

Case: 1:23-mj-00151  
Assigned To : Harvey, G. Michael  
Assign. Date : 6/30/2023  
Description: Complaint W/ Arrest Warrant

## STATEMENT OF FACTS

Your affiant, Christian Reite, is a Special Agent assigned to the State College Resident Agency of the FBI Philadelphia Field Office. In my current duties as a Special Agent I investigate Counterterrorism matters; including conducting investigations regarding racially motivated or anti-government/anti-authority violent extremism. Prior to my current assignment, I investigated numerous incidents involving Child Exploitation and Human Trafficking, among other crimes. Through my employment with the FBI, I have gained knowledge in the use of various investigative techniques, including, but not limited to, conducting physical surveillance, conducting interviews, obtaining information through administrative and grand jury subpoenas, preparing and executing state and federal search warrants, preparing reports, and reviewing electronic 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 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.

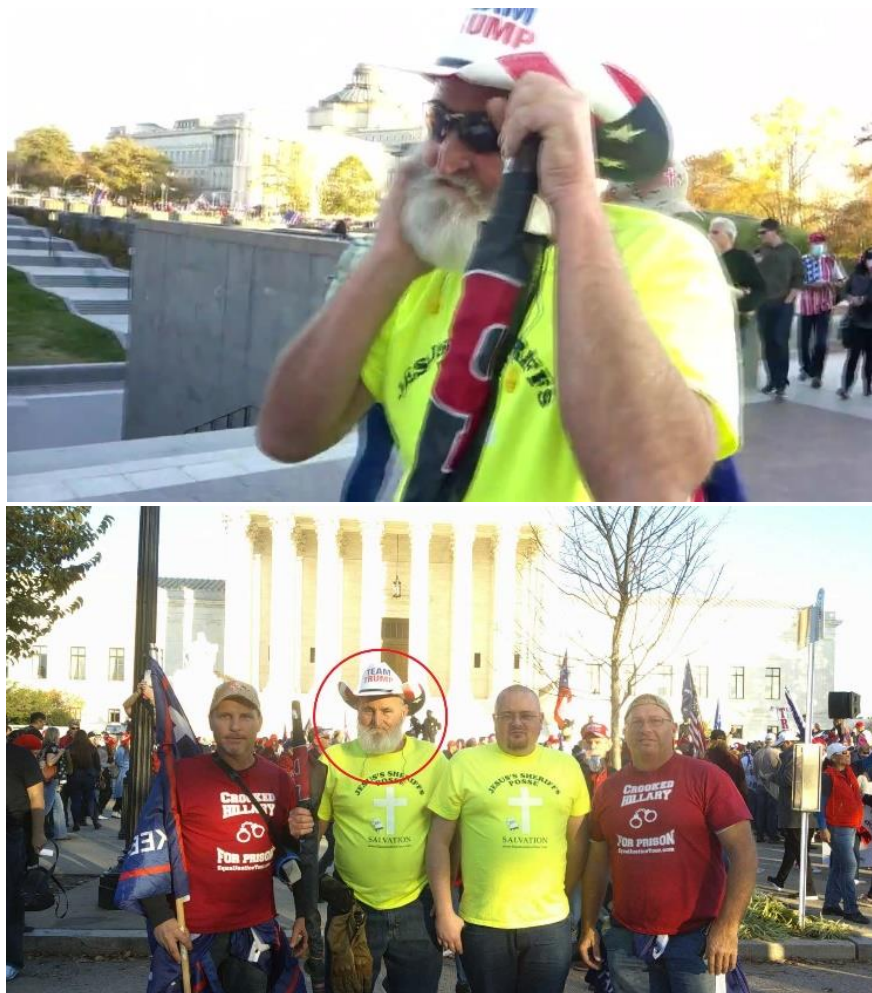
During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

### *Identification of Terry Allen*

Following January 6, 2021, the Metropolitan Police Department (“MPD”) issued an “AFO Seeking Information Poster” for an individual identified as “UNSUB 31” suspected of criminal activity at the U.S. Capitol that day, including assault on a police officer.

<b>PERSONS OF INTEREST IN UNREST-RELATED OFFENSES</b>	
<b>Federal Charges</b> <b>Pending due to</b> <b>Insurrection at the US</b> <b>Capitol and Assault on a</b> <b>Police Officer</b> January 6, 2021 Approximately 1:49 pm U.S Capitol Grounds 100 block of First Street, NW	 MPD Slide 61B
<small>Anyone who can identify these individuals or who has knowledge of this incident should take no action but call police at (202) 727-9099 or text your tip to the Department's TEXT TIP LINE at 50411. The Metropolitan Police Department currently offers a reward of up to \$1,000 to anyone who provides information that leads to the arrest and indictment of the person or persons responsible for a crime committed in the District of Columbia.</small>	

On June 17, 2022, a known individual (hereinafter “Witness 1”), who does not know UNSUB 31 personally, provided information in the form of screen captures and video files from publicly accessible sources such as YouTube and Facebook. From these sources, Witness 1 identified UNSUB 31 as Terry Allen of Spring Mills, Pennsylvania. Witness 1 also provided the following screen captures showing an individual resembling UNSUB 31 at an event in Washington, D.C. on November 14, 2020. In images from the Nov. 14 event, UNSUB 31 can be seen with the same distinctive black Trump flag and tan tactical gloves he carried and wore on Jan. 6, 2021.



On February 6, 2023, Pennsylvania State Police Trooper R.M. was shown the above images taken on Nov. 14, 2020 and Jan. 6, 2021, and he identified Terry Allen at both events as the individual identified as UNSUB 31. R.M. stated that he recognized Allen after stopping his vehicle in January 2020 and citing him for traffic violations.

On April 12, 2023, law enforcement conducted a voluntary interview with a known individual (hereafter "Witness 2"). Upon showing Witness 2 the above images from Nov. 14, 2020 and Jan. 6, 2021, Witness 2 identified UNSUB 31 as Terry Allen. Witness 2 said that they have known Allen personally for more than 10 years. According to Witness 2, Allen has a stockpile of guns, food and propane.<sup>1</sup>

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<sup>1</sup> A review of Centre County court records indicate that in 1984, Allen was charged with an assault on a State College Police Officer following an altercation in which Allen repeatedly slammed the head of the officer on the pavement. Allen pled guilty to felony Aggravated Assault and served two years in county jail. Your affiant also identified FBI records providing that in 2011, a complainant to the FBI alleged that Allen possessed a fully automatic machine gun. The

*Terry Allen's Activities at the U.S. Capitol on Jan. 6, 2021*

Your affiant is aware that shortly before 1 p.m. on January 6, 2021, fencing and barricades manned by U.S. Capitol Police (“USCP”) on the western perimeter of the U.S. Capitol grounds were breached by a large crowd. USCP officers gathered at the West Plaza of U.S. Capitol grounds to form another defensive line, where they fought with protestors for several hours to prevent access to the Capitol building.

Your affiant reviewed video footage from various sources—Capitol closed-caption video (“CCV”), MPD body-worn camera (“BWC”) footage, and open-source video—that captured Allen on the West Plaza beginning at approximately 12:58 p.m. Allen wore a white sweatshirt featuring colored images and lettering, an army green backpack, a camouflage “Trump” hat, and he carried a black and red flag on a wooden flag pole approximately five feet in length. Allen was also recognizable that day from his long, white beard, though his facial hair was at times covered by a black head covering or gaiter.

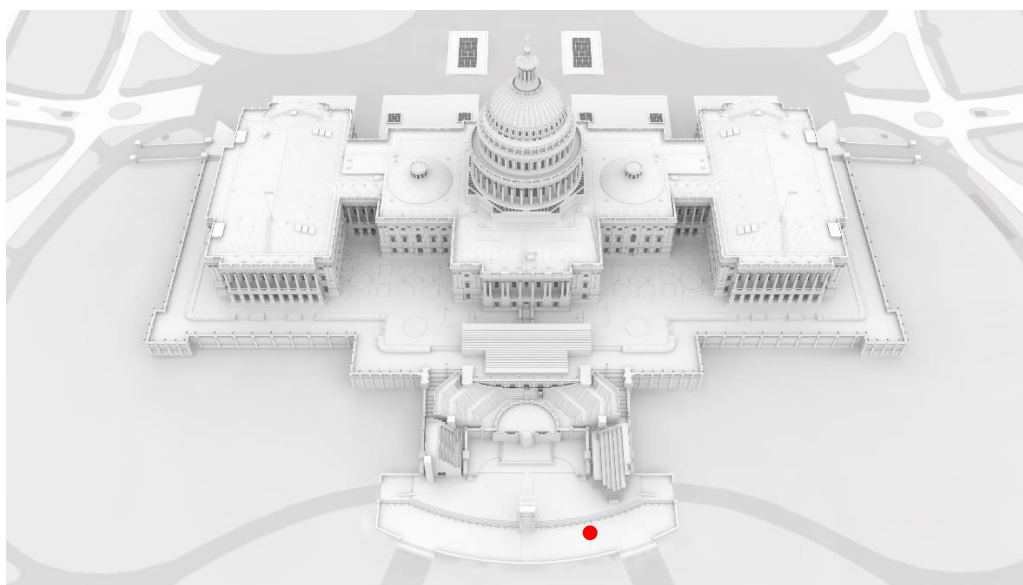


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allegation was never fully resolved, because there were semi and fully automatic versions of the same weapon and the complainant couldn't differentiate, and Allen was never interviewed.



*Allen on West Plaza at 12:58 p.m. (CCV)*



*Rendering of U.S. Capitol marking Allen's approximate location at 12:58 p.m.*



*Allen on West Plaza near line of law enforcement officers at approximately 1 p.m. (open-source video)*

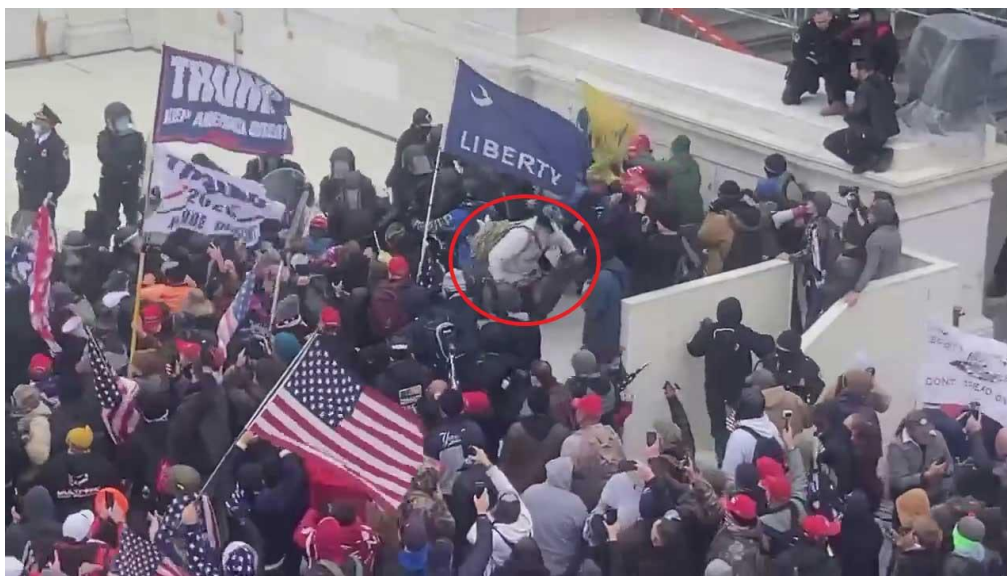
This video evidence I reviewed shows Allen and other rioters physically assaulting law enforcement officers on the West Plaza shortly after 1 p.m. Specifically, at approximately 1:05 p.m.,<sup>2</sup> this video footage shows Allen shoving officers before using his wooden flagpole as a lance to attack officers by driving it into them in a stabbing motion. This flagpole appears to be solid wood and approximately five feet in length. Based on my training and experience, using such an object in a two-handed stabbing motion could cause serious physical injury.

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<sup>2</sup> Your affiant has determined the timing of certain events captured on third-party and USCP video by comparison to timestamped CCV capturing events on the West Plaza.

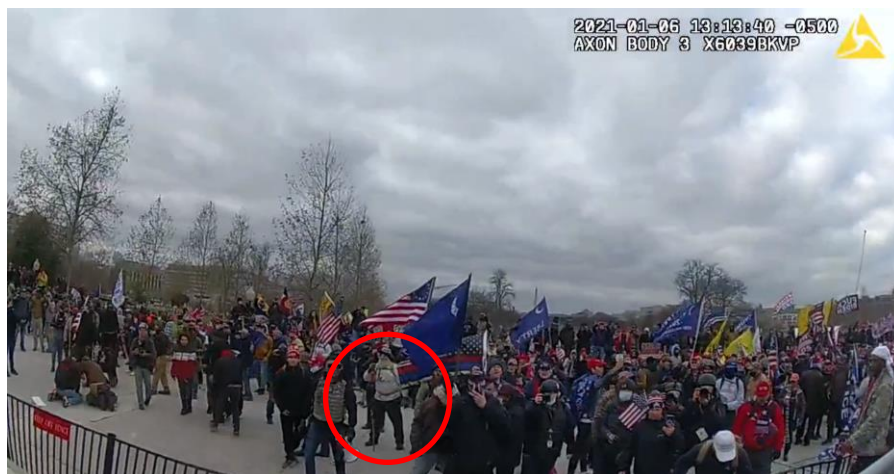


*Allen attacking officers on West Plaza with flagpole (USCP video)*



*Allen attacking law enforcement officers with flagpole (open-source video)*

At approximately 1:10 p.m., law enforcement officers pushed the crowd of rioters back and established a defensive line of metal bike racks to prevent rioters from further approaching the building. Allen is visible on MPD body-worn camera footage near this defensive line at approximately 1:13 p.m.



*Allen near police bike-rack barricade on West Plaza at 1:13 p.m. (body-worn camera)*

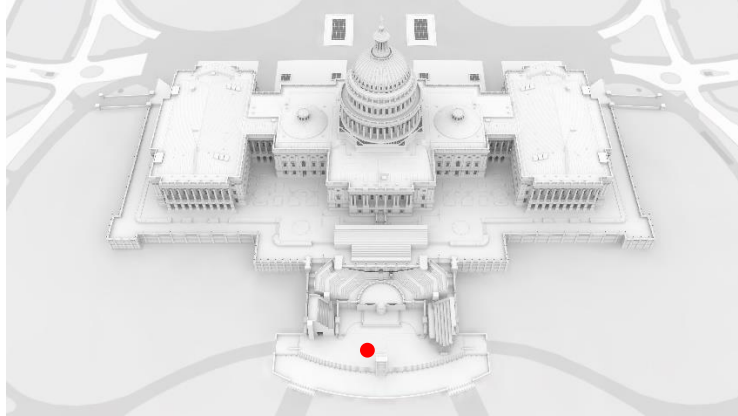
At 1:22 p.m., Allen approaches the police line, picks up what appears to be metallic fencing just beyond the police line, and walks away to hand this fencing to other rioters further back in the crowd. From this footage, Allen appears to have been removing the fencing to either prevent police from using them as a defensive barrier, to clear the space for rioters engaging with police, or—as he later appeared to do—to use the fencing as a weapon against police.



*Allen walking away from police line carrying metal fencing (body-worn camera)*

At approximately 1:38 p.m., Allen approached the middle of the police line near a large media tower erected on the West Plaza for the inauguration.





*Rendering of U.S. Capitol marking Allen's approximate location at 1:38 p.m.*

At 1:56 p.m., Allen is visible on BWC footage near this police line. As officers and rioters engage in hand-to-hand combat, footage shows Allen move closer to the police line holding what appears to be a black metallic pole in one hand and a flagpole in the other. He then holds them together with two hands and points them toward officers in a posture similar to when he used his flagpole as a weapon at 1:06 p.m.



*Allen pointing flagpole toward officers on West Plaza at 1:56 p.m. (body-worn camera)*

At 1:56 p.m., officers then appear to deploy OC spray against Allen and other rioters in the crowd. Allen responds by throwing what appears and sounds consistent with a black metallic pole at the officers standing less than ten feet away. The metallic pole appeared to be approximately two feet in length and approximately half an inch thick. Based on my training and experience, such an object is capable of causing serious bodily injury when thrown from such close proximity.



*Allen throwing metal rod at police on West Plaza at 1:56 p.m. (body-worn camera)*



*Allen throwing metal rod at police on West Plaza at 1:56 p.m. (body-worn camera)*

Another MPD officer's BWC footage from 1:56 p.m. captures what appears to be the same metal pole flying into officers on and behind the West Plaza line.



*Metal pole thrown by Allen striking officers at 1:56 p.m. (body-worn camera)*



*Metal pole thrown by Allen into officers at 1:56 p.m. (body-worn camera)*

Based on the foregoing, your affiant submits that there is probable cause to believe that Terry Allen 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; (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.

Further, your affiant submits that there is probable cause to believe that Terry Allen violated 18 U.S.C. 111(a), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer or employee of the United States, or of any branch of the United States Government (including any member of the uniformed services), or any person assisting such an officer and employee, while such persons were engaged in or on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim of the assault and the intent to commit another felony. There is also probable cause to believe that Terry Allen violated 18 U.S.C. § 111(b), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer or employee of the United States, or of any branch of the United States Government (including any member of the uniformed services), or any person assisting such an officer and employee, while such persons were engaged in or on account of the performance of official duties, where the acts were committed using a deadly or dangerous weapon or inflicted bodily injury.

Finally, your affiant submits there is probable cause to believe that Terry Allen 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.

As such, your Affiant respectfully requests that the court issue an arrest warrant for Terry Allen. The statements above are true and accurate to the best of my knowledge and belief.



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Special Agent Christian Reite  
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 29<sup>th</sup> day of June 2023.

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G. MICHAEL HARVEY  
U.S. MAGISTRATE JUDGE