

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent with the Department of Justice, Federal Bureau of Investigation (“FBI”), an investigative branch of the United States Department of Justice. I have been employed as a Special Agent for the FBI for approximately six and a half years and am currently assigned to the Federal Bureau of Investigation (“FBI”), Joint Terrorism Task Force (“JTTF”), Newark, NJ. In my duties as a special agent, I investigate both international and domestic terrorism. 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.

BACKGROUND

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.

DEFENDANTS' ACTIONS ON JANUARY 6TH

During the course of the Federal Bureau of Investigation (FBI)'s investigation into the events of January 6, 2021, the FBI received a tip that one of the rioters was RICHARD ANDREWS. The FBI received an additional tip that KEITH ANDREWS, the son of RICHARD ANDREWS, was also at the Capitol on January 6. Upon being interviewed by the FBI, KEITH ANDREWS confirmed that he and his father were present at the United States Capitol on January 6, 2021. During subsequent investigation, FBI personnel also observed RICHARD ANDREWS and confirmed that he was the individual in the images, CCTV footage, and body-worn camera footage from the Capitol on January 6. From my review of the CCTV and body worn camera footage that is the source of the images included below, and from my own experience with this investigation, I am able to recognize that Images 2, 6, 9, and 10 below show RICHARD ANDREWS and KEITH ANDREWS at a location within the restricted area that included the Capitol and its grounds on January 6, 2021.

On January 6, 2021, RICHARD and KEITH ANDREWS attended the Stop the Steal Rally at the Ellipse in Washington, D.C. RICHARD ANDREWS wore a black zip jacket with a hood over a blue tee shirt, and a gray knit skull cap. (See Image 1, below.) KEITH ANDREWS wore a dark gray sweatshirt with a zipper and hood over a black tee shirt with white lettering on the left breast, blue jeans, dark sneakers with white soles, and a gray-green camo-print hat with "TRUMP 2020" written on the front. (See Image 2, below) KEITH ANDREWS also carried a brown-green camo-print backpack.



Image 1: Screen shot from open-source video of RICHARD ANDREWS (identified with yellow arrow) and KEITH ANDREWS (identified with green arrow).



Image 2: Open-source photo of RICHARD ANDREWS (identified in yellow circle) and KEITH ANDREWS (identified with green circle) on the Upper West Terrace near the Senate Wing Portico.

RICHARD and KEITH ANDREWS then walked from the Ellipse to the United States Capitol grounds. Once on Capitol grounds, RICHARD and KEITH ANDREWS climbed the north scaffolding to reach the Upper West Terrace on the West side of the Capitol Building. (See Image 3, below.)



Image 3: Screenshot from open-source video of RICHARD ANDREWS (identified in yellow circle) and KEITH ANDREWS (identified with green circle) and an unidentified associate (blue circle) inside the north scaffolding.

At approximately 2:49:39 p.m., as United States Capitol Police (USCP) tried to prevent rioters from entering the Capitol building, KEITH ANDREWS entered the United States Capitol building through the window next to the Senate Wing Door. (See Image 4, below.)



Image 4: Screenshot from CCTV video showing KEITH ANDREWS (circled in green) entering the Capitol building.

As other rioters overran the police, KEITH ANDREWS briefly exited through the same window, waving his arm toward the crowd of rioters still outside the building to encourage them to enter. KEITH ANDREWS reentered through the same window at 2:49:55 p.m. The crowd of rioters, including KEITH ANDREWS were able to push the USCP back and gained access to the Capitol building. KEITH ANDREWS remained in the Senate Wing hallway for ten minutes. While inside, KEITH ANDREWS repeatedly encouraged other rioters to enter the Capitol building. At approximately 2:59:30 p.m., KEITH ANDREWS exited the Capitol building through the same window. (See Image 5, below.)



Image 5: Screenshot from CCTV video showing KEITH ANDREWS (circled in green) exiting the Capitol building.

At approximately 3:01:12 p.m., KEITH ANDREWS enters the Capitol building a second time through the Senate Wing door. (See Image 6, below.)



Image 6: Screenshot from CCTV video showing KEITH ANDREWS (circled in green) entering the Capitol building.

While in the Capitol Building, KEITH ANDREWS made his way to the Crypt of the Capitol while using his cell phone to make a call. KEITH ANDREWS remained inside the Capitol

building for an additional twelve minutes before he exited through the Senate Wing windows for the second time at approximately 3:13:11 p.m. (See Image 7, below.)



Image 7: Screenshot from CCTV video showing KEITH ANDREWS (circled in green) exiting the Capitol building.

At approximately 3:16 p.m., USCP, supported by Metropolitan Police Department (MPD) officers, entered the Senate Wing hallway and began trying to clear the area of rioters. As part of their efforts, the police closed the shutters on the Senate Wing window that KEITH ANDREWS had climbed through. At approximately 3:16:37 p.m., just after the police had finished closing the shutters, RICHARD ANDREWS threw a chair through the shutters, forcing the shutters to open and sending the chair into on of the officer.



Image 8: Screenshot from CCTV video showing RICHARD ANDREWS (circled in yellow) shoving a chair through the Senate Door window of the Capitol building towards a MPD officer.

At approximately 3:17:55 p.m., KEITH ANDREWS entered the Capitol building for the third time, through the Senate Wing door. There he appeared to argue with police officers who were attempting to clear the building before he exited the Capitol building at approximately 3:20:02. (See Image 9, below.)

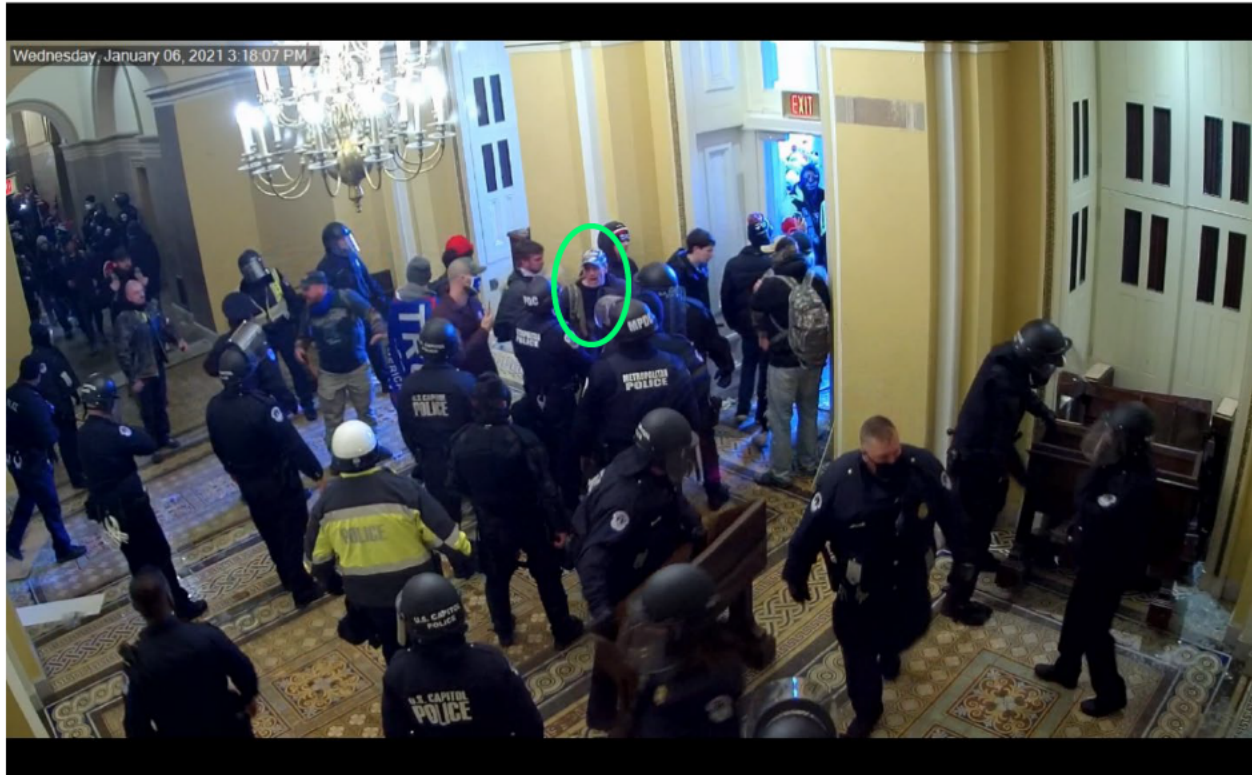


Image 9: Screenshot from CCTV video showing KEITH ANDREWS (circled in green) inside the Capitol building.

By approximately 4:30 p.m., USCP and MPD attempted to clear the Upper West Terrace of rioters. At approximately 4:39 p.m., officers of the MPD confronted rioters at the edge of the Upper West Terrace. While the MPD officers tried to direct the rioters down to the Lower West Terrace, at approximately 4:39:02 p.m., RICHARD ANDREWS leaned down from one of the railings and shoved MPD Officer Joseph Young on Officer Young's head. (See Image 10, below.) After RICHARD ANDREWS shoved at Officer Young's head, officers deployed a chemical riot control agent at RICHARD ANDREWS. ANDREWS then retreated into the crowd.



Image 10: Screenshot from BWC of MPD Officer Daewoong Lim showing RICHARD ANDREWS (circled in yellow) shoving at the head of Officer Joseph Young.

Based on the foregoing, your affiant submits that there is probable cause to believe that RICHARD ANDREWS and KEITH ANDREWS violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do 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 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 RICHARD ANDREWS and KEITH ANDREWS violated 40 U.S.C. § 5104(e)(2)(D), 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; and that KEITH ANDREWS violated 40 U.S.C. § 5104(e)(2)(G) which makes it a crime to willfully and knowingly (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Your affiant submits there is probable cause to believe that RICHARD ANDREWS 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 Section 231 of Title 18, 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 RICHARD ANDREWS 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 25th day of October 2024.

MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE