

Case: 1:22-mj-00220

Assigned To : Harvey, G. Michael

Assign. Date : 10/13/2022

Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, Theresa A. Calko, is a Special Agent assigned to the Cleveland Division's Youngstown Resident Agency. In my duties as a Special Agent, I regularly serve subpoenas, conduct interviews, take sworn statements, execute search warrants, and otherwise gather evidence in furtherance of criminal investigations. These investigations include, but are not limited to firearms offense, crimes against children, national security, and bank robberies. Over the course of my employment as an FBI Special Agent, I have conducted and participated in multiple criminal investigations that have resulted in arrest for criminal offenses. The crimes resulted in subsequent convictions in Federal Courts. 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, S.E., 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.

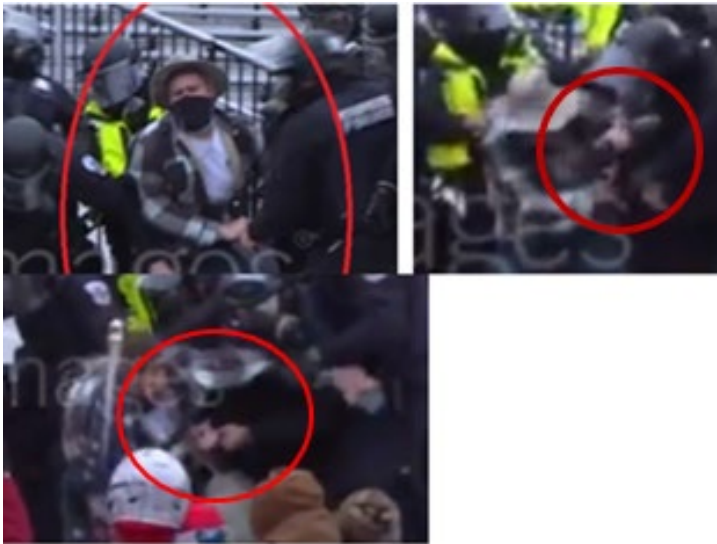
At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals 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.

A private citizen filmed some of the violence that occurred at the U.S Capitol Building on January 6, 2021, and made the video available for public viewing on the internet at jan6attack.com. This video was captured by the FBI.

On or about July 27, 2021, an FBI Intelligence Analyst (“IA”) reviewed jan6attack.com and observed video that captured officers with the Metropolitan Police Department (“MPD”) attempting to clear out a large crowd of people from the upper level of the amphitheater located on the west side of the U.S. Capitol Building. At approximately 4:36 p.m., a MPD Officer (“Officer 1”) picked up an unattended law enforcement baton. At approximately 4:38 p.m., an altercation occurred between people in the crowd and MPD officers. During the altercation an unknown person fell to the ground and began to swing a flagpole in the air. MPD Officer “1” utilized the law enforcement baton on the person in effort to stop him from hitting MPD officers. A person later identified as MICHAEL SCOTT LOCKWOOD grabbed the baton and Officer “1” and LOCKWOOD, both with hands on the baton, begin to struggle for control, neither letting go. The baton can be seen in the photos below within the red circle. Eventually, LOCKWOOD was able to wrest control of the baton from Officer “1”.



MPD Body Worn Camera (“BWC”) captured LOCKWOOD gaining control of the baton when he jumped down off the platform. LOCKWOOD then walked away and into the crowd with the baton in his hand. The baton can be seen in the red circle.



In an effort to learn the identity of the person who wrested control of the baton from Officer “1”, the IA ran a facial image of the person through FBI and public databases. The results returned images from two separate arrests for LOCKWOOD. With this information, the IA was able to identify a Facebook account affiliated with LOCKWOOD. In a post on the account from November 6, 2020, LOCKWOOD is shown in a photograph wearing a hat that is identical to the hat worn by the person who wrested the baton from Officer “1”:

Image from BWC:



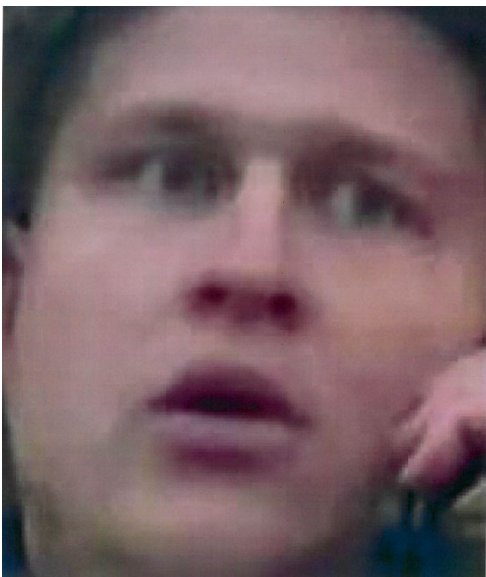
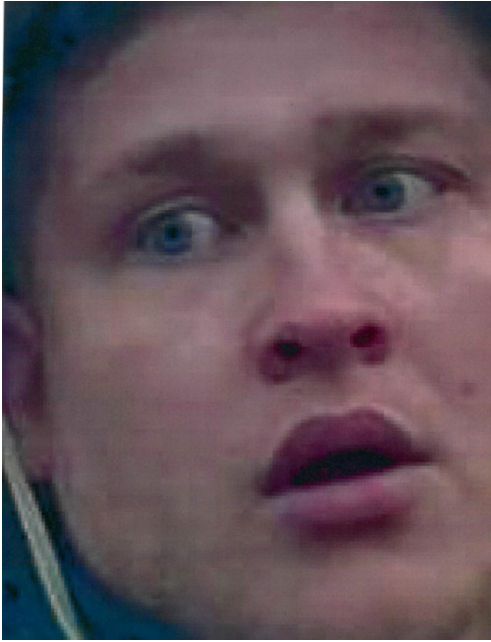
Facebook photo from account of LOCKWOOD:



The IA then conducted searches and located an address for Lockwood within the Youngstown, Ohio area.

On or about January 26, 2022, the affiant contacted JW, who had been identified as LOCKWOOD's grandmother. JW positively identified the following images, taken from the BWC and depicting the person who took the baton from Officer "1", as LOCKWOOD:





Based on the foregoing, your affiant submits that there is probable cause to believe that MICHAEL SCOTT LOCKWOOD 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.

Your affiant submits there is probable cause to believe that MICHAEL SCOTT LOCKWOOD violated 18 U.S.C § 111(a)(1), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with a person designated in 18 U.S.C § 1114, which includes certain federal officers or employees or those assisting the, where such acts involve physical contact with the victim of that assault, while the officer or employee is engaged in or on account of the performance of official duties.

Your affiant submits that there is probable cause to believe that MICHAEL SCOTT LOCKWOOD 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 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 that there is probable cause to believe that MICHAEL SCOTT LOCKWOOD violated 40 U.S.C. § 5104(e)(2)(D) which makes it a crime to willfully and knowingly engage in disorderly or disruptive conduct on the Grounds or any of the Capitol Buildings.

Respectfully submitted,



THERESA A. CALKO
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 14th day of October 2022.

G. MICHAEL HARVEY
UNITED STATES MAGISTRATE JUDGE