

STATEMENT OF FACTS

Affiant

Case: 1:23-mj-00015
Assigned To : Faruqi, Zia M.
Assign. Date : 1/19/2023
Description: Complaint W/ Arrest Warrant

I, [REDACTED], am a Special Agent assigned to Miami Field Office of the Federal Bureau of Investigation. In my duties as a special agent, I am responsible for investigating federal crimes. 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.

Background on the Events of 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.

Kenneth Bonawitz's Assaults Against Multiple Officers

Starting at around 1:00 p.m. on January 6, 2021, a large crowd began amassing on the West Front of the Capitol. Between 1:00 p.m. and 2:28 p.m., the crowd became increasingly hostile to the Washington, D.C., Metropolitan Police and the U.S. Capitol Police, who were attempting to hold the line on the West Front and prevent the crowd from advancing towards the Capitol while the Joint Session was meeting. Shortly before 2:28pm, the officers at the West Front of the Capitol lost the line to the advancing amassed crowd, which broke through on the south side. Among the first of those rioters to push through the line on the West Front was Kenneth Bonawitz. Bonawitz was dressed in a red "Make America Great Again" hat, a black leather jacket, brown leather shoes, blue jeans, and a red, white, and blue neck gaiter. Bonawitz was also armed with what appears to be an approximately eight-inch hunting knife, which was in a nylon sheath attached his belt on his right hip.

Assault Against USCP Officer Z.Y. and USCP Sergeant F.R.

At approximately 2:30 p.m., Bonawitz mounted the stage that had been built for the upcoming Inauguration on the West Front. Bonawitz mounted the stage, turned south, and began to run in the direction of a short set of stairs.



USCP Officer Z.Y. and USCP Sergeant F.R. were standing at the base of that short set of stairs. Just before the platform upon which he was running ended, Bonawitz tucked his head, raised both of his arms such that they were extended and approximately level with his shoulders,

and hurled himself in the direction of both Officer Z.Y. and Sergeant F.R. Bonawitz collided with the officers and the weight of his body travelling through the air took both officers to the ground.



Multiple officers assisted pulling Bonawitz off Officer Z.Y. and Sergeant F.R. As a result of Bonawitz's assault against him, Sergeant F.R. suffered from injuries to his neck and shoulder. While the officers were removing Bonawitz, they observed that he had the knife in a nylon sheath attached to his belt on his right hip. An MPD sergeant removed the knife from Bonawitz but permitted him to keep the empty sheath attached to his belt. The sergeant handed the knife to another MPD officer, who tossed it away from Bonawitz and the other rioters.



On the ground, Bonawitz removed his leather jacket, revealing a gray tee-shirt reading "Getcha some freedom" over a red, long sleeve undershirt. Bonawitz also removed his red Trump hat, revealing a clean-shaven, bald head, and held the hat in his hands.

Assaults Against Multiple MPD Officers

At approximately 2:31pm, Bonawitz, having had his knife removed, was escorted back into the crowd at the West Front. Upon rejoining the crowd, Bonawitz, wearing the above-described "Getcha some freedom" shirt, red undershirt, blue jeans, and holding his red hat in his hands, again confronted officers at the police line on southern side of the West Front of the Capitol. As officers were attempting to push the line of rioters back from the West Front, Bonawitz began to resist the efforts of the officers.

Assault #1: MPD Officer E.M.

Another rioter, dressed in a black shell-fleece type jacket, blue jeans, grey beanie, black gloves, black and grey neck gaiter, and mirrored sunglasses began to push against MPD Officer E.F. as he and other officers tried to re-establish the line on the West Front. Multiple MPD officers attempted to assist Officer E.F., including MPD Officer E.M. Bonawitz, who was positioned behind Officer E.M., shoved her, causing her to stumble forward. When Officer E.M. tried to turn to face Bonawitz, he wrapped his arms around her from behind, inserted his forearm under her face shield, and then pulled upwards on her neck with his forearm, briefly lifting her off the ground. Officer EM was able to struggle free of Bonawitz's grip and push herself away from him.



Assault #2: MPD Officer 2478

As Bonawitz was committing Assault #1, another MPD officer, who is identifiable only by the number 2478 on his riot helmet (hereinafter, “MPD Officer 2478”), moved to get past Bonawitz to assist Officer E.F. in his altercation with the rioters. As soon as Officer E.M. struggled free of Bonawitz’s grip, Bonawitz swung his left arm and knocked MPD Officer 2478 near his face and neck area, causing him to stumble and fall to the ground.



Assault #3: MPD Officer P.N. and an Unidentified MPD Officer

As Bonawitz was engaging in Assault #2, MPD Officer P.N. and an unidentified MPD officer intervened to assist Officers E.F., E.M., and other officers attempting to re-establish the line. After striking MPD Officer 2478, Bonawitz turned in the direction of Officer P.N. and the unidentified MPD officer. Bonawitz then pulled his head back, as though preparing to headbutt the unidentified MPD officer. Bonawitz also took his right elbow and thrust it into the unidentified MPD officer's abdominal area. Based upon the body worn camera footage of multiple MPD officers at the scene, Bonawitz's head did not make contact with the unidentified officer due to Officer P.N.'s shoving Bonawitz away from the unidentified MPD officer.



As Bonawitz elbowed the unidentified MPD officer, Bonawitz took his left hand, in which he was holding his red hat, and jammed it into the right side of Officer P.N.'s neck and ear area behind his face shield.



Once Officer P.N. shoved Bonawitz to prevent him from connecting his headbutt with the unidentified MPD officer, Bonawitz turned his body in the direction of Officer P.N., locked his hands on to Officer P.N.'s shoulders and began pushing and shoving Officer P.N. for approximately five seconds. Bonawitz then released his grip on Officer P.N. but continued flailing his arms and grabbing at the multiple officers around him. Bonawitz, reaching over his right shoulder, grabbed a yellow Gadsden flag on a short flagpole from the hands of a fellow rioter and swung the flag over his right shoulder, in an apparent attempt to strike Officer P.N. on the left side of his ribcage. Bonawitz did not make contact with Officer P.N.'s ribcage because the original holder of the Gadsden flag maintained his grip on it, thereby impeding Bonawitz's swing.



Bonawitz's assaultive conduct ended after MPD officers pushed him back into the crowd for a second time and deployed chemical agent to his face.

Identification

On March 3, 2022, in response to a tip made to the FBI that Bonawitz was present at the Capitol on January 6, 2021, I personally interviewed Bonawitz at his home in Pompano Beach, Florida. During that interview, Bonawitz stated that he did travel to Washington, D.C., on that day for a one-day trip. Bonawitz further claimed that he never entered the Capitol or any restricted grounds. Bonawitz did state that he was "tear-gassed and pepper-sprayed" while participating in the protests and further stated that he got into a physical altercation with "two young people" at the bus departure area at approximately 3:00pm on January 6, 2021. He denied having any physical confrontations with law enforcement.

On April 18, 2022, the FBI received information from a confidential human source working with open-source materials and social media that identified Bonawitz as the person who engaged in the above-described assaults against USCP Officer Z.Y. and Sergeant F.R. on January 6, 2021. This identification was made based upon Bonawitz's clothing that day, his distinctive marlin tattoo on his left chest, another distinctive tattoo on his left arm, Bonawitz's own social media, and his appearance on a Proud Boys meet-up poster that was circulated around South Florida in May 2022. I have also observed a Facebook video from on or about January 9, 2021, in which Bonawitz,

during a confrontation with a person in Florida about the events at the Capitol on January 6, 2021, lifts up his shirt to show purported bruises and states, “Look, dude, I was there alright. This is compliments of the DC police.”

Based upon my in-person interview with Bonawitz on March 4, 2022, my review of MPD body worn cameras, and social media postings, the person engaging in the above-described assaults is Kenneth Bonawitz.

Offenses

Based on the foregoing, I submit that there is probable cause to believe that Bonawitz violated 18 U.S.C. § 111(a) and (b), which (a) makes it a crime to forcibly assault or interfere with any person designated in section 1114 of this title 18 while engaged in or on account of the performance of official duties and involved physical contact; and (b) which makes it crime to cause an injury in the course of violating subsection (a) Persons designated within section 1114 include any person assisting an officer or employee of the United States in the performance of their official duties.

I submit that there is probable cause to believe that Bonawitz violated 18 U.S.C. § 1752(a)(1) and (b)(1)(A), (2) and (b)(1)(A), (4) and (b)(1)(A) which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; (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; 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. I submit that Bonawitz was armed with a deadly weapon or dangerous weapon in the course of violating all of the above subsections of 18 §§ U.S.C. 1752(a). 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.

I submit there is also probable cause to believe that Bonawitz violated 40 U.S.C. § 5104(e)(2)(D) and (F), which, respectively, makes 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 (F), which makes it a crime to willfully and knowingly engages in an act of physical violence on the Grounds or any of the Capitol Buildings.

Finally, I submit there is probable cause to believe that Bonawitz 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.



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 19th day of January, 2023.

JUDGE ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE