

## STATEMENT OF FACTS

Your affiant, [REDACTED], is a Task Force Officer (“TFO”) with the Federal Bureau of Investigation (“FBI”). I have been an FBI TFO since October 2022 and have been a police officer in the Virginia Tech Police Department for over three years. I received initial training and instruction to become a police officer at the Cardinal Criminal Justice Academy located in Salem, Virginia, which included training concerning violations of Virginia criminal statutes. I am currently assigned to the Richmond Division of the FBI, Roanoke Resident Agency. During my employment with the FBI and Virginia Tech Police Department, I have conducted and/or assisted in investigations involving various criminal violations. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. Throughout my time at the FBI, I have discussed with FBI Special Agents the types of evidence collected, investigative methods used, and criminal violations commonly revealed during investigations of the Capitol riot. As a federal TFO I am authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of violations of federal criminal law.

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.

### ***Facts Specific to Nathan Bordeaux***

As part of the FBI investigation into the attack on the United States Capitol, I reviewed third party video posted to the public, CCTV footage from the Capitol, and police body worn camera (“BWC”) footage depicting the events at the U.S. Capitol building and grounds on January 6, 2021. The FBI identified an individual among the rioters who entered the U.S. Capitol on January 6, 2021. This person was subsequently identified as NATHAN BORDEAUX (“BORDEAUX”), as discussed below.

### **BORDEAUX’s Activities at the U.S. Capitol on January 6, 2021**

I have reviewed video footage from various sources of events that took place at the U.S. Capitol on January 6, 2021, which document BORDEAUX’s actions that day. I reviewed numerous videos of BORDEAUX from January 6, 2021, on the U.S. Capitol grounds. In the videos, BORDEAUX is wearing a black jacket, camouflage gloves, a backpack, and a camouflage neck gaiter. *See Image 1* (BORDEAUX is circled in yellow in the images herein).



*Image 1*

Third party video shows BORDEAUX in the middle of a mob of rioters who were fighting officers on the Northwest part of the U.S. Capitol grounds. See *Image 2*.



*Image 2*

As seen in third party video, BORDEAUX, now wearing a black hat and goggles in addition to a black hooded jacket, a camouflage neck gaiter and gloves, obtained a police shield and joined the mob breaching the Northwest steps. *Image 3*.





*Image 3*

Third party video shows that BORDEAUX reached the Upper West Terrace with the police riot shield still in his hand. *Image 4.*



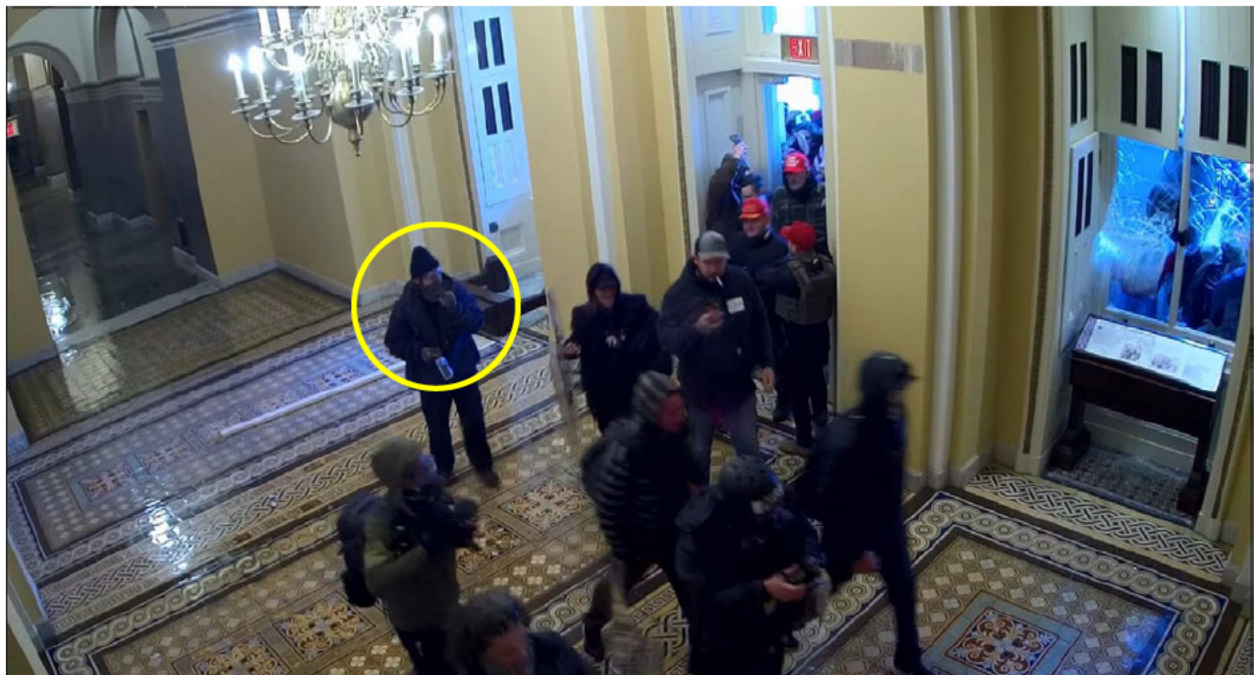
*Image 4*

Just outside of the Senate Wing Door, third party video shows that BORDEAUX handed the police riot shield to another rioter. *Image 5.*



*Image 5*

BORDEAUX was among the first individuals to breach the U.S. Capitol through the Senate Wing Door at 2:13 p.m. *See Image 6.*



*Image 6*



CCTV footage shows that BORDEAUX first turned left toward the Senate side of the U.S. Capitol, then crossed back in front of the Senate Wing Door at 2:22 p.m. and then walked toward the Crypt. Inside of the Crypt, as seen on third party video, BORDEAUX, still wearing goggles, joined a mob of individuals who were yelling. *See Image 7.*

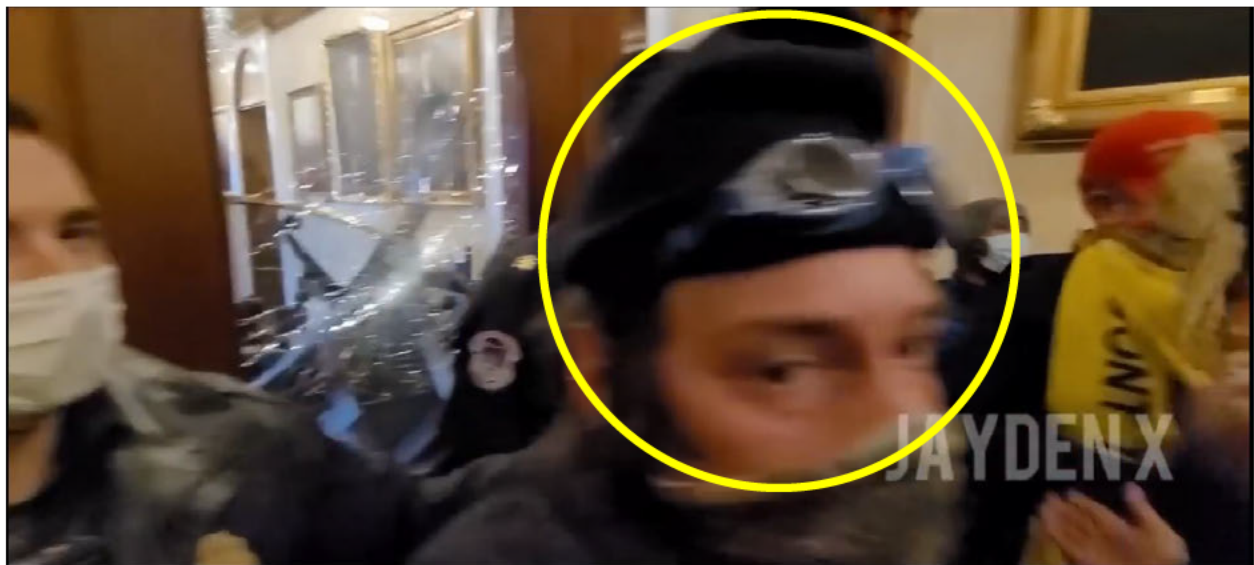


*Image 7*

As seen on third party video, BORDEAUX moved to the Small House Rotunda on the first floor, ascended the stairs, and walked into the Small House Rotunda on the second floor. BORDEAUX walked through Statuary Hall to the Statuary Hall Connector. He chanted outside of the main House Chamber doors and proceeded to the area in front of the Speaker's Lobby doors. Here, BORDEAUX saw rioters punch the windows out while he and fellow rioters inched closer to the Speaker's Lobby Doors. Seconds later, a rioter was shot. *See Images 8 and 9.*



*Image 8*



*Image 9*

As seen on third party video, at 2:41 p.m., BORDEAUX ran to open the Southeast doors from the inside. At 2:47 p.m., he exited the Southeast doors and announced the news that a woman had been shot. See *Image 10*.



*See Image 10*

CCTV shows that BORDEAUX returned to the Southeast doors moments later. He threw a water bottle filled with clear liquid at two U.S. Capitol Police Officers at approximately 2:47 p.m. The bottle sailed within inches of a police officer's head and landed on the floor feet away from him. This officer turned his head in the direction of the area where the filled water bottle landed. *See Images 11, 12 and 13*, where BORDEAUX is circled in yellow, and the bottle filled with a clear liquid is in red.

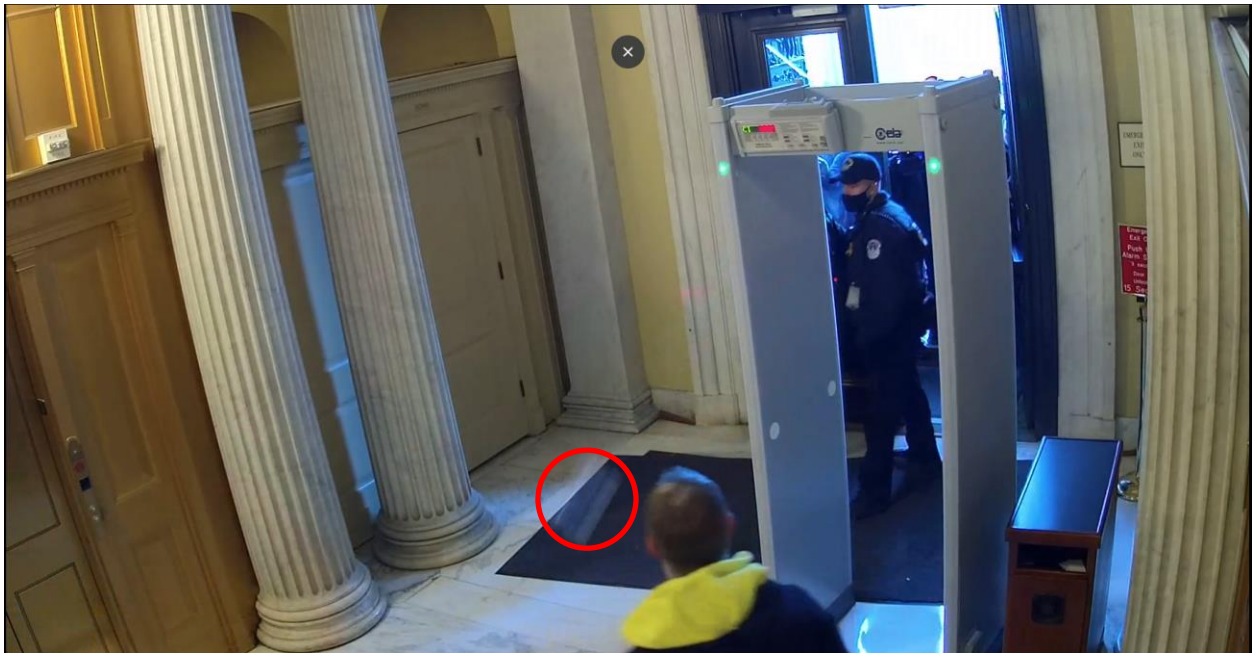




*Image 11*



*Image 12*



*Image 13*

CCTV shows that BORDEAUX re-entered the U.S. Capitol as officers attempted to secure that entrance. *See Image 14.*



*Image 14*

As seen on third party video, BORDEAUX waved other rioters inside the building, and exited and re-entered the Southeast doors multiple times. BORDEAUX exited again and stood on the



Southeast steps, at one point, flushing his eyes out, an action that based on my training and experience, is consistent with being sprayed with tear gas, a crowd-control measure. *See Image 15.*



*Image 15*

### ***Identification of NATHAN BORDEAUX***

In an effort to identify rioters at the U.S. Capitol on January 6 who assaulted law enforcement officers, the FBI investigated a rioter known only as “AFO #328,” who was later identified as BORDEAUX’s brother, John Paul Bordeaux. While investigating John Paul Bordeaux, I learned from an individual who provided a tip about John Paul Bordeaux that BORDEAUX accompanied his brother to the U.S. Capitol on January 6, 2021. I also viewed an image where BORDEAUX was next to his brother. *Image 16.* Where both individuals are wearing



the same clothing that I have seen in other January 6, 2021, images, I believe this image is from January 6, 2021.



*Image 16*

Additionally, while investigating John Paul Bordeaux, I saw BORDEAUX on several occasions at John Paul Bordeaux's home in Floyd, Virginia. Based on my review of the DMV photo of BORDEAUX, the occasions on which I have seen BORDEAUX in person at his brother's home, I believe that BORDEAUX is the same person I have viewed in the above images and video, as his facial features match the video and images above.

Your affiant submits that there is probable cause to believe that NATHAN BORDEAUX 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.

Your affiant submits there is probable cause to believe that NATHAN BORDEAUX 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 NATHAN BORDEAUX 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. 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 NATHAN BORDEAUX 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..



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 13<sup>th</sup> day of January 2025.

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G. MICHAEL HARVEY  
U.S. MAGISTRATE JUDGE