

Case: 1:23-mj-00035  
Assigned To : Upadhyaya, Moxila A.  
Assign. Date : 2/13/2023  
Description: Complaint W/ Arrest Warrant

## STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to the Dallas Federal Bureau of Investigation (“FBI”) Field Office. I have been a Special Agent with the FBI since 2022. In my duties as a Special Agent, I have been assigned to the Joint Terrorism Task Force of the Federal Bureau of Investigation’s Dallas Division. I have received specialized training regarding investigative techniques, evidence collection and evidence preservation. I have participated in investigations relating to counterterrorism, specifically domestic terrorism. Through my training and experience, I am familiar with the strategy, tactics, methods, ideology, and practices of domestic terrorism and anti-government extremists. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent with the FBI, 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 are 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 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

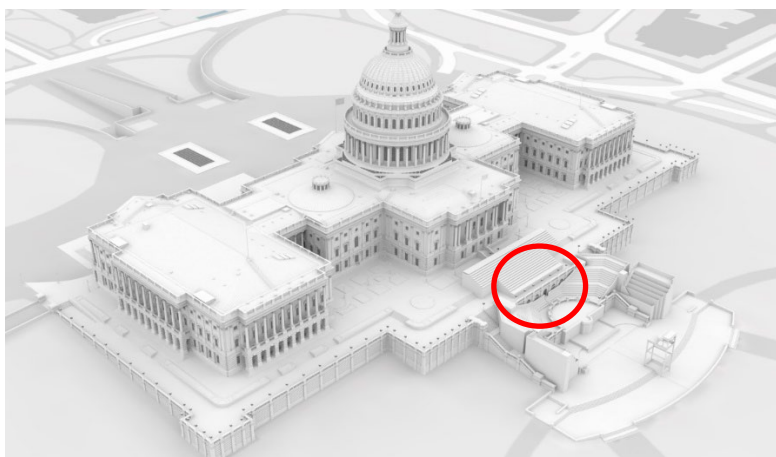
President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

Earlier this day, at approximately 1:00 p.m., a crowd of violent rioters penetrated the restricted perimeter of the U.S. Capitol grounds – which was denoted by bike racks, snow fencing, officers, and “AREA CLOSED” signs – and assembled on the West Front of the U.S. Capitol. USCP formed a line of bike racks extending from the north end of the West Front to the South end to act as a barrier against the crowd. Officers were standing watch behind this line and fending off repeated attempts by the rioters to pull on the bike racks, either with their hands or with ropes and straps.

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. The crowd of rioters had amassed and collectively pushed and tore down the bike rack barriers, assaulted law enforcement officers, and otherwise violently breached the police line, opening the path to the Capitol building.

At approximately 2:30 p.m., significant sections of the police line on and near the U.S. Capitol’s Lower West Terrace broke as the rioters in the crowd swarmed and overwhelmed police officers. The police line guarding the West front had collapsed. Rioters quickly followed retreating officers up to the inaugural platform on the Lower West Terrace by climbing the stairwell and scaffolding in the Southwest section of the U.S. Capitol grounds.

A group of rioters then converged at a pivotal location – the Lower West Terrace “tunnel.” The “tunnel” is a stairway that had been converted into a narrow entryway due to construction of the temporary inaugural platform on the Lower West Terrace of the Capitol building. At the end of the Lower West Terrace tunnel were two sets of glass double doors, emblazoned with the sign “Members Entrance Only,” which opened directly into the heart of the U.S. Capitol building.



*Image 1: Diagram of U.S. Capitol building, tunnel in red circle*



*Image 2: The "tunnel" as seen on CCTV footage prior to rioters entering*



*Image 3: The "tunnel"*

Rioters amassed outside the tunnel with a variety of tools and weapons. By the time rioters began entering the tunnel, at about 2:40 p.m., a group of officers had formed a line at a second set of glass doors inside the tunnel. Rioters outside the tunnel quickly summoned more rioters to join their efforts in pushing their way through the doors in the tunnel. As the tunnel quickly filled with rioters, it became the point of intense and prolonged violent clashes between rioters and police officers, as rioters attempted to break their way through the tunnel and into the Capitol building.

Rioters began entering the tunnel and ambushing the officers. Rioters broke through the first set of glass doors and forced open the second set of doors, eliminating the barriers between police officers and rioters. From approximately 2:42 p.m. onward, groups of rioters consistently rotated into the tunnel, collectively attempting to breach the police line and force their way into the building. The rioters used various weapons, as well as the force of their bodies, in an attempt to overcome the officers and make it inside the Capitol building. Many of the rioters assaulted MPD and USCP officers by hurling objects towards the officers, physically striking officers with batons and other blunt instruments, using strobe lights to distract and disorient the officers, using electrical shock devices, crushing officers between the doors and walls of the confined space, deploying chemical sprays and fire extinguishers against the officers, and collectively joining together to engage in violent heave ho pushes against the officer line.

### **FACTS SPECIFIC TO WILLIAM PATRICK SARSFIELD III**

Based on a review of publically available video footage, USCP surveillance footage, and Washington, D.C. Metropolitan Police Department (MPD) Body Worn Camera (BWC) footage of officers who responded to the United States Capitol on January 6, 2021, a white man wearing an American flag bandana and a black leather jacket with a green Cabela's hoody and blue jeans, who has been identified as WILLIAM PATRICK SARSFIELD III, can be seen repeatedly engaging in the assault against law enforcement officers guarding the United States Capitol inside the "tunnel."



*Image 4: SARSFIELD on January 6, 2021*

After arriving in Washington, D.C. on January 6, 2021, SARSFIELD attended the "Stop the Steal" rally. He marched to the U.S. Capitol with a large group of rioters. SARSFIELD made his way past police officer lines, through hundreds of rioters, and to the Lower West Terrace.

Around 3:12 p.m., about 30 minutes after rioters first approached the tunnel, United States Capitol Police (USCP) surveillance video captured SARSFIELD dashing into the tunnel. At the front of the tunnel, rioters used stolen police shields to push against and hit officers, sprayed chemical irritants and threw projectiles at the line of officers guarding the doors, and coordinated group pushes into the officers while chanting “HEAVE HO!” and yelling “PUSH!” Almost immediately upon entering the tunnel, SARSFIELD made his way into the mix of rioters and joined the collective efforts to push into the police line.



*Images 5 and 6: SARSFIELD (yellow circle) entering tunnel, left, and joining the mob in aggressively pushing into the police line, right*

As SARSFIELD and the rioters thrust their collective body weight into the officers, one officer could be heard screaming in agonizing pain as he was smashed between a shield and a metal door frame.



*Image 7: USCP Officer D.H. screaming in pain as he was smashed from the rioters' collective pushing*

After SARSFIELD's prolonged pushing, he retreated to the mouth of the tunnel. SARSFIELD grasped onto the wood framing of the tunnel archway and made no attempt to

leave the tunnel.



*Image 8: SARSFIELD (yellow circle) remaining in the tunnel archway*

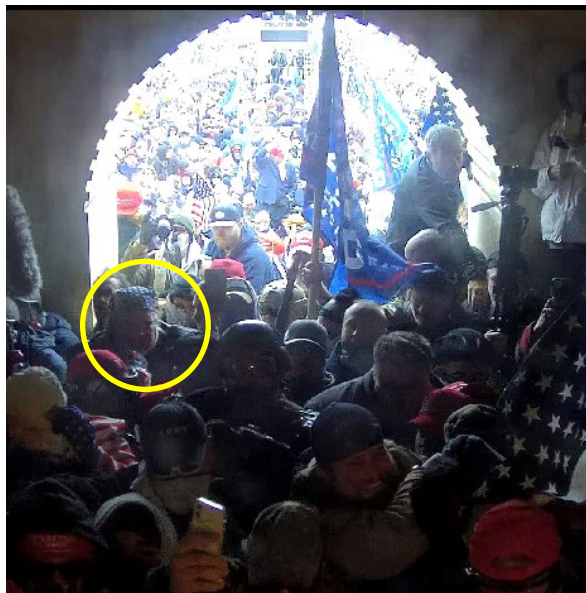
Another rioter, identified as David Mehaffie, provided direction to rioters entering the tunnel. Rioters screamed, "SHIELD WALL!" Mehaffie pointed to a shield and directed rioters to pass it inside the tunnel. SARSFIELD grabbed the shield and passed it forward. A few seconds later, SARSFIELD passed a second shield to the rioters inside the tunnel.



*Images 9 and 10: SARSFIELD (yellow circle) passing shields to rioters battling officers in the tunnel*

As the number of rioters in the tunnel began to dwindle, SARSFIELD quickly ran back into the tunnel. Once again, SARSFIELD aggressively threw his body weight into the mob's

collective pushes against the police line. SARSFIELD joined rioters screaming, “HEAVE HO!” and yelling commands like, “PUSH!” and “LET’S GO!”



*Image 11: SARSFIELD (yellow circle) joining rioters chanting “HEAVE HO” and collectively pushing into officers*

After pushing the police line for the second time, SARSFIELD returned to the mouth of the tunnel. SARSFIELD turned to the mob of rioters outside the tunnel and started waving them into the tunnel while he nodded his head and corralled them into the tunnel.



*Image 12: SARSFIELD (yellow circle) waving rioters into tunnel before corraling rioters toward the tunnel*

SARSFIELD re-entered the tunnel for a third round. For the third time, SARSFIELD joined the rioters by collectively throwing his body weight into the coordinated pushes against the police line.



*Image 13: SARSFIELD (yellow circle) throwing his body weight into collective pushes against police officers*

SARSFIELD and the mob continued to collectively push against the officers until about 3:18 p.m., when police officers successfully pushed SARSFIELD and other rioters out of the tunnel. SARSFIELD unsuccessfully attempted to turn his body and resist the officers' pushes, but eventually he retreated to the crowd.

### **IDENTIFICATION OF SARSFIELD**

On June 8, 2022, the FBI interviewed SARSFIELD at his residence in Gun Barrel City, Texas. At the interview, SARSFIELD admitted that he was at the U.S. Capitol on January 6, 2021. SARSFIELD identified himself in several photos taken on January 6, 2021, as described above. SARSFIELD also admitted that he was present on the Lower West Terrace.

Additionally, at the interview with SARSFIELD, the FBI personally observed SARSFIELD. Your affiant positively identified SARSFIELD in photos and videos from January 6, 2021, based upon that personal identification.

Based on the foregoing, your affiant submits that there is probable cause to believe that WILLIAM PATRICK SARSFIELD III 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

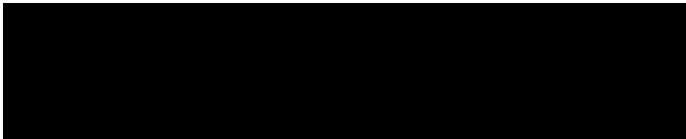


an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

Your affiant submits that there is also probable cause to believe that WILLIAM PATRICK SARFIELD III violated 18 U.S.C. §§ 1752(a)(1) and (4), which make it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; 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 WILLIAM PATRICK SARFIELD III violated 40 U.S.C. §§ 5104(e)(2)(E) and (F), which make it a crime to willfully and knowingly (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings; and (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

Respectfully submitted,



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 13th day of February, 2023.

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HONORABLE MOXILA A. UPADHYAYA  
U.S. MAGISTRATE JUDGE