

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to the Federal Bureau of Investigation Baltimore Field Office – Wilmington Resident Agency Joint Terrorism Task Force (JTTF). In my duties as a Special Agent, I investigate criminal activity pertaining to 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.

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 separate chambers of 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.

The Inaugural Stage

During each presidential inauguration, the Architect of the Capitol (AOC) coordinates with the Joint Congressional Committee on Inaugural Ceremonies, Secret Service, the military, Department of Homeland Security, Presidential Inaugural Committee, District Government, and all of the AOC's Congressional partners to prepare the Capitol for the Inauguration. One such task is the creation from scratch of the 10,000 square foot Inaugural platform. One part of that process includes turning a west entrance to the Capitol, into a smaller, tighter, tunnel-like area that has commonly been referred to as "The Tunnel" in investigations and prosecutions surrounding January 6, 2021. The two photos below show the West Side of the Capitol as set up for Inauguration Day (top) and a closer view of The Tunnel (bottom).

Image 1:



Image 2:



At 12:53 p.m., rioters breached their first barricade at the Peace Circle onto Pennsylvania Walkway. Just under two hours later, at approximately 2:41 p.m., the rioters made their way past several additional lines of police officers and barricades to The Tunnel, which provides direct access into the Capitol. The siege on The Tunnel lasted for over two hours, until approximately 5:00 p.m.

Image 3:



Rioters attempted on multiple occasions to forcibly enter the Capitol through the line of USCP and Metropolitan Police Department (MPD) officers who gathered in The Tunnel and successfully repelled the attack. During the two plus hours, rioters assaulted the officers with blunt objects, including poles and crutches, and they used chemical irritants against the officers. Rioters also attempted to use their numbers and collective mass in a heave-ho effort to push the officers back. At times, the rioters forcibly pressed the officers' bodies against each other and against the doorway, crushing them. HEATHER KEPLEY and ANTHONY NOLF, and two minors that accompanied them, participated in at least one attempt by rioters to force their way through the line of police officers and into the Capitol.

Heather Kepley

On January 6, 2021, KEPLEY, a white female, approximately 34 years old, was wearing a black jacket, a burgundy sweatshirt with a hoodie, jeans, and glasses. At times, she was wearing camouflage gloves and carrying a pink Trump flag.

The following are images (collectively referred to as "Image 4" below) of KEPLEY obtained from open-source videos or images taken from within the restricted Capitol Grounds on January 6, 2021:

Image 4:



Anthony Nolf

On January 6, 2021, NOLF, a white male, approximately 35 years old, with a beard and mustache, was pictured wearing a camouflage hat with red, white and blue writing, a grey sweatshirt and jeans.

The following are images (collectively referred to as “Image 5” below) of NOLF obtained from open-source videos or images taken from within the restricted Capitol Grounds on January 6, 2021:

Image 5 (minor redacted):



KEPLEY's and NOLF's Conduct at the Tunnel

KEPLEY and NOLF entered Capitol grounds on January 6, 2021, and approached the West front near the Inaugural Stage. KEPLEY and NOLF assisted other rioters in moving bike racks from an area near the scaffolding that were impeding the rioters' approach to the Capitol building. KEPLEY grabbed ahold of the bike rack and began to pass it back in NOLF's direction, then NOLF grabbed ahold of the bike rack and continued the process of moving the bike rack out of the rioters' way.

Image 6:

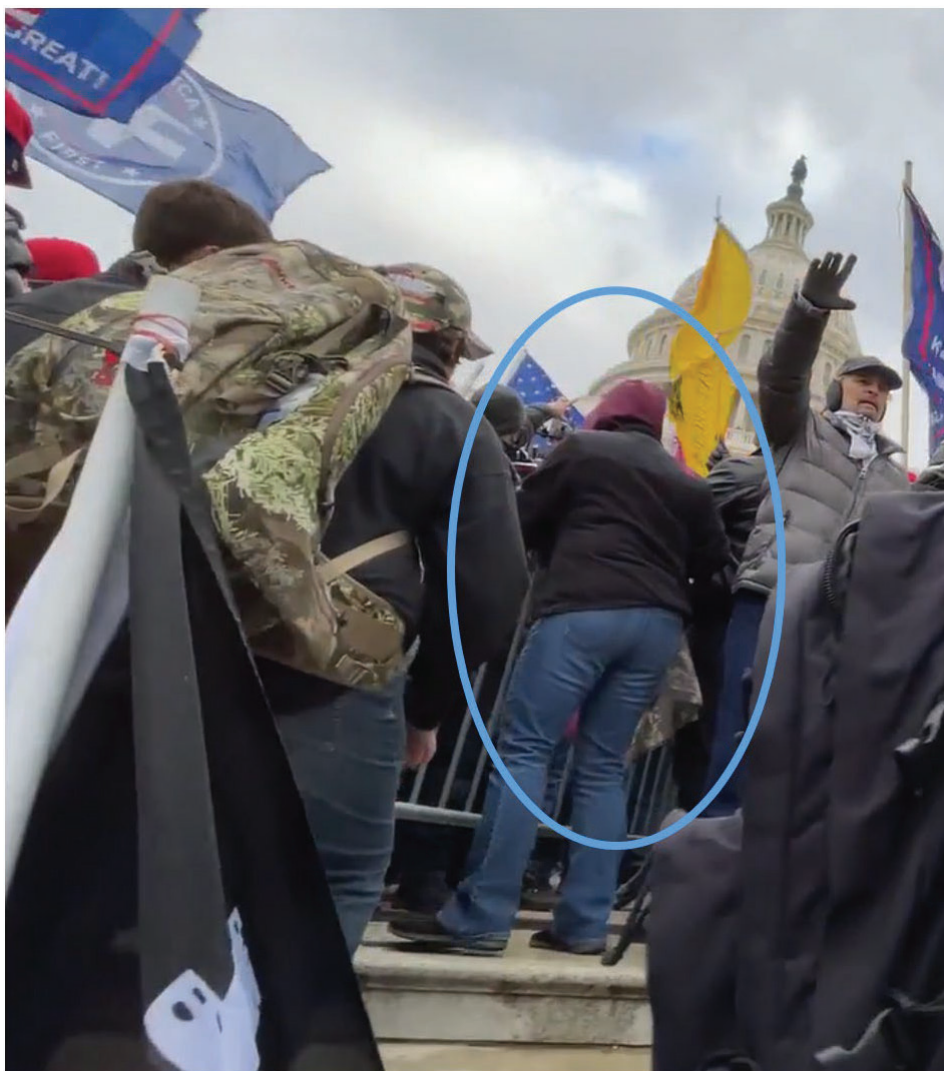


Image 7 (minor redacted):



KEPLEY and NOLF made their way to the Lower West Terrace and the Tunnel. Inside the Tunnel is an entry to the Capitol that provides immediate and unobstructed access to sensitive areas and offices used by Members of Congress. Here, KEPLEY and NOLF joined the group of rioters who were attempting to force their way past the officers responsible for securing the Tunnel. KEPLEY and NOLF participated with this mob between approximately 4:15pm and 4:27pm. Based on my review of photos and videos from open sources and Capitol surveillance footage, I believe that the following images depict KEPLEY (circled in blue) and NOLF (circled in orange) moving towards and then entering the Tunnel.

Image 8:

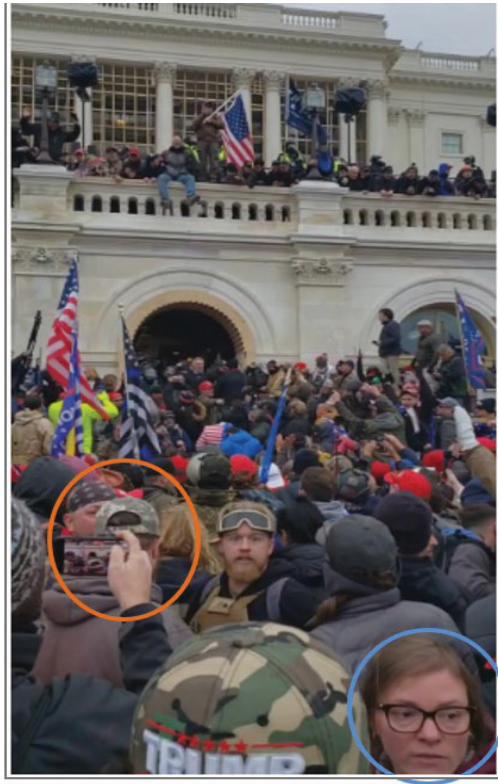


Image 9:



Image 10:



Image 11:



Image 12:



While inside the Tunnel, NOLF confronted and assisted the crowd in confronting the police officers that were preventing the Tunnel and the Capitol from being breached. Specifically, while inside the Tunnel, NOLF added his force, momentum, body, and effort to the other rioters in a “heave-ho” effort. This put intense aggregate pressure on the police line in front of the rioters.

Officers succeeded in repelling KEPLEY, NOLF and other rioters out of the Tunnel.

Image 13:



Image 14:



KEPLEY and NOLF stood outside the Tunnel for a period of time and watched as officers cleared the Tunnel of protestors. KEPLEY and NOLF then turned and walked away from the Tunnel.

Image 15:



Identification of KEPLEY and NOLF

On or about January 8, 2021, the FBI received a tip that NOLF's minor son went to the Capitol on January 6 and said he "saw the woman get shot." NOLF was interviewed by Special Agents of the FBI Philadelphia Field Office on January 19, 2021. NOLF admitted that he and his son attended the rally in Washington, D.C. on January 6 then went to the Capitol building. NOLF denied that he and his son entered the Capitol building but said they were on the steps of the Capitol. NOLF said he stood back from the police line.

The FBI Philadelphia Field Office interviewed Nolf a second time on November 18, 2021. On April 1, 2023, the interviewing Special Agent confirmed to me that the individual on the right-hand side of "Image 5" above is the person they interviewed, ANTHONY NOLF.¹ Based on my review of Capitol surveillance and open source photos and videos, I believe that NOLF is depicted in them where indicated above, because the man identified in those photos and

¹ The interviewing agent was not able to definitively identify NOLF in the left-hand side of Image 5 or in Image 11. Nonetheless, I believe that those images depict NOLF for the reasons described below and because they are consistent with his statements, my trace of NOLF's movements through Capitol grounds, and my trace of his family members' movements through Capitol grounds.

videos appears to be wearing similar clothing (camouflage hat with red, white and blue writing, a grey sweatshirt and jeans) and has similar physical characteristics (white male with a beard and mustache) as NOLF in Image 5.

On January 20, 2022, Special Agents from the FBI Baltimore Field Office – Wilmington Resident Agency interviewed KEPLEY in Lewes, Delaware. KEPLEY identified her telephone number as XXX-XXX-7621. KEPLEY told the interviewing Agents that on January 6, 2021, she traveled from her home in Delaware to Washington, D.C. with her minor son, her minor nephew, and her brother (NOLF). KEPLEY said they attended a rally, then began walking towards the U.S. Capitol to join the protest. KEPLEY said they walked onto Capitol grounds, then made their way to a crowd of people near a tunnel entrance to the Capitol Building.

KEPLEY admitted that she posted on social media on January 6, 2021 but denied she retained the data. KEPLEY said she had a new phone and did not transfer the data from her old phone. KEPLEY said the only image she saved was a picture at the Washington Monument.

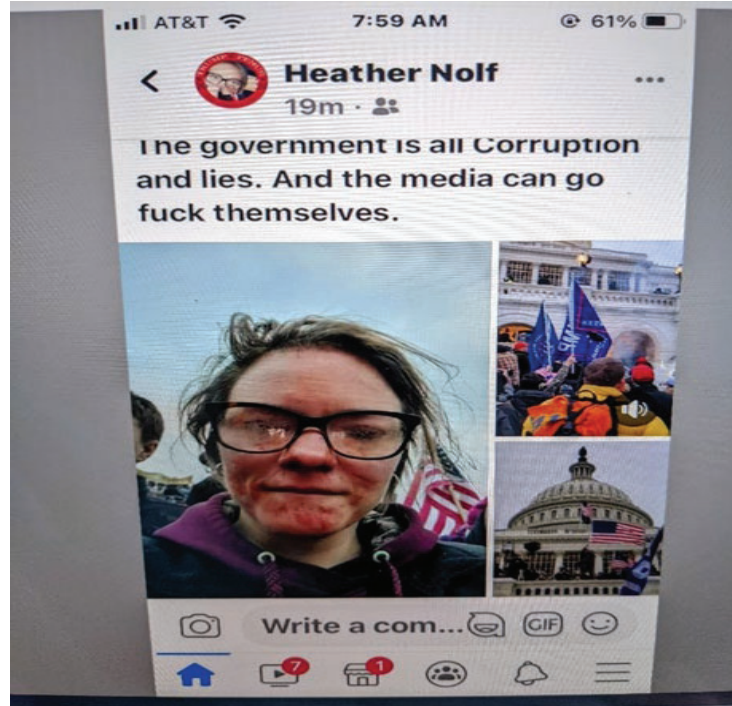
On or about February 4, 2022, Special Agents from the Baltimore Field Office – Wilmington Resident Agency received screenshots of KEPLEY’s Instagram and Facebook accounts from KEPLEY’s acquaintance. The Instagram account was identified by vanity name “mamaheathernolf.” A screenshot from the “mamaheathernolf” account showed a photograph of KEPLEY and a young male standing in front of the Washington Monument. KEPLEY is holding a flag, and the caption reads, “My family supporting our President,” and the post is dated January 6, 2021. *See* Image 16.

Image 16 (minor redacted):



The Facebook account was identified with a display name of “Heather Nolf”. A screenshot from the account depicted a post with several photographs and a caption that read, “The government is all Corruption and lies. And the media can go fuck themselves.” KEPLEY is wearing glasses in the photograph. KEPLEY’s face is red and irritated and appears to have some abrasions. KEPLEY’s glasses appear coated with some sort of film. See Image 17 below. According to KEPLEY’s acquaintance, most of the images posted on KEPLEY’s Facebook account were immediately taken down.

Image 17:



Probable Cause for Criminal Offenses

18 U.S.C. § 231

Based on the foregoing, your affiant submits that there is probable cause to believe that ANTHONY NOLF 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.

18 U.S.C. § 1752

Based on the foregoing, your affiant submits there is probable cause to believe that HEATHER KEPLEY and ANTHONY NOLF 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.



FBI Special Agent

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 3rd day of April, 2023.

Rob M. Meriweather


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ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE