

## STATEMENT OF FACTS

Your affiant, [REDACTED], is an Enforcement Officer with the United States Customs & Border Protection (CBP) and a detailee assigned to the FBI's Albany Field Office. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a TFO, 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 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 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.

Two such individuals were Roger Voisine, of Canton, New York, and his brother Reynold Voisine, of Nicholville, New York. Roger Voisine is also known as 417-AFO and #TableLegWhacker, while Reynold Voisine is also known as 469-AFO and #BlueJavelin.

### **FBI BOLO 417-AFO AND 469-AFO**

Shortly after the attack on the U.S. Capitol that occurred on January 6, 2021, the FBI began reviewing evidence of the crime and designating certain individuals who assaulted law enforcement as individuals for whom the public should “be on the lookout” (BOLO). This BOLO designation was accompanied by a number. When the individual was believed to have assaulted a federal officer, it included the suffix “-AFO.” Two such BOLOs are 417-AFO and 469-AFO. These two AFO subjects are individuals now known to be brothers Roger and Reynold Voisine.

Publicly available video recorded many criminal acts committed on January 6, 2021, including the assault seen in the video from which Image 1 (below) was captured, and shows 417-AFO assaulting police officers in the Tunnel of the Capitol’s Lower West Terrace by striking the police repeatedly with a broken-off table leg with nails or other fasteners still embedded in the end of the object. Other publicly available video from which Image 3 (below) showed 469-AFO assaulting officers in the same area with a blue pole thrown like a javelin, among other assaults by the same individual with other items.





*Images 1 & 2: Screenshots from a publicly available video showing 417-AFO (yellow square) preparing to strike police officers with a broken-off table leg (top), and a close-up cropping of that same screenshot showing the nails embedded in the table leg (bottom)*



*Image 3: Screenshot from a publicly available video showing 469-AFO (yellow circle) preparing to throw a blue pole (yellow rectangle) at police officers*

### **#TABLELEGWHACKER AND #BLUEJAVELIN**

Citizen sleuths independently investigating the attack on the U.S. Capitol and the assaults committed against federal officers often assigned persons of interest with an octothorpe followed by a catchy or memorable nickname that served as a unique identifier, also called a hashtag. The sleuths dubbed 417-AFO #TableLegWhacker. As seen above, this is likely a reference to the broken table leg with embedded nails that Roger Voisine used to assault federal officers on January 6, 2021. The sleuths dubbed 469-AFO #BlueJavelin. As seen above, this is likely a reference to the blue pole that Reynold Voisine threw at the police officers defending the Lower West Terrace tunnel on January 6.

**Identification Of Roger Voisine As 417-AFO (#TableLegWhacker)  
And Reynold Voisine As 469-AFO (#BlueJavelin)**

On or about January 8, 2021, an inmate in a Connecticut jail placed a call to an identified associate who was a member of the Voisine family. During that call, the associate provided details indicating that their family members Roger Voisine and Reynold Voisine had participated in the January 6 riot.

Following this tip, both Roger and Reynold Voisine were separately interviewed by the FBI in February 2021. In these interviews, both Voisine brothers confirmed their presence at the Capitol on January 6, 2021, and confirmed specific details that applied the identification of 417-AFO and 469-AFO.

For example, Roger Voisine stated that on January 6, he wore a black sweatshirt and a hat with the phrase “elect that motherfucker again” on it. That description is consistent with<sup>1</sup> images of 417-AFO:



*Image 4: Composite image posted by a Twitter user showing various images of 417-AFO wearing a hat that reads, in part, “Elect that MF’er again”*

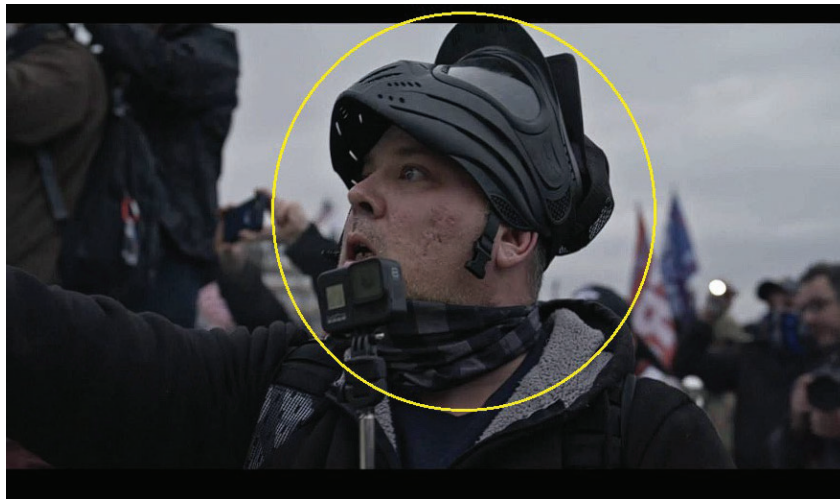
<sup>1</sup> Your affiant notes that the hat appears to say “elect that MF’er again” as opposed to spelling out the expletive.





*Image 5: Screenshot from Capitol Police surveillance footage showing 417-AFO and his hat*

During the interviews, both Roger Voisine and Reynold Voisine represented that they used walkie-talkies to communicate while at the Capitol, which is consistent with publicly available video footage showing the same. Roger Voisine also stated that he had a GoPro in his hand while at the Capitol, which is consistent with publicly available video footage showing the same.



*Image 6: Photograph of Roger Voisine at the Capitol riot holding a GoPro*

In his interview, Reynold Voisine described seeing another rioter attempt to break a window with a “billy club.” Reynold’s description of this incident comports with an incident that occurred next to the Lower West Terrace tunnel nearby the location where Reynold Voisine is seen on video footage.



*Image 7: Photograph of Reynold Voisine on the Lower West Terrace near the Tunnel and near a window that was broken by rioters*

Additionally, Reynold Voisine appeared to wear the same shoes on January 6 that he wore in a December 2020 family photograph posted to his Facebook account.



*Image 8: Photograph posted by Reynold Voisine to his Facebook in December 2020*



*Images 9 & 10: Reynold Voisine's shoe at the Capitol (left) and in a Facebook photo (right)*

According to records obtained via search warrant from AT&T, a mobile device associated with Roger Voisine and a mobile device associated with Reynold Voisine were each present on Capitol grounds on January 6.

Additionally, your affiant was in personal contact with both Roger Voisine and Reynold Voisine in February 2021, and can positively identify Roger Voisine and Reynold Voisine as 417-AFO and 469-AFO, respectively. From this point forward, your affiant will refer to the BOLO identifiers as either Roger or Reynold accordingly.

### **The Voisines' Conduct On January 6, 2021**

The Voisine brothers attended former President Trump's rally on in the morning hours of January 6, 2021.



*Image 11: The Voisine brothers (yellow rectangle) at the former President's rally near the Ellipse in Washington, D.C. on January 6, 2021*

A publicly available video shows Roger Voisine walking through the crowd at the rally with a GoPro on a stick and an associated tripod tucked in his jacket. He also wore a gray, white, and black camouflage-patterned backpack.



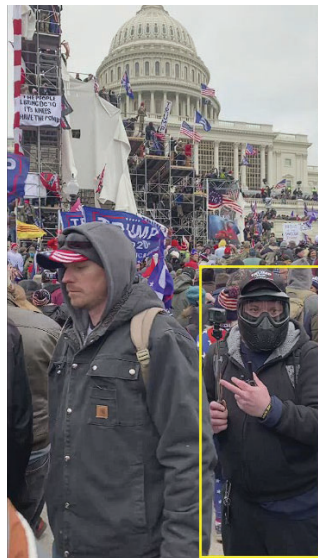


*Image 12: Screenshot of video footage showing Roger Voisine at the rally*

After attending the rally, the brothers walked to the Capitol via Constitution Avenue NW and Pennsylvania Avenue NW.

### **The West Plaza**

Roger Voisine arrived at the Capitol's West Front, specifically the Lower West Plaza, donning a paintball-style mask. Roger Voisine wore a black top, black pants, and hat.

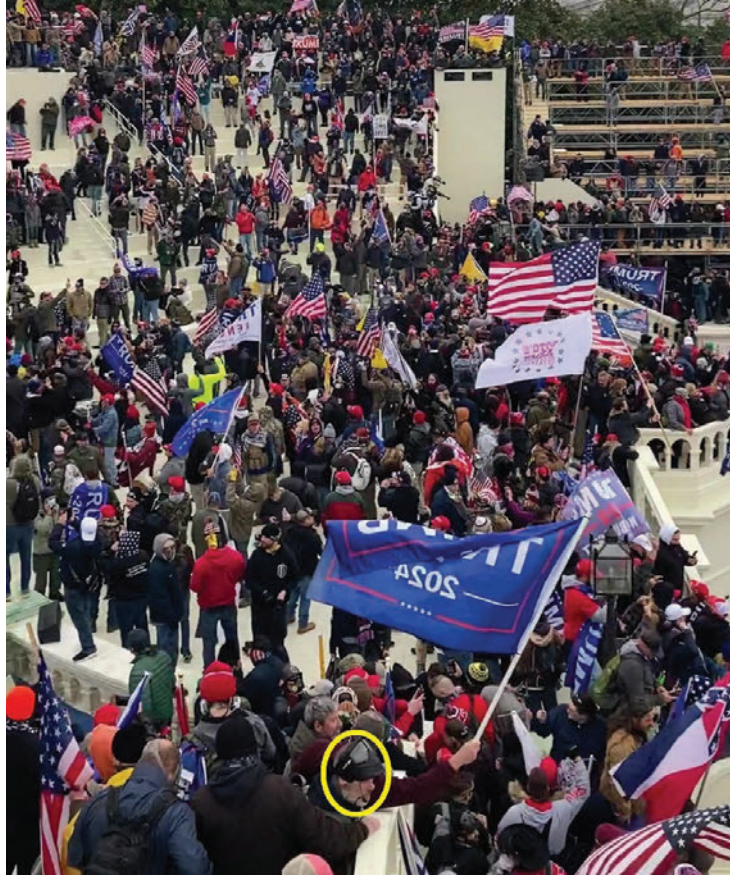


*Image 13: Roger Voisine (yellow rectangle) on the Lower West Plaza*

### **THE LOWER WEST TERRACE**

Reynold Voisine was observed on the Lower West Terrace at or about 2:52 p.m. He wore a paintball mask on top of his head at various points during the riot.





*Image 14: Screenshot of video footage showing Reynold Voisine (yellow circle) on the Lower West Terrace*

At approximately 3:20 p.m., rioters forcefully dragged Metropolitan Police Department (MPD) Officer M.F. from the tunnel and into the crowd. At the time, Reynold Voisine joined the mob and watched as the rioters brutally assaulted the officer.



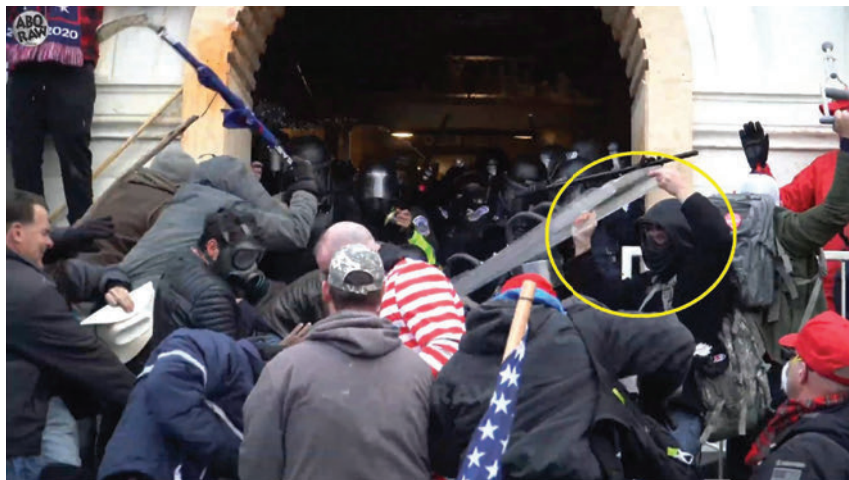
*Image 15: Screenshot of body worn camera footage showing Reynold Voisine (yellow square) near the officer under attack*

By about 4:20 p.m., Reynold Voisine remained near the tunnel as the mob continued to attack officers guarding the Capitol inside the tunnel. Reynold Voisine used his handheld radio to communicate as he remained nearby the tunnel.



*Image 16: Screenshot of video footage showing Reynold Voisine (yellow circle) using a radio*

By about 4:25 p.m., Reynold Voisine worked his way to the mouth of the tunnel with his paintball mask on his face and his hood up. Reynold Voisine passed back a stolen police riot shield to other rioters.



*Image 17: Screenshot of video footage showing Reynold Voisine (yellow circle) passing back a riot shield*

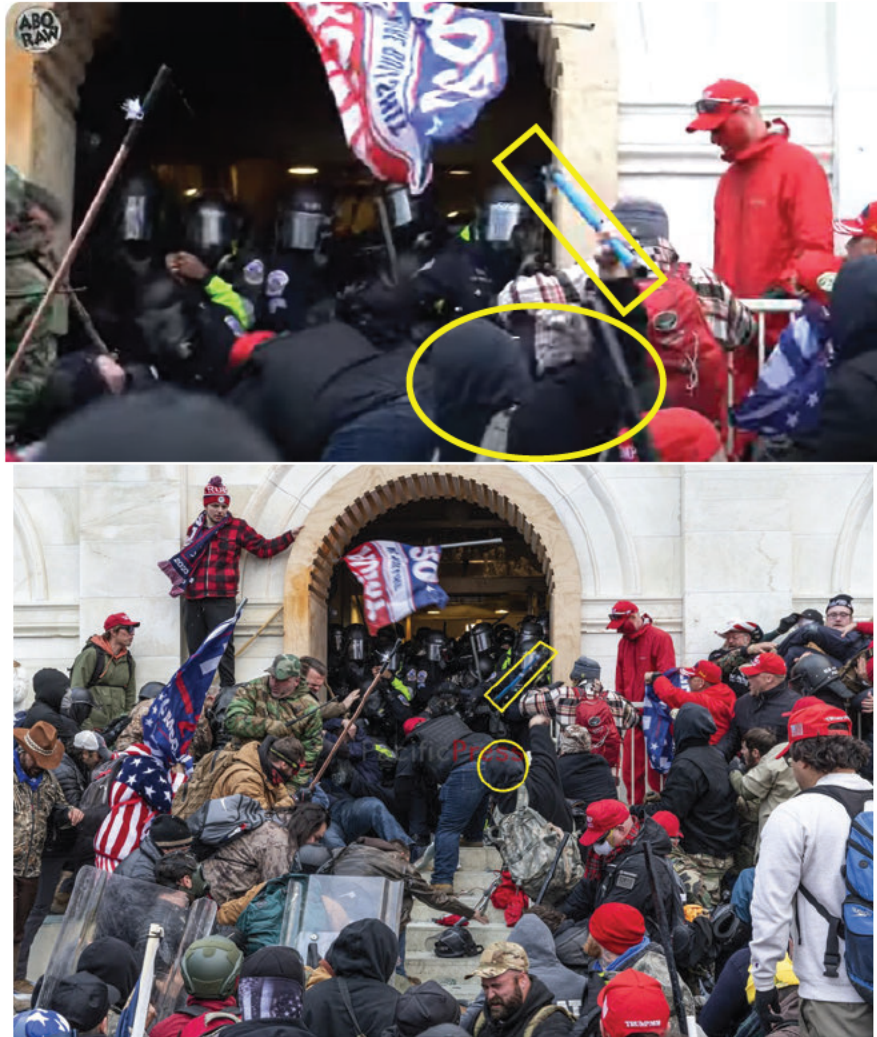


At this time, rioters were consistently and violently attacking the police line using weapons and make-shift weapons, including a hockey stick, a crutch, a stolen police baton, multiple poles, a hammer, and a megaphone. In the midst of the attacks, for his part, Reynold Voisine first hurled a crutch at the police officers.



*Images 18 & 19: Screenshots of video footage showing Reynold Voisine (yellow circle) throwing a crutch at police officers in the tunnel*

Then, as a police officer was being beaten with a flagpole by one rioter and another rioter was stealing the officer's helmet, Reynold Voisine, visible by his ACU-pattern backpack, hurled a blue pole at the police line, striking officers.



*Images 20 & 21: Screenshots of video footage showing Reynold Voisine (yellow circle) throwing blue pole (yellow rectangle) at the police line*

After throwing the blue pole at police officers, Reynold Voisine again threw a crutch at the police line for a second time. This time, the crutch ricocheted off another rioter and struck police officers.





*Images 22 & 23: Screenshots of video footage showing Reynold Voisine (yellow circle) throwing a crutch at police officers for a second time (top), and the crutch flying in the air towards police officers (bottom)*

Reynold Voisine came face-to-face with MPD Officer B.M. as the latter regained his footing after being dragged into the crowd.



*Image 24: Screenshot of video footage showing Reynold Voisine (yellow circle) face-to-face with Officer B.M.*

About two minutes after coming face-to-face with Officer B.M., Reynold Voisine moved toward the tunnel with a stolen police riot shield and used it to ram into the police line.



*Image 25: Screenshot of video footage showing Reynold Voisine (yellow oval) moving toward the tunnel while holding a shield*



*Image 26: Screenshot of video footage showing Reynold Voisine (yellow oval) ramming the police line with a shield*

Reynold Voisine then retreated from the tunnel.



*Image 27: Screenshot of video footage showing Reynold Voisine (yellow circle) retreating from the tunnel*

At approximately 4:49 p.m., while still at the mouth of the tunnel, Roger Voisine held his GoPro on stick in front of him as another rioter threw a wooden table leg towards the tunnel. Roger Voisine then picked up what appeared to be a length of pipe and hurled it at the police line directly in front of him.





*Image 28: Screenshot of body worn camera footage showing Roger Voisine (yellow circle) throwing pipe at police officers*

Moments later, as police officers held shields to protect themselves from the attacks, Roger Voisine and two other rioters surged forward and attacked the police line. As one rioter used a long object to strike officers, Roger Voisine and his associate pushed into the officers' shields.



*Image 29: Screenshot of body worn camera footage showing Roger Voisine (yellow oval) forcefully pushing into the police line*

Roger Voisine then forcefully grabbed MPD Officer J.S. and attempted to drag the officer into the crowd.





*Image 30: Screenshot of body worn camera showing Roger Voisine (yellow oval) attempting to drag a police officer out of the tunnel*

Then, at 4:50 p.m., Roger Voisine threw what appeared to be a black rod at the police line, hitting a shield held by MPD Officer S.S.



*Image 31: Screenshot of body worn camera showing Roger Voisine (yellow square) throwing a rod at police officers*



*Image 32: Screenshot of body worn camera showing Roger Voisine (yellow square) throwing a rod at police officers*

At 4:55 p.m., Roger Voisine remained at the front of the mob facing off with officers in the tunnel. He threw a shoe at MPD Sgt. J.P.



*Image 33: Screenshot of body worn camera showing Roger Voisine (yellow rectangle) throwing a shoe at Sgt. J.P.*

Roger Voisine also threw another unidentified object at the police line.



*Image 34: Screenshot of video footage showing Roger Voisine (yellow circle) throwing an object (smaller yellow circle) at the police line in the tunnel*

Seconds later, Roger Voisine picked up a second shoe and threw it at the police line, just as another rioter sprayed a fire extinguisher at the police line.



*Image 35: Screenshot of body worn camera showing Roger Voisine (yellow rectangle) throwing a second shoe at Sgt. J.P.*

At 4:56 p.m., Roger Voisine again approached the line of police officers guarding the tunnel and threw a third shoe at police officers.



*Image 36: Screenshot of body worn camera showing Roger Voisine (yellow rectangle) throwing a third shoe at police officers*

Roger Voisine then picked up a wooden table leg with protruding nails and violently swung the table leg twice against a shield held by MPD Officer H.S.







*Images 37 & 38: Screenshots from a publicly available video showing 417-AFO (yellow square) preparing to strike police officers with a broken-off table leg (top), and a close-up cropping of that same screenshot showing the nails embedded in the table leg (bottom)*



*Images 39 & 40: Screenshot of CCTV footage (top) and third-party footage (bottom) showing Roger Voisine (yellow square) wielding the table leg at police officers*



*Image 41: Screenshot of body worn camera showing Roger Voisine (yellow rectangle) striking the police line with a table leg*

Then, Roger Voisine threw the table leg at MPD Officer I.F.



*Image 42: Screenshot of body worn camera showing the thrown table leg*

After throwing the table leg at Officer I.F., Roger Voisine remained in the front rank of rioters confronting police officers in the tunnel. He continued to hold up his GoPro camera in a manner consistent with filming.

Several minutes later, Roger Voisine shined a spotlight into the eyes of police officers from a few feet away.



*Images 43 & 44: Photographs of Roger Voisine (yellow rectangle) shining a spotlight into the faces of the police line*

After their numerous assaults against the police line, both Roger and Reynold Voisine made their way to the Lower West Plaza and eventually left Capitol grounds.

The evidence thus illustrates that, with respect to assaultive conduct, Roger Voisine: hurled a pipe at police officers, forcibly pushed into police officers' shields, grabbed and attempted to drag a police officer into the crowd, threw a black rod at and struck a police officer, threw three shoes at police officers, threw an unidentified object at police officers, swung a table leg with protruding nails at police officers, threw that same table leg at police officers, and shined a



flashlight into the eyes of police officers. Reynold Voisine twice threw a crutch at police officers, forcibly threw a blue pole at and struck police officers, and used a shield to ram into police officers.

### **DELETION OF EVIDENCE**

In his February 2021 interview, Reynold Voisine stated that he deleted photos that he took on January 6 because they showed how close he was to the Capitol and he was scared he could be charged with trespassing. Reynold Voisine also stated that his brother Roger Voisine had a GoPro camera on January 6 but deleted the video footage from that day. Roger Voisine confirmed that he intentionally discarded the memory card from the GoPro footage from the Capitol.

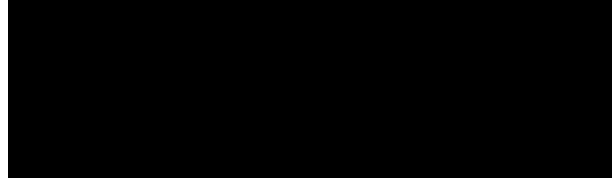
### **PROBABLE CAUSE**

Based on the foregoing, your affiant submits that there is probable cause to believe that both Roger and Reynold Voisine violated 18 U.S.C. § 111(a)(1) and (b), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in section 1114 of Title 18 while engaged in or on account of the performance of official duties, while using a deadly or dangerous weapon or inflicting bodily injury. Persons designated within section 1114 of Title 18 include federal officers such as USCP officers, and include any person assisting an officer or employee of the United States in the performance of their official duties.

Your affiant submits there is probable cause to believe that both Roger and Reynold Voisine 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 Secret Service's protection of the Vice President and his family and the Capitol Police's protection of the U.S. Capitol.

Your affiant submits that there is probable cause to believe that both Roger and Reynold Voisine violated 18 U.S.C. § 1752(a)(1), (2), (4) and (b)(1)(A), 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; (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; or attempts or conspires to do so. The punishment for violating these provisions by using or carrying a dangerous weapon is imprisonment for up to 10 years. 18 U.S.C. § 1752(b)(1)(A). 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.

Your affiant submits there is also probable cause to believe that both Roger and Reynold Voisine violated 40 U.S.C. § 5104(e)(2)(D), (E), and (F), 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; (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 16th day of October 2024.

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HONORABLE MOXILA A. UPADHYAYA  
U.S. MAGISTRATE JUDGE