

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA	:	Case No: _____
	:	
	:	18 U.S.C. §§ 1752(a), 1752(b)(1)(A)
	:	(Conspiracy and Unlawful Entry
	:	with Dangerous Weapon)
v.	:	
	:	40 U.S.C. §§ 5104(e)(2), 5104(e)(2)(D) and (G)
RYAN TAYLOR NICHOLS,	:	(Violent Entry or Disorderly Conduct)
ALEX KIRK HARKRIDER,	:	
	:	18 U.S.C. § 231(a)(3)
Defendants.	:	(Civil Disorder)
	:	
	:	18 U.S.C. §§ 111(a), 111(b)
	:	(Assaulting a Federal Officer Using
	:	a Deadly or Dangerous Weapon)
	:	
	:	18 U.S.C. § 2(a)
	:	(Aiding and Abetting)
	:	
	:	<u>UNDER SEAL</u>

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
AND ARREST WARRANT**

I, Michael D. Brown being first duly sworn, hereby depose and state as follows:

PURPOSE OF AFFIDAVIT

1. This Affidavit is submitted in support of a Criminal Complaint charging RYAN TAYLOR NICHOLS and ALEX KIRK HARKRIDER with violations of 18 U.S.C. §§ 1752(a) and (b)(1)(A); 40 U.S.C. §§ 5104(e)(2), 5104(e)(2)(D) and (G); 18 U.S.C. § 231(a)(3); 18 U.S.C. § 111(a) and (b); and 18 U.S.C. § 2(a), as identified below.

2. I respectfully submit that this Affidavit establishes probable cause to believe that NICHOLS and HARKRIDER (1) did conspire to knowingly enter or remain and did knowingly enter or remain in any restricted building or grounds without lawful authority, or did conspire to

knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in, and, with the same intent, did engage in, disorderly or disruptive conduct while, during and in relation to these offenses, NICHOLS did use or carry a deadly or dangerous weapon, to wit a canister of OC/pepper spray and a crowbar, as described below, and HARKRIDER did use or carry a deadly or dangerous weapon, to wit, a baton, as described below, in violation of 18 U.S.C. §§ 1752(a) and (b)(1)(A) (conspiracy against both defendants, two substantive counts against NICHOLS, and one substantive count against HARKRIDER); that NICHOLS and HARKRIDER (2) did willfully and knowingly utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the U.S. Capitol Grounds or in any of the U.S. 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, or parade, demonstrate, or picket in any of the Capitol Buildings, in violation of 40 U.S.C. §§ 5104(e)(2), 5104(e)(2)(D), 5104(e)(2)(G); that NICHOLS (3) did willfully commit or attempt to commit an act to obstruct, impede, or interfere with a law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which obstructed, delayed or adversely affected the conduct or performance of a federally protected function; and corruptly did obstruct, influence, or impede any proceeding before the Congress, in violation of 18 U.S.C. § 231(a)(3); that NICHOLS (4) did forcibly assault, resist, oppose, impede, intimidate, or interfere with an officer or employee of the United States or of any agency in any branch of the United States Government while engaged in or on account of the performance of official duties, and, in the commission of such offense, used a deadly or dangerous weapon, to wit a canister of OC/pepper spray, or inflicted bodily injury, in violation of 18 U.S.C. §

111(a) and (b); and that NICHOLS and HARKRIDER did (5) aid and abet the commission of these offenses against the United States, in violation of 18 U.S.C. § 2(a).

BACKGROUND OF AFFIANT

3. I am a Special Agent of the Federal Bureau of Investigation, Washington Field Office. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws.

4. Unless otherwise stated, the information in this Affidavit is either personally known to me, has been provided to me by other individuals, or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause to support an application for an arrest warrant, it does not contain every fact known by me or the United States. The dates listed in this Affidavit should be read as “on or about” dates.

STATEMENT OF FACTS SUPPORTING PROBABLE CAUSE

Assault on the U.S. Capitol on January 6, 2021

5. The U.S. Capitol, which is located at First Street, SE, in Washington, D.C., 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.

6. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.

7. 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.

8. As the proceedings continued in both the House and the Senate, and with Vice President 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.

9. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the U.S. Capitol Police, and 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 U.S. Capitol Police Officers or other authorized security officials.

10. At such time, the certification proceedings 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, shortly after 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.

11. 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 Pence, were instructed to—and did—evacuate the chambers. Accordingly, all proceedings of the United States Congress, including the joint session, were effectively suspended until shortly after 8:00 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 pm after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

12. 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.

Witness Reports to FBI and Identification of Suspects

13. On January 7, 2021, a witness (“W-1”) contacted the FBI’s National Threat Operations Center (“NTOC”) to report RYAN NICHOLS of Longview, Texas, and ALEX HARKRIDER of Converse, Texas, as identified by W-1 on Facebook, as two persons who broke into the U.S. Capitol in Washington, D.C. on January 6, 2021. W-1 identified a Facebook account with a profile name “theyannichols” as associated with NICHOLS and a Facebook account with a profile name “alex.harkrider” as associated with HARKRIDER.

14. W-1 informed the FBI that W-1 had observed digital media posted on NICHOLS' Facebook account depicting both NICHOLS and HARKRIDER present at the U.S. Capitol during the assault on January 6, 2021, and HARKRIDER's Facebook account is tagged in NICHOLS' posts. W-1 stated that NICHOLS and HARKRIDER identified themselves in these videos. W-1 reported that W-1 does not know either NICHOLS or HARKRIDER personally but identified both as friends of someone known to W-1. W-1 provided several images that W-1 captured from NICHOLS' Facebook account that are consistent with other media recovered by the FBI depicting both men at the U.S. Capitol on January 6, 2021.

15. On January 9, 2021, a second witness ("W-2") contacted the FBI NTOC to report two men who "were present and participate[d] in the insurrection [at] the Capitol building." W-2 continued, "Tuan Nichols [sic] lives in Longview, TX and Alex Harkerider [sic] lives in Carthage, Tx. I have photo screen shots from their social media pages showing they were there and showing Alex stated they were planning a civil war."

Identification of Suspects and Evidence of Offenses

16. Based on the information provided by W-1 and W-2, information obtained through subsequent investigation described below, and information obtained from government databases, law enforcement has identified NICHOLS, a 30-year-old white male and resident of Longview, Texas, and HARKRIDER, and 32-year-old white male and resident of Carthage, Texas, as the individuals identified by W-1 and W-2 and as the individuals appearing in the photographs and videos described below that establish their unlawful conduct on January 6, 2021, at the U.S. Capitol. Driver's license photographs of NICHOLS and HARKRIDER obtained by law enforcement appear in Figures 1 and 2 below.



Figure 1 (NICHOLS)



Figure 2 (HARKRIDER)

17. During its investigation, the FBI conducted open source Internet searches of social media, news, and other media for information pertaining to NICHOLS and HARKRIDER. Investigators located photographs, including screenshots of NICHOLS' Facebook page, and video posted on the Internet depicting both men present and engaged in criminal activity during the assault on the U.S. Capitol on January 6, 2021. For example, Figure 3 below appears to be a screenshot of NICHOLS' Facebook account and depicts NICHOLS and HARKRIDER in two photographs at the U.S. Capitol on January 6, 2021, as evidenced by the U.S. Capitol building and the crowd visible in the photographs, which is captioned, "We're in." In the photos, NICHOLS appears with a beard and wearing a Marine Corps camouflage hat, American flag face cover around his neck, and a blue jacket, and HARKRIDER appears with a beard and wearing a blue and gray baseball hat with a Star on it and a tan jacket.



Figure 3

18. Additional photos and screenshots of NICHOLS' Facebook account appear below in Figures 4 and 5, which show NICHOLS' Facebook profile including a photo of himself and HARKRIDER at the U.S. Capitol. In the photo, NICHOLS is shown holding a red bullhorn and HARKRIDER is wearing a tactical vest under his tan jacket.



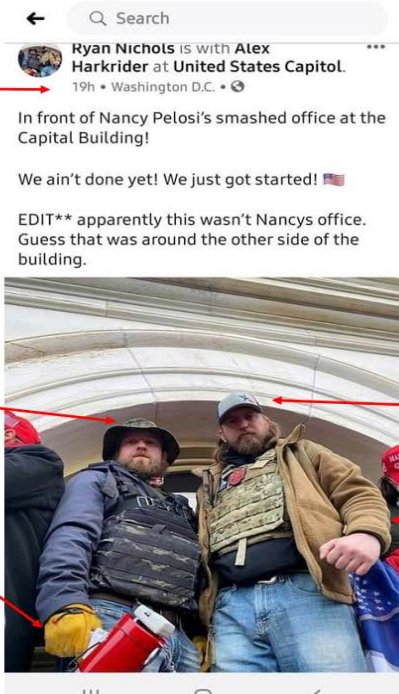
Figure 4



Figure 5

19. A screenshot of a Facebook post by NICHOLS, shown below in Figure 6, contains the same photograph appearing in Figures 5 and 6. However, HARKRIDER is tagged in the post, which also indicates that both men are in Washington, D.C. The caption first states that the men were standing in front of a smashed window into Speaker of the House Nancy Pelosi’s Office but then states that Speaker Pelosi’s office was “around the other side of the building.” Also included is the statement “We ain’t done yet! We just got started!” As indicated in Figure 6, the photograph shows NICHOLS and HARKRIDER wearing distinct clothing that is visible in other photos and video of the two men at the U.S. Capitol.

Facebook post showing Ryan Nichols and Alex Harkrider in Washington DC



Ryan Nichols

Alex Harkrider

Marine Corp Camo Hat

Blue/White Texas Hat

Yellow Gloves

Tan jacket

Figure 6

20. Additional photographs and video obtained during the investigation show NICHOLS and HARKRIDER standing on the ledge of a U.S. Capitol window that is broken, with NICHOLS holding a bullhorn and a crowbar. In a video obtained online, NICHOLS can be identified in the crowd at the U.S. Capitol based on his appearance and distinct clothing, and he can be seen and heard yelling into the bullhorn in the direction of the large crowd, “If you have a weapon, you need to get your weapon!” As shown in another video, NICHOLS can be seen and heard yelling, “This is the second revolution right here folks! [...] This is not a peaceful protest.” Additional video shows that, close in time to these events, at least dozens of individuals were actively forcing their way inside the U.S. Capitol building through an entrance in the immediate vicinity of NICHOLS and HARKRIDER. Figure 7 below shows NICHOLS and HARKRIDER on the window ledge and depicts their clothing, as well as the bullhorn and crowbar held by NICHOLS.

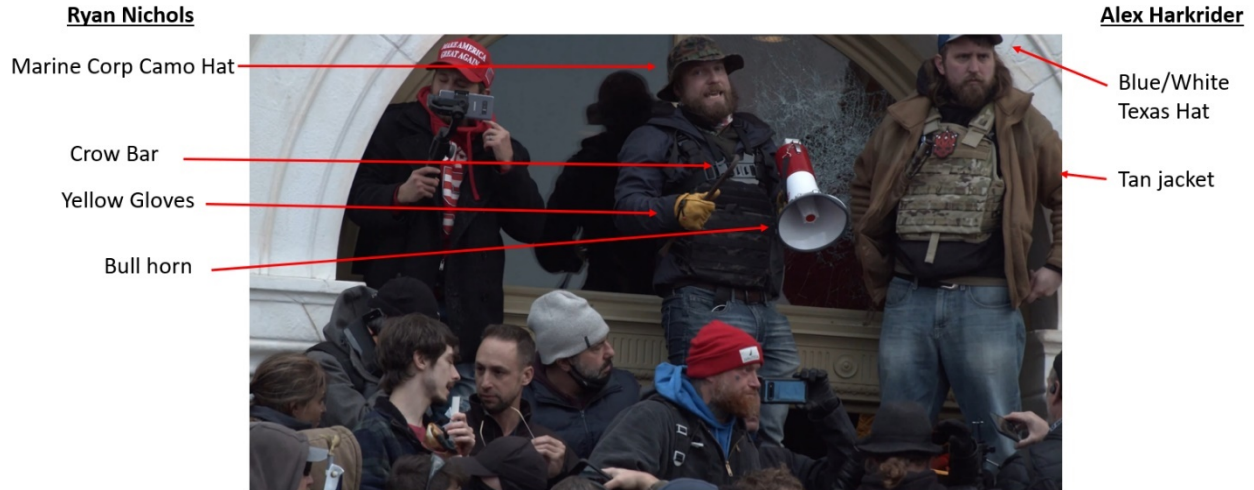


Figure 7

21. Additional video evidence shows NICHOLS near an entrance to the U.S. Capitol building in a large crowd actively forcing entry into the building, which was guarded by U.S. Capitol Police. During the video, a screenshot of which is shown below, NICHOLS can be seen taking a large, red aerosol canister from another person in the crowd and spraying an unknown agent, believed based on its appearance to be OC/pepper spray, in the direction of the entrance into the U.S. Capitol building, where federal law enforcement officers were engaged in the performance of official duties, that is, seeking to restrain the mob of individuals who were forcing entry. Figures 8 and 9 below are still shots from the OC/pepper spray video, with arrows indicating NICHOLS' clothing and the suspected OC/pepper canister.



Figure 8

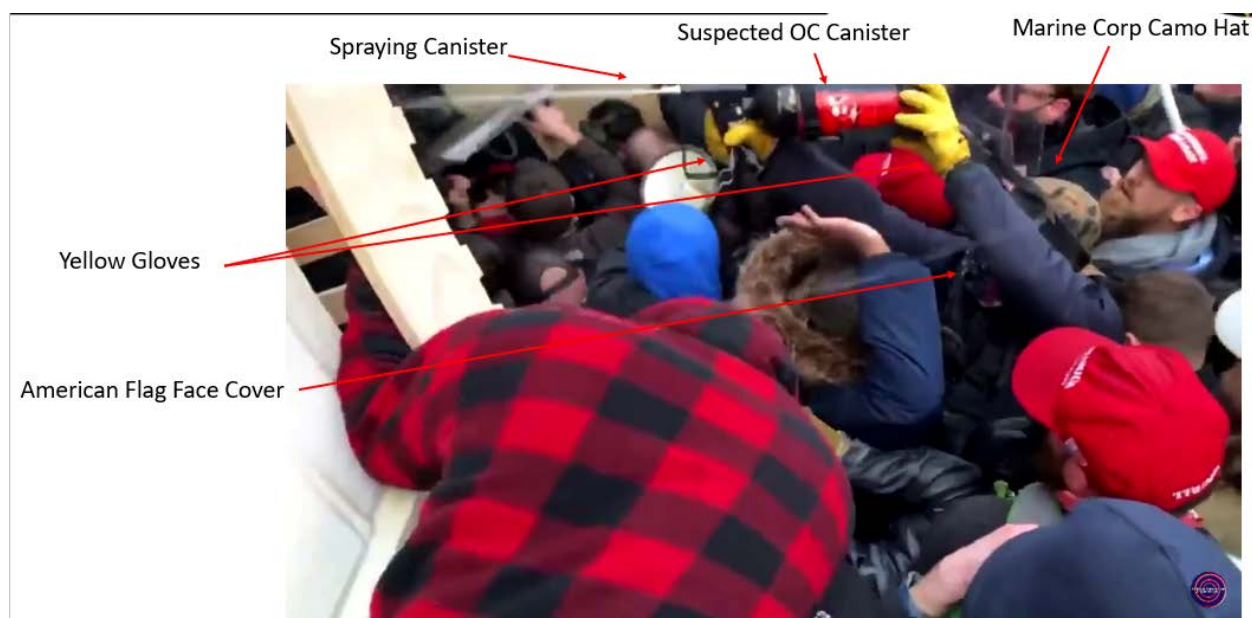


Figure 9

22. Additional video, a still shot of which is shown in Figure 10 below, also depicts NICHOLS and HARKRIDER pushing with the large crowd against the same entrance to the U.S. Capitol that was guarded by U.S. Capitol Police. In the video, the crowd appears to be chanting “Heave! Ho!” as it rocks back and forth in the direction of the entrance.



Figure 10

23. Additional video, a still shot of which is shown in Figure 11 below, depicts HARKRIDER leaning out from within the U.S. Capitol through a broken window, which is the same window where NICHOLS and HARKRIDER were standing while NICHOLS was yelling into the bullhorn, as noted above. In the video, HARKRIDER is seen retreating back from the window and inside the U.S. Capitol building.

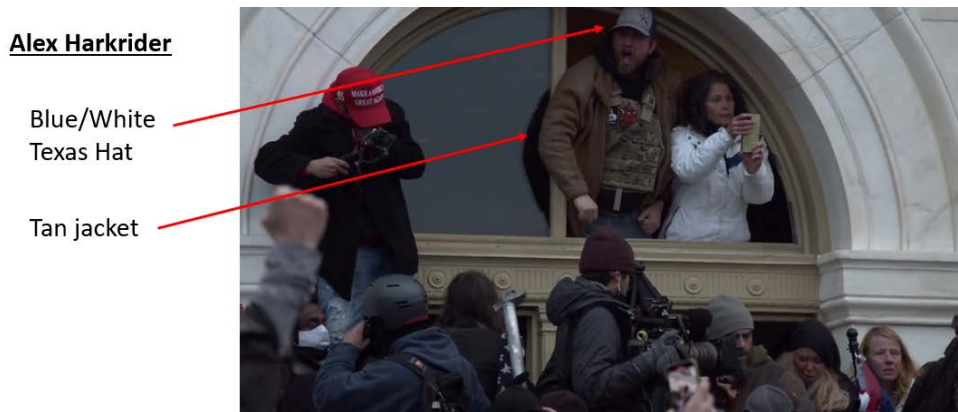


Figure 11

24. Additional images, shown in Figure 12 below, depict NICHOLS and HARKRIDER outside the U.S. Capitol building and apparently inside the building, based on the identifiable arched Capitol window and other contents of the photo.

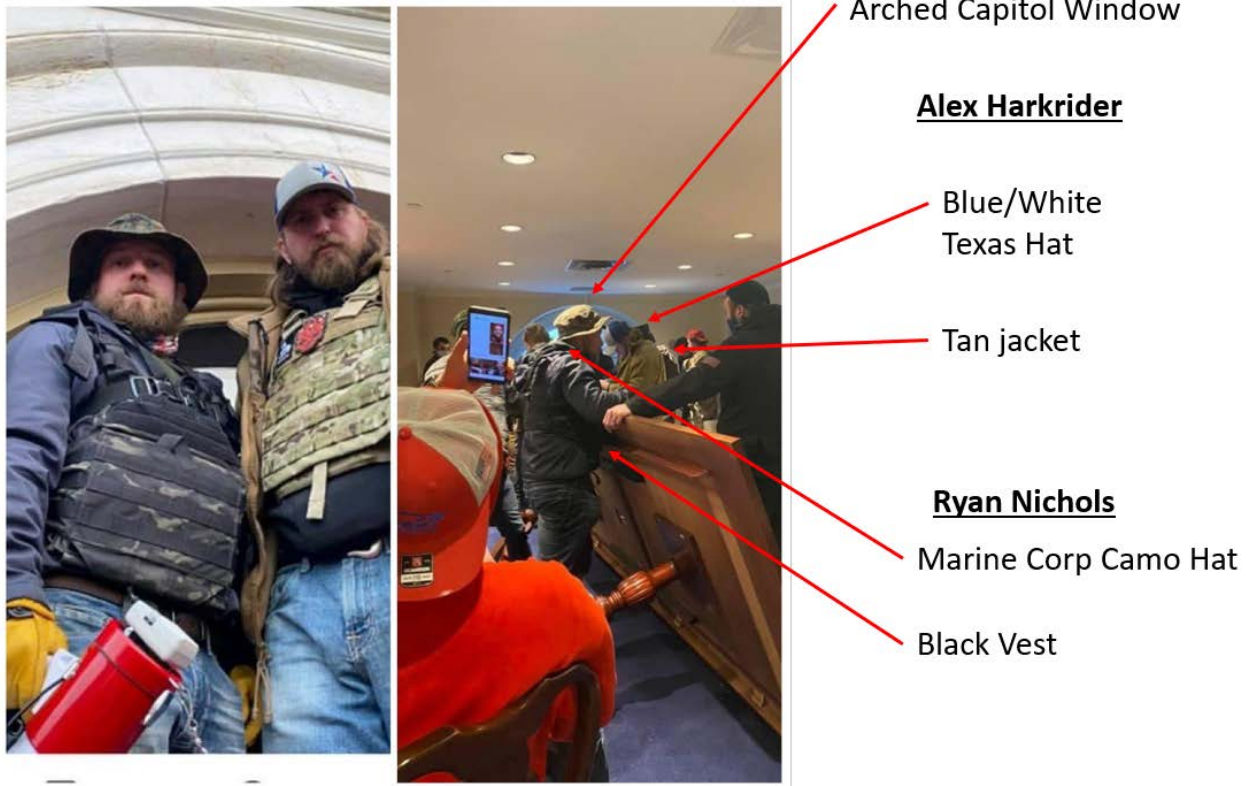


Figure 12

25. Figure 13, shown below, is a screenshot from a photograph apparently shared by HARKRIDER on Snapchat and obtained by investigators online. Snapchat is a messaging application which enables users to share photographs and videos with captions. The photograph depicts HARKRIDER inside a building identifiable as the U.S. Capitol on January 6, 2021, based the contents of the image, including HARKRIDER's clothing and the crowd of persons in the background. The caption to the photograph reads, "We're in. 2 people killed already. We need all the patriots of this country to rally the fuck up and fight for our freedom or it's gone forever. Give us liberty, or give us death. We won't stand for it." The photograph also appears to show a baton inside HARKRIDER's jacket or vest and labeled "Weapon."

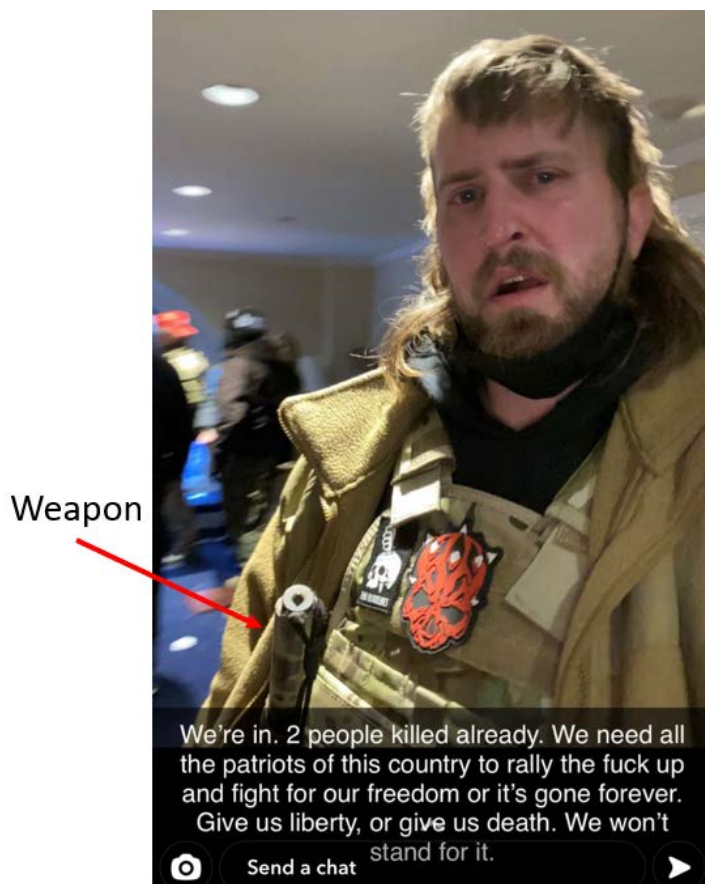


Figure 13

26. Shown below in Figure 14 is a still shot from video of NICHOLS emerging from a lower portion of the broken U.S. Capitol window. Figure 15 is a still shot showing HARKRIDER emerging from the same window.



Figure 14



Figure 15

27. In another screenshot of NICHOLS' Facebook page obtained by investigators, shown in Figure 16 below, NICHOLS and HARKRIDER appear in front of the large crowd at the U.S. Capitol. The title of the Facebook post is, "Ryan Nichols is . . . feeling pissed off with Alex Harkrider at United States Capitol." The text of the post states: "Patriots stood their ground today!"

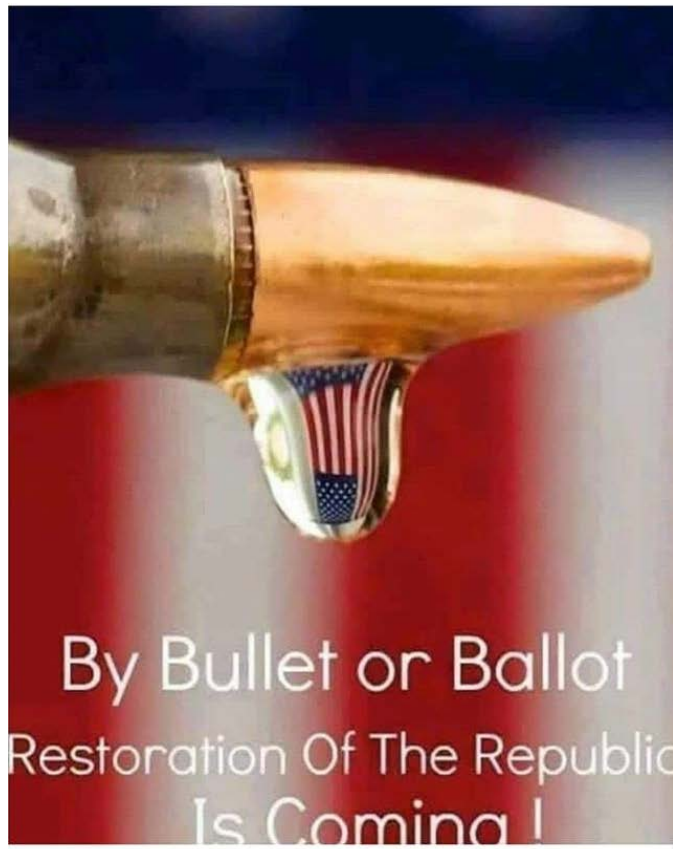
We aren't done yet, either! You want to steal our election, and not hear us in court? Good! Now you'll hear our civil unrest!"



Figure 16

28. A second Facebook profile was identified by law enforcement as belonging to NICHOLS (facebook.com/dontlistentoryan). The profile photograph of this Facebook Account

shows a picture of NICHOLS and the account contains a Facebook live video of NICHOLS and HARKRIDER as well as other photographs of NICHOLS and HARKRIDER. Throughout December 2020, NICHOLS made several posts to this Facebook account about coming to Washington, D.C. on January 6, 2021. On December 24, 2020, NICHOLS posted the image in Figure 17 below, which shows a bullet and states, “By Bullet or Ballot, Restoration of the Republic is Coming.”



Don't Listen To Ryan. December 24, 2020 at 11:31 AM · 🌐

We're either going to do it the EASY way or the HARD way..
It'll get done either way though!

Don't Listen To Ryan.. Listen to the American people! 🇺🇸👊

Figure 17

On December 28, 2020, NICHOLS posted on the same Facebook page that “Pence better do the right thing, or we’re going to MAKE you do the right thing.”

29. On January 7, 2021, NICHOLS posted a Facebook message, shown below in Figure 18 that reads in part: “Listen up: I hear so many reports of ‘Antifa’ was storming the capital [sic] building. Know that every single person who believes that narrative have been DUPED AGAIN! Sure, there may have been some ‘Antifa’ in DC, but there wasn’t enough to ‘Storm the Capital’ [sic] themselves.” In response to this post, another Facebook commented on this post with NICHOLS’ residential address.

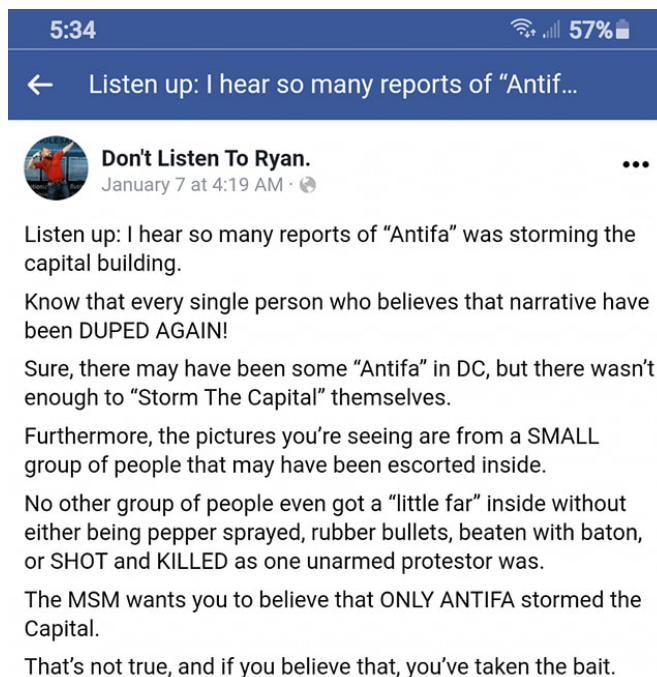


Figure 18

CONCLUSIONS OF AFFIANT

30. Based on the foregoing, your Affiant submits that there is probable cause to believe that NICHOLS violated 18 U.S.C. §§ 1752(a) and (b)(1)(A) (conspiracy and two substantive counts); 40 U.S.C. §§ 5104(e)(2), 5104(e)(2)(D) and (G); 18 U.S.C. § 231(a)(3); 18 U.S.C. § 111(a) and (b); and 18 U.S.C. § 2(a), as identified and described above. Further, your Affiant submits that there is probable cause to believe that HARKRIDER violated 18 U.S.C. §§ 1752(a) and (b)(1)(A) (conspiracy and one substantive count); 40 U.S.C. §§ 5104(e)(2), 5104(e)(2)(D) and (G); and 18

U.S.C. § 2(a), as identified and described above

31. As such, I respectfully request that the court issue an arrest warrant for NICHOLS and an arrest warrant for HARKRIDER. The statements above are true and accurate to the best of my knowledge and belief.

Michael D Brown

SPECIAL AGENT MICHAEL D. BROWN
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 17th day of January, 2021.

ZIA M. FARUQUI

U.S. MAGISTRATE JUDGE