

Case: 1:23-mj-00052  
Assigned To : Harvey, G. Michael  
Assign. Date : 3/7/2023  
Description: Complaint W/ Arrest Warrant

## STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to Miami Federal Bureau of Investigation (“FBI”) Field Office. I have been a Special Agent with the FBI since 2021. In my duties as a Special Agent, I have been assigned to the Joint Terrorism Task Force of the Federal Bureau of Investigation’s Miami Division, West Palm Beach Resident Agency. 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

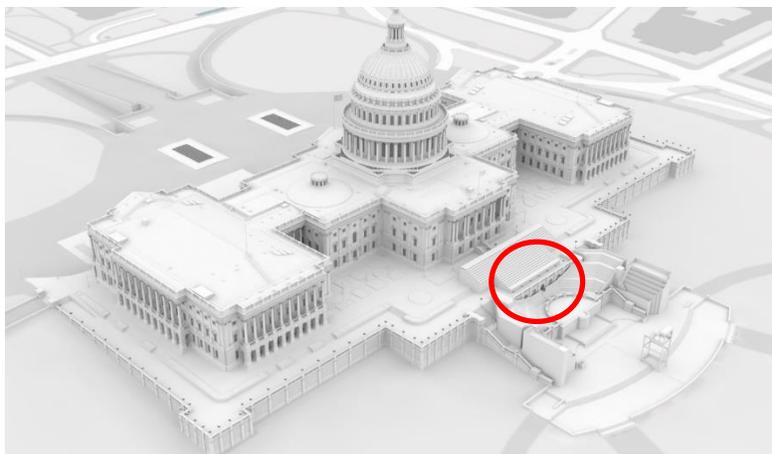
of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

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 attacking 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 RICHARD COOK**

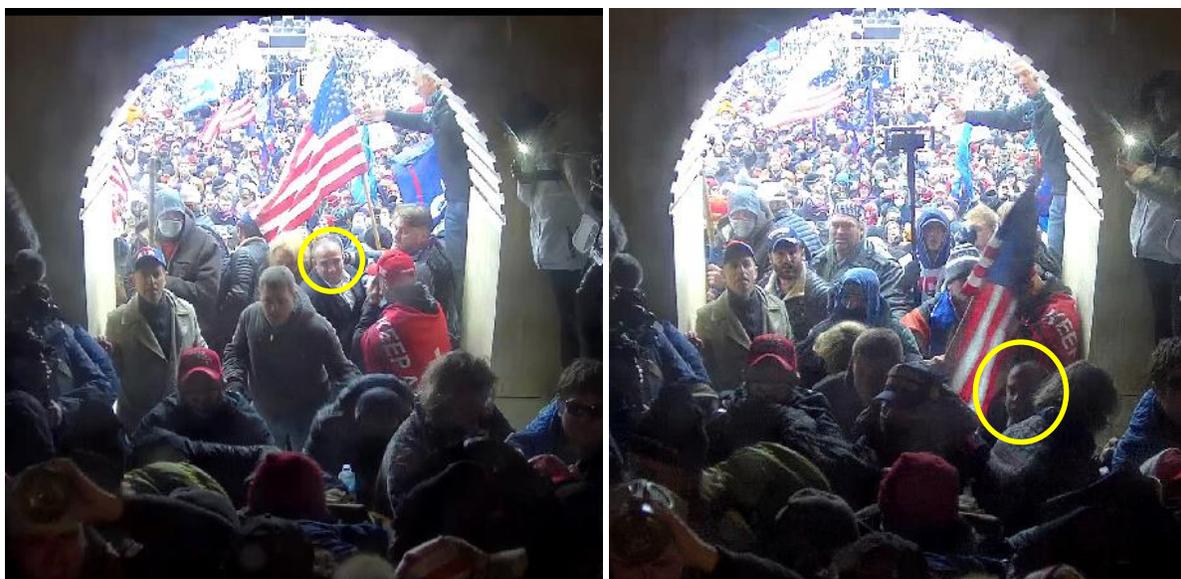
Based on a review of publicly available video footage, USCP surveillance footage, and Washington, D.C. Metropolitan Police Department (MPD) Body Worn Camera (BWC) footage of officers who responded to the United States Capitol on January 6, 2021, a bald male wearing a black suit and white collared shirt, who has been identified as RICHARD COOK, can be seen repeatedly engaging in the assault against law enforcement officers guarding the United States Capitol inside the “tunnel.”



*Images 4 and 5: COOK on January 6, 2021*

Around 3:06 p.m., COOK had made it on restricted Capitol grounds on the West side of the building. Around him, rioters were actively trying to gain access to the Capitol building through doors, windows, and the tunnel. As fighting in the tunnel grew increasingly violent, COOK entered the archway of the tunnel. Rioters around COOK were retreating from the tunnel, coughing and rubbing their eyes, likely due to exposure to chemical irritants sprayed in the tunnel. As several rioters exited the tunnel, COOK entered.

Around 3:12 p.m., about 30 minutes after rioters first approached the tunnel, United States Capitol Police (USCP) surveillance video captured COOK 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, COOK joined the collective efforts to push into the police line.



*Images 6 and 7: COOK (yellow circle) entering the tunnel, left, and immediately rushing to join the mob of rioters pushing into officers, right*

COOK made his way deep into the mob of rioters inside the tunnel and immediately began using his body weight to aggressively push in unison with the rioters against police officers.



*Image 8: COOK (yellow circle) aggressively pushing into police officers*



*Image 9: COOK (yellow circle) appearing to use significant effort and his entire body weight to push against officers protecting the Capitol*

As rioters pushed into the officers, they passed stolen police shields to the front of the pack of rioters inside the tunnel. Rioters chanted, "SHIELD WALL!" and used those shields to assault officers.

As COOK and the rioters continued to 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 10: USCP Officer screaming in pain as he was smashed from the rioters' collective pushing*

Despite the prolonged pushing by COOK and the rest of the mob, officers were able to temporarily gain control of the tunnel. At that time, COOK exited the tunnel but remained nearby on the Lower West Terrace.

As the number of rioters in the tunnel began to dwindle, COOK rushed back into the tunnel.



*Image 11: COOK (yellow circle) rushing back into tunnel to join rioters pushing into the police line*

This time, COOK made it nearly to the front of the police line. He joined rioters screaming, “HEAVE HO!” and pushed aggressively into the police line. Rioters yelled commands like, “PUSH!” and “LET’S GO!” and “WHOSE STREETS? OUR STREETS!”



*Image 12: COOK (yellow circle) violently pushing into police line*

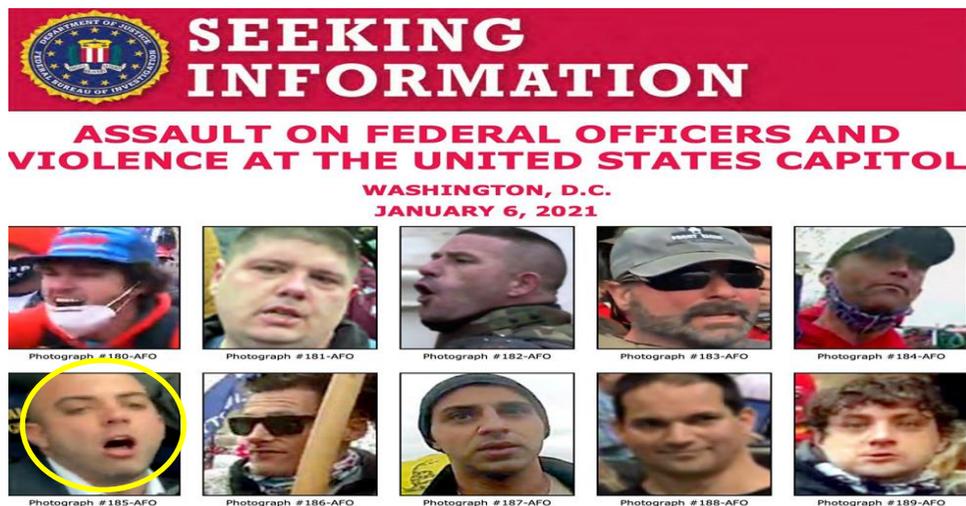
After COOK exited the tunnel the second time, he continued to watch as rioters engaged in violent acts against police officers guarding the tunnel entrance, including when rioters dragged a MPD officer out of the tunnel and brutally injured him.



*Image 13: COOK (yellow circle) standing by and witnessing rioters drag an officer into the crowd*

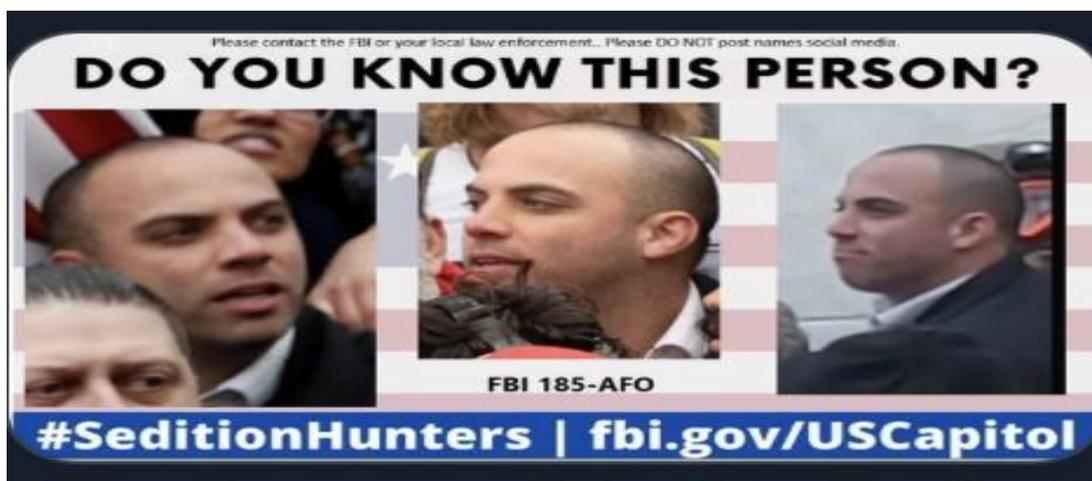
### **IDENTIFICATION OF RICHARD COOK**

Following the January 6, 2021 attack on the United States Capitol, still images and video footage of the individual later identified as COOK participating in the riot appeared on the Internet. Based on these images, the FBI created a profile for COOK under the moniker “185-AFO.” The FBI posted images of 185-AFO to garner public assistance in identification.



*Image 14: FBI poster depicting individual later identified as COOK (yellow circle)*

After January 6, 2021, unidentified persons on the internet uploaded additional “wanted” photos of individuals who participated in the riot in attempt to crowd-source the identification of various FBI BOLO subjects.



*Image 15: Collage of open-source photos located following January 6, 2021*

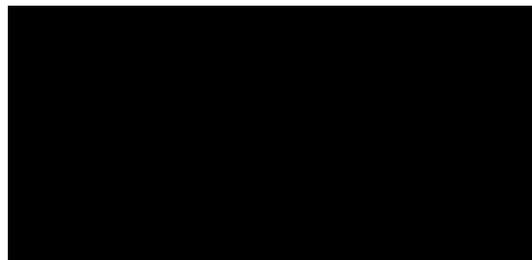
Queries of open source and investigative resources revealed COOK as the person of interest and led agents to review a photo from a publicly available arrest record from Palm Beach County.

The FBI then interviewed Witness 1, a person personally familiar with COOK. The FBI showed Witness 1 the open-source collage of photos from January 6 (Image 15). Witness 1 positively identified the person in those photos as COOK. Witness 1 also provided a phone number for COOK. Upon further investigation, the FBI confirmed that the phone number provided by Witness 1 matched the public records for COOK's phone number.

Your affiant submits there is probable cause to believe that RICHARD COOK 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 RICHARD COOK violated 18 U.S.C. §§ 1752(a)(1) 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 (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 RICHARD COOK violated 40 U.S.C. §§ 5104(e)(2)(E) and (F) 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; and (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 7th day of March 2023.

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G. MICHAEL HARVEY  
UNITED STATES MAGISTRATE JUDGE