately failed.

A full review of the applicable surveillance footage, including video of such individuals approaching the entrance to The Tunnel, shows that **PAVLIK** and Crowley arrived first, followed shortly thereafter by COLE, PRELLER, ROCKHOLT and BENSCH. **PAVLIK** entered the Tunnel before the others. Further, COLE, PRELLER, CROWLEY and ROCKHOLT went into The Tunnel while BENSCH remained just outside. While inside The Tunnel, **PAVLIK**, COLE, PRELLER,

CROWLEY, and ROCKHOLT confronted and assisted the crowd in confronting the police officers that were preventing The Tunnel and the Capitol from being breached. Specifically, while inside The Tunnel, Subgroup B members COLE, PRELLER, CROWLEY, and ROCKHOLT added their force, momentum, bodies, and efforts to the other rioters in a “heave-ho” effort. This put intense aggregate pressure on the police line in front of the rioters.

### **The Identification of PAVLIK**

According to records and information obtained from Hilton Corporation employees, including those employed at the Hampton Inn Washington-Downtown-Convention Center located in Washington, D.C.:

1. Between on or about December 23 to 25, 2021, a client called the “Black Group” reserved fifteen hotel rooms for January 5 to 7, 2021, at the Hampton Inn Washington-Downtown Convention Center. The “Client Representative” for the group was B Leader (whose identity is known to the FBI). A credit card in B Leader’s name was used to reserve the rooms.
2. Between on or about January 4 and 5, 2021, approximately forty individuals associated with the group’s reservation checked into the hotel and were given approximately twenty rooms on the hotel’s third floor, including B Leader, **PAVLIK**, COLE, CROWLEY, ROCKHOLT, and BENSCH. The group checked out on January 7, 2021. Additional detail on the identification of Subgroup B members is included in the statement of facts incorporated by reference.
3. According to Witness 1, a hotel employee, the group used white and gray Chrysler minivans, and, on January 6, 2021, group members were wearing tactical gear such as military style vests, zip ties, pepper spray, and clip-on knives, and had police-type batons, helmets, and masks.<sup>2</sup>

### ***JOSEPH PAVLIK***

**PAVLIK** is a 65-year-old white male from Chicago, Illinois. On January 6, 2021, **PAVLIK** was pictured wearing the following items while on restricted Capitol grounds:

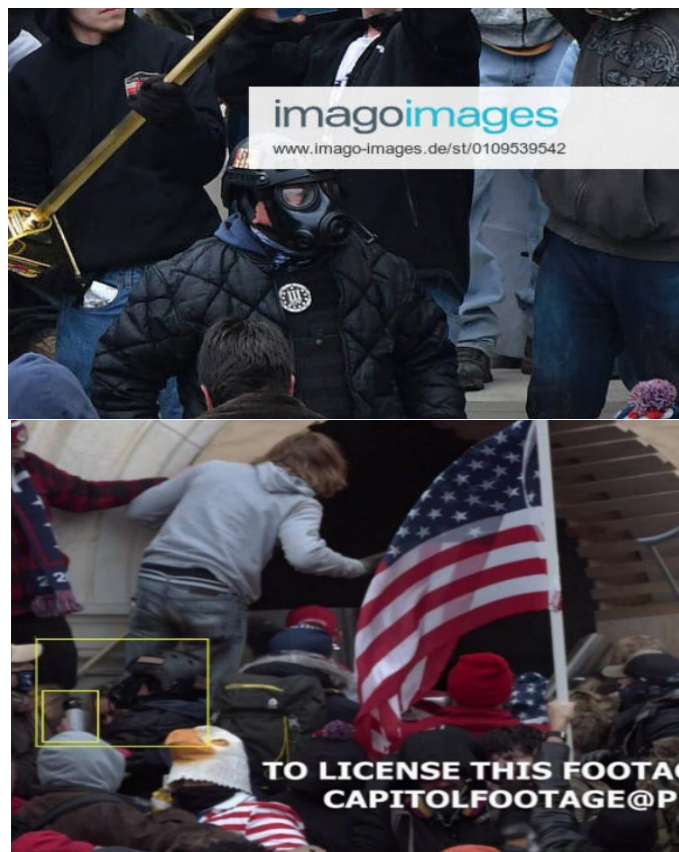
1. a black quilted jacket, a blue hoodie, and a neck gaiter;
2. a black tactical vest with a patch associated with the “Three Percenters” movement (i.e., “III%”) that bore the slogan “When Tyranny Becomes Law Rebellion Becomes Duty”
3. a black gas mask;
4. a black helmet with patches on the side; and
5. what appears to be a chemical irritant spray in his hand.

The following are images of **PAVLIK** obtained from open-source videos and/or images

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<sup>2</sup> Another hotel employee, who said he/she had a medical condition that caused memory problems, advised agents that a couple members of the group were wearing clothing that resembled armor, but the group did not have weapons. This employee also believed that the group was driving a white SUV displaying a window decal of former President Trump.

taken from within the restricted Capitol Grounds:



**PAVLIK** has been identified as engaging in the conduct attributed to him based on, among other things, the following:

#### ***PAVLIK's Statements***

Investigators interviewed **PAVLIK** at his residence in Chicago, Illinois on August 24, 2022. During the recorded interview, **PAVLIK** said he was invited to join a group going to the Capitol on January 6, 2021. He rented a vehicle and drove to the Capitol on January 5, along with two other individuals. **PAVLIK** stayed in a hotel with the group he traveled to meet up with, and the two individuals who traveled with him. **PAVLIK** attended former President Trump's rally at the Ellipse. He brought a gas mask and pepper spray, and he borrowed a tactical vest and helmet from another member of the group.

After the rally, **PAVLIK** said he walked with a crowd to the Capitol. He made his way to an area near the Tunnel on the lower west side of the Capitol. **PAVLIK** went to the Tunnel. He talked to a police officer who was Serbian and gave him an extra pair of goggles. **PAVLIK** said he was pushed by the crowd into the police line but had his hands up the entire time so the police knew he was not a threat. **PAVLIK** said his gas mask was ripped off and he was pepper sprayed. He eventually exited the Tunnel and someone helped him wash his eyes out. **PAVLIK** went back to the hotel. He left Washington, D.C. on January 7 and drove home.

**PAVLIK** was questioned about a gas mask that was seized from his home during

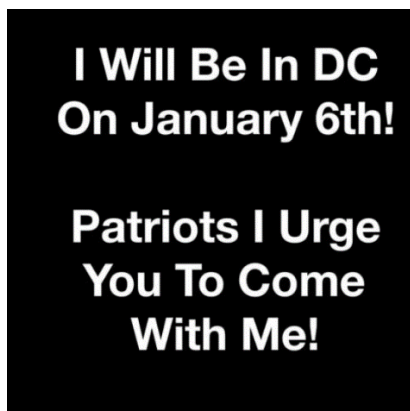
execution of a search warrant at his residence in Leesburg, Indiana.<sup>3</sup> **PAVLIK** said the gas mask is the one he wore on January 6.

**PAVLIK** was interviewed a second time. On or about October 18, 2022, investigators met with **PAVLIK** at his home in Chicago, Illinois. **PAVLIK** again said he entered the Tunnel and was in the front near the police line. **PAVLIK** said he only intended to talk to the officers and let them know he meant no harm. **PAVLIK** said he got stuck in the Tunnel and asked a police officer to arrest him so he could get out of the Tunnel safely. **PAVLIK** said he was pushed and struck by the crowd and was struck and pepper sprayed by a police officer. **PAVLIK** said he was escorted out of danger by two USCP officers, then he returned to his hotel room.

### **PAVLIK's Social Media**

According to Meta Platforms, Inc. records for Facebook account with username joe.pavlik.5245 (*Pavlik Facebook*),<sup>4</sup> the subscriber of this account is **Joe PAVLIK** with an associated email address (*Pavlik AOL Email*) and telephone number ending in 0576 (*Pavlik Phone*). Open-source queries identified the above email and phone number as belonging to **PAVLIK**. According to Verizon records, as of August 2022, the subscriber of *Pavlik Phone* is **JOSEPH PAVLIK** and the phone associated with this number is an iPhone 6S Plus. Additionally, *Pavlik AOL Email* contains an apparent reference to **PAVLIK**'s date of birth.

On or about December 25, 2020, the Facebook user joe.pavlik.5245 responded to the following post, posted by B Squad's leader, about January 6, 2022, stating, "I Will Be there".



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<sup>3</sup> On or about August 22, 2022, Magistrate Judge Michael G. Gotsch Sr., of the United States District Court for the Northern District of Indiana signed a Warrant in the Matter of the Search of **PAVLIK**'s residence in Leesburg, Indiana. **PAVLIK**'s Chicago residence was searched after **PAVLIK** provided consent. Items seized included a black gas mask in a bag, one patch, one tan hat with patch, and one Baofeng handheld radio.

<sup>4</sup> On or about July 15, 2022, Magistrate Judge G. Michael Harvey of the United States District Court for the District of Columbia signed a Warrant in the Matter of the Search of **PAVLIK**'s Facebook account.

**User** Joe Pavlik (100001593090036)  
**Text** I Will Be there  
**Time** 2020-12-25 04:34:46 UTC

**PAVLIK** appears to have multiple links to militia groups and indicia consistent with holding an Anti-Government/Anti-Authority Violent Extremist (AG/AAVE) ideology. His telephone number was listed on an Oath Keeper roster from 2009-2015, indicating an associate with this militia group. Also, **PAVLIK** has an apparent affiliation with the group he met in Washington, D.C., on January 6, 2021. Posts and comments were made by the user of *Pavlik Facebook* that appear consistent with the ideology described above. The following examples of statements made by **PAVLIK**, using *Pavlik Facebook*, were identified via the search of another group member's Facebook account:

- November 5, 2020: ". . . Democrats told us they were going to steal this election RIGHT TO OUR FACES . . . AND WE DID NOTHING . . . [] . . . So get ready young guys because YOU WILL LIVE ON YOUR KNEES from this day forward THATS RIGHT because we will do nothing."
- December 14, 2020: "These aren't Americans they are indoctrinated socialists that hate America and hate Americans. We need to be much more brutal than punching and kicking. This is not some simple street disagreement. " [sic]
- December 14, 2020: "Put that miserable b lm bitch on the ground and grind her head into the street" [sic].
- December 14, 2020: "These are now indoctrinated terrorists that have made a conscious choice to ruin America . . . [] . . . the sooner it is taken to a serious level to remove these terrorists the sooner these terrorists climb back into their basements . . . [] . . . only until their bodies hit the ground will the terrorism stop" [sic].
- December 25, 2020: "I Will Be there" [sic].
- December 26, 2020: "WE ARE THE STORM THAT THE DEMOCRATS AND RINOS THOUGHT WOULD NEVER SHOW UP and we are just getting started " [sic].

According to Facebook records obtained via search warrant on *Pavlik Facebook*, **PAVLIK** posted on January 7, 2021, "I'm sorry Ben you are wrong. We were peaceful protestors."

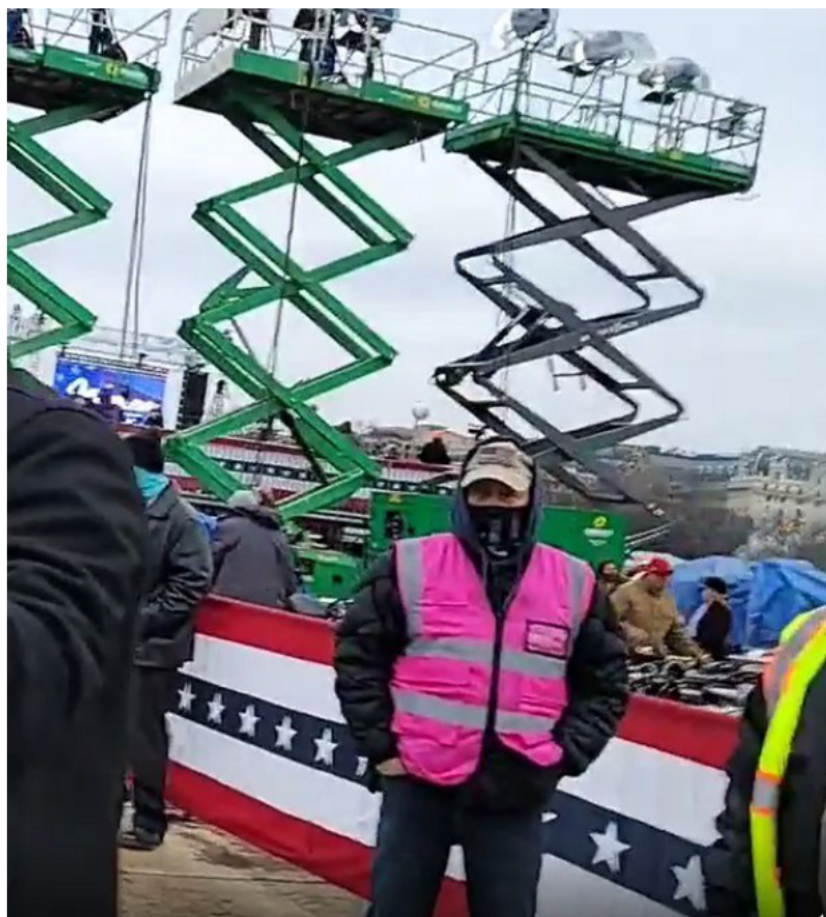
#### **PAVLIK's Association with B Squad**

Publicly available photographs and video depict **PAVLIK** with other members of B SQUAD, who were providing security during the rally earlier in the day on January 6, 2021:



(PAVLIK circled in red)

Another publicly available video depicts a close-up photograph of PAVLIK, which appears to be from the rally during the morning of January 6, 2021. In the video, PAVLIK's dark quilted jacket, blue hoodie, and neck gaiter are visible.



Publicly-available images show PAVLIK standing near the Lower West Terrace Tunnel wearing the same neck gaiter and quilted jacket he wore earlier in the day (depicted above with pink construction vest). He also appears to have on body armor under the quilted jacket.



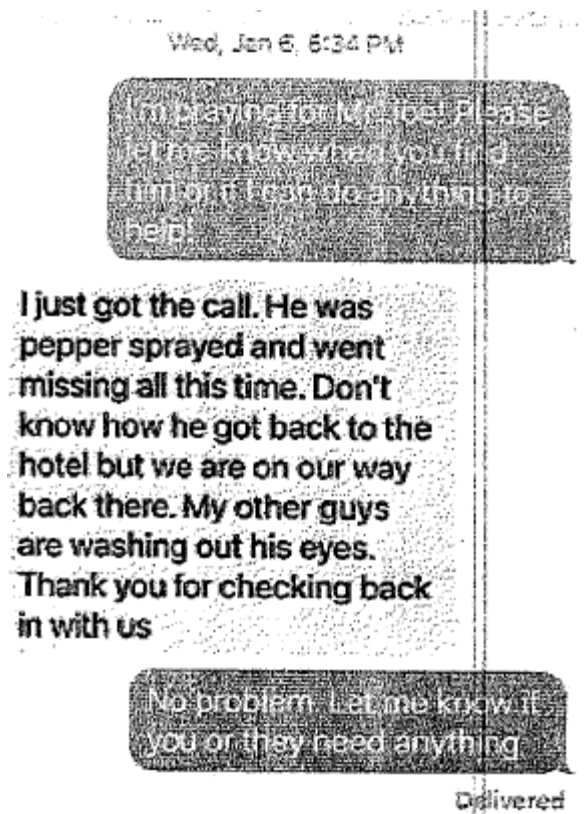


**PAVLIK** has been identified as an associate and likely member of B SQUAD, based on the following:

- Investigators have reviewed hotel records from a hotel in Washington, D.C., covering the period of January 6, 2021. The reservation was for a block of rooms made and paid for by B Leader, which is described in greater detail above. The block hotel reservation also included numerous members of B SQUAD, including **PAVLIK**.
- According to records obtained from Enterprise Rent-a-Car, **PAVLIK**, using an e-mail address believed to be associated with his wife, rented an eight passenger SUV from Oak Lawn, Illinois on January 4, 2021. *Pavlik Phone* was used for the reservation. **PAVLIK** also provided his Illinois driver's license for the reservation. The vehicle was returned to on January 8, 2021, and the vehicle accumulated 1,612 miles. The distance from the rental car location in Oak Lawn, Illinois to the U.S. Capitol is approximately 702 miles.
- Investigators analyzed phone records of two telephones used by B Leader (the *B Leader Phones*). The analysis showed that *Pavlik Phone* communicated with the *B Leader Phones* a total of 50 times between 11/7/2020 and 1/21/2022. On January 6, 2021, telephone number *Pavlik Phone* had 7 incoming telephonic contacts with *B Leader Phone*. According to records obtained from Verizon, as recently as on or about August 9, 2022, *Pavlik Phone* was subscribed to **JOSEPH PAVLIK** from February 26, 2004, through the time of the issued legal process.

**PAVLIK** is believed to be part of Subgroup B based on the following:

- A witness familiar with B SQUAD (Witness 2), who personally interacted with B SQUAD members in Washington D.C. on January 5, 6, and 7, told investigators that on January 6, 2021, an individual known to Witness 2 as "Joe" was pepper-sprayed and went missing for an unspecified period of time during the riot. Witness 2 received this information via text message from an identified B SQUAD member. A screen shot of the message is provided below:



- Your affiant acknowledges that the image quality of the first message is faint. However, your affiant notes that the first message from the sender/witness states, “I’m praying for Mr joe! Please let me know when you find him or if I can do anything to help!”] Witness 2 personally interacted with the B SQUAD member s/he knew as “Joe” and provided a physical description consistent with that of **PAVLIK**. Witness 2 recalled that “Joe” was a retired firefighter. Witness 2 described “Joe” as a white male of approximately 60 years of age with dark slicked back hair. According to law enforcement databases, **PAVLIK**’s vehicle has a lien through the Chicago Fire Fighters Credit Union. According to Illinois DMV records, **PAVLIK** is 5’9”, 185 pounds, and was 63 years of age on January 6, 2021. While his hair color is not listed for his driver’s license, the driver’s license photo depicts grayish hair.
- A publicly available video captured **PAVLIK**, who appears to be looking at his cell phone with numerous other B Squad members including all five members of Subgroup B: COLE, BENSCH, ROCKHOLT, PRELLER, and CROWLEY. Based upon training and experience, your affiant is aware that this video shows these individuals on restricted Capitol grounds.



Investigators interviewed a Metropolitan Police Department (MPD) officer (“Officer A.Z.”), on June 9, 2022. Officer A.Z. was present in the Tunnel on the afternoon of January 6, 2021, when law enforcement officers were trying to prevent rioters from gaining access to the Capitol building. Before being shown video of the interaction, Officer A.Z. recalled an interaction with a rioter wearing a black gas mask who gave a pair of goggles to Officer A.Z. because he was not wearing any protective eye gear. Officer A.Z. further stated that the rioter said he was a retired detective from Chicago. The rioter added that he did not want to hurt Officer A.Z. and was only there for the protest. Officer A.Z. issued commands for the rioter to leave the area which were not followed. The rioter said he was unable to leave because of the crowd behind him. Officer A.Z. believed the crowd would not have stopped the rioter from leaving if he tried. Officer A.Z. said he could only see the rioter’s eyes through the gas mask. Based on the rioter’s skin, eyes, and bags under his eyes, Officer A.Z. estimated the rioter to be a Caucasian male in his mid-50s.

Officer A.Z. was shown a video of the interaction that occurred at approximately 3:45-3:48 p.m. EST. Additionally, the following image was shown to Officer A.Z., who identified the individual as the rioter who gave him the goggles.



Officer A.Z. is originally from Albania. Your affiant believes **PAVLIK**'s statement that this officer was "Serbian" was likely a slight geographical error regarding Officer A.Z.'s country of origin.

According to open-source records, **PAVLIK** was issued a Permanent Employee Registration from the State of Illinois, which allowed **PAVLIK** to work for a private detective agency or private security agency in the State of Illinois. This individual is believed to be **JOSEPH PAVLIK**.

Investigators interviewed a second MPD officer ("Officer N.M.") on or about June 8, 2022. Officer N.M. was present in the Tunnel on the afternoon of January 6, 2021. At approximately 4:06-4:08 p.m. EST, a rioter wearing a black gas mask and helmet appears in video captures by Officer N.M.'s body worn camera ("BWC"). The rioter appears to struggle with Officer N.M. Before the video was shown to Officer N.M., he recalled a male rioter in a gas mask who was between 40-60 years old and was shorter than Officer N.M. The rioter was shorter than Officer N.M. The rioter was actively pushing officers and trying to force himself further into the right side of the Tunnel. Officer N.M. recalled pushing this individual in his gas mask to keep him from entering any further into the Tunnel. Officer N.M. was shown pictures of **PAVLIK**, wearing a black helmet, black gas mask, and black puffy coat, and Officer N.M. confirmed this was the individual he remembered and described to the agents. Officer N.M. stated **PAVLIK** did not show any sign of turning around, attempting to leave, or stopping his attempts to get through the line of police officers. Officer N.M. stated **PAVLIK** was interfering with law enforcement trying to do their jobs and if **PAVLIK** had wanted to leave it would have been possible for him to do so. Officer N.M. was attempting to push **PAVLIK** out of the Tunnel. Another officer's body-worn camera (Officer M.A.), who was standing on a small ledge just above **PAVLIK** and Officer N.M. appeared to capture this interaction.

### Probable Cause for Criminal Offenses

#### *18 U.S.C. § 231*

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

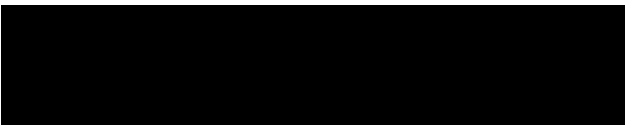
For purposes of 18 U.S.C. § 231, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

#### *18 U.S.C. § 1752*

Based on the foregoing, your affiant submits that there is probable cause to believe that **JOSEPH PAVLIK** violated 18 U.S.C. § 1752(a)(1) and (2), which make it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; 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 attempt or conspire 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.

Respectfully submitted,



FEDERAL BUREAU OF INVESTIGATION

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

P. 4.1 by telephone, this 20th day of January, 2023.



Zia M. Faruqi  
2023.01.20  
16:12:42 -05'00'

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ZIA M. FARUQUI  
UNITED STATES MAGISTRATE JUDGE