

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation ("FBI") and has been employed in this capacity since August 21, 2016. I am currently assigned to FBI's Violent Crimes Task Force, which is responsible for investigating violent crimes and major offenders in Washington, D.C. During the course of my participation in law enforcement, I have conducted arrests and executed search and seizure warrants and court orders. I have investigated crimes involving bank robberies, Hobbs Act violations, extortion/threats, and kidnappings. During my tenure with the FBI, I have also worked on other types of investigations including money laundering and counterintelligence. I have gained knowledge in the use of various investigative techniques, including, but not limited to, conducting physical surveillance, conducting interviews, obtaining information through administrative and grand jury subpoenas, preparing and executing state and federal search warrants, preparing reports, and reviewing electronic evidence.

Currently, I am also 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 violations 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 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.

Following the January 6, 2021, attack on the Capitol, your affiant reviewed multiple videos derived from open-source databases, as well as both Metropolitan Police Department (“MPD”) and U.S. Capitol Police (“USCP”) holdings. During that review, your affiant observed a subject breaching the Lower West Terrace of the U.S. Capitol and committing assaults on MPD officers, including MPD Officer Michael Fanone, as detailed further below. The subject, later identified as Lewis SNOOTS (“SNOOTS”), is a white male with brown, graying hair, and a gray and white beard, who was wearing a light brown jacket and a camouflaged-patterned backpack on January 6, 2021, at the U.S. Capitol Building.

In January 2021, SNOOTS was included in an FBI “Seeking Information” list and given the moniker “113-AFO.” The FBI posted that list (along with a photograph, hereinafter, “BOLO photos” or “BOLO image”) to its website and to social media to garner public assistance in identifying the individual.



Photograph #113 - AFO A

*Image 1: Photograph of “113-AFO” Included in FBI “Seeking Information” List
Posted on fbi.gov*

Identification of LEWIS SNOOTS

Your affiant compared the BOLO photos of SNOOTS (from January 6, 2021) to a Virginia driver's license photo of SNOOTS; the individual depicted in the BOLO photos appears to be the same person depicted in the driver's license photo.

June 2023 Interview with Witness 1

On or about June 29, 2023, you affiant and another FBI agent traveled to SNOOTS's place of employment in Glen Allen, Virginia. In the course of this investigation, I determined that SNOOTS had been employed there since at least 2018. Once there, investigators met with an employee who agreed to review a short video for the purposes of determining whether a person in the recording worked there. The name of the employee is known to me. In the video, one can see and hear the person known as 113-AFO giving an interview on the U.S. Capitol grounds on January 6, 2021. A still from the video is reproduced below.



Image 2: Still from January 6, 2021, video used to identify SNOOTS.

The employee watched the video and without hesitation indicated that s/he recognized someone in the video; s/he then identified that person as "Wayne Snoots."

Summary of SNOOTS's Assaults on January 6th

3:14 p.m. – 3:18 p.m.: SNOOTS’s Entrance into the Lower West Terrace Doorway (“Tunnel”) and Participation in Pushing Against Officers at the Front of the Police Line

On January 6, 2021, at approximately 3:14 p.m., USCP surveillance footage shows SNOOTS entering the Lower West Terrace Doorway (the “Tunnel”) leading into the U.S. Capitol Building wearing what appears to be a gas mask on the top of his head. SNOOTS proceeds to swiftly push himself through the other rioters to the front of the police line while placing the gas mask on his face (Image 3, below). Shortly thereafter, as SNOOTS approaches the front of the police line, he passes out of view of the USCP surveillance camera and is not visible again on that camera again until approximately 3:18 p.m. However, publicly available video footage posted to YouTube (“YouTube Video 1”), as well as body-worn camera (“BWC”) footage from multiple MPD officers, appear to correspond to this approximate time frame and document some of SNOOTS’s activities at and near the front of the police line while he was outside the frame of the USCP surveillance video.



Image 3: USCP surveillance video of SNOOTS pushing his way through the Tunnel at approximately 3:15 p.m. on January 6.

YouTube Video 1 shows SNOOTS moving himself forward and backward with the mob of other rioters as part of another attempt to overwhelm and breach the police line (Image 4, below).



Image 4: Still image from YouTube Video 1.

At approximately 3:16 p.m., based on my review of MPD Officer C.B.’s BWC footage, an individual initially referred to as BOLO AFO-136 and subsequently identified as Federico KLEIN (“KLEIN”),¹ assaulted officers at the front of the police line by pressing against them using a USCP riot shield. Based on my review of YouTube Video 1, Officer C.B.’s BWC, and MPD Officer H.F.’s (“Victim Officer 1”) BWC, SNOOTS pressed against a USCP riot shield while he stood behind and later partially beside KLEIN. In doing so, SNOOTS appears to have contributed to KLEIN’s weight and force pushing against the front line of officers, including Officer C.B., Officer H.F., and Sergeant J.P. (“Victim Officer 2”) and thereby hindering their ability to push the rioters back away from the Tunnel door leading into the U.S. Capitol Building (Images 5 – 12, below).

¹ On March 4, 2021, KLEIN was arrested by the Washington Field Office, Violent Crimes Task Force. KLEIN was convicted of eight felony charges including: six counts of assaulting, resisting, or impeding certain officers and aiding and abetting, in violation of 18 U.S.C. §§ 111(a)(1) and 2; obstruction of an official proceeding and aiding and abetting, in violation of 18 U.S.C. §§ 1512(c)(2) and 2; and civil disorder, in violation of 18 U.S.C. § 231(a)(3). Klein was also convicted of misdemeanor offenses to include disorderly and disruptive conduct in a restricted building or grounds, in violation of 18 U.S.C. § 1752(a)(2); engaging in physical violence in a restricted building or grounds, in violation of 18 U.S.C. § 1752(a)(4); disorderly conduct in a Capitol building or grounds, in violation of 40 U.S.C. § 5104(e)(2)(D); and acts of physical violence in the Capitol building or grounds, in violation of 40 U.S.C. § 5104(e)(2)(F). KLEIN’s sentencing hearing is scheduled for November 3, 2023.



Image 5: Still image from YouTube Video 1.



Image 6: MPD Officer C.B.'s BWC footage showing KLEIN (wearing a red hat) holding a USCP riot shield against officers.



Image 7: A still from MPD Officer C.B. 's BWC



Image 8: A still from MPD Officer H.F. 's BWC, showing SNOOTS (highlighted in red), pressing himself against and holding a USCP riot shield at the front of the line of officers directly behind KLEIN, which appears to be contributing to KLEIN's weight and force against the front line of officers and hindering their ability to push the rioters back away from the entrance to the U.S. Capitol Building.



Image 9: A still from MPD Officer H.F.'s BWC footage showing SNOOTS highlighted in red.



Image 10: A still from MPD Officer H.F.'s BWC footage showing both SNOOTS, highlighted in red, and KLEIN, highlighted in green.



Image 11: A still from MPD Officer H.F.'s BWC footage showing Officer J.P. (highlighted in yellow) pressing back against the weight of riot shield (highlighted in red).



Image 12: MPD Officer C.B.'s BWC showing Officer H.F. (highlighted in yellow) pressing back against weight of riot shield held by KLEIN (highlighted in green) with SNOOTS (highlighted in red) behind KLEIN.

At approximately 3:17:45 p.m., based on my review of Officer H.F.'s BWC footage,² as Officer H.F. pushed back against the USCP riot shields used by SNOOTS and KLEIN, Officer H.F. shouted, "Yo, get that shield! Get that shield!"³ Shortly thereafter, at approximately 3:18 p.m., while Officer H.F. stood in front of SNOOTS, SNOOTS appeared to lift the USCP riot shield over his (SNOOTS's) head and pass it back to the mob of rioters in an apparent effort to help ensure the rioters were armed and to prevent Officer H.F. from taking possession of the riot shield (Images 13 – 14, below).



Image 13: A still from MPD Officer H.F.'s BWC footage showing SNOOTS (highlighted in red) holding USCP riot shield.

² Based on a review of Officer H.F.'s BWC footage, the referenced observations occur from approximately 3:17:43 – 3:17:45.

³ Your affiant completed an unofficial transcription of some the audible statements in this BWC footage. Based on a review of H.F.'s BWC footage from January 6, 2021, your affiant concluded that the voice of the officer who shouted "Yo, get that shield! Get that shield!" is consistent with the voice audible elsewhere on Officer H.F.'s BWC footage.



Image 14: A still from MPD Officer H.F.'s BWC showing SNOOTS (highlighted in red), holding USCP riot shield and appearing to lift it over his head and pass it back to the mob of rioters.

Based on my review of BWC and USCP surveillance video and a comparison of SNOOTS's location and the timing of his actions, the riot shield SNOOTS lifted and passed back to other rioters appears to be the same shield visible on USCP surveillance video at approximately 3:18 p.m. (Image 15, below).



Image 15: A still from USCP Surveillance footage showing the USCP riot shield likely held and passed back by SNOOTS to other rioters.

Based on BWC footage, Officer H.F. then sought to deter SNOOTS from advancing and pushed him away from the line of officers. The BWC footage also shows a tattoo on SNOOTS's left forearm (Image 16, below). Based on my review of social media account associated with one of SNOOTS's relatives, the tattoo visible in the BWC footage is consistent with the tattoo visible in an image of SNOOTS from his relative's social media page (Images 17 and 17A, below).



Image 16: A still from MPD Officer H.F.'s BWC footage showing the tattoo on SNOOTS's left forearm (highlighted in red).



Image 17: A post on SNOOTS's Relative's Facebook Account.



Image 17A: A close-up of the tattoo on SNOOT's left forearm visible in the post on SNOOTS's Relative's Facebook Account.

3:18 p.m. – 3:19 p.m.: Phase 1 of SNOOTS's Assault on MPD Officer Michael Fanone in and around the Mouth of the Tunnel.

Starting at approximately 3:18 p.m., Albuquerque HEAD (“HEAD”), previously referred to as “BOLO AFO-111”⁴ wrapped his arm around Officer Fanone’s (“Victim Officer 3”) neck and pulled Officer Fanone from the Tunnel into the riotous mob. During an FBI interview with Officer Fanone on February 24, 2021, Officer Fanone stated that HEAD grabbed onto Officer Fanone and wrapped him up into a bear hug while dragging him out of the Tunnel. Officer Fanone explained that HEAD told Officer Fanone that he would take care of him once they got outside but at no point did Officer Fanone think that HEAD was going help him or take care of him. Rather, Officer Fanone believed HEAD’s sole intent was to hurt him. A review of Officer Fanone’s BWC reveals that while HEAD told Officer Fanone, “I’m gonna try to help you out here. You hear me?” HEAD immediately afterwards shouted, “Hey! I got one!” apparently signaling to the riotous mob that he had physical control over a police officer.

USCP surveillance footage shows that as HEAD dragged Officer Fanone out of the Tunnel, the law enforcement officers advanced and used their collective motion and weight to push the rioters farther out of the Tunnel, including SNOOTS (Image 18, below). As SNOOTS moved towards the mouth of the Tunnel, SNOOTS appears to have looked at HEAD’s restraint of Officer Fanone, moved closer towards Officer Fanone (Image 19, below), and then proceeded to grab Officer Fanone by the upper back (Images 20 – 21, below).

⁴ On October 27, 2022, Judge Amy Berman Jackson sentenced HEAD to 90 months in federal prison for his conduct on January 6, including his assault of Officer Fanone.



Image 18: A still from USCP surveillance footage showing SNOOTS (highlighted in red) and HEAD and Officer Fanone (highlighted in yellow).



Image 19: A still from USCP surveillance footage showing SNOOTS (highlighted in red) and HEAD and Officer Fanone (highlighted in yellow).



Image 20: A still from USCP surveillance footage showing SNOOTS (highlighted in red) grabbing Officer Fanone by the upper back.



Image 21: A still from USCP surveillance footage showing SNOOTS (highlighted in red) grabbing Officer Fanone by the upper back.

3:19 p.m. – 3:20 p.m.: Phase 2 of SNOOTS’s Assault on MPD Officer Fanone Outside of the Tunnel.

Publicly available video footage posted to YouTube (“YouTube Video 2”) showed that as HEAD continued to drag Officer Fanone farther away from both the Tunnel and from the other law enforcement officers, SNOOTS appeared to continue to target Officer Fanone and reached for and grabbed onto his upper back (Images 22 – 23, below).



Image 22: A still from YouTube Video 2 showing SNOOTS assisting other rioters dragging Officer Fanone from the Tunnel.



Image 23: A still from YouTube Video 2 showing SNOOTS assisting other rioters dragging Officer Fanone from the Tunnel.

A review of Officer Fanone's BWC footage reveals that as Officer Fanone was physically dragged out of the Tunnel and surrounded by the riotous mob, Officer Fanone struggled against HEAD and tried to push HEAD away to break free of his restraint. HEAD, however, pulled Officer Fanone deeper into the mob where Officer Fanone was threatened, tased, kicked, punched, pushed, grabbed, and hit with objects by other rioters. Officer Fanone subsequently recalled Kyle YOUNG ("YOUNG"), previously known as "BOLO AFO-116,"⁵ lunging at him and fighting with Officer Fanone in an attempt to get his gun. YOUNG placed his hands on Officer Fanone's weapon, while Officer Fanone kept his hands on top of YOUNG's to try to prevent Young drawing the weapon from its holster. YOUNG repeatedly yelled, "I'm taking your gun!" and "Kill him!" (referring to Officer Fanone). Officer Fanone explained that he felt as though he was unable to resist and that his body was no longer responding to what his brain was telling it to do. Officer Fanone explained that, "These guys were out for blood. You could see it on their faces, they wanted to kill me." Officer Fanone subsequently suffered a heart attack and was diagnosed with a concussion, a traumatic brain injury, and post-traumatic stress disorder.

Additional publicly available video footage ("RF Angle Video") showed that while other rioters physically assaulted Officer Fanone, and in particular, both during and after rioter Daniel RODRIGUEZ⁶ tased Officer Fanone on the back of his neck, SNOOTS used both hands to partially restrain Officer Fanone. The video demonstrates that SNOOTS grabbed Officer Fanone's right hand and pulled his right arm away from his (Officer Fanone's) body, which appeared to significantly hinder and impair Officer Fanone's ability to defend himself against the continuous onslaught of assaults by other rioters. Officer Fanone's right hand appeared to be within SNOOTS's reach while Officer Fanone's left arm was on the opposite side, away from SNOOTS (Images 24 – 30, below).

⁵ On September 27, 2022, YOUNG was sentenced in US District Court in the District of Columbia to 86 months in federal prison for his assault on Officer Fanone.

⁶ On March 24, 2021, RODRIGUEZ was indicted on eight federal criminal counts, including 18 USC 111(a)(1) and (b) – Inflicting Bodily Injury on Certain Officers Using a Dangerous Weapon. On June 21, 2023, Judge Amy Berman Jackson imposed a sentence of 151 months' incarceration on Rodriguez.



Image 24: A still from the RF Angle Video showing SNOOTS and Officer Fanone (highlighted in red).



Image 25: A still from the RF Angle Video showing SNOOTS and Officer Fanone (highlighted in red) while RODRIGUEZ (highlighted in yellow) holds a taser in his right just prior to using it against the back of Officer Fanone's neck.



Image 26: A still from the RF Angle Video showing SNOOTS and Officer Fanone (highlighted in red).

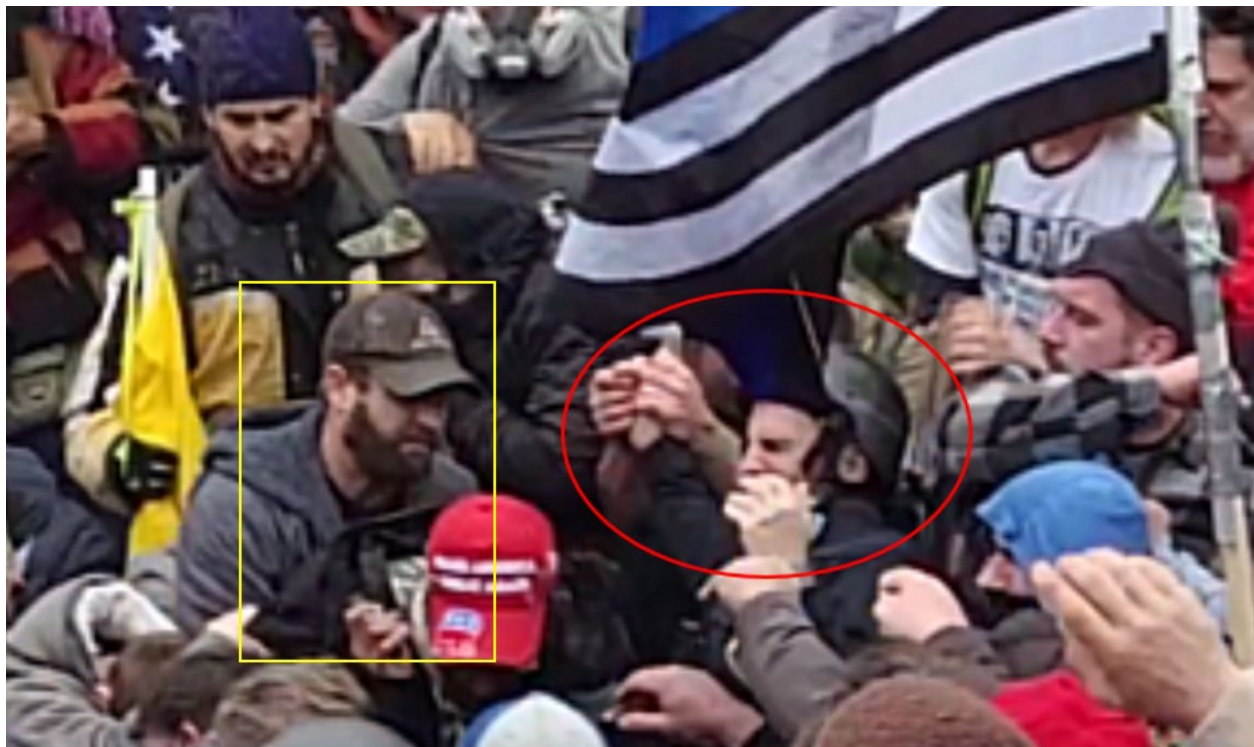


Image 27: A still from the RF Angle Video showing SNOOTS and Officer Fanone (highlighted in red) and YOUNG (highlighted in yellow).

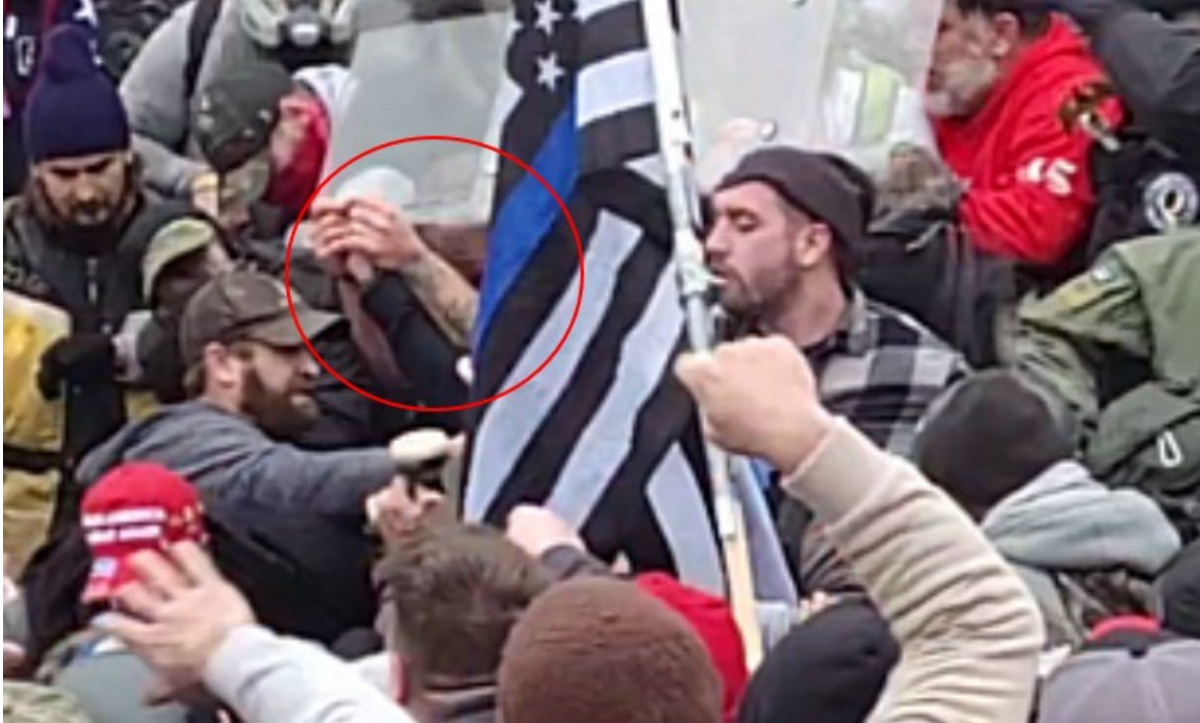


Image 28: A still from the RF Angle Video showing SNOOTS and Officer Fanone (highlighted in red).



Image 29: A still from RF Angle Video showing SNOOTS and Officer Fanone (highlighted in red) and YOUNG (highlighted in yellow).



Image 30: A still from the RF Angle Video showing SNOOTS and Officer Fanone (highlighted in red).

Based on a review of Officer Fanone's BWC footage, which appears to correspond to the publicly available RF Angle Video, SNOOTS's aforementioned assaults on Officer Fanone occur at approximately 3:19 p.m. (Images 31 – 32, below).

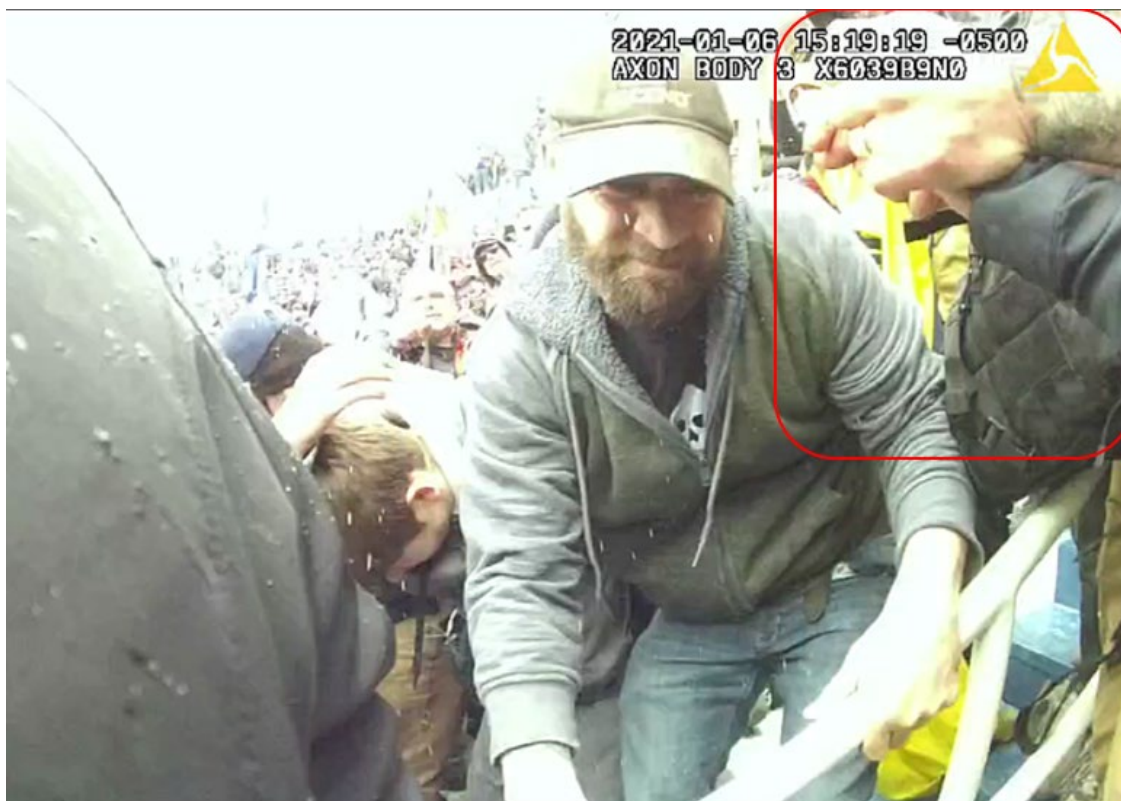


Image 31: A still from MPD Officer Michael Fanone's BWC footage showing SNOOTS restraining Officer Fanone (highlighted in red).



Image 32: A still from MPD Officer Michael Fanone's BWC footage showing SNOOTS restraining Officer Fanone (highlighted in red).

Statements by SNOOTS After SNOOTS's Assault on Officer Fanone

Your affiant has reviewed a video on the Twitter account associated with Sedition Hunters that shows SNOOTS speaking with Brandon Buckingham. Based on the surroundings and the ambient lighting, it appears that the video was made towards evening on January 6, and therefore after SNOOTS's assault on Officer Fanone.



Image 33: A still from video showing SNOOTS interview.

In the video, SNOOTS says, “I’m fed up with it, everybody is fed up with it. They have tear gassed our ass off of the Capitol steps, but it’s not over. What they don’t understand is it’s just starting. Every political asshole up in that place is now going to have a target on their back everywhere they go.”⁷


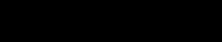
Based on the foregoing, your affiant submits there is probable cause to believe SNOOTS violated:

- (a) 18 U.S.C. §§ 111(a)(1) which makes it unlawful 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 the acts involve physical contact with the victim of the assault or the intent to commit

⁷ Your affiant completed an unofficial transcription of the audible statements made by SNOOTS.

another felony. For purposes of Section 111 of Title 18, United States Capitol Police Officers constitute persons designated in Section 1114 of Title 18.

- (b) 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.
- (c) 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; (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; and (4) knowingly engage 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.
- (d) 40 U.S.C. § 5104(e)(2)(F), which makes it a crime to willfully and knowingly engage in an act of physical violence in the Grounds or any of the Capitol Buildings.


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 22nd day of August 2023.

HONORABLE G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE