

## STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to the Indianapolis Federal Bureau of Investigation (FBI) Field Office. I have been a Special Agent with the FBI since 2021. In my duties as a Special Agent, I have been assigned to the Joint Terrorism Task Force (JTTF) of the FBI Indianapolis Division since 2022. Prior to this, I had been assigned to FBI Indianapolis' Special Operations Group (SOG). I have also received specialized training regarding investigative techniques, evidence collection, and evidence preservation. I have participated in criminal investigations relating to counterterrorism, specifically domestic terrorism. Through my training and experience, I am familiar with the strategy, tactics, methods, ideology, and practices of domestic terrorism and anti-government extremists. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent of the FBI, 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 are 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, S.E., 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

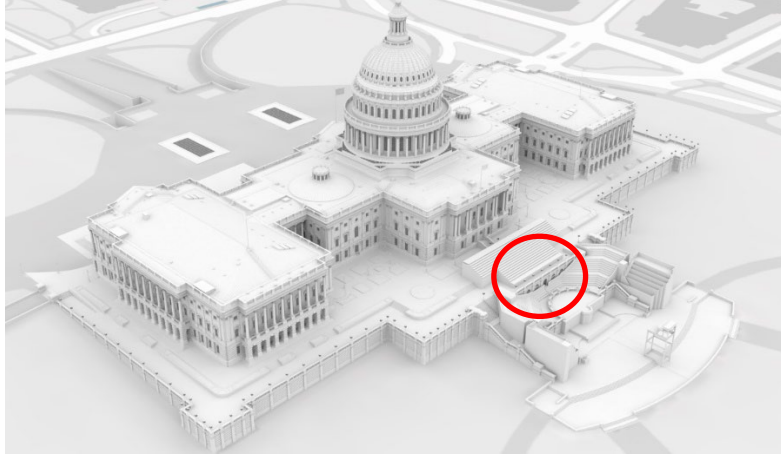
of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

Earlier this day, at approximately 1:00 p.m., a crowd of violent rioters penetrated the restricted perimeter of the U.S. Capitol grounds – which was denoted by bike racks, snow fencing, officers, and “AREA CLOSED” signs – and assembled on the West Front of the U.S. 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. The crowd of rioters had amassed and collectively pushed and tore down the bike rack barriers, assaulted law enforcement officers, and otherwise violently breached the police line, opening the path to the Capitol building.

At approximately 2:30 p.m., significant sections of the police line on and near the U.S. Capitol’s Lower West Terrace broke as the rioters in the crowd swarmed and overwhelmed police officers. The police line guarding the West front had collapsed. Rioters quickly followed retreating officers up to the inaugural platform on the Lower West Terrace by climbing the stairwell and scaffolding in the Southwest section of the U.S. Capitol grounds.

A group of rioters then converged at a pivotal location – the Lower West Terrace “tunnel.” The “tunnel” is a stairway that had been converted into a narrow entryway due to construction of the temporary inaugural platform on the Lower West Terrace of the Capitol building. At the end of the Lower West Terrace tunnel were two sets of glass double doors, emblazoned with the sign “Members Entrance Only,” which opened directly into the heart of the U.S. Capitol building.



*Photo 1: Diagram of U.S. Capitol building, tunnel in red circle*



*Photo 2: The "tunnel" as seen on CCTV footage prior to rioters entering*



*Photo 3: The "tunnel"*

Rioters amassed outside the tunnel with a variety of tools and weapons. By the time rioters began entering the tunnel, at about 2:40 p.m., a group of officers had formed a line at a second set of glass doors inside the tunnel. Rioters outside the tunnel quickly summoned more rioters to join their efforts in pushing their way through the doors in the tunnel. As the tunnel quickly filled with rioters, it became the point of intense and prolonged violent clashes between rioters and police officers, as rioters attempted to break their way through the tunnel and into the Capitol building.

Rioters began entering the tunnel and attacking the officers. Rioters broke through the first set of glass doors and forced open the second set of doors, eliminating the barriers between police officers and rioters. From approximately 2:42 p.m. onward, groups of rioters consistently rotated into the tunnel, collectively attempting to breach the police line and force their way into the building. The rioters used various weapons, as well as the force of their bodies, in an attempt to overcome the officers and make it inside the Capitol building. Many of the rioters assaulted MPD and USCP officers by hurling objects towards the officers, physically striking officers with batons and other blunt instruments, using strobe lights to distract and disorient the officers, using electrical shock devices, crushing officers between the doors and walls of the confined space, deploying chemical sprays and fire extinguishers against the officers, and collectively joining together to engage in violent heave ho pushes against the officer line.

#### **FACTS SPECIFIC TO ARTHUR REYHER AND JESSICA REYHER**

Based on a review of publicly available video footage, USCP surveillance footage, and Washington, D.C. Metropolitan Police Department (MPD) Body Worn Camera (BWC) footage of officers who responded to the United States Capitol on January 6, 2021, a white male with brown short hair wearing a greenish-grey jacket and dark gloves, who has been identified as ARTHUR REYHER, and a white female with blonde hair wearing a dark jacket and pink gloves, who has been identified as JESSICA REYHER, can be seen repeatedly engaging in the assault against law enforcement officers guarding the United States Capitol inside the “tunnel.”

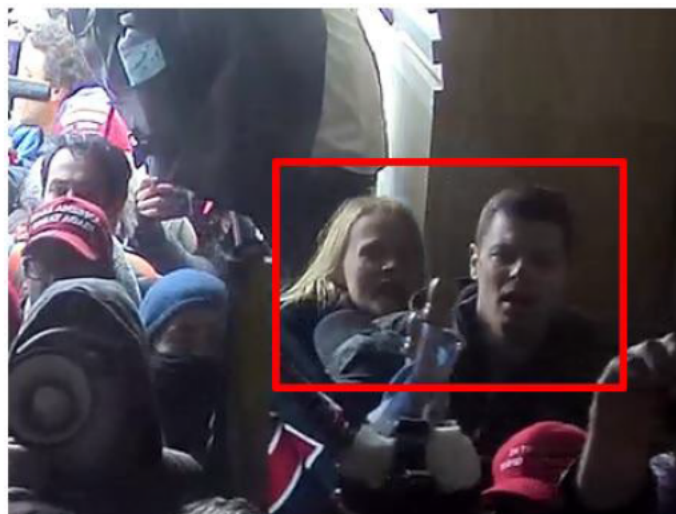


*Images 4 and 5: ARTHUR REYHER, left, and JESSICA REYHER, right, on January 6, 2021*

The REYHERS were among the first in the group of rioters to enter the tunnel. At about 2:43 p.m., just as rioters had broken through the doors inside the tunnel, ARTHUR REYHER and JESSICA REYHER entered the tunnel. Immediately, the REYHERS joined other rioters in screaming and chanting.



*Photo 6: ARTHUR REYHER and JESSICA REYHER (red square) entering the tunnel*



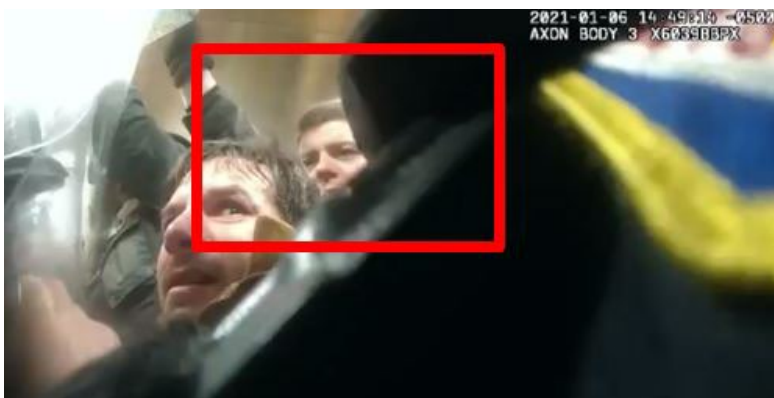
*Photo 7: ARTHUR REYHER and JESSICA REYHER (red square) screaming and chanting as they enter the tunnel*

The REYHERS quickly pushed their way to the front of the pack of rioters in the tunnel. Around 2:46 p.m., surveillance footage and BWC shows ARTHUR REYHER, still at the front of the mob of rioters attempting to push past the officers in the tunnel. ARTHUR REYHER held both of his hands in the air as he and other rioters yelled “OUR HOUSE!”



*Photo 8: ARTHUR REYHER (red square) yelling as he stood at the front of the pack of rioters in the tunnel*

For the next few minutes, ARTHUR REYHER joined the mob in pushing against the officer line. While ARTHUR REYHER remained at the front of the line of rioters, rioters around him thrust pole-like objects and sprayed a fire extinguisher at officers.



*Photo 9: ARTHUR REYHER (red square) at the front of the rioters in the tunnel as rioters assault police officers*

Around 2:50 p.m., rioters, including ARTHUR REYHER and JESSICA REYHER, started coordinated pushes against the officers. One rioter, identified as Tristan Stevens,<sup>1</sup> coordinated the mob by making “1, 2, 3” gestures with his hand and yelling “PUSH!” The REYHERS, and the mob, joined their body weight to push against the officers.

At about 2:51 p.m., the officers gained ground in the tunnel, as they coordinated a counter push. The mob of rioters appear to fall back toward the mouth of the tunnel. At about 2:52 p.m., ARTHUR REYHER and JESSICA REYHER moved to the side of the tunnel and, as police officers progressed forward, they turned to exit the tunnel.

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<sup>1</sup> Stevens has been charged in Case No. 1:21-CR-040-TNM and was convicted of 18 U.S.C. § 111(a), among other charges, for his conduct at this time and place.



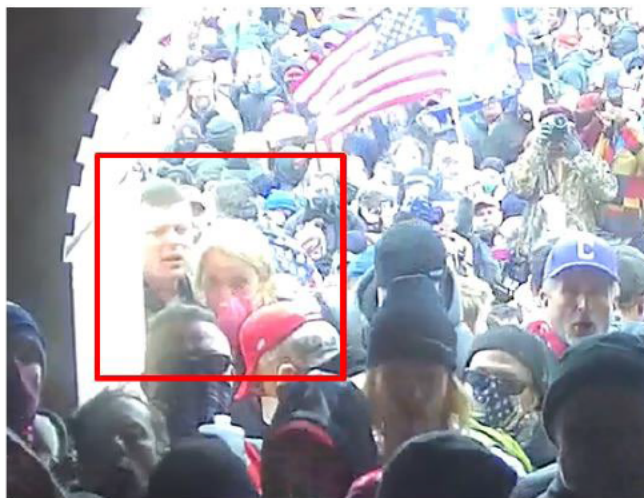
*Photo 10: ARTHUR REYHER and JESSICA REYHER (red square) exiting the tunnel for the first time*

Once outside the tunnel, ARTHUR REYHER raised his hands and yelled to another rioter, “Don’t hit ‘em! KEEP YOUR HANDS UP AND PUSH!”



*Photo 11: ARTHUR REYHER (red square) yelling “KEEP YOUR HANDS UP AND PUSH!”*

Shortly after, at about 3:01 p.m., ARTHUR REYHER and JESSICA REYHER reapproached the archway of the tunnel.



*Photo 12: ARTHUR REYHER and JESSICA REYHER (red square) re-entered the tunnel*

At about 3:04 p.m., ARTHUR REYHER and JESSICA REYHER re-entered the tunnel and pushed their way to the front of the pack of rioters. ARTHUR REYHER and JESSICA REYHER once again joined other rioters and used their body weight to push in unison with the rioters against police officers.

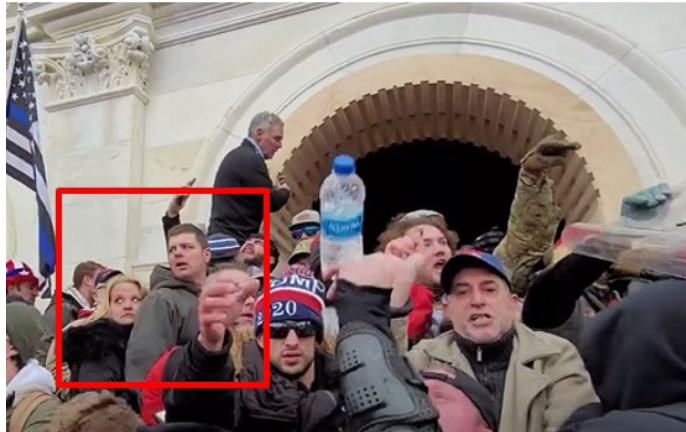


*Photo 13: ARTHUR REYHER and JESSICA REYHER (red square) pushing with rioters collectively into police officers*

As captured in open-source footage, as well as on USCP surveillance footage, around this same time, rioters inside the tunnel used police riot shields and police riot batons to combat uniformed law enforcement officers. Rioters also implemented a rotation of rioters into the tunnel to maintain “fresh” rioters up front to combat police officers. Several rioters yelled things like, “WE NEED FRESH PATRIOTS IN THE FRONT!” and “WE NEED FRESH PEOPLE!”

Then, at approximately 3:05 p.m., a chemical irritant was sprayed inside the tunnel. ARTHUR REYHER and JESSICA REYHER covered their faces and exited the tunnel, but they remained near the archway. Another open-source video captured ARTHUR REYHER and JESSICA REYHER outside of the archway of the tunnel as other rioters requested the crowd to pass stolen riot shields to the rioters inside the tunnel to make a “shield wall.”





*Photo 14: ARTHUR REYHER and JESSICA REYHER (red square) watching as rioters coordinate passing objects inside the tunnel*

At approximately 3:08 p.m., another open-source video captured ARTHUR REYHER and JESSICA REYHER standing outside the tunnel, while ARTHUR REYHER yelled “PUSH!” and patted rioters on the back as they enter the tunnel.



*Photo 15: ARTHUR REYHER (red square) yelling “PUSH” to rioters entering the tunnel*

Shortly thereafter, another individual came out of the tunnel and yelled several times, “We are almost through!” ARTHUR REYHER exclaimed “PUSH!” and “OUR HOUSE!” At that point, another rioter turned to ARTHUR REYHER and JESSICA REYHER and said, “hey guys, are you going in or not?”

Around 3:12 p.m., ARTHUR REYHER and JESSICA REYHER rushed into the tunnel for the third time. At the front of the tunnel, rioters used stolen police shields to push against and hit officers, sprayed chemical irritants and threw projectiles at the line of officers guarding the doors, and coordinated group pushes into the officers while chanting “HEAVE HO!” and yelling “PUSH!” Almost immediately upon entering the tunnel, ARTHUR REYHER and JESSICA REYHER joined the collective efforts to push against the police line.



*Photo 16: ARTHUR REYHER and JESSICA REYHER (red square) rushing to join the pack of rioters pushing into officers*

As ARTHUR REYHER and JESSICA REYHER and the rioters thrust their collective body weight into the officers, one officer could be heard screaming in agonizing pain as he was smashed between a shield and a metal door frame.



*Image 17: USCP Officer screaming in pain as he was smashed from the rioters' collective pushing*

Rioters then passed stolen police shields and to the front of the pack of rioters inside the tunnel. Rioters were chanting, "SHIELD WALL!" Rioters used those shields to make a shield wall and to assault officers.

After their third stint in the tunnel, ARTHUR REYHER and JESSICA REYHER exited the tunnel. At approximately 3:17 p.m., surveillance footage showed ARTHUR REYHER and JESSICA REYHER standing outside of the tunnel, again repeatedly pushing in unison with other rioters against the officer line. The pushing continues for several minutes until police officers are able to successfully push the rioters out of the tunnel.



*Photo 18: ARTHUR REYHER and JESSICA REYHER (red square) remained at the mouth of the tunnel and quickly joined collective efforts to push against the police line*

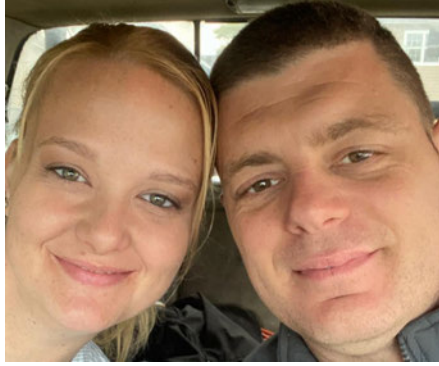
### **IDENTIFICATION OF ARTHUR AND JESSICA REYHER**

On January 8, 2021, the FBI received an anonymous online tip from Witness 1. Witness 1 identified themselves as a “Friend” of ARTHUR REYHER and JESSICA REYHER on Facebook. Witness 1 advised that they had seen Facebook posts by ARTHUR REYHER and JESSICA REYHER about the REYHERs’ presence at the U.S. Capitol on January 6, 2021.

On January 20, 2021, law enforcement interviewed ARTHUR REYHER. ARTHUR REYHER confirmed he and JESSICA REYHER were at the U.S. Capitol on January 6, 2021. ARTHUR REYHER said he believed former president Donald Trump lost the presidential election due to voter fraud.

In January 2023, your affiant interviewed Witness 1 who is personally familiar with ARTHUR REYHER and JESSICA REYHER. Your affiant showed Witness 1 images from January 6, 2021, and Witness 1 positively identified ARTHUR REYHER and JESSICA REYHER.

In addition, your affiant compared several photographs extracted from videos recorded on January 6, 2021 at the U.S. Capitol with several photographs of ARTHUR REYHER and JESSICA REYHER from their social media accounts, as well as photos from known government sources. Based on that comparison, your affiant concurs that ARTHUR REYHER and JESSICA REYHER resemble the individuals pictured above. For example, the photo on the left from JESSICA REYHER’s social media account shows ARTHUR REYHER and JESSICA REYHER, and the photo on the right is a still photo from open-source as described above.



*Photo 19: ARTHUR REYHER and JESSICA REYHER on JESSICA's social media account*



*Photo 20: ARTHUR REYHER and JESSICA REYHER on January 6, 2021 at the U.S. Capitol*

Your affiant submits there is probable cause to believe that ARTHUR REYHER and JESSICA REYHER 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 Joint Session of Congress where the Senate and House count Electoral College votes.

Your affiant submits that there is also probable cause to believe that ARTHUR REYHER and JESSICA REYHER violated 18 U.S.C. §§ 1752(a)(1) and (4), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (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 that ARTHUR REYHER and JESSICA REYHER violated 40 U.S.C. §§ 5104(e)(2)(E) and (F) which makes it a crime to willfully and knowingly (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings; and (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

[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 8th day of March, 2023.

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G. MICHAEL HARVEY  
UNITED STATES MAGISTRATE JUDGE