

## STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to the Richmond FBI Division, Fredericksburg Resident Agency. In my duties as a Special Agent, I investigate violent gangs, illegal narcotics trafficking, violent crime and threats to life. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As an FBI 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.

At approximately 2:00 p.m., some people in the crowd forced their way through, up, and over the barricades and law enforcement. The crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by USCP officers or other authorized security officials. At such time, the certification proceedings were still underway, and the exterior doors and windows of the United States Capitol were locked or otherwise secured. Members of law enforcement attempted to maintain order and keep the crowd from entering the United States Capitol.

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. For instance, there were scores of individuals inside the U.S. Capitol building without authority to be there, including WILLIAM NICHOLS, as described herein.

Your affiant reviewed numerous open source videos recorded at the United States Capitol on January 6, 2021. In one open source video, a rioter “interviewed” a man with brown hair and a brown circle beard, and wearing a camouflage jacket with a tan combat vest over the jacket. The man spoke directly to the camera and stated, in part, “I’m Arthur Nichols, Jr. I’m from the Socialist Paradise of Vermont.” *See Image 1.*



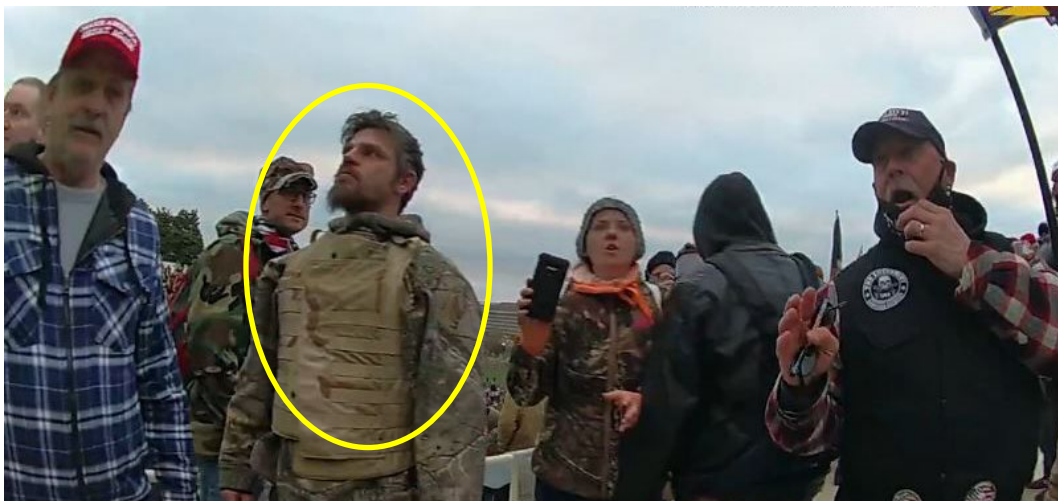
*Image 1: NICHOLS in video interview*

Your affiant compared the clip in that video of the man who stated, “I’m Arthur Nichols, Jr.” with a photograph obtained from the Virginia Department of Motor Vehicles. Based on that comparison, the man from the video appears to be WILLIAM NICHOLS.

Additionally, your affiant reviewed numerous open source videos that appear to have been filmed at the United States Capitol on January 6, 2021, as well as bodyworn camera footage from Metropolitan Police Department (MPD) officers taken on January 6, 2021. In the video footage, NICHOLS can be seen with brown hair and a brown circle beard, and appears to be wearing a camouflage jacket underneath a tan combat vest, a black and grey baseball cap (at times), dark pants, and boots. See Images 2 and 3.



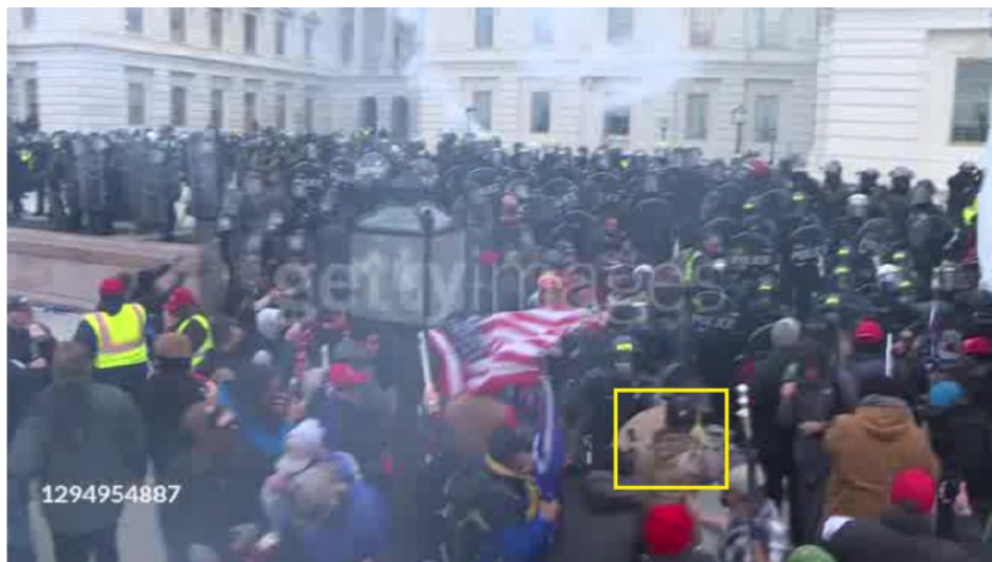
*Image 2: Photograph of NICHOLS (circled in yellow) taken from open source footage*



*Image 3: Photograph of NICHOLS (circled in yellow) taken from bodyworn camera footage*

In open source and bodyworn camera footage, NICHOLS can be seen on several occasions on the West front of the Capitol grounds engaging in violent interactions with police officers.

As shown in Image 4, NICHOLS, wielding a large circular shield, can be seen working his way to the front of the crowd of rioters near a line of officers.

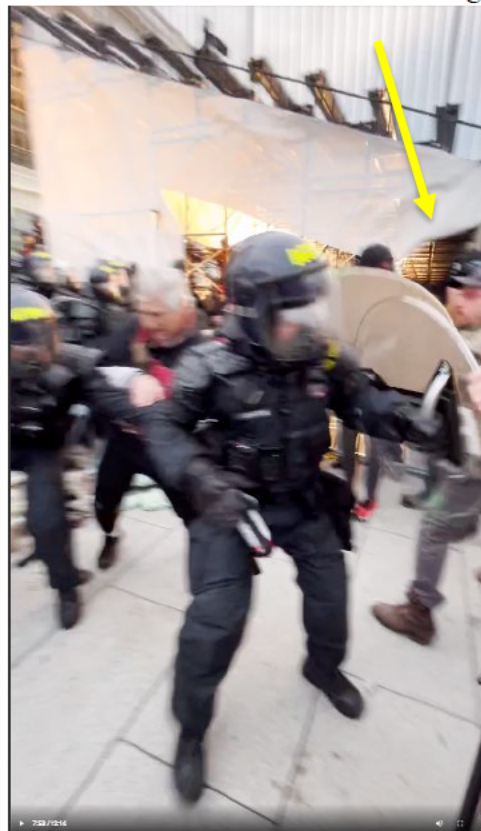


*Image 4: NICHOLS (boxed in yellow) wielding shield and approaching a line of officers*

NICHOLS reached the front of the crowd of rioters and joined other rioters as they initiated contact against police officers. As captured in open source video footage, NICHOLS can be seen using his shield to hit an officer, causing the officer to lose his balance. See Images 5 and 6.

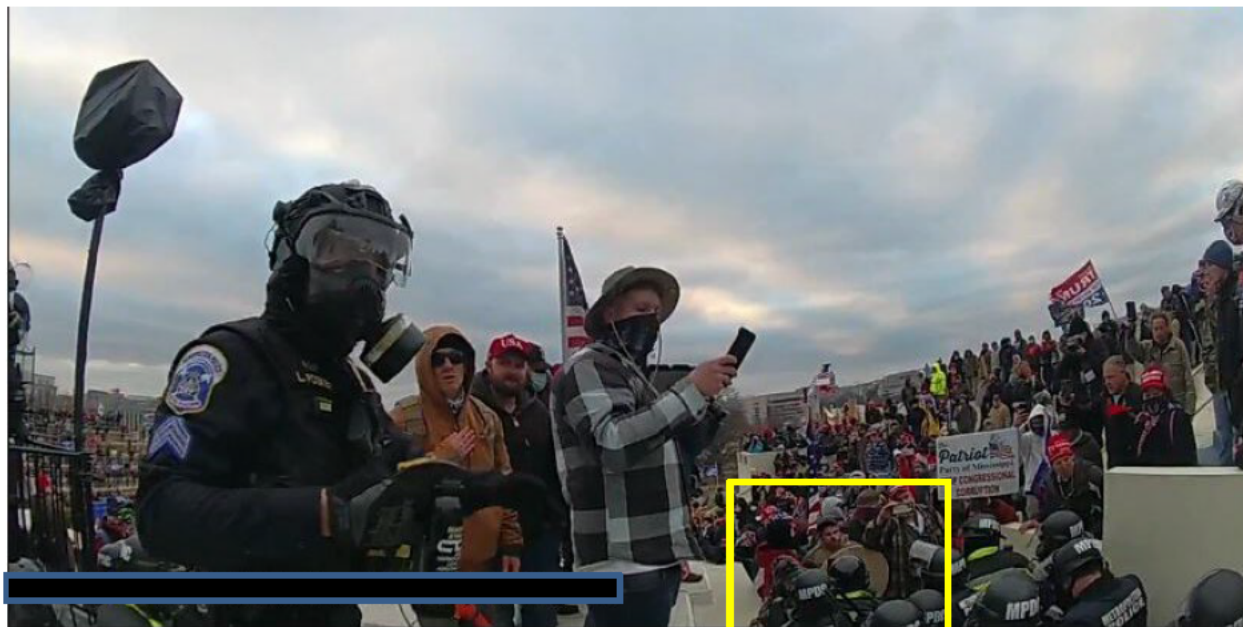


*Image 5*

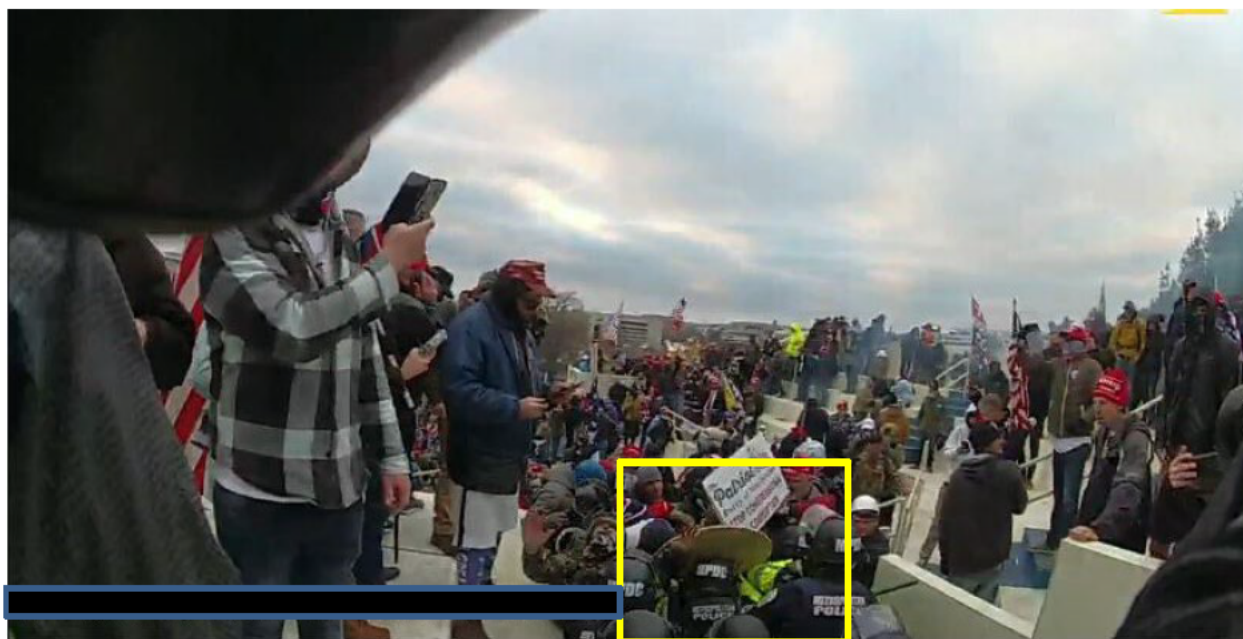


*Image 6*

NICHOLS is later seen approaching a group of police officers and initiating a violent physical confrontation against those officers. Bodyworn camera footage shows NICHOLS using his shield to physically hit and push several officers. *See Images 7 and 8.*



*Image 7: NICHOLS (boxed in yellow) using his shield to push into officers*



*Image 8: NICHOLS (boxed in yellow) using his shield to push into officers*

During the commotion, another rioter stood behind NICHOLS and helped NICHOLS push the shield into police officers. *See Image 9.*



*Image 9: NICHOLS (yellow arrow) pushing into police officers and another rioter behind him assisting (red arrow)*

Bodyworn camera footage shows several officers attempting to fend off NICHOLS by pushing against his shield. *See Image 10.*



*Image 10: Officer trying to protect himself from NICHOLS and shield*

After using his shield to hit several officers, NICHOLS then grabbed one officer's helmet from behind and pulled the officer backwards, causing the officer to stumble. As the officer regained his footing and attempted to wrestle away the shield, NICHOLS forcefully pushed the officer. NICHOLS then attempted to maneuver the shield away from the officer.

Screenshots of open source video footage show this interaction in Images 11 and 12:



*Image 11: NICHOLS (on the left side of the yellow box) forcefully pushing officer*



*Image 12: NICHOLS pulling officer's arm to prevent the officer from retrieving the shield*

15: This incident was also captured on MPD bodyworn camera footage in Images 13 through



*Image 13: NICHOLS (boxed in yellow) grabbing officer's arm*



*Image 14: NICHOLS (boxed in yellow) pushing officer*





*Image 15: NICHOLS (boxed in yellow, under yellow arrow) pushing against group of officers*

Bodyworn camera footage shows that after the violent confrontation, police officers were eventually able to retrieve NICHOLS' shield and rescue the officer that NICHOLS forcefully engaged. The officer was screaming in pain from an injury he suffered during the above-described attack. At the same time, rioters can be heard chanting, "TRAITORS, TRAITORS" at the police officers.

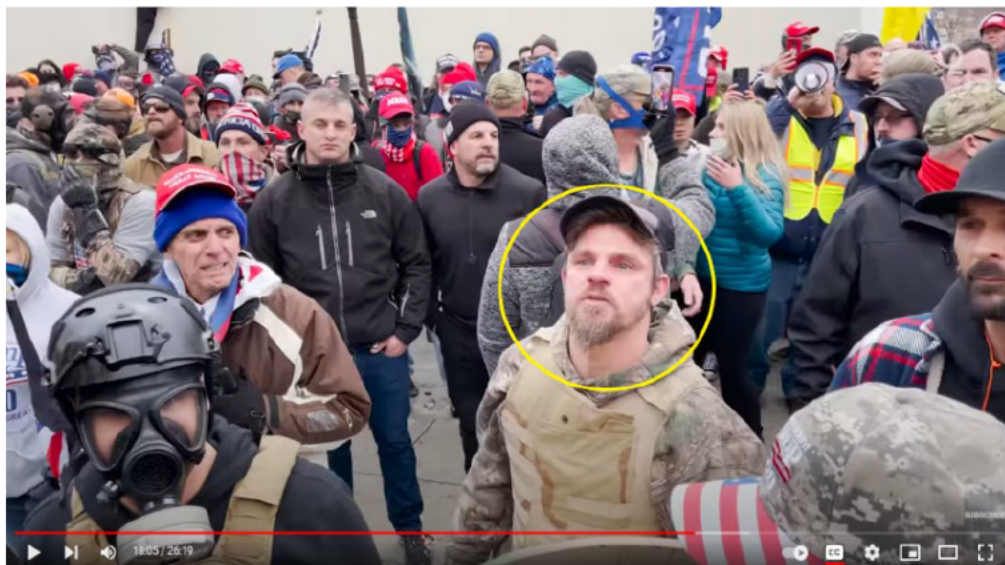
Before and after NICHOLS' violent confrontation with several officers, he is also seen on bodyworn camera and open source footage yelling at police officers. *See* Images 16 through 18.



*Image 16: Yellow arrow is pointing at NICHOLS as he yells at officers*



*Image 17: Yellow arrow is pointing at NICHOLS as he yells at officers*



*Image 18: NICHOLS circled in yellow*

Open source footage also shows NICHOLS straddling the ledge on Capitol Grounds near a TRUMP 2020 flag. NICHOLS is onlooking another rioter who appears to be urinating on the wall of the United States Capitol. *See Image 19.*



*Image 19*

Your affiant interviewed several of NICHOLS' former employers. In those interviews, your affiant showed the former employers photographs from January 6, 2021, depicting the person identified herein as NICHOLS. Each person positively identified the person in the photographs as NICHOLS.

For the reasons set forth above, I submit there is probable cause to believe that NICHOLS violated:

1. 18 U.S.C. §§ 111(a)(1) and (b), which 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 uses a deadly or dangerous weapon (including a weapon intended to cause death or danger but that fails to do so by reason of a defective component). Persons designated within section 1114 include any person assisting an officer or employee of the United States in the performance of their official duties.

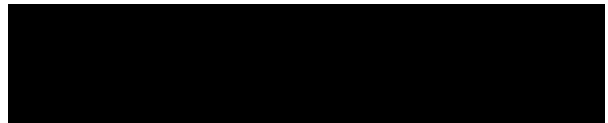
2. 18 U.S.C. § 231(a)(3), which makes it a crime to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any 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. "Civil disorder" means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results

in damage or injury to the property or person of any other individual. “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; and such term shall specifically include, but not be limited to, the collection and distribution of the United States mails. 18 U.S.C. §232(1).

3. 18 U.S.C. §§ 1752(a) and (b), which make 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; and (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds, or attempts or conspires to do so function – all while using or carrying a deadly or dangerous weapon. The punishment for violating these provisions by using or carrying a dangerous weapon is imprisonment for up to 10 years. 18 U.S.C. § 1752(b)(1)(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.

4. 40 U.S.C. § 5104(e)(2), which makes it a crime for an individual or group of individuals 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; (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings; or (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

Respectfully submitted,



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 20th day of January 2023.

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ZIA M. FARUQUI  
UNITED STATES MAGISTRATE JUDGE