Case: 1:24-mj-00337
Assigned to: Judge Upadhyaya, Moxila A.
Assign Date: 10/24/2024
Description: COMPLAINT W/ ARREST WARRANT

STATEMENT OF FACTS

Your affiant, [redacted], is a special agent with the Federal Bureau of Investigation ("FBI") assigned to Pittsburgh Field Office, Laurel Highlands Resident Agency. In my duties as a special agent, I investigate domestic terrorism and other violent offenses. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As an FBI 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 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.

Identification of JOSEPH MICHAEL ADAMS

As part of the FBI investigation into the attack on the United States Capitol, the FBI located video and still images of multiple individuals that were associated with attacks on federal officers. The individuals in these images were designated as Assault on Federal Officer ("AFO") cases. Each individual AFO subject was identified by a specific number and at least one image.

Your affiant and other investigators were assigned the investigation of a subject identified by the FBI as AFO-524. As discussed in more detail below, the individual identified as AFO-524 assaulted Washington, D.C. Metropolitan Police Department ("MPD") officers in the Rotunda of the U.S. Capitol on January 6, 2021. The FBI posted numerous photographs of AFO-524 on its website to seek information about the individual's identity. Two of the photographs posted on the FBI's website are included below. (*See* Figures 1–2). As discussed below, AFO-524 has subsequently been identified as JOSEPH MICHAEL ADAMS.

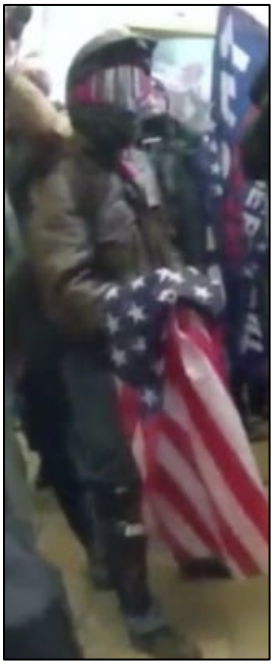


Figure 1



Figure 2

As shown in the images above, AFO-524 was wearing a motorcycle-style helmet, ski-style goggles, a brown leather jacket, blue jeans, a red handkerchief around his neck, and carrying an American flag on a flagpole.

According to Google records from January 6, 2021, a mobile device associated with email address XXXXXXXXX@gmail.com was present at the U.S. Capitol on January 6, 2021.[1]

According to records obtained from Google, the account listed above was associated with "Joseph M Adams."[2] The Google records also listed the SMS recovery phone number for the account as XXX-XXX-6337. Records obtained from T-Mobile listed ADAMS as the account holder for the phone number XXX-XXX-6337.

Open-source photos and videos show an individual wearing clothing and carrying a flag that matches the pictures of AFO-524 shown in Figures 1 and 2 above. Figure 3 below is an open-source photo of an individual identified as ADAMS walking toward the Capitol on January 6, 2021. In Figure 3 below, ADAMS is wearing a brown leather jacket, blue jeans, a red handkerchief around his neck, and carrying an American flag on a flagpole, all of which matches AFO-524. In Figure 3, ADAMS is carrying a bag that appears to have the outline of a motorcycle helmet like the one that AFO-524 was wearing in Figures 1 and 2. In Figure 4 below, which is from open-source video, ADAMS is wearing knee pads that appear to be the same as the ones AFO-524 is wearing in Figure 1 above.



Figure 3



Figure 4

[1] The unredacted Google account email address is known to your affiant.

[2] According to the Google records, the account holder name listed is "Seraphim Dawn," which appears to be a pseudonym. The Google records, however, showed that for the Google Pay service, ADAMS's name and address were listed.

On September 3, 2024, an FBI special agent conducted physical surveillance at ADAMS's residence and observed ADAMS. Based on that surveillance, and the information recounted above, there is probable cause to believe that ADAMS is the individual identified as AFO-524.

ADAMS's Conduct on January 6, 2021

On January 6, 2021, ADAMS walked to the west side of the Capitol grounds with a large crowd, as shown in Figure 3 above. In an open-source video, shown in Figure 5 below, ADAMS is seen on the Pennsylvania Ave. walkway with a large group of rioters.



Figure 5: ADAMS on the Pennsylvania Ave. Walkway

As shown in Figure 4 above, ADAMS walked onto the Northwest Lawn. Eventually, ADAMS walked to the east side of the Capitol. As shown in Figure 6 below from open-source video, ADAMS approached the Rotunda Doors on the east side of the Capitol. By this point, ADAMS had put on the motorcycle helmet he had been carrying earlier.

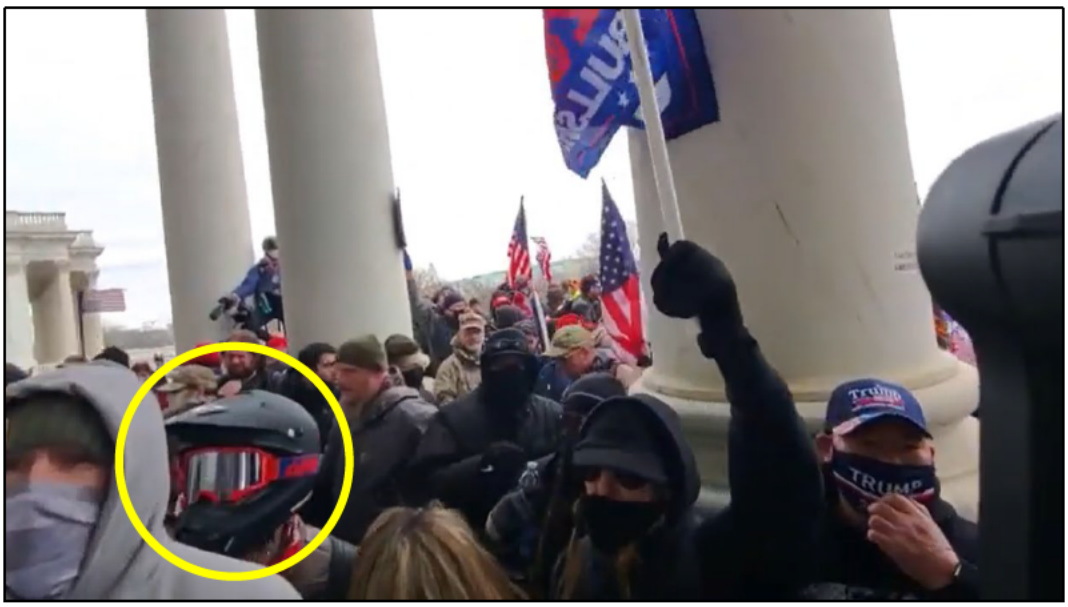


Figure 6: ADAMS near the Rotunda Doors

ADAMS entered the Capitol through the Rotunda Doors at approximately 3:01 p.m., as shown in Figure 7 below from Capitol CCTV. As shown in Figure 8 below from Capitol CCTV, ADAMS then entered the Rotunda. While entering the Capitol, ADAMS was wearing the motorcycle helmet and carrying the flag.

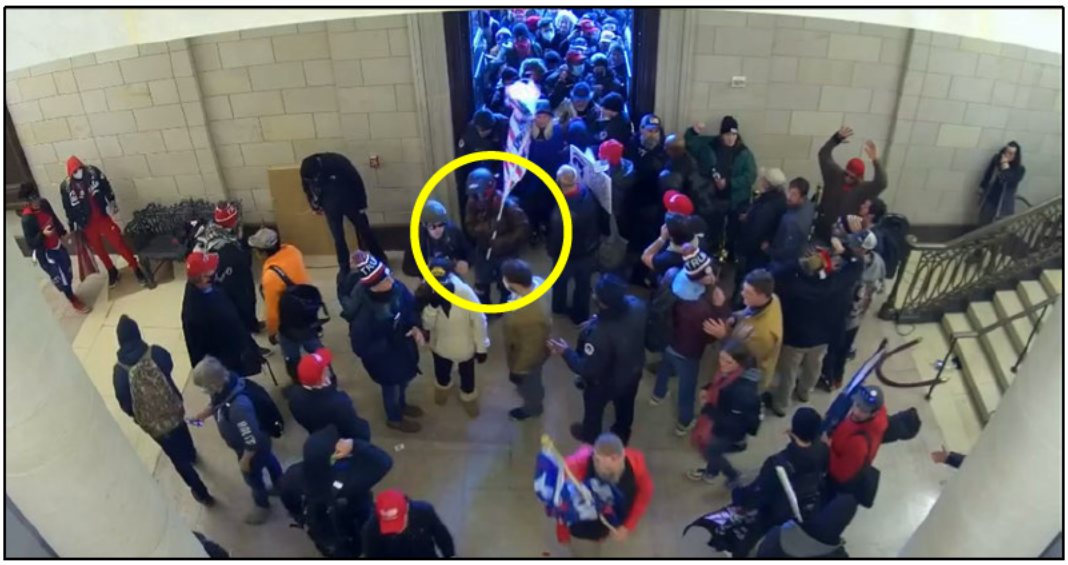


Figure 7: ADAMS entering the Capitol

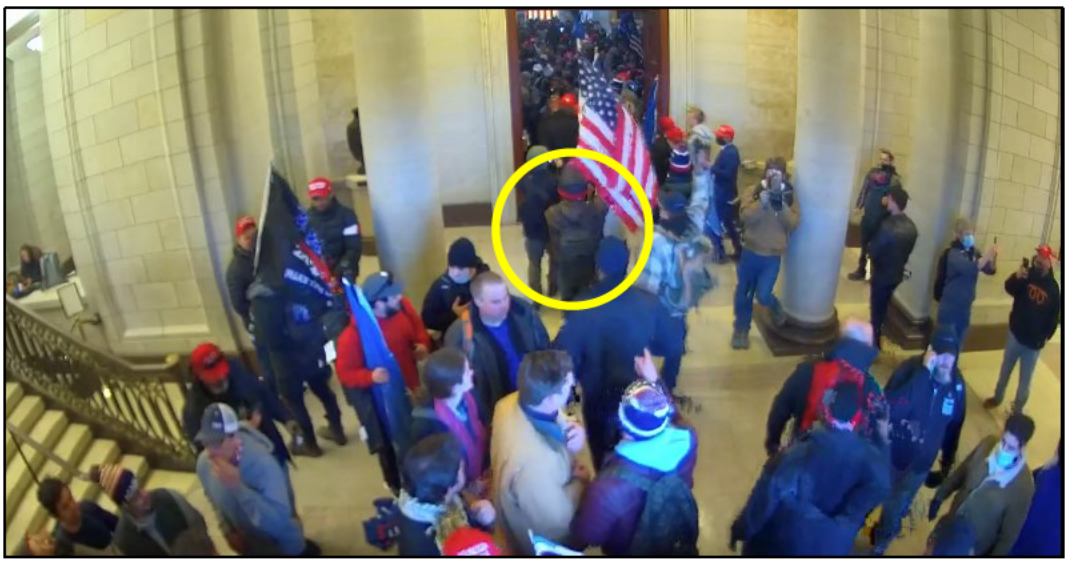


Figure 8: ADAMS entering the Rotunda

At approximately 3:00 p.m., multiple MPD officers entered the Rotunda and verbally commanded rioters to leave the building. At approximately 3:02 p.m., ADAMS entered the Rotunda and walked in the direction of MPD officers on the west side of the Rotunda, as shown in Figure 9 below.

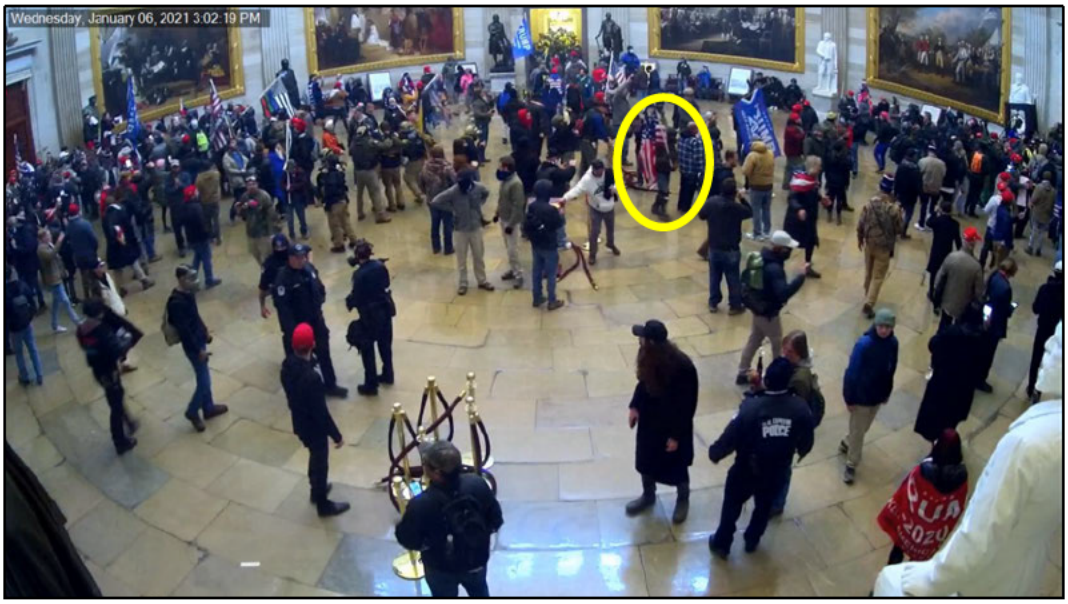


Figure 9: ADAMS walking toward officers in the Rotunda

At approximately 3:04 p.m. body-worn camera ("BWC") footage from MPD Officer J.C. showed ADAMS near the north doorway in the Rotunda, as shown in Figure 10 below. In the BWC footage, Officer J.C. and other MPD officers are heard ordering rioters to exit the Capitol.



Figure 10: ADAMS on BWC from Officer J.C.

Open-source video, shown in Figure 11 below, shows ADAMS in approximately the same location where he is seen in Figure 10 above. In the open-source video, ADAMS appears to be looking in the direction of a group of MPD officers who are blocking the north doorway in the Rotunda, which leads toward the Senate Chamber.

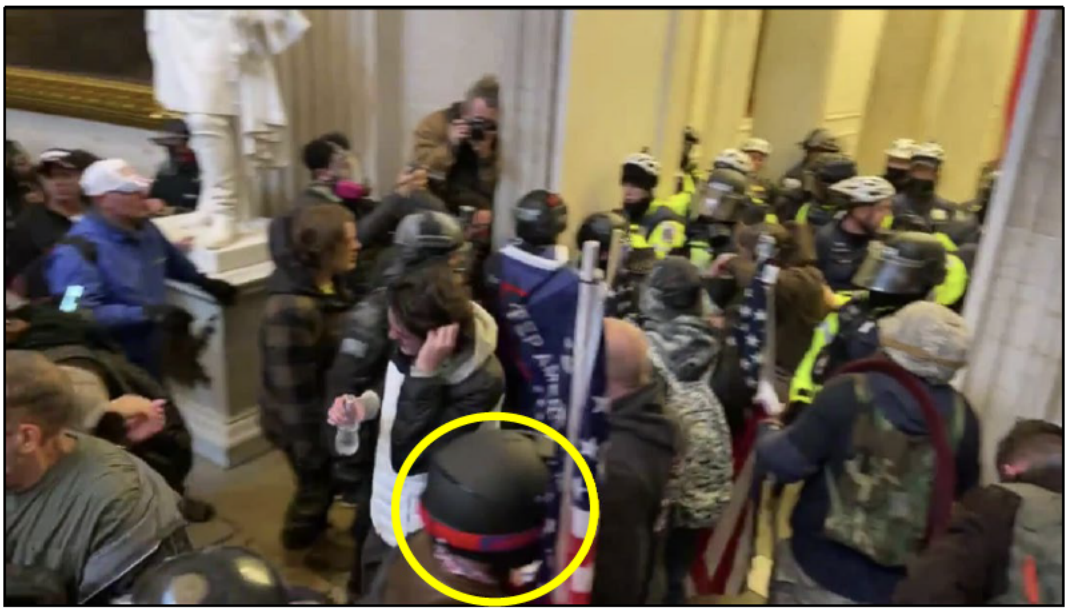


Figure 11: ADAMS looking at the north end of the Rotunda

In BWC footage from MPD Officer R.D., who was close by Officer J.C., ADAMS is seen resisting MPD officers' attempts to push back the rioters in the Rotunda. At approximately 3:04 p.m., after Officer R.D. pushes ADAMS back, ADAMS lowered his head and braced himself to resist being pushed further. ADAMS then stands upright, holding the flagpole in front of him, and

looks at the MPD officers who are directing him and other rioters to leave, as shown in Figure 12 from Officer R.D.'s BWC below.

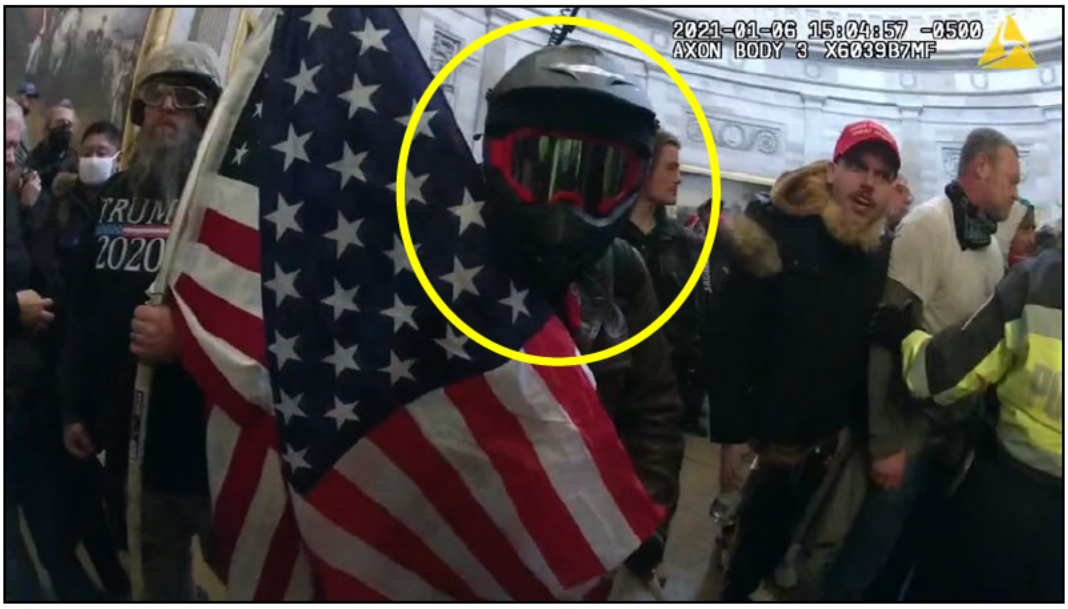


Figure 12: ADAMS looking at Officer R.D.

At approximately 3:05 p.m., Officer R.D. again attempted to push ADAMS back. ADAMS lowered his head and forcibly pushed against Officer R.D., as shown in Figure 13 below from Officer R.D.'s BWC. ADAMS then moved to his right and continued to push against another MPD officer who was next to Officer R.D.



Figure 13: ADAMS forcibly pushing against Officer R.D.

Officer J.C.'s BWC also captured ADAMS forcibly pushing against the officer next to Officer R.D., as shown in Figure 14 below.



Figure 14: ADAMS forcibly pushing against an MPD officer

As shown in Figure 15 below, from Officer R.D.'s BWC, at approximately 3:06 p.m., ADAMS stepped back, creating space between himself and the line of MPD officers. He continued to lower his head and hold the flagpole in front of him while facing the MPD officers. Throughout this time, MPD officers are heard commanding the rioters to get back.

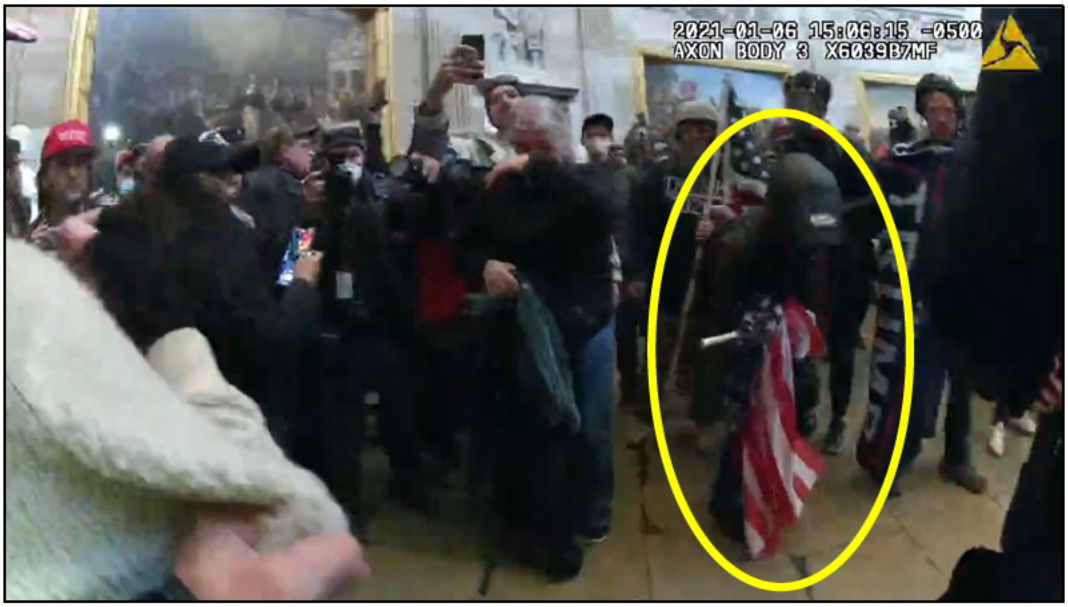


Figure 15: ADAMS on Officer R.D.'s BWC

At approximately 3:07 p.m., ADAMS moved closer to the center of the Rotunda. There, ADAMS held up his fist, as shown in Figure 16 from Officer K.D.'s BWC. ADAMS appeared to yell "We are the People. We are the Voice. We are the country," as he raised his fist repeatedly.



Figure 16: ADAMS holding up his fist in the Rotunda

Seconds later, MPD officers again attempted to push back the rioters. In response, ADAMS lowered his head and moved toward the police line. At approximately 3:07 p.m., Officer K.D.'s BWC captured ADAMS forcibly pushing against Sergeant A.A., as shown in Figure 17 below.

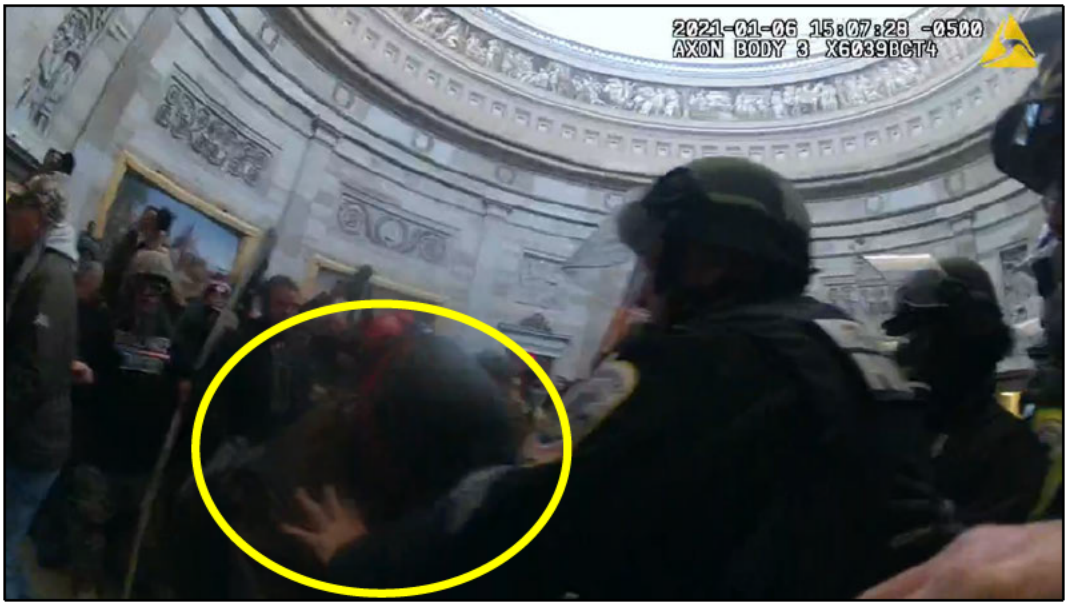


Figure 17: ADAMS forcibly against pushing Sergeant A.A.

Sergeant A.A.'s BWC also captured ADAMS forcibly pushing against him, as shown in Figure 18 below. Another rioter then appeared to grab ADAMS and pull him away from the police line, as shown in Figure 19 below.



Figure 18: ADAMS forcibly pushing against Sergeant A.A.



Figure 19: ADAMS on Sergeant A.A.'s BWC

Open-source video also captured part of the confrontation between ADAMS and Sergeant A.A., as shown in Figure 20 below.

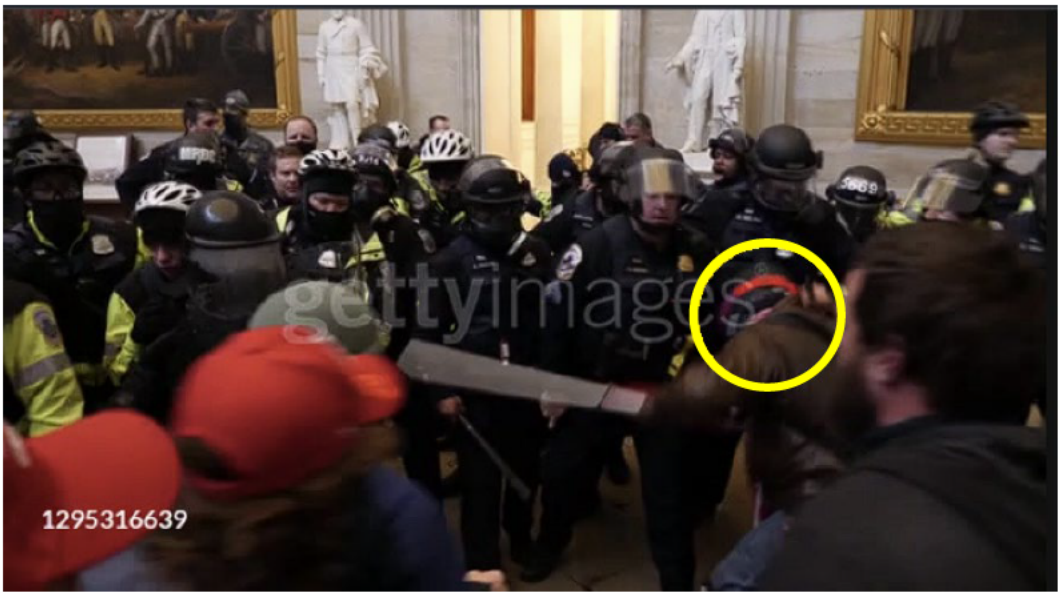


Figure 20: Open-source video of ADAMS and Sergeant A.A.

At approximately 3:09 p.m., ADAMS again refuses MPD officers' orders to leave the Rotunda and instead approached Officer M.K., as shown in Officer M.K.'s BWC in Figure 21 below.



Figure 21: ADAMS approaching Officer M.K.

As shown in Figure 22 below, ADAMS leans his shoulder into Officer M.K., pushing back as Officer M.K. attempts to push ADAMS toward the exit. When Officer M.K. pushes ADAMS back, ADAMS moves back toward Officer M.K., lowering his shoulder and forcibly pushing Officer M.K., as shown in Figure 23.



Figure 22: ADAMS forcibly pushing against Officer M.K.



Figure 23: ADAMS forcibly pushing against Officer M.K.

Officer M.K. again pushes ADAMS back and ADAMS lowers his head and again steps toward Officer M.K. but another rioter appears to grab ADAMS's arm and stops him from reaching Officer M.K.

Capitol CCTV likewise shows ADAMS repeatedly approaching the line of MPD officers and resisting and forcibly pushing officers, including Officer M.K., as shown in Figure 24 below.

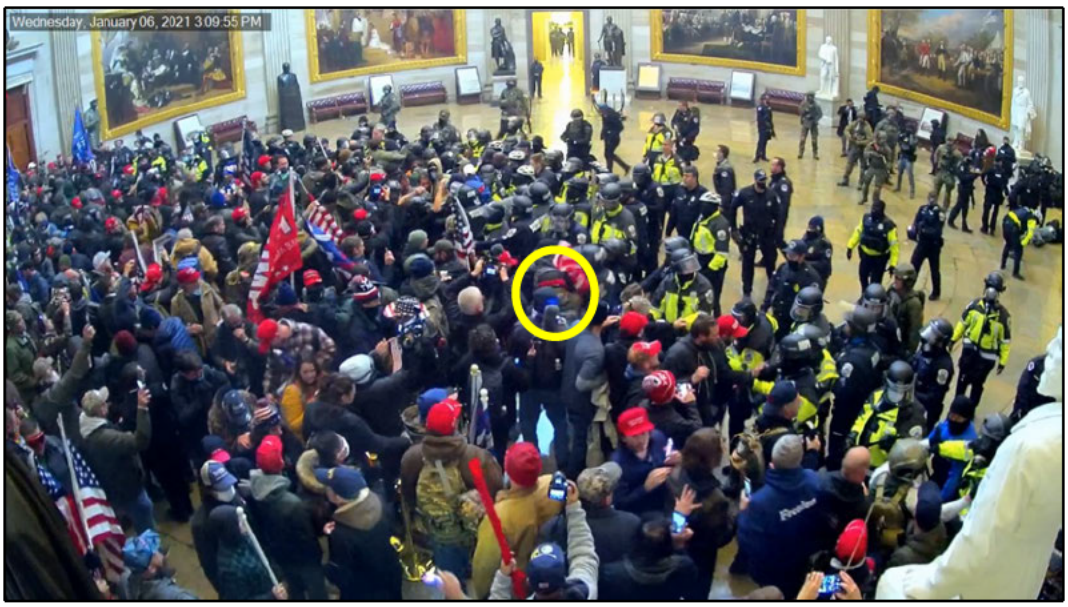


Figure 24: ADAMS in the Rotunda

At approximately 3:10 p.m., ADAMS again stepped toward Officer M.K., pushing against the officer with his flagpole. When Officer M.K. pushed back, ADAMS's flagpole appeared to strike Officer K.D., as shown in Officer K.D.'s BWC in Figures 25 and 26 below.



Figure 25: ADAMS forcibly pushing Officer M.K.

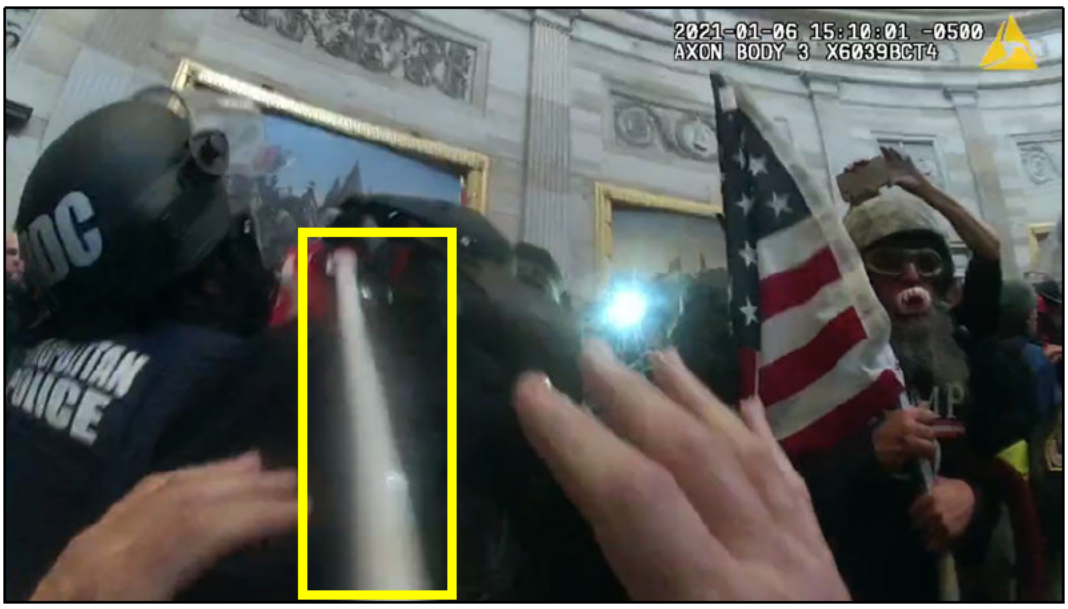


Figure 26: ADAMS's flagpole (yellow box) appearing to hit Officer K.D.

Capitol CCTV also captured ADAMS's flagpole appearing to strike Officer K.D., as shown in Figure 27 below.



Figure 27: ADAMS's flagpole appearing to strike Officer K.D.

After being pushed back by Officer M.K., ADAMS walked further down the police line, as shown in Figure 28 below.

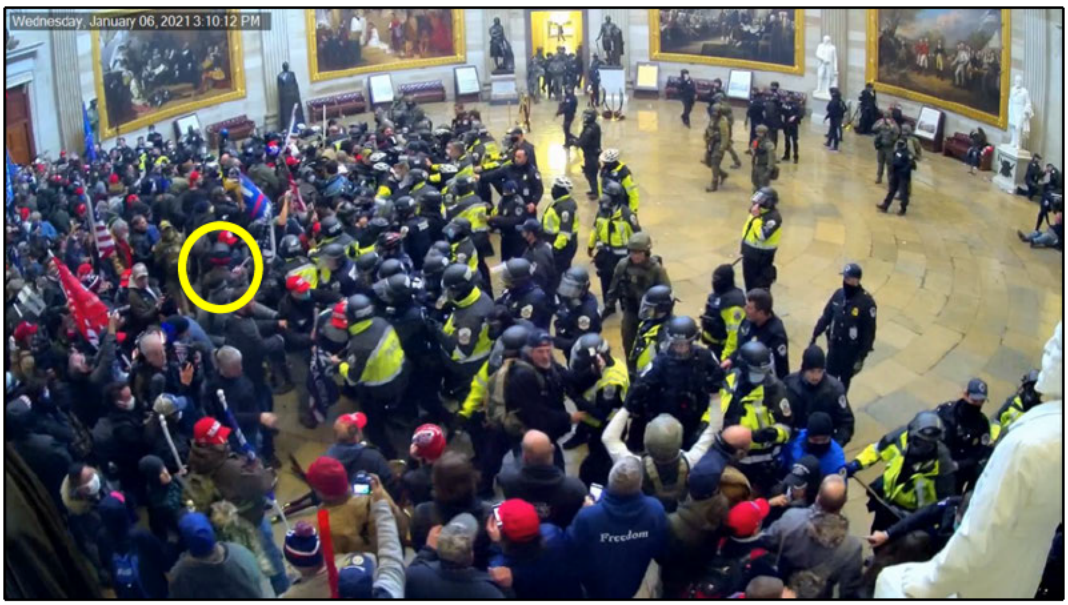


Figure 28: ADAMS walking further down the police line

By approximately 3:11 p.m., the officers in the Rotunda managed to push the group of rioters back toward the East Foyer. At approximately 3:15 p.m., ADAMS reentered the East Foyer, as shown in Figure 29 below.

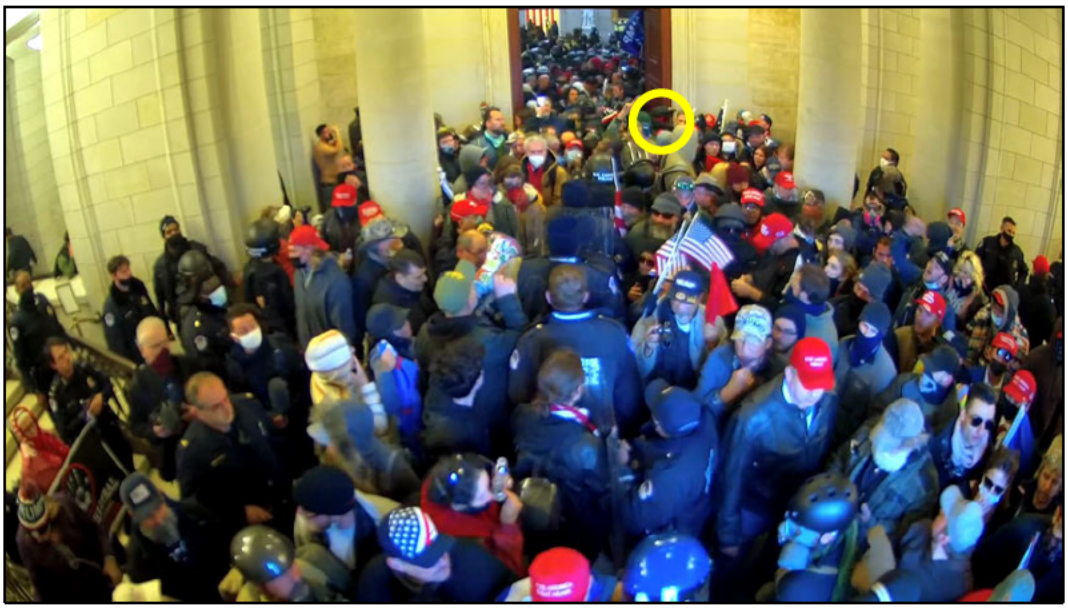


Figure 29: ADAMS reentering the East Foyer

At approximately 3:16 p.m., ADAMS exited the Capitol building through the Rotunda Doors. Before exiting, ADAMS looked in the direction of rioters gathered outside the Rotunda Doors and raised his flag, as shown in Figure 30 below.

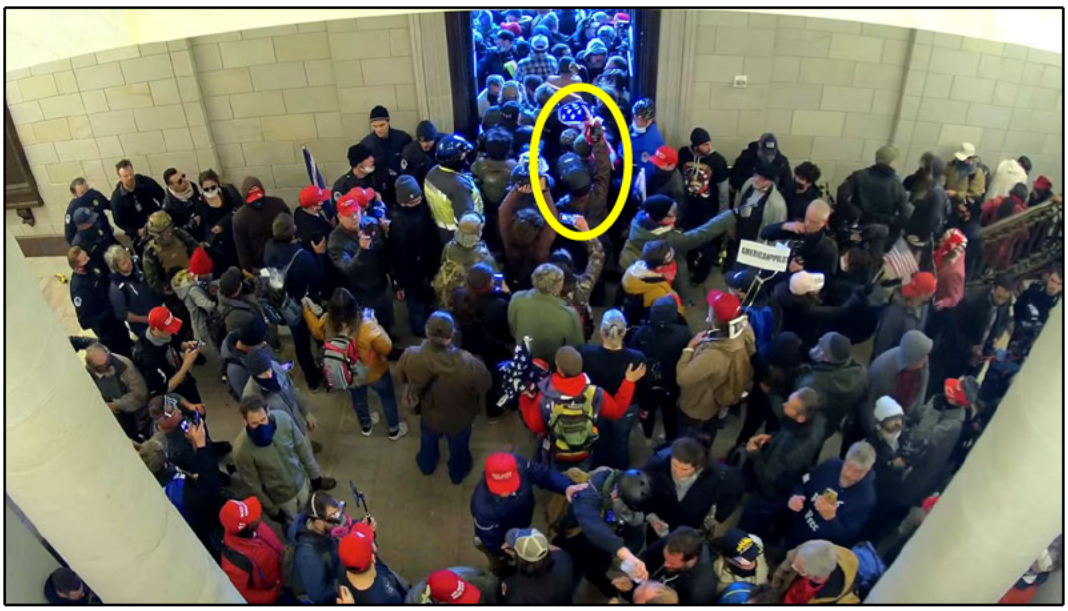


Figure 30: ADAMS exiting the Capitol

Offenses Committed by ADAMS

Based on the foregoing, your affiant submits that there is probable cause to believe that **JOSEPH MICHAEL ADAMS** violated 18 U.S.C. § 1752(a)(1), (2), and (4) which makes 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 engages in any act of physical violence against any person or property in any restricted building or grounds; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, 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 **JOSEPH MICHAEL ADAMS** violated 40 U.S.C. § 5104(e)(2)(D), (F), and (G), which makes 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; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Your affiant submits that there is probable cause to believe that **JOSEPH MICHAEL ADAMS** violated 18 U.S.C. § 111(a)(1), 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, where such acts involve physical contact with the victim or the intent to commit another felony. 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.

[redacted]

[redacted]
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 24th day of October 2024.

M. A. Upadhyaya

MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE