

## STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to the Indianapolis 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 (JTTF) of the FBI Indianapolis Division since 2022. Prior to this, I had been assigned to FBI Indianapolis' Special Operations Group (SOG). I have also received specialized training regarding investigative techniques, evidence collection, and evidence preservation. I have participated in criminal 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 of 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

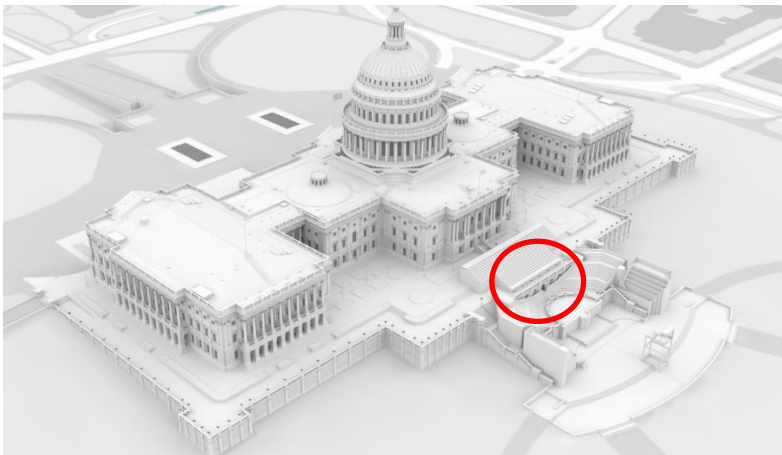
of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

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.



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



*Photo 2: The “tunnel” as seen on CCTV footage prior to rioters entering*



*Photo 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 2:41 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 TROY KOEN**

Based on a review of publicly available video footage, United States Capitol Police (USCP) surveillance footage, and Washington, D.C. Metropolitan Police Department (MPD) Body Worn Camera footage of officers who responded to the United States Capitol on January 6, 2021, a white male with brown hair wearing tan pants with a black top with white lettering that said “STOP THE STEAL,” who has been identified as TROY KOEN, can be seen repeatedly assaulting law enforcement officers guarding the United States Capitol, destroying property valued over \$1,000, and participating in the assault against law enforcement officers inside the tunnel.

At about 12:56 p.m. rioters started to amass on the West Plaza of the Capitol grounds after the crowd breached the outer perimeter.



*Photos 4 & 5 – CCTV footage showing the progression of rioters flooding onto the West Plaza of Capitol Grounds*

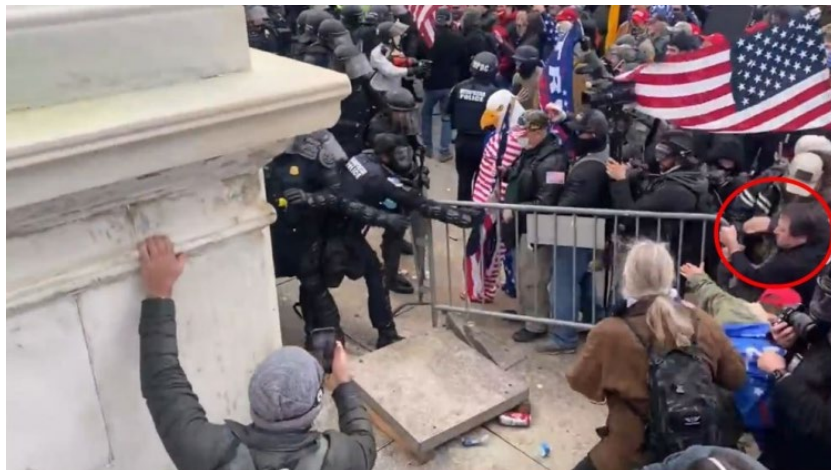
As the mass of rioters flooded the grounds, the USCP requested assistance from the MPD. Together, the USCP and MPD formed a police line demarcated with officers and bike racks.



*Photos 6 & 7– CCTV footage showing the progression of rioters flooding onto the West Plaza of Capitol Grounds as USCP and MPD officers established a police line*

The police line held the rioters back as officers attempted to contain the crowd and keep them away from the Capitol building. The crowd of rioters became increasingly agitated and aggressive at the police officers. Rioters approached the bike rack barriers and attempted to pull them away. Rioters used various forms of weapons against the officers to break the police line.

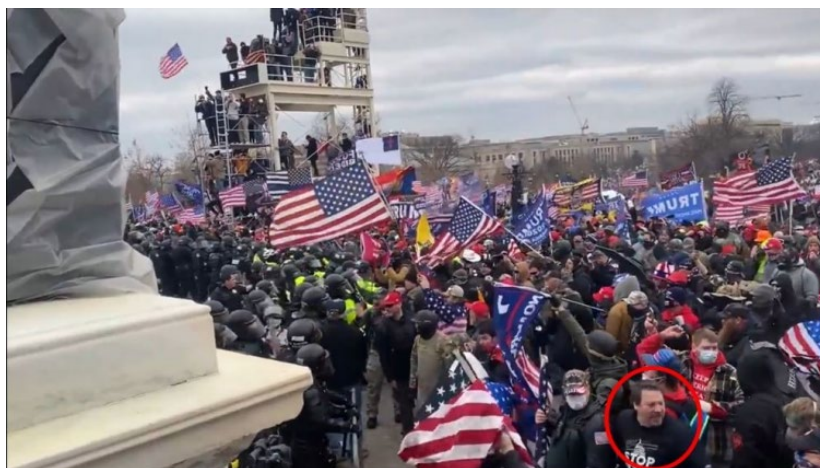
By this time, KOEN had made his way to the very front of the large crowd of rioters on the northwest side of the West Plaza. KOEN approached the police line, grabbed a bike rack with his hands, and aggressively yanked the barricade away from the police officers. A violent struggle ensued between the police officers and the rioters as the two sides fought to gain control of the barrier. The rioters successfully removed the bike rack, creating a major vulnerability in the police line, and passed the barricade back into the crowd of rioters and away from the police officers.





*Photos 8 & 9: video footage showing KOEN (red circle) yanking the bike rack away from police officers*

After KOEN and others removed the first barricade from the police line, KOEN turned around, yelled to the crowd of rioters, and pointed at the police officers.



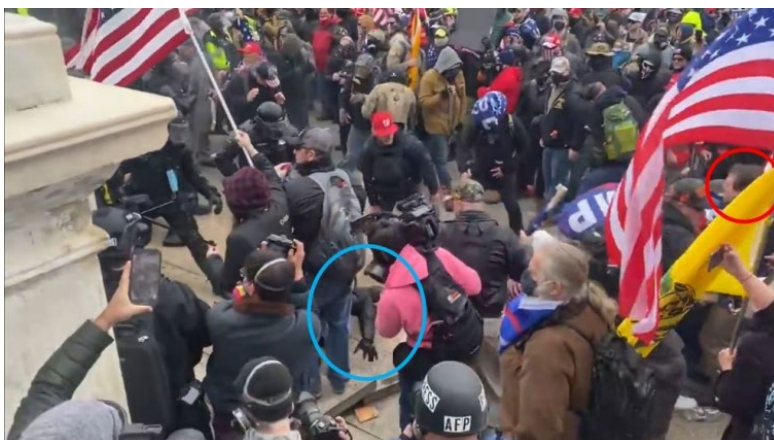
*Photo 10: video footage showing KOEN (red circle) at the front of the line of rioters, yelling to the crowd after he pulled away a bike rack and passed it back into the crowd*

KOEN then reapproached the police line, lanced forward, and took hold of another police barricade. A second struggle ensued between the police officers and the rioters. Police officers used their physical strength, batons, and chemical irritants in an attempt prevent the rioters from removing the barricade, but the officers were ultimately overpowered by KOEN and the rioters.



*Photo 11: video footage showing KOEN (red circle) reapproaching the police line after which he pulled another bike rack barrier away from the officers*

As KOEN and others violently seized the second barricade from the police line and passed it back into the crowd of rioters, a police officer was knocked forward and dragged down onto the ground.



*Photo 12: video footage showing a police officer (blue circle) fallen to the ground after a violent struggle between the rioters and officers, KOEN included (red circle)*

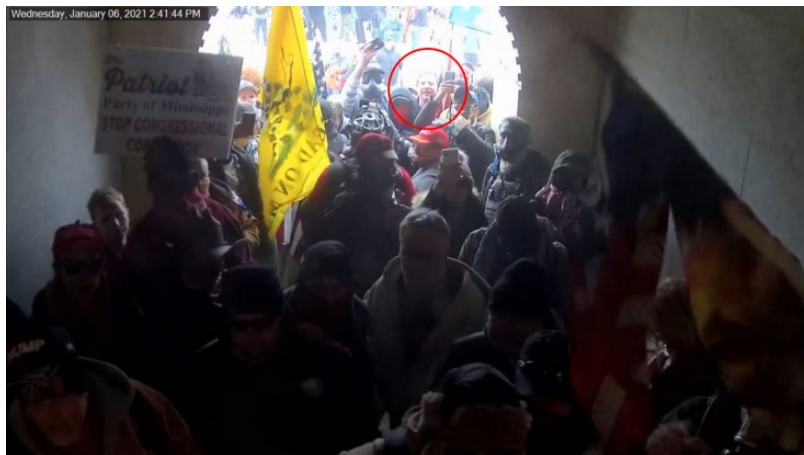
After rioters on the West Plaza created vulnerabilities across the police line, the mob successfully overpowered and overran the police line. The police officers called a retreat and quickly retreated to the Lower West Terrace and congregated in the LWT tunnel at the center of the Lower West Terrace.

As officers retreated into the tunnel while coughing, vomiting, and showing visible effects from the riot on the West Plaza, rioters—including KOEN—ascended to the Lower West Terrace. KOEN approached the Lower West Terrace tunnel holding a large, white pole with two flags attached. One flag said “TRUMP 2020” and the other was a Confederate flag.



*Photos 13 & 14: video footage showing KOEN (red circle) on the Lower West Terrace near the mouth of the tunnel as officers retreated into the tunnel*

After the officers retreated into the tunnel through two sets of double glass doors, the officers closed and locked the first set of double doors. The officers closed the second set of doors, which did not lock. At 2:41 p.m., almost immediately after the doors were secured, rioters—KOEN included—flooded into the tunnel.



*Photo 15: Capitol Police surveillance footage showing KOEN entering the tunnel*

Officers formed a line behind the second set of double doors. As rioters flooded into the tunnel, a rioter screamed, “Give us space! Give us space! We’re going to break the door down!” and “Backup! Backup! Backup! We need to break that door down!”

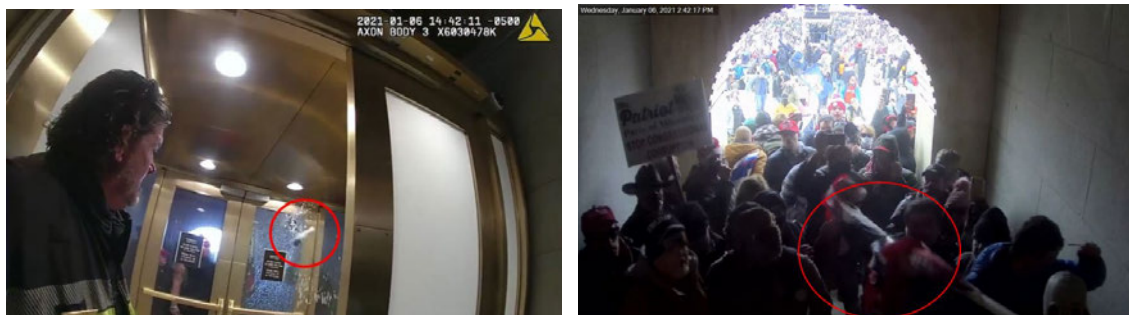
With the flagpole in hand, KOEN made his way through the crowd and to the front of the pack of rioters. The rioters faced the closed double glass doors that served as a barrier to their entrance to the Capitol building.





*Photos 16 & 17: video footage showing KOEN (red circle) approaching the set of double glass doors with signs that said “MEMBERS ONLY” that police officers had locked to keep rioters out of the Capitol building*

A police officer inside the tunnel commanded, “We are not losing the U.S. Capitol today!” Officers barricaded their bodies inside the tunnel immediately behind the second set of doors. Loud banging could be heard on officers’ body worn camera footage. The police officers cracked open the second set of double doors to account for the noise. One rioter bashed the glass door with an unknown object in his hand at the same time that KOEN lifted his flagpole above his shoulder and began to violently jab the flagpole into the glass. The glass door shattered as KOEN continued to jab his flagpole through it, which allowed the rioters to reach through the broken glass and open the door.



*Photos 18 & 19: body worn camera footage (left) and Capitol Police surveillance footage (right) showing KOEN raising his flag pole and jabbing it through the glass doors in the tunnel*

KOEN then disassembled the flagpole into two separate pieces.



*Photo 20: Capitol Police surveillance footage showing KOEN disassembling his flag pole into two pieces*

The rioters immediately started to push against the officer line. Officers inside the tunnel yelled, “HOLD THE LINE!” as the onslaught continued. KOEN remained at the forefront of a group and quickly started to use two flagpoles to repeatedly assault officers by jabbing the flagpoles into the officer line.



*Photos 21 – 24: video footage showing KOEN (red circle) raising his flag poles above head and jabbing it directly into the officers guarding the tunnel*



*Photo 25: body worn camera footage showing KOEN's flag pole (red circle) jabbing into the officers guarding the tunnel*

As officers held their ground, rioters continued the violent attack; rioters used their collective body weight to push against the officer line, hit the officer line with batons and flag poles, and sprayed chemical irritant into the tunnel. KOEN remained at the forefront of the violence.



*Photo 26: body worn camera footage showing KOEN at the front of the mob fighting with officers*

KOEN exited the tunnel at 2:47 p.m. without the flagpoles in hand.



*Photo 27: Capitol Surveillance footage showing KOEN (red circle) turning to leave the tunnel without his flag poles*

### **IDENTIFICATION OF TROY KOEN**

In September 2022, your affiant interviewed a police officer from the Mineral Wells Police Department in Texas. That police officer had previously encountered KOEN when the police officer cited TROY KOEN for a separate incident involving assault. That police officer reviewed the body worn camera footage of his interaction with KOEN, was shown photographs of KOEN from January 6, 2021, and positively identified the individual in those photographs as KOEN.

In addition, your affiant compared several photographs extracted from videos recorded on January 6, 2021 at the U.S. Capitol with several photographs of KOEN from his social media accounts, as well as photos from known government sources. Based on that comparison, your affiant concurs that TROY KOEN resembles the individual pictured above. For example, the photo on the left from TROY KOEN's social media account shows a photograph of himself, and the photo on the right is a still photo from January 6, 2021, as described above.



*Photo 28: Photo of KOEN taken from his social media account*



*Photo 29: Photo of KOEN on January 6, 2021 at the U.S. Capitol*

Your affiant submits there is probable cause to believe that TROY KOEN violated 18 U.S.C. § 111, which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties.

Your affiant submits there is also probable cause to believe that TROY KOEN 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 there is probable cause to believe that TROY KOEN violated 18 U.S.C. § 1361, which makes it a crime to willfully injure or commit any depredation against any property of the United States. KOEN's damage to such property of the United States exceeded the sum of \$1,000.

Your affiant submits that there is also probable cause to believe that TROY KOEN 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 that TROY KOEN 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.

Respectfully submitted



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 2nd day of November 2023.

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ZIA M. FARUQUI  
UNITED STATES MAGISTRATE JUDGE