

STATEMENT OF FACTS

Your affiant, Preston E. Grantham, is a Special Agent with the Federal Bureau of Investigation (FBI), currently assigned to Memphis Field Office-Nashville Resident Agency. In my duties as a special agent, I investigate domestic terrorism violations and other threats of violent crime. 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 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 U.S. 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.

Evidence Linking MICHAEL ROCHE to Assault on the U.S. Capitol

On or about January 8, 2021, the FBI received a tip that Michael Lee Roche (“ROCHE”) was observed in a video posted on Facebook on January 6, 2021, claiming that he had just entered the U.S. Capitol building. The FBI viewed the video, which was posted to the Facebook account of an individual identified by law enforcement (“Individual-1”). The video was posted to Individual-1’s Facebook account at approximately 2:15 p.m. Facebook user time on January 6, 2021, with the caption: “Michael Roach [sic] at the Capital [sic] ‘Stop the Steal’ March.” In the video, ROCHE appears wearing a black jacket with long gray sleeves and a red wool cap with white lettering and a “45” logo on the front. ROCHE states, in part:

My name is Michael Roche. We’re here in Washington, D.C. We did get a chance to storm the Capitol. And we made it into the chamber. . . . We managed to convince the cops to let us through. They listened to reason. And when we got into the chamber . . . we all started praying and shouting in the name of Jesus Christ, and inviting Christ back into our state capitol.

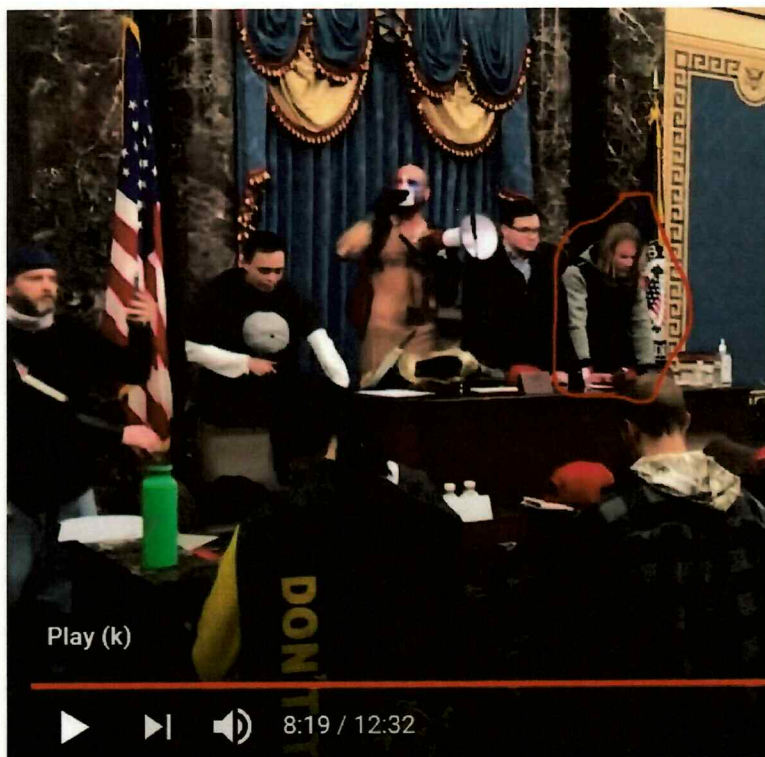
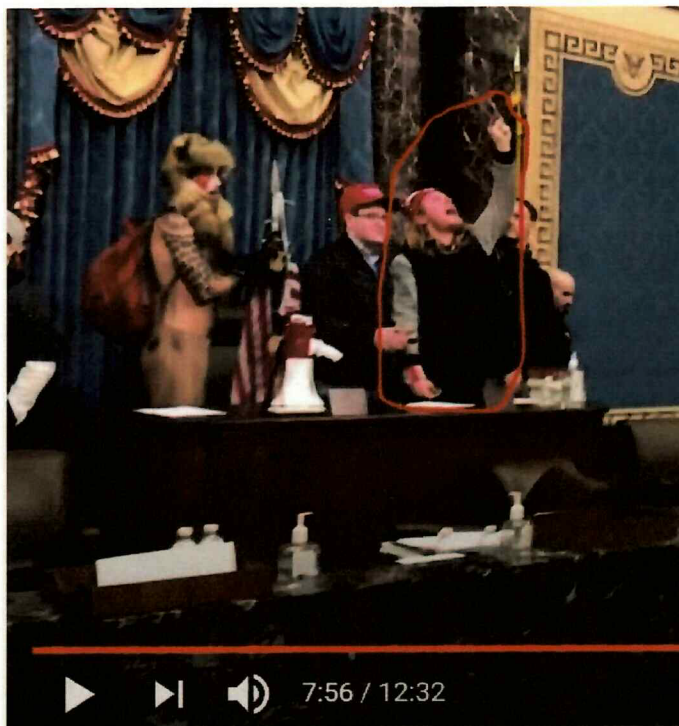
A screenshot of the video of ROCHE from Individual-1’s Facebook account is below:

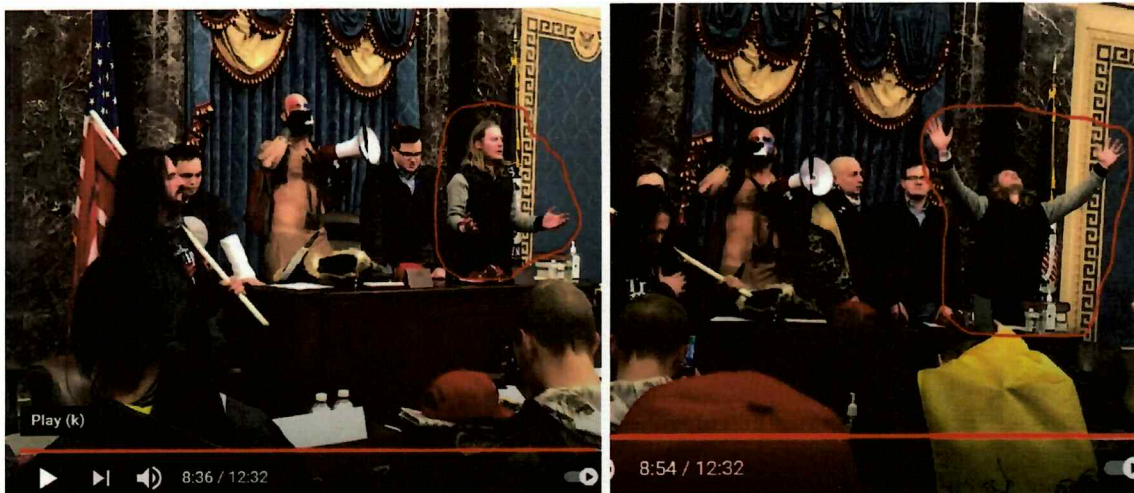


The FBI conducted a review of publicly available photos on Facebook, and identified additional photos showing ROCHE in Washington, D.C. on January 6, 2021. As shown in the photos below, ROCHE was at a rally near the Washington Monument in one photo, and ROCHE is seen in another photo standing next to the man that law enforcement has identified as Jacob Chansley (a.k.a. “the QAnon Shaman”). The photo of ROCHE and Chansley was posted to the Facebook account of an individual identified as “Seth Roche” with the following caption: “Took a pic of this wonderful man from Az before the media tried to smear him as antifa. My brother was shoulder to shoulder praying in Jesus name in the main capital chamber holding up the Bible. I want too see those photos. Do NOT believe what you hear.” In both photos below, ROCHE is seen wearing the same red wool hat and black jacket with long gray sleeves that he was wearing in the video provided by Individual-1.



On or about January 17, 2021, The New Yorker magazine posted a video on its YouTube channel that showed video footage from inside the Capitol building on January 6, 2021. See “A Reporter’s Footage from Inside the Capitol Siege” (posted Jan. 17, 2021) (*available at <https://youtu.be/270F8s5TEKY>*). In the video, beginning at approximately the 7:55 mark, ROCHE can be seen standing behind the Vice President’s desk in the Senate chamber of the Capitol building. ROCHE is wearing the same black jacket with long gray sleeves and red wool cap that he is wearing in the video uploaded to Individual-1’s Facebook account. ROCHE remains behind the Vice President’s desk with at least three other rioters, including Chansley, who begin to shout and pray. Screenshots from The New Yorker YouTube video are below. ROCHE is circled in red.





On or about February 2, 2021, Deputy U.S. Marshal William Etheridge (“Etheridge”), along with other deputies of the United States Marshal Service (“USMS”) and members of the Tennessee Bureau of Investigation, were attempting to locate a missing child. The USMS knocked on a door of an apartment located at an address in Murfreesboro, Tennessee (the “Murfreesboro Apartment”), where they believed the missing child’s family lived. A man who identified himself as MICHAEL ROCHE and a woman (“Individual-2”) were inside the Murfreesboro Apartment. Individual-2 acknowledged that ROCHE had been all over the news, and that they were expecting law enforcement to come for him. The USMS deputies placed ROCHE in handcuffs for their safety and sat him down. ROCHE stated that he believed he had outstanding arrest warrants and that the USMS were there to arrest him for being in Washington, D.C. on January 6, 2021. Once the USMS deputies identified ROCHE, they confirmed that he did not have any outstanding arrest warrants. They uncuffed him and left without incident.

On or about February 2, 2021, the USMS notified the FBI-Nashville Resident Agency of the incident at ROCHE’s residence. The FBI provided Etheridge with photographs of ROCHE and a web link containing The New Yorker YouTube video showing ROCHE on the Senate floor of the Capitol building. Etheridge confirmed that the ROCHE who appeared in the photos and video was the same individual that Etheridge engaged with at the Murfreesboro Apartment.

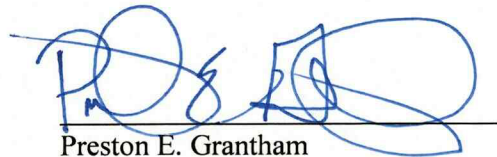
Additionally, law enforcement reviewed ROCHE’s driver’s license information on file with the State of Tennessee and confirmed that both ROCHE and Individual-2 reside at the Murfreesboro Apartment. Law enforcement also confirmed ROCHE’s identity by comparing ROCHE’s driver’s license photo with the Facebook photos and videos of ROCHE in Washington, D.C. and inside the Capitol building on January 6, 2021.

Based on the aforementioned evidence, there is probable cause to believe that MICHAEL ROCHE was present inside the U.S. Capitol building during the riot and related offenses that occurred at the U.S. Capitol building, located at 1 First Street, NW, Washington, D.C. 20510 on January 6, 2021 and participated in the obstruction of the Congressional proceedings.

Accordingly, your affiant submits there is probable cause to believe that ROCHE violated 18 U.S.C. § 1512(c)(2), which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings.

Your affiant submits that there is also probable cause to believe that ROCHE 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.

Finally, your affiant submits there is also probable cause to believe that ROCHE violated 40 U.S.C. § 5104(e)(2)(A), (C), (D), and (G), which makes it a crime to willfully and knowingly (A) enter or remain on the floor of either House of Congress or in any cloakroom or lobby adjacent to that floor, in the Rayburn Room of the House of Representatives, or in the Marble Room of the Senate, unless authorized to do so pursuant to rules adopted, or an authorization given, by that House; (C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of— (i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; or (ii) the Library of Congress; (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; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



Preston E. Grantham
Special Agent, FBI

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 7th day of April 2021.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE