

STATEMENT OF FACTS

I, Michael B. Miller, am a Special Agent with the Federal Bureau of Investigation. In my duties as a special agent, I have conducted and/or assisted in many criminal investigations involving the internet and digital evidence, including investigations involving computer intrusion, public corruption, civil rights, wire fraud, money laundering, and other federal violations of United States Code. 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, detention, 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.

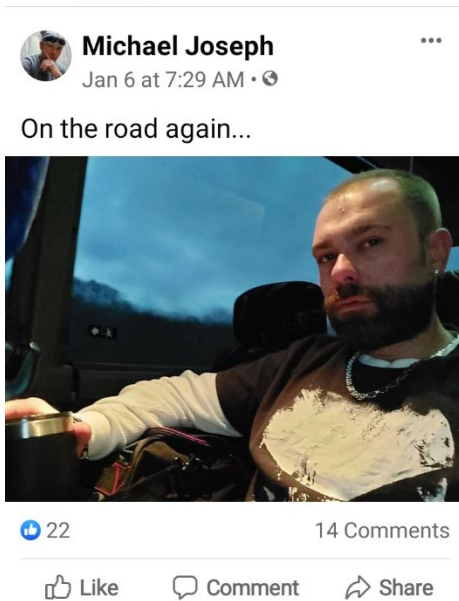
Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress 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.

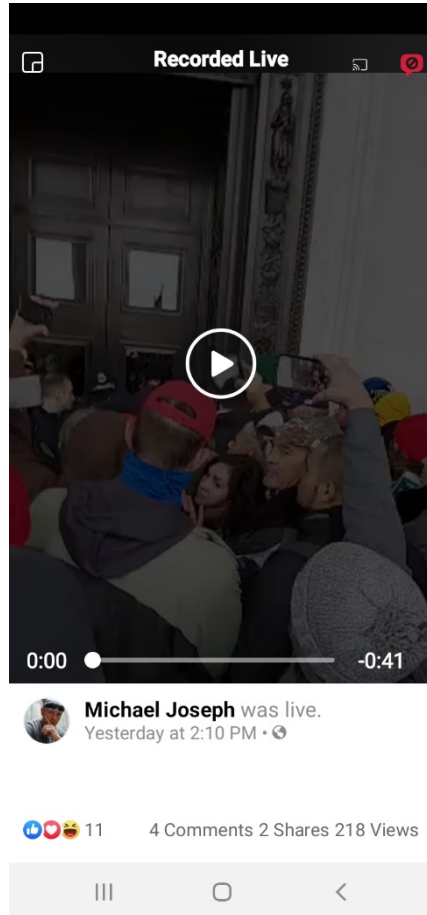
During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

On January 7, 2021, Witness-1 called the FBI's National Threat Operations Center to report information pertaining to the incident at the Capitol on January 6, 2021. Witness-1 stated they knew "Michael Joseph" from high school and saw a live stream on Facebook of Michael entering the Capitol and destroying property. Witness-1 provided a link to the Facebook profile in the name of "Michael Joseph" which identified the Facebook user ID as 100009155779709. Witness-one was unable to provide a last name for "Michael Joseph" but stated he lived in Scranton, Pennsylvania and was a volunteer firefighter and EMT.

On January 8, 2021, an FBI Special Agent interviewed Witness-1 via telephone. Witness-1 said that the individual Witness-1 mentioned previously, "Michael Joseph", was friends with Witness-1's spouse on Facebook. The last name of "Michael Joseph" was either 'Russin' or 'Russyn.' Witness-1 said that they watched a live stream on Michael's Facebook page and noticed Michael hopped a fence, but stated that the live stream did "not contain any evidence that Michael committed any criminal activities like engaging in violence, theft or vandalism."

Witness-1 provided the FBI with numerous screen captures from the Facebook profile of "Michael Joseph". The screen captures included a "selfie" style photograph, apparently of MICHAEL JOSEPH RUSYN ("RUSYN"), which was posted to the "Michael Joseph" Facebook profile on or about January 6, 2021 at 7:29 AM. The individual, believed to be RUSYN, was depicted wearing (1) a black t-shirt with a white graphic, (2) a long-sleeved white shirt, and (3) a silver-colored necklace. The screen captures provided by Witness-1 are depicted below.





The FBI accessed open-source information which contained video footage recorded by individuals while they were inside of the Capitol. One such video appears to depict RUSYN in various areas of the Capitol for at least 11 minutes. This video depicts a crowd of people, including RUSYN, stopped in a hallway outside the chamber of the House of Representatives (“the House chamber”) by a group of approximately ten officers employed by the U.S. Capitol Police Department. Members of this group demanded that the officers stand aside and allow them access to the House chamber. At various times, members of the group shouted “Tell Pelosi we’re coming for that bitch,” called the police officers traitors, and chanted “Stop the Steal” and “We want Trump.” At one point, one of the rioters loudly attempted to broker an agreement with the police officers, yelling to the group about entering the House chamber and sitting down “calmly and quietly,” then speaking with officers about the same. RUSYN stood with this crowd, approximately 10 feet from the front of the group, in a position to hear all of this. A screen capture from the video, taken from this period of time, is included below. At various times, RUSYN held a cell phone over his head in an apparent attempt to record this encounter with police.



After several minutes, this crowd pushed through police officers, breaching the police line, and approached the House chamber. This video does not show RUSYN pushing or otherwise assaulting police officers, although it was not focused on him at the time the crowd breached the police line. The crowd breached a door beyond the police line, and surged toward a second door, which led directly into the House chamber, and which apparently was secured against the rioters. Members of the group discussed ways of breaching the door, to include using crowbars, knives, and punching in the windows, while the crowd continued to chant “Stop the Steal.” RUSYN stood with this group, initially at the breached doorway and later pushing in toward the door to the House chamber.¹ Two additional screen captures, from this period of time, are included below. Notably, the second capture appears to depict RUSYN holding a cellular telephone.



¹ The person recording this video left shortly thereafter to find an alternate route into the House chamber, and at that point did not capture any of RUSYN’s further activity.



On January 11, 2021, a search warrant was served upon Facebook to identify Facebook accounts utilized to live stream video in a geographic area that included the interior of the United States Capitol building. One such account identified by Facebook was Facebook user ID 100009155779709, an account in the name of “Michael Joseph.”

On January 20, 2021, Facebook produced additional information which stated the telephone number associated with Facebook user ID 100009155779709 was 570-780-1690.

According to records obtained through search warrants served on AT&T and Google, on January 6, 2021, in and around the time of the incident, the cell phone associated with telephone number 570-780-1690, was identified as having used a cellular site consistent with providing service to a geographic area that included the interior of the United States Capitol. The telephone number was associated with Google email account MIKERUSYN@gmail.com. The name of the user identified in Google’s records was MIKE RUSYN.

According to subscriber records obtained from AT&T, telephone number 570-780-1690 was associated with the AT&T account of the Liberty Fire Department from September 14, 2018 through at least March 15, 2021. The user’s address was listed as 101 Upper North Valley Avenue in Olyphant, Pennsylvania 18447. The international mobile equipment identity number (IMEI) for the device associated with telephone number 570-780-1690 is 355183114464816.

On February 17, 2021, MICHAEL JOSEPH RUSYN voluntarily spoke with an FBI Special Agent and Task Force Officer in Scranton, Pennsylvania (collectively, “the Agents”). RUSYN told the Agents that he was at the United States Capitol on January 6, 2021 and described being part of a crowd that gathered outside of the Capitol. RUSYN said some people in the crowd were armed with weapons such as broom sticks with a nail or hook affixed to the ends. He took some of the weapons away from people but ended up being injured with a weapon in the process.

RUSYN said that eventually it appeared as if people who had gotten inside of the Capitol opened the doors near the location in which he was standing. RUSYN said he was pushed inside the Capitol and denied making a conscious decision to go inside. Once inside the Capitol, he used his cellular phone to take photos and videos. After taking photos and videos, his cellular phone ran out of memory so he decided to live stream video to Facebook. He remained inside the Capitol for approximately one hour.

During the interview, the Agents presented RUSYN with a close-up image of RUSYN's face which was derived from the second-to-last still image above. RUSYN confirmed that he was the person in the image.

Based on the foregoing, your affiant submits that there is probable cause to believe that RUSYN 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; 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 attempt or conspire 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 RUSYN violated 40 U.S.C. § 5104(e)(2)(D) and (G), which make it a crime to willfully and knowingly (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.



Michael B. Miller
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 7th day of April, 2021.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE