

Case: 1:23-mj-00007  
Assigned To : Harvey, G. Michael  
Assign. Date : 1/11/2023  
Description: Complaint W/ Arrest Warrant

## STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to the Federal Bureau of Investigation's Washington Field Office. In my duties as a special agent, I have conducted criminal investigations related to public corruption and national security investigations related to counterterrorism. My training and experience have involved, among other things, interviewing witnesses and confidential human sources, executing court-authorized search warrants, conducting surveillance, and analyzing documentary and physical evidence. 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 facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies 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, it does not contain every fact known by me or the FBI. The dates and times listed in this Affidavit should be read as "on or about."

### ***Background: Events at the U.S. Capitol on January 6, 2021***

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.

### ***Facts Specific to Micaiah Joseph***

Based upon review of public video, closed circuit television (“CCTV”) footage and police body worn camera footage depicting the events at the U.S. Capitol building and grounds on January 6, 2021, law enforcement identified an individual who pushed against police and aided other rioters near an entrance to the U.S. Capitol. The FBI subsequently posted a photograph of the individual at the U.S. Capitol under the name AFO 221 and requested help from the public to identify the individual. As set out in detail below, law enforcement has identified AFO 221 as MICAIAH JOSEPH (“JOSEPH”) and there is probable cause to believe that on January 6, 2021, JOSEPH committed violations of 18 U.S.C. §§ 231(a) (civil disorder) and 1752(a)(1), (2) and (4) (various offenses on restricted buildings or grounds) and 40 U.S.C. §§ 5104(e)(2)(E) (impeding passage through Capitol grounds).

#### **A. AFO 221’s Activities at the U.S. Capitol on January 6, 2021.**

According to CCTV footage, AFO 221 entered the area near the tunnel at approximately 3:00 p.m. As depicted in the images below, AFO 221 was wearing a “tricorn” hat with a red feather, a blue bandana or neck gaiter, a gas mask, a black long sleeve shirt or jacket, a black tactical vest, and black pants, and carried a black backpack. Below is a still image from CCTV footage depicting AFO 221’s entrance into the tunnel:



After entering the tunnel, AFO 221 moved through the crowd toward the police line. Below are still images showing AFO 221's progress through the crowd in the tunnel:

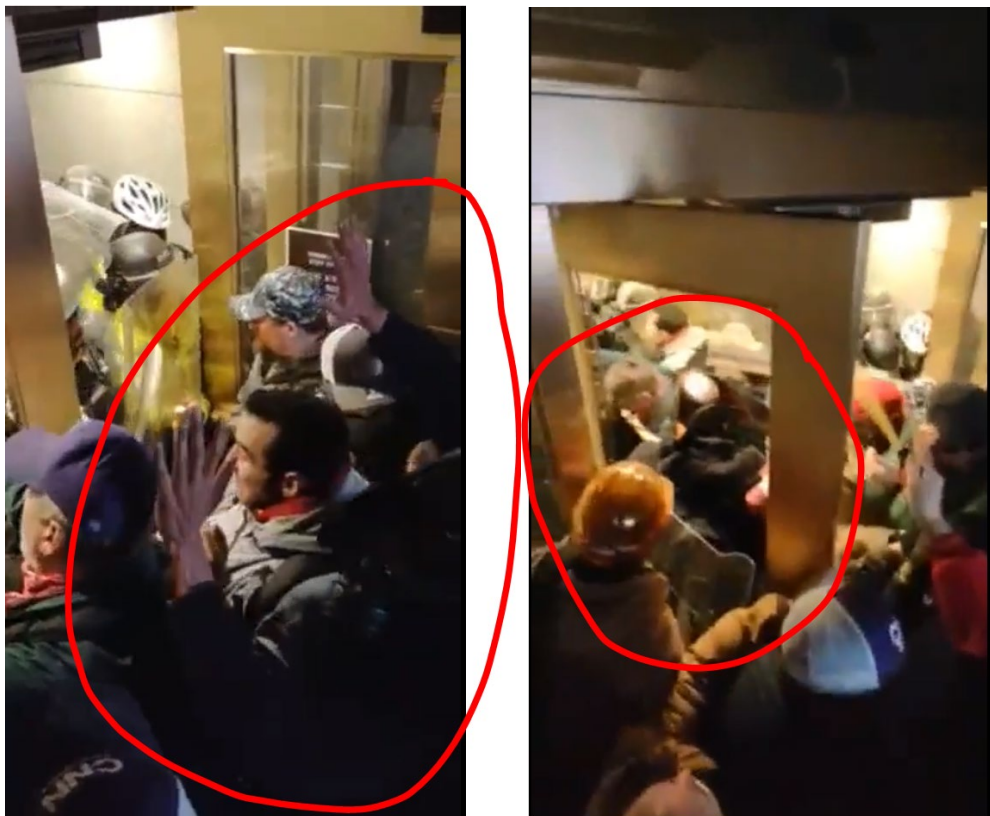




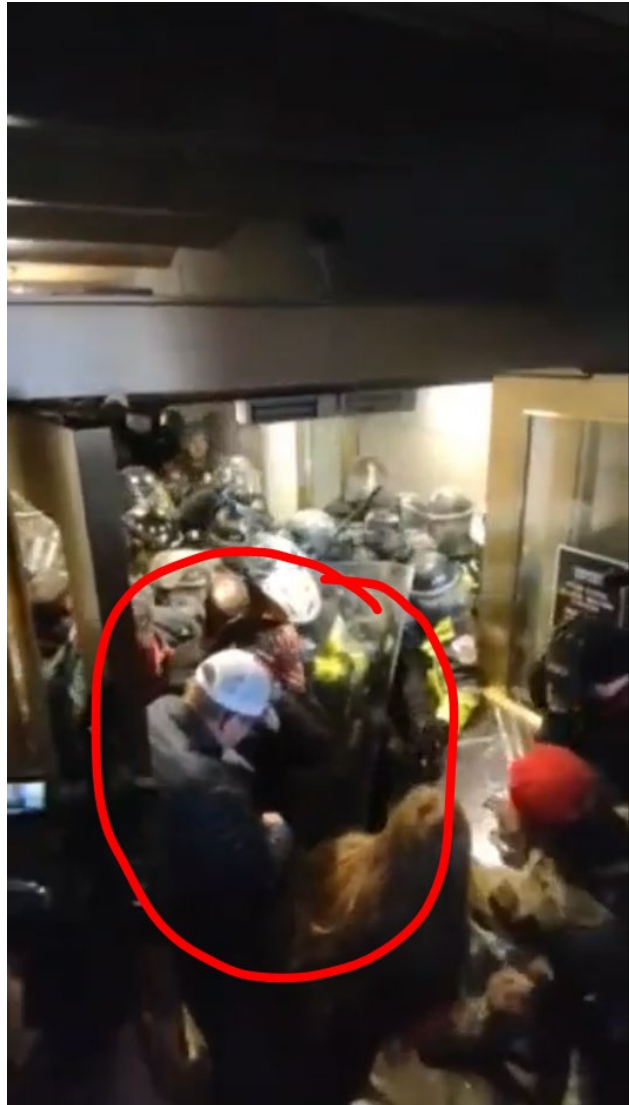
Body worn camera footage shows that AFO 221 arrived at the police line at approximately 3:02 p.m.



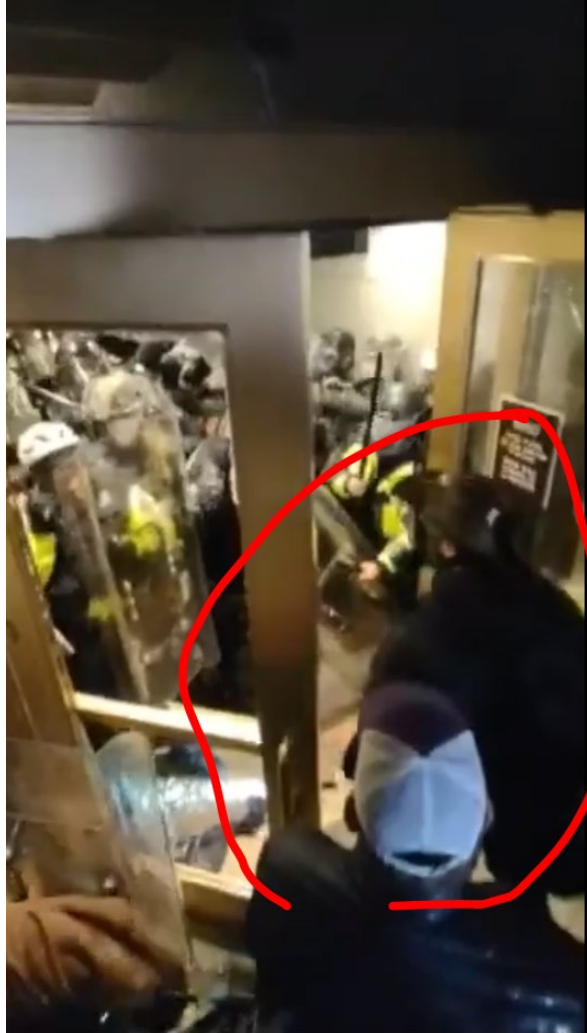
Video recorded by another January 6 defendant (“Video 1”), shows that around this same time, AFO 221 placed his hands in the air and continued to approach the police line. The still images from Video 1 below show AFO 221 as he gets closer to police officers, eventually physically pressing up against officers.



At one point, Video 1 shows officers attempted to move rioters back and out of the tunnel. AFO 221 resisted being moved back but pressed against officers despite having room behind him to move back:



Officers eventually succeed in getting the rioters, including AFO 221 to move back. However, according to Video 1 and body worn camera footage, AFO 221 remained at the front of the mob and continued to yell at officers.



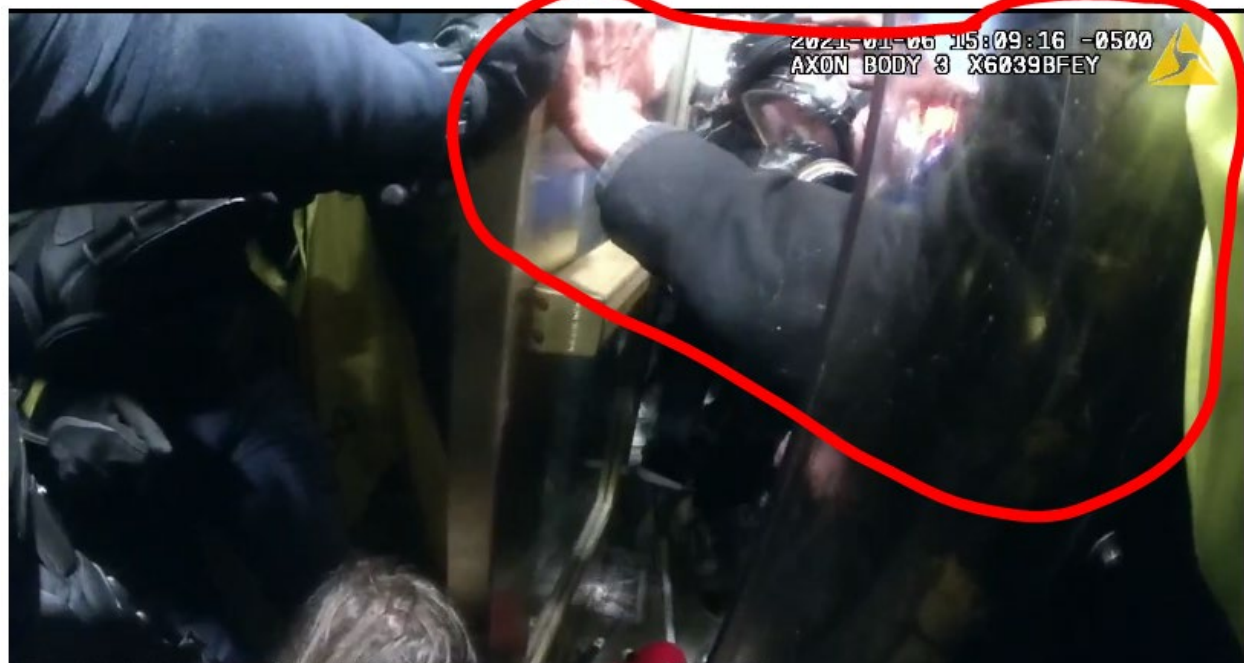


According to Video 1, AFO 221 was then among the first rioters to approach the police line again and pushed against them.





Body worn camera footage shows that during this time, AFO 221 pressed against officers and on at least two occasions, he used the nearby set of doors to the tunnel to leverage his weight against officers. Below are still images from body worn camera showing AFO 221 using the door to push against officers:



According to CCTV, at approximately 3:10 p.m., AFO 221 was being pushed out of the tunnel area by officers:



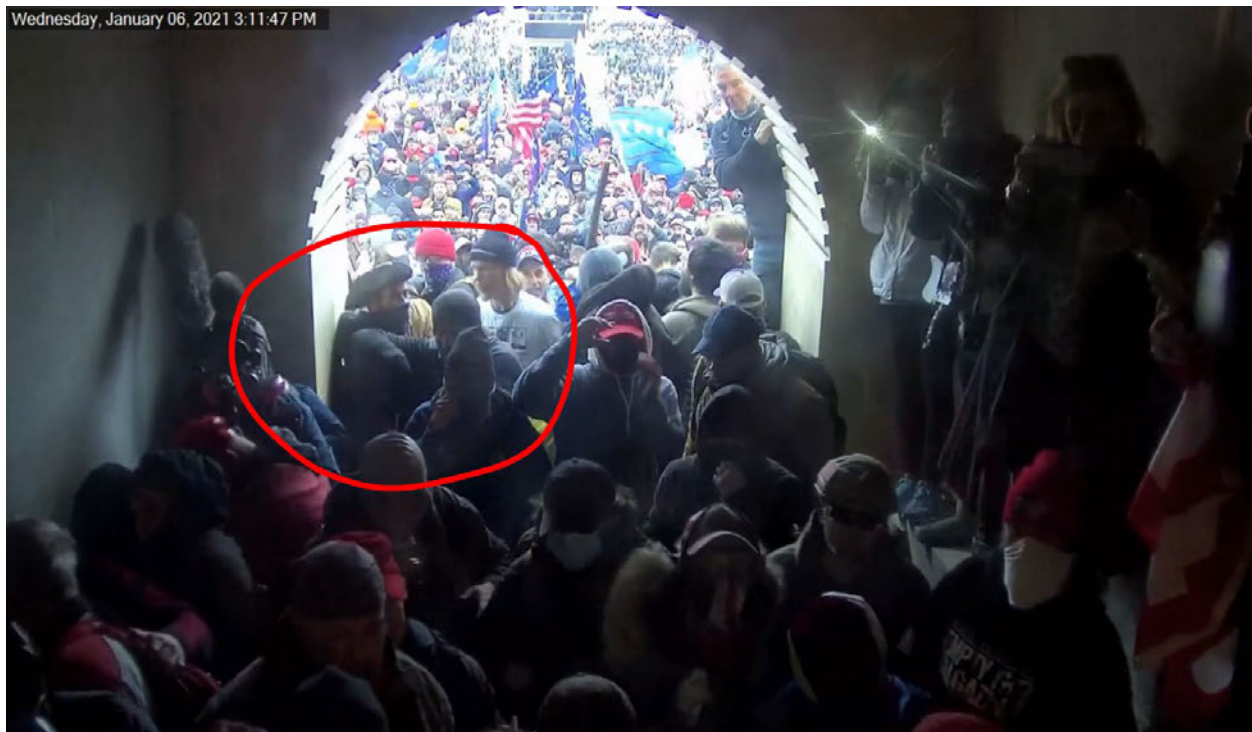
As AFO 221 moved toward the exit, CCTV shows AFO 221 spoke to another rioter, then removed his gas mask and handed it to the rioter. Below is a still image of CCTV footage showing AFO 221 handing the gas mask to another rioter:



AFO 221 then moved all the way to the entrance of the tunnel:



AFO 221 then turned around and reentered the tunnel, briefly resting against the wall in the entryway:



AFO 221 then once again moved through the crowd toward the police line:



As AFO 221 neared the police line, the crowd grew denser and AFO 221 was pushed again toward the exit. AFO 221 exited the tunnel at approximately 3:13 p.m. In the below still image, AFO 221 is partially obscured by police riot shields which are being handed out of the tunnel.



A public video posted to YouTube (“Public Video 1”)<sup>1</sup> depicts AFO 221 as he came out of the tunnel without the gas mask on. Below is a still image taken from Public Video 1 depicting the unmasked face of AFO 221:



### **B. Identification of AFO 221 as Micaiah Joseph**

A confidential human source (“CHS”)<sup>2</sup> provided information to law enforcement that AFO 221 is an individual named MICAIAH JOSEPH. Law enforcement then searched law enforcement databases and identified an individual believed to be JOSEPH’s wife. On or about March 21, 2022, law enforcement called a phone number associated with JOSEPH’s wife in law enforcement databases. During the phone call, JOSEPH’s wife transferred the phone to JOSEPH. JOSEPH provided law enforcement with his current phone number as XXX-XXX-2408 (“Joseph Phone 1”) but otherwise declined to answer questions.

Following the phone call with JOSEPH, law enforcement compared the number for Joseph Phone 1 with phone numbers obtained through a search warrant that was served on AT&T on or

<sup>1</sup> The video was previously available at <https://www.youtube.com/watch?v=0zyjCvDN4Ig>. FBI downloaded a copy of the video on or about January 22, 2021. As of December 12, 2022, it appears the video’s security settings were changed on YouTube to private and it is no longer publicly available.

<sup>2</sup> The CHS is an established source who leads a team of open-source researchers who began collaborating shortly after January 6, 2021, to identify Capitol rioters. CHS’ group is motivated by a desire to assist law enforcement regarding the events of January 6, 2021 at the U.S. Capitol. CHS has provided multiple pieces of corroborated information. CHS does not have personal knowledge of the subjects of reporting but rather derives information solely through open-source research.

about January 7, 2021 for phone numbers that utilized a cell site consistent with providing service to a geographic area that included the interior of the United States Capitol Building. Joseph Phone 1 was one of the numbers provided by AT&T responsive to the warrant, indicating Joseph Phone 1 may have been inside the U.S. Capitol building on January 6, 2021.

On or about October 3, 2022, law enforcement interviewed a relative of JOSEPH (“Relative 1”). During the interview, Relative 1 was shown the below photographs of AFO 221 at the U.S. Capitol:



Relative 1 identified AFO 221 as MICAIAH JOSEPH. Relative 1 stated s/he recognized the blue scarf JOSEPH was wearing in the photographs. Relative 1 also stated that JOSEPH had given Relative 1 a hat that was similar to the one JOSEPH wore in the photographs.<sup>3</sup>

### *Conclusion*

Based on the foregoing, your affiant submits there is probable cause to believe that MICAIAH JOSEPH violated 18 U.S.C. 231(a)(3), which makes it unlawful to commit or attempt


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<sup>3</sup> The FBI received numerous tips regarding the identity of AFO 221. All of these tips identified AFO 221 as someone other than MICAIAH JOSEPH. Additionally, law enforcement showed photographs of AFO 221 to numerous individuals living in JOSEPH’s neighborhood. None of these individuals recognized AFO 221.

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 further submits that there is probable cause to believe that JOSEPH violated 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; 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; and (4) knowingly engages 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.

Your affiant submits there is also probable cause to believe that JOSEPH violated 40 U.S.C. § 5104(e)(2)(E) which makes it a crime to willfully and knowingly (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings.

  
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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 11<sup>th</sup> day of January 2023.

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HONORABLE G. MICHAEL HARVEY  
U.S. MAGISTRATE JUDGE