

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Task Force Officer (“TFO”) with the Federal Bureau of Investigation (“FBI”) assigned to the Joint Terrorism Task Force (“JTTF”), Domestic Terrorism and Weapons of Mass Destruction Squad in New Haven, Connecticut. I have been employed at the FBI for one year. During my assignment with the JTTF, I have conducted investigations regarding material support of terrorism, weapons violations, explosives violations, as well as racially motivated or anti-government/anti-authority violent extremism. Prior to assignment to the FBI, I was employed by the Connecticut State Police (“CSP”) as a State Police Trooper for over nine (9) years. As a State Trooper, I investigated numerous incidents involving narcotics, weapons violations, assaults, larcenies, burglaries, and fraud, among other crimes. Through my employment with the FBI and CSP, 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 Task Force Officer, 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.

Following the January 6, 2021, attack on the Capitol, I reviewed multiple videos derived from open-source databases, as well as both Metropolitan Police Department (“MPD”) and U.S. Capitol Police (“USCP”) holdings. During that review, I observed a subject breaching the doorway of the Lower West Terrace of the Capitol building starting at approximately 3:54 p.m. and committing assaults on MPD officers between approximately 3:54 p.m. and 3:57 p.m., as detailed further below. The subject, later identified as RICHARD MARKEY (“MARKEY”), is a white male with dark brown hair who was wearing a black hooded sweatshirt with white lettering along the left arm sleeve, a black and grey hat with a white logo on the front left side, and blue jeans on January 6, 2021, at the U.S. Capitol Building.

On approximately March 9, 2021, MARKEY was included in an FBI “Seeking Information” list and given the moniker “265-AFO,” short for Assault on a Federal Officer. The FBI posted that list, along with “Be on the Lookout” (or “BOLO”) photographs, to its website and to social media in order to garner public assistance in identifying the individual (Figure 1). On approximately March 26, 2021, the FBI discovered an additional photograph via the [REDACTED] of 265-AFO; the FBI updated its webpage accordingly (Figure 2).



Figure 1: Photographs of “265-AFO” Obtained from USCP Surveillance Footage and Included in FBI “Seeking Information” List Posted on fbi.gov



Figure 2: Photograph from [REDACTED]

Identification of RICHARD MARKEY

I compared the BOLO photos of MARKEY (from January 6, 2021) to a 2018 U.S. passport application and to Connecticut driver's license photos of MARKEY; the individual depicted in the BOLO photos appears to be the same person depicted in those passport and driver's license photos.

August 2021 Tip by Witness 1

On or around August 17, 2021, an anonymous individual (hereafter "Witness 1") submitted an online tip through the FBI National Threat Operations Center's online portal and indicated that 265-AFO is identified as RICHARD MARKEY of Wolcott, Connecticut.

January 2023 Interview with Witness 2

On January 19, 2023, law enforcement conducted a voluntary interview with a known individual (hereinafter "Witness 2") at MARKEY's place of employment (hereafter "Employer 1"). Upon showing Witness 2 the four BOLO photos of 265-AFO, Witness 2 stated that the images resemble "Ricky Markey." Witness 2 knows MARKEY personally and explained that MARKEY has been an employee of the company for fifteen years. Witness 2 stated that MARKEY had requested time off for January 6, 2021. Witness 2 then explained that MARKEY, upon returning from his vacation, informed Witness 2 that he had visited the U.S. Capitol to protest on January 6, 2021.

On or about November 1, 2021, law enforcement obtained records from the Connecticut Department of Labor, which confirmed that MARKEY has been employed by Employer 1 since at least March 2017.

February 2023 Interview with Witness 3

On February 21, 2023, law enforcement conducted a voluntary interview with a known individual (hereafter “Witness 3”). Upon showing Witness 3 images of 265-AFO, including the BOLO images, Witness 3 stated that the images resemble “Ricky Markey.” Witness 3 then explained that he is friendly with MARKEY and knows MARKEY personally, as he and MARKEY are both [REDACTED] in Wolcott, Connecticut.

Summary of Assaults by MARKEY Against Multiple Officers

Assault at the Lower West Terrace Archway (aka the “Tunnel”) of US Capitol Grounds

At approximately 2:41 p.m., numerous USCP and MPD officers positioned themselves at the exterior archway, also referred to the “tunnel,” leading to the Lower West Terrace Exterior Door after having had their positions on the Lower West Terrace of the U.S. Capitol building overrun by rioters. Officers fell back to the tunnel in an effort to prevent rioters from entering the U.S. Capitol building through that entrance.

At approximately 2:42 p.m., rioters began entering the tunnel and attacking the officers. The rioters broke the glass and forced the doors open. In response, the USCP and MPD officers formed a police line blocking that entrance to the U.S. Capitol building. From approximately 2:42 p.m. and on, numerous rioters sought to breach the police line that formed in the tunnel. The rioters used various weapons, as well as the force of their bodies, to attempt to overcome the officers. Many of the rioters assaulted MPD and USCP officers by hurling objects at them, physically striking them with batons and other blunt instruments, using lights to distract and disorient the officers, shocking them with electrical devices, crushing them between the doors and walls in the confined space, and spraying chemical irritants and fire extinguishers at them.

Between approximately 3:21 p.m. and 3:54 p.m., law enforcement officers maintained a police line at the mouth of the tunnel while rioters continuously sought to push through the line and assaulted the officers defending the U.S. Capitol building.

MARKEY’s Assaults while in the Tunnel

A review of USCP surveillance footage near the tunnel on January 6 showed the following: first, that at approximately 3:54 p.m., MARKEY abruptly emerged from the riotous mob near the south side of the tunnel (Figure 3). MARKEY appeared to then climb swiftly on top of other rioters in order to move closer to the police line. While doing so, MARKEY is holding what appears to be a baton in his right hand. As MARKEY continued to push himself toward the police line, he raised the baton (Figure 4), struck an as-yet unidentified officer (hereinafter referred to as “Victim Officer 1”) in the face shield with his left hand (Figure 5) and then struck Victim Officer 1 on the head with the baton (Figure 6), after which another officer successfully took the baton from MARKEY. Even after losing his baton, MARKEY continued to swing at the officers in a further attempt to strike them (Figure 7). A couple of seconds later,

MARKEY struck Victim Officer 1’s head multiple times with his hand (Figure 8). MARKEY then appears to swing at and strike another as-yet unidentified officer (hereinafter referred to as “Victim Officer 2”) multiple times with his hands.

Figure 3 – USCP Surveillance Footage



Figure 4 – USCP Surveillance Footage



Figure 5 – USCP Surveillance Footage



Figure 6 – USCP Surveillance Footage



Figure 7 – USCP Surveillance Footage



Figure 8 – USCP Surveillance Footage



Several seconds later, another rioter dressed in a red sweatshirt (hereinafter, “266-AFO”) emerged from the riotous mob at the south side of the mouth of the tunnel beside MARKEY. 266-AFO climbed on top of other rioters and repeatedly assaulted multiple officers (Figure 9). MARKEY then moved closer to the police line again, charged at the officers there, and repeatedly struck the police shield held by two MPD officers (hereinafter, “Victim MPD Officer 3” and “Victim MPD Officer 4,” both of whom have been identified) with his hands and with what appears to be a significant amount of force (Figures 10 and 11). MARKEY began to pull on the police shield held by Victim MPD Officer 3 and Victim MPD Officer 4 (Figure 12).

Figure 9 – USCP Surveillance Footage – 266-AFO Highlighted in Yellow, MARKEY Seen Directly Behind 266-AFO



Figure 10 – USCP Surveillance Footage



Figure 11 – USCP Surveillance Footage



Figure 12 – USCP Surveillance Footage



After MARKEY balanced himself standing atop the riotous mob, MARKEY grabbed the police shield held by Victim MPD Officer 3 and Victim MPD Officer 4 again. He then pointed his finger at officers and appeared to engage with them (Figure 13). Several seconds later, MARKEY proceeded to kick the police shield held by Victim MPD Officer 3 and Victim MPD Officer 4 several times with what appears to be a significant amount of force (Figure 14). Another identified MPD officer, "Victim MPD Officer 5," climbed on the ledge on the side of the tunnel holding what appears to be a wooden pole and appears to attempt to deter MARKEY's continued assault on the other officers. MARKEY then pulled on the pole Victim MPD Officer 5 held (Figures 15 and 16) and effectively disarmed Victim MPD Officer 5 when a portion of the pole snapped off.

Figure 13 – USCP Surveillance Footage



Figure 14 – USCP Surveillance Footage



Figure 15 – USCP Surveillance Footage



Figure 16 – USCP Surveillance Footage

A review of Victim MPD Officer 5’s body-worn camera (“BWC”) video footage showed what appears to be another view of the same assaults. Specifically, that footage captures MARKEY from approximately when Victim MPD Officer 5 climbed on the ledge on the side of the tunnel holding what appears to be a wooden pole and attempts to deter MARKEY’s continued assault on the other officers (Figures 17–19). Furthermore, starting around approximately 3:56 p.m., the footage appears to show MARKEY pointing at Victim MPD Officer 5 and yelling: “Oath breaker. Oath breaker. You’re not doing your fucking job. Listen! I fought for this fucking country.”¹

¹ I completed an unofficial transcription of the audible statements made by MARKEY.

Figure 17 – Victim MPD Officer 5's BWC



Figure 18 – Victim MPD Officer 5's BWC



Figure 19 – Victim MPD Officer 5's BWC Footage



MARKEY then used the pole to strike the shield (Figure 20) held by Victim MPD Officer 3 and Victim MPD Officer 4 seven distinct times with such force that on the seventh strike, the pole again breaks. MARKEY then struck the shield an eighth time before discarding the weapon. MARKEY remained at the police line yelling at officers and again struck the police shield held by Victim MPD Officer 3 and Victim MPD Officer 4. MARKEY then used one or both hands to push the shield four distinct times into Victim MPD Officer 3 and Victim MPD Officer 4. MARKEY took partial control of the police shield held by Victim MPD Officer 3 and Victim MPD Officer 4, turning it parallel to the ground and rendering it ineffective for its intended use (Figure 21). MARKEY appeared to depart from the area of the police line several seconds later.

Figure 20 – USCP Surveillance Footage



Figure 21 – USCP Surveillance Footage



Finally, a review of an open-source video revealed additional footage of the above-referenced assaults described (Figures 22 and 23).

Figure 22 - Open-Source Video Footage



Figure 23 - Open-Source Video Footage



Based on the foregoing, your affiant submits there is probable cause to believe that RICHARD MARKEY violated 18 U.S.C. §§ 111(a)(1) and 111(b), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in section 1114 of Title 18 while engaged in or on account of the performance of official duties, while using a deadly or dangerous weapon. Persons designated within section 1114 of Title 18 include any person assisting an officer or employee of the United States in the performance of their official duties and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

Your affiant submits that there is probable cause to believe that RICHARD MARKEY 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; and (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; (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. 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 MARKEY violated 40 U.S.C. § 5104(e)(2)(D), (E), and (F), which makes it a crime to willfully and (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; and (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

Finally, your affiant further submits there is probable cause to believe that RICHARD MARKEY 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.

[REDACTED]
[REDACTED]
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 12th day of July 2023.

HON. ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE