

Case: 1:24-mj-00047
Assigned To : Harvey, G. Michael
Assign. Date : 2/6/2024
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, [REDACTED], is an FBI Special Agent assigned to the FBI Albany Field Office. In my duties as a special agent, I am assigned to the Joint Terrorism Task Force. 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, detection, investigation, or prosecution of a violation of Federal criminal laws.

The facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies, or based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause, it does not contain every fact known by me or the FBI. The dates, times, and time stamps listed in this Affidavit should be read as “on or about”.

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 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 Michael 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.

Earlier this day, at approximately 1:00 p.m., a crowd of violent rioters assembled on the West Front of the United States Capitol. USCP formed a line of bike racks extending from the north end of the West Front to the south end to act as a barrier against the crowd. Officers were standing watch behind this line and fending off repeated attempts by the rioters to pull on the bike racks, either with their hands or with ropes and straps.

At approximately 2:00 p.m., some people in the crowd forced their way through, up, and over the barricades and law enforcement. 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 USCP officers or other authorized security officials. At such time, the certification proceedings were still underway, and the exterior doors and windows of the United States Capitol were locked or otherwise secured. Members of law enforcement attempted to maintain order and keep the crowd from entering the United States Capitol.

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 AARON SAUER

During the course of the investigation into the events of January 6, 2021, your affiant has identified Aaron SAUER as one of the individuals who was present at the U.S. Capitol Building on January 6, 2021, and engaged in unlawful acts. Specifically, I have obtained information through witness and cooperating subject interviews; the review of U.S. Capitol surveillance footage and open-source recordings of the incident; and the examination of digital devices and other physical evidence obtained through search warrants, which establish probable cause that SAUER committed the violations of federal law described herein. The details regarding the identification of SAUER and his activities have been outline below:

On or about January 10, 2021, the FBI spoke to an individual, hereinafter referred to as “WITNESS 1”, who traveled from Syracuse, New York to Washington, D.C. to attend the protests that occurred on January 6, 2021. WITNESS 1 recalled that an individual who he or she knew as “R” had also traveled from Syracuse, NY to Washington, D.C. along with other individuals that he or she identified as “Spaz” (known to the FBI as Dominic PEZZOLA) and WITNESS 2. WITNESS 1 had taken a photograph of “R’s” vehicle at an intersection in Washington, D.C. That photograph depicted a light gray Volkswagen (VW) four-door sedan bearing NYLP XXXXX-95 (the “gray VW sedan”). According to NY Department of Motor Vehicle (DMV) records, license plate XXXXX-95 is associated to a gray 2015 VW Passat sedan, registered to Aaron Donald SAUER of Syracuse, NY.

On or about January 18, 2021, the FBI executed a court-authorized search warrant at the known residence of SAUER. During the execution of the search warrant, FBI Agents and Task Force Officers encountered SAUER present at the residence along with the gray VW sedan with NYLP XXXXX-95. Among the items discovered during the search were several electronic devices belonging to SAUER; a backpack with tactical gear, to include canisters of Sabre Red

pepper spray and Frontiersman bear spray; a box of Central New York Proud Boys business cards with the name “Proud Roni” printed on them; and a black and yellow Fred Perry polo shirt.



Image 1: Search photograph from SAUER's residence. Items circled in red were found in backpack: 1.) CNY Proud Boys business cards – “Proud Roni” 2.) Sabre Red Pepper Spray canister, and 3.) Frontiersman bear spray canister.

On the same day as the search of SAUER’s residence, the FBI also executed a search warrant at WITNESS 2’s residence resulting in the seizure of several electronic devices. The FBI conducted a review of WITNESS 2’s devices which revealed the following photograph taken by WITNESS 2 on January 6, 2021.



Image 2: Photograph located in WITNESS 2's cellular phone, dated January 6, 2021.

In September 2021, the FBI conducted a proffer interview of WITNESS 2.¹ During the interview, WITNESS 2 identified SAUER as one of the Central New York Proud Boys that traveled with him down to Washington, D.C. for the rally on January 6, 2021. WITNESS 2 admitted that he knew SAUER by the moniker “Roni” which is consistent with the name “Proud Roni” printed on the Proud Boys business cards found by the FBI at SAUER’s residence. WITNESS 2 was also shown the above photograph (Image 2) to which WITNESS 2 admitted to taking the photograph and identified the individual circled in red as SAUER. Your affiant recognizes the location depicted in Image 2 to be near the Peace Monument on First Street in Washington, D.C. where the first breach of Capitol grounds occurred. Based upon review of the photograph and information provided by WITNESS 2, the group pictured is walking towards the area shortly before the first breach of the Capitol grounds.

The FBI obtained records related to SAUER’s eBay account which revealed he made a purchase on December 21, 2020, for an item listed as: “CAMELBAK THERMOBAK 100 OZ/3L MIL SPEC ANTIDOTE LONG - BLACK New W/O Tags.” According to open-source internet searches, your affiant believes that the above item matches the same hydration pack worn by SAUER on January 6, 2021, as depicted by the comparison in Image 3 below:

¹ On April 21, 2021, WITNESS 2 was arrested for crimes he committed on January 6, 2021. On December 22, 2021, WITNESS 2 pleaded guilty to multiple felonies related to his action on January 6, 2021, in *United States v. Pezzola, et al.*, No. 21-cr-52 (TJK). WITNESS 2 has agreed to cooperate and is pending sentencing.

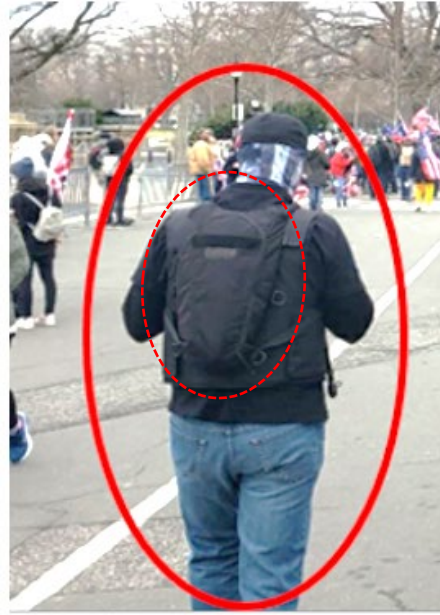


Image 3: Comparison of stock image for Camelbak Thermobak Mil Spec hydration pack with photograph of SAUER on January 6, 2021.

The FBI also obtained customer records related to SAUER's Amazon account registered under his email address roni[XXX]@yahoo.com.² According to a review of those records, on November 28, 2020, two days after searching for "Kevlar gloves" SAUER purchased one pair of "ANTARCTICA Cut Resistant Gloves for Military Outdoor Motorcycle Paintball." On December 20, 2020, SAUER purchased one "Flexfit Men's Woolly Combed Twill Fitted Baseball Cap." One day later, on December 21, 2020, the same day that SAUER searched for "American flag gaiter", he purchased one "Nuoxinus Balaclava American Flag Outdoor Face Mask, Neck Gaiter..." Then on January 1, 2021, SAUER purchased one "Tactical American Flag Patch Grass WITNESS 2 and Black with Hook and Loop." All of the items described above were shipped to SAUER at his residence.

Following the events that took place on January 6, 2021, multiple open-source websites began compiling photographs and videos of participants in an effort to assist in identifying the subjects. Your affiant has compared open-source photographs and videos of SAUER and compared his attire to photographs of the items SAUER purchased from Amazon, which were described in the previous paragraph. The photograph (on the right) that follows this paragraph was obtained in open-source and reflects an example of your affiant's comparison to stock images of the purchased items (on the left).

² Three numerical digits have been redacted. The FBI has connected this email address to SAUER through this device, text messages sent by SAUER, and through customer records from Amazon linking this email with SAUER's account.



Image 4: Comparison of stock images of items purchased (left) by SAUER and items worn by SAUER on Capitol Grounds on January 6, 2021 (right).

In addition to its review of SAUER's purchases on eBay and Amazon, the FBI reviewed the electronic devices seized from SAUER, specifically a Samsung tablet associated with email address "roni[XXX]@yahoo.com." The review of SAUER's tablet revealed the following internet searches and web history (listed by date):

- 11/15/2020 – "Bear Spray", "pepper spray"
- 11/26/2020 – "Kevlar gloves"
- 11/27/2020 – "OC spray", "riot control spray"
- 11/28/2020 – "Washington dc pepper spray laws"
- 11/28/2020 – "bear spray", "Mace, Pepper Spray, Self-Defense Sprays and Stun Guns"
- 12/14/2020 – "Proud Boys"

12/14/2020 – “bullet safe code”³

12/15/2020 – “proud boy patch”

12/16/2020 – “camelbak combat”

12/21/2020 – “American flag gaiter”

12/22/2020 – “oathkeeper january 6”

12/31/2020 – “congress 1/6”, “where does congress meet”, “us capitol dc metro”, “proud boy tenets”

1/1/2021 – Amazon search for “Tactical American Flag Patch Grass WITNESS 2 and Black with Hook and Loop”

1/2/2021 – “jw marriott dc”

1/3/2021 – “Where are the Proud Boys going to be on the 6th? - Politically Incorrect - 4chan” (web history)

1/4/2021 – “Know Your Unconventional Warfare Campaign Principles” (web history)

1/5/2021 – [A street address and zip code known by the FBI to be the residence of WITNESS 2]

Based on SAUER’s search and web history in his tablet, the FBI was aware that SAUER had searched for “BulletSafe” Bullet Proof Vests. During the review of open-source images of the riot at the Capitol, your affiant located the following photograph which shows SAUER in the area

³ The search also revealed multiple visits to the BulletSafe website before and after January 6, 2021.

of the Lower West Terrace area of the U.S. Capitol Building. In that photograph, as seen in the zoomed in portion below, the letters imprinted on SAUER's left chest read: "BulletSafe."

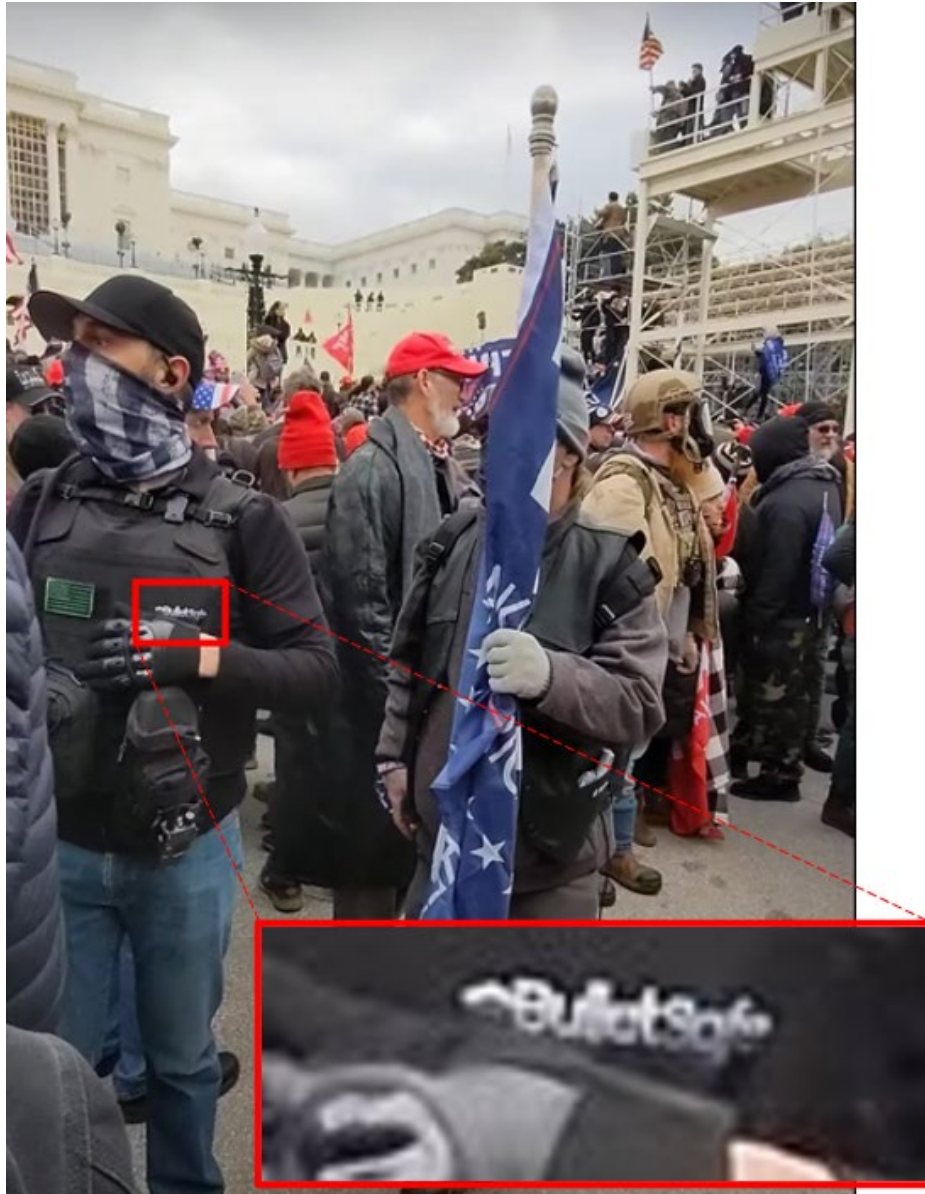


Image 5: SAUER (left) on Capitol Grounds on January 6, 2021, with a "BulletSafe" vest.

The FBI also obtained customer purchase records from BulletSafe Bullet Proof Vests based out of Mansfield, Texas which revealed that on December 14, 2020, SAUER purchased one (1) "The BulletSafe Tactical Bulletproof Vest Kit." Your affiant obtained a photograph from the

company's website of the item purchased by SAUER, which is consistent with the black vest worn by SAUER on January 6, 2021, as depicted in the above photograph.

SAUER'S CONDUCT ON JANUARY 6

As part of its investigation, the FBI also reviewed text messages that were sent from a telephone seized from SAUER's residence which was used by SAUER.⁴ A search of the telephone revealed multiple deleted messages concerning January 6 that were sent before and after the riot, including:

- January 4, 2021, SAUER wrote, "If they don't fix this then we'll never have another fair election. We'll not back down. Do or die."
- January 6, 2021, at 3:47 p.m., SAUER wrote, "We took the capitol."
- January 6, 2021, at 4:12 p.m., SAUER wrote, "Only getting started."
- January 6, 2021, at 5:37 p.m., SAUER wrote, "Politicians value their careers more than their people. Our nation is compromised in every way. It's time they re"⁵
- January 6, 2021, at 5:58 p.m., SAUER wrote, "What do you think about it all? A lot of the lead up to this was swept under the rug by the media. There are majo."
- January 6, 2021, at 6:06 p.m., SAUER wrote, "I think it's been happening for a long time but the consequences are higher now. They've never been weaker and us."
- January 6, 2021, at 6:10 p.m., SAUER wrote, "We the people."
- January 6, 2021, at 7:05 p.m., SAUER wrote, "I heard two girls got shot. I didn't hear the shots cause they were shooting tear gas and flashbangs as us."
- January 6, 2021, at 7:08 p.m., SAUER wrote, "This is beyond civil. Cops are gonna have to make a call soon. Us or them."
- January 6, 2021, at 7:48 p.m., SAUER wrote, "I'm good. Lots of action. Front lines bro."
- January 7, 2021, at 9:35 a.m., SAUER wrote, "Just saw this. Yeah. We were the front line for storming the cap. Fought through five police blockades. Took some."

The FBI reviewed open-source images and video footage that have been compiled online of the riot at the Capitol on January 6. One such video captured members of the Proud Boys marching towards the U.S. Capitol Building on January 6, 2021. In the video, your affiant identified SAUER (circled in red) marching alongside WITNESS 2 (wearing blue sweatshirt and tan pants), as depicted by the following screenshot from that video:

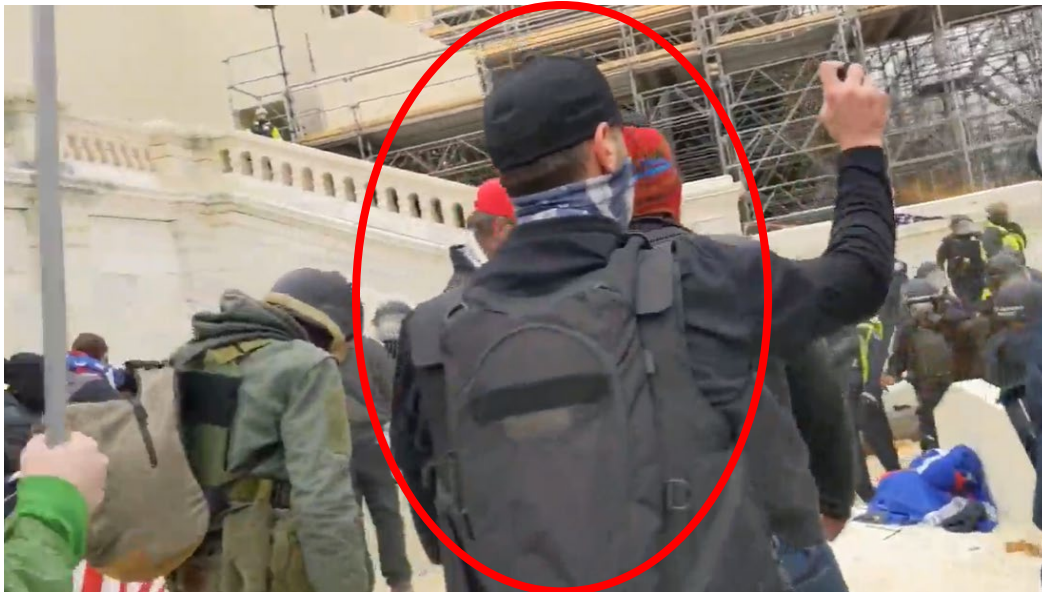
⁴ In addition to the cellphone being seized in SAUER's residence, images on the phone show pictures of a contract between a third party and "Aaron Sauer" and a picture of a handwritten note to "Aaron." Text messages to and from the user of the phone reveal SAUER is the user of the cellphone. Between February 2019 and January 2021, there are ten text messages from various numbers to the user of the phone addressing the user as "Aaron." On January 7, 2021, the user of the phone also sent a text message, "Roni[XXX] at yahoo.com," which is the same email address as SAUER.

⁵ Some of SAUER's text messages are cut off. I believe this is due to the character limitation of this model cellphone.



Image 6: SAUER (circled in red) marching with WITNESS 2 and other Proud Boys in front of the Capitol on January 6, 2021.

In October 2021, the FBI conducted another proffer interview of WITNESS 2. During the interview, WITNESS 2 identified two separate photographs depicting SAUER pepper-spraying U.S. Capitol Police Officers. In each of the photographs, included below as Images 7 and 8, the person WITNESS 2 identified as SAUER has been circled in red for purposes of this affidavit.



Images 7 and 8: Images WITNESS 2 identified as depicting SAUER (red circles added depicting who WITNESS 2 identified)

Based on my training and experience, and conversations with other law enforcement officers, I believe that the black object being held by SAUER in his right hand, as seen in the photographs above, is consistent with the shape and size of the canister of Sabre Red brand Pepper Spray found in SAUER's residence during the execution of a search warrant by the FBI ("2" in Image 1). Furthermore, I have reviewed videos taken by other rioters and media personnel which document the same scenes as depicted by the photographs above. In one or more of those videos, your affiant identified SAUER holding the black canister-like device in his right hand and deploying a red-orange aerosolized mixture which your affiant recognizes, based on training and experience, to be consistent with pepper spray. During SAUER's deployment of the pepper spray, the direction of the spray was observed to be aimed towards a line of U.S. Capitol Police Officers attempting to prevent the rioters, including SAUER, from further advancing towards the entrances to the U.S. Capitol Building. Based on my review of the photographs and videos that depict this

incident, I have determined that, at approximately 2:31 pm, while on the Lower West Terrace, SAUER sprayed a chemical agent, consistent with the Saber Red pepper spray seized from SAUER's residence, toward a line of police officers, as depicted in Image 9 below.



Image 9: SAUER using a chemical agent on the Lower West Terrace at approximately 2:31 pm.

Your affiant has reviewed additional photographs and videos of SAUER, which depict SAUER on the West Plaza on the afternoon of January 6, 2021. As can be seen in Images 11 and 12 below, SAUER can be observed kicking, pushing, and damaging portions of a fixed black metal fence on the Lower West Terrace. As can be seen in Image 11, other rioters were engaged in similar acts of destruction.



Image 10: SAUER (circled in yellow) kicking a portion of the fixed black metal fence on the Lower West Terrace of the Capitol on January 6, 2021.



Image 11: SAUER (circled in yellow) dismantling a portion of the permanent barrier on the Lower West Terrace of the Capitol on January 6, 2021.

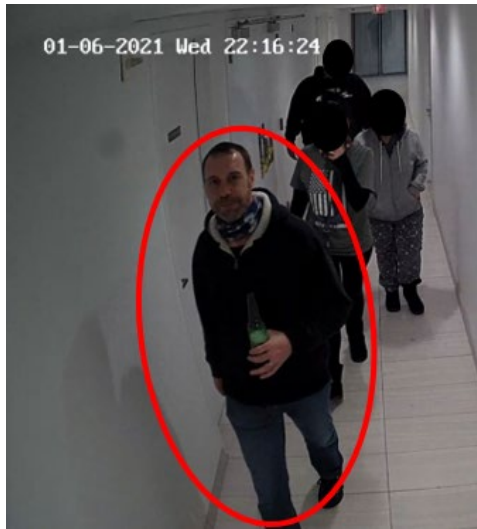
After destroying a portion of the fixed black metal fence, SAUER can be seen in the video moving and stacking bike rack barricades.



Image 12: SAUER (circled in yellow) moving bike rack barriers on the Lower West Terrace of the Capitol on January 6, 2021.

SAUER'S CONDUCT ON THE NIGHT OF JANUARY 6

According to WITNESS 1, the group of individuals from Syracuse, which included SAUER, PEZZOLA, WITNESS 2, and other unnamed participants, stayed at the JW Marriott Hotel located on Pennsylvania Avenue in Washington, D.C. Following a review of the security camera photographs from the JW Marriott, your affiant identified SAUER in two separate photographs, both captured on the evening of January 6, 2021. In the photographs below (Images 13 and 14), SAUER was seen walking with PEZZOLA and William PEPE, a Hudson Valley NY-based Proud Boy, who has also been charged in 1:21-CR-52 for his activities conducted at the U.S. Capitol Building.



Images 13 and 14: Security footage from JW Marriott and adjacent parking garage in Washington, D.C. from January 6, 2021. In the photograph on the left, SAUER is circled in red. In the photograph on the right, individuals identified are 1.) PEPE, 2.) SAUER, and 3.) PEZZOLA.

CHARGES SUPPORTED BY PROBABLE CAUSE

Based on the foregoing, there is probable cause to believe that AARON SAUER, also known as “Roni”, violated at least the following federal laws on January 6, 2021:

- 18 U.S.C. §§ 231(a)(3) and 2 – Civil Disorder;
- 18 U.S.C. § 111(a)(1) – Assaulting, Resisting, or Impeding Certain Officers;
- 18 U.S.C. §§ 1361 and 2 – Destruction of Government Property;
- 18 U.S.C. § 1752(a)(1) and (b)(1)(A) – Knowingly Entering or Remaining in any Restricted Building or Grounds with a Deadly or Dangerous Weapon;
- 18 U.S.C. § 1752(a)(2) and (b)(1)(A)– Disorderly Conduct in any Restricted Building or Grounds with a Deadly or Dangerous Weapon;
- 18 U.S.C. § 1752(a)(4) and (b)(1)(A) – Knowingly Engaging in Act of Physical Violence in any Restricted Building or Grounds;
- 40 U.S.C. § 5104(e)(2)(D) – Disorderly Conduct on Capitol Grounds;
- 40 U.S.C. § 5104(e)(2)(F) – Act of Physical Violence on Capitol Grounds;
- 40 U.S.C. § 5104(e)(2)(G) – Parading, Demonstrating, or Picketing in a Capitol Building



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 6th day of February 2024.

HONORABLE G. MICHAEL HARVEY
UNITED STATES MAGISTRATE JUDGE