

Case: 1:24-mj-00051
Assigned To : Harvey, G. Michael
Assign. Date : 2/8/2024
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation (FBI). I have been in this position since September 2008. I am currently assigned to the Central Texas Joint Terrorism Task Force in the FBI San Antonio Field Office. I have been employed as a law enforcement officer for approximately 15 years. In my duties as a Special Agent, I have gained training and experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, the exploitation of lawfully obtained evidence and data, and various other procedures. I am currently tasked, among other things, 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 facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies, or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause, it does not contain every fact known by me or the FBI. The dates and times listed in this Affidavit should be read as “on or about.”

Background: Events at the U.S. Capitol on January 6, 2021

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.

Facts Specific to Andrew Roman Carvajal

As part of the FBI investigation into the attack on the United States Capitol, the FBI reviewed public video, closed circuit video (“CCV”) footage and police body worn camera (“BWC”) footage depicting the events at the U.S. Capitol building and grounds on January 6, 2021. The FBI identified an individual among the rioters that entered the U.S. Capitol building on January 6, 2021 later identified by the public as ANDREW ROMAN CARVAJAL (“CARVAJAL”), as discussed below.

CARVAJAL's Activities at the U.S. Capitol on January 6, 2021

I have reviewed video footage from various sources of events that took place at the U.S. Capitol on January 6, 2021, which document CARVAJAL’s actions that day. I reviewed numerous photographs of CARVAJAL from January 6, 2021 inside the U.S. Capitol. In the photographs, CARVAJAL is wearing a gray jacket with a hooded sweatshirt pulled over a red hat, a dark colored mask over his face, and black gloves.

Initially, I observed CCV showing CARVAJAL in a crowd outside the Upper West Terrace door of the U.S. Capitol. In this video, I saw CARVAJAL enter the camera frame at 2:42:12 PM. The video shows Capitol Police were attempting to hold back rioters, when CARVAJAL pushed his way toward the front of the line of rioters to enter through that doorway and come nearly face-to-face with the officers. He appeared to shake his head from side to side whenever the police were speaking and gesturing, and shook his head up and down when his fellow rioters were speaking and gesturing. *See Figure 1.* At 2:43:27, CARVAJAL pulled his dark colored mask down to talk with the police officers. *See Figure 2.* At 2:44:25, CARVAJAL walked further into the Capitol and out of view of the security camera.



Figure 1

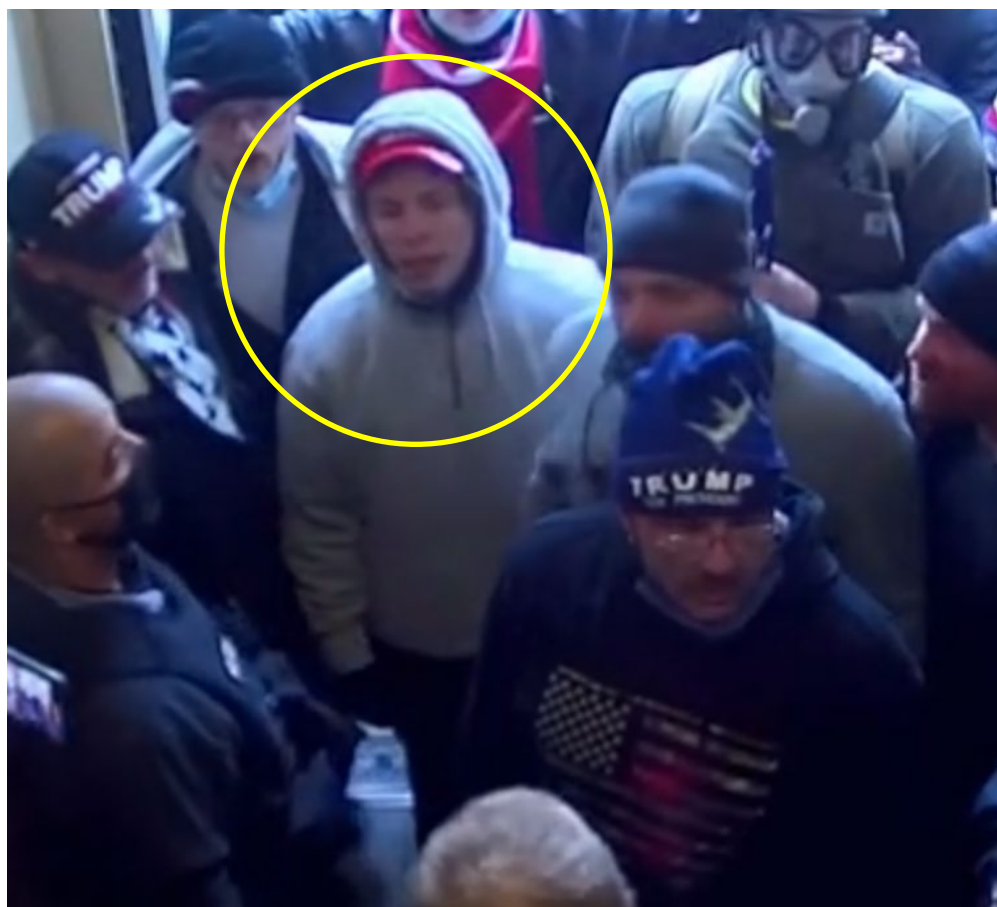


Figure 2

Carvajal then ran up the stairs toward the Rotunda. *Figure 3.*



Figure 3

BWC footage shows that on his way toward the Rotunda, CARVAJAL joined a group of rioters who confronted, chanted, and yelled at police officers. *See Figure 4.* CARVAJAL admonished the police officers for trying to clear out a woman in an olive green jacket. Fellow rioters antagonized police officers by chanting “Stop the Steal!” CARVAJAL attempted to join in, and managed to get out the word “STOP!” before he succumbed to a coughing fit and was gasping for air, preventing him from finishing the chant. Based on my review of video footage from the riot, CARVAJAL’s coughing fit and gasps for air were consistent with the effects of OC spray that the police were using in an effort to control the mob. CARVAJAL later yelled at the same police officers, “is your job worth your life!?”



Figure 4

I reviewed video showing that around 3:03 p.m. CARVAJAL entered the Rotunda and was periodically looking down at his phone in his hands, and moving his fingers over the device. CARVAJAL then reconnected with the same woman in the olive green jacket, with whom he was previously yelling at police officers. He appeared on CCTV pouring a liquid into her eyes, which, based on my review of video footage from January 6, is consistent with washing OC spray from her eyes. *Figure 5.*

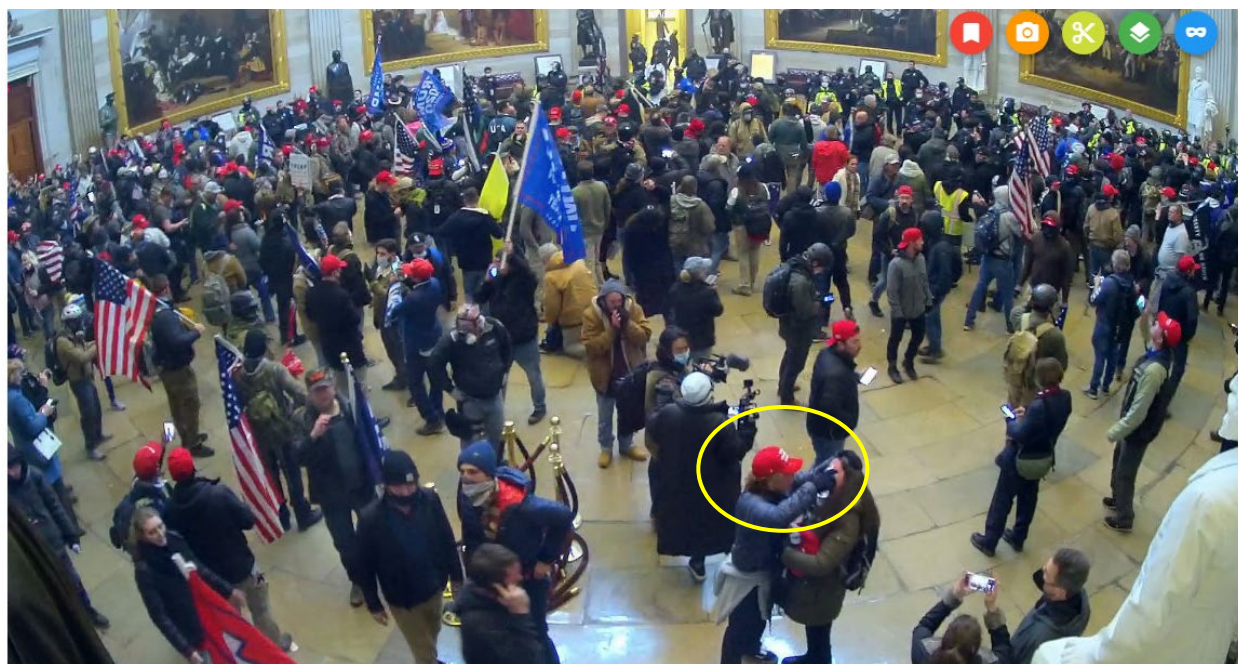


Figure 5

As a large number of police officers entered the Rotunda to clear it out, CARVAJAL moved toward the front of the line of rioters to stand with the rioters while facing the police

officers, continuously moving to the front of the line when police officers tried to push the crowd back. *Figure 6.*



Figure 6

It appears from the CCV and a publicly-available YouTube video that CARVAJAL stood facing police officers, and would place himself between another rioter and the police trying to push the crowd back. When the police pushed on rioters to have them leave the Rotunda, CARVAJAL placed his hand or hands on the back of his fellow rioters. *Figure 7.* Based on my training and experience, this appeared to be a tactic to assist the person in front of him to stand in one place despite the police officers' attempts to move the crowd. CARVAJAL spent at least 14 minutes inside the Rotunda as officers attempted to clear the area.

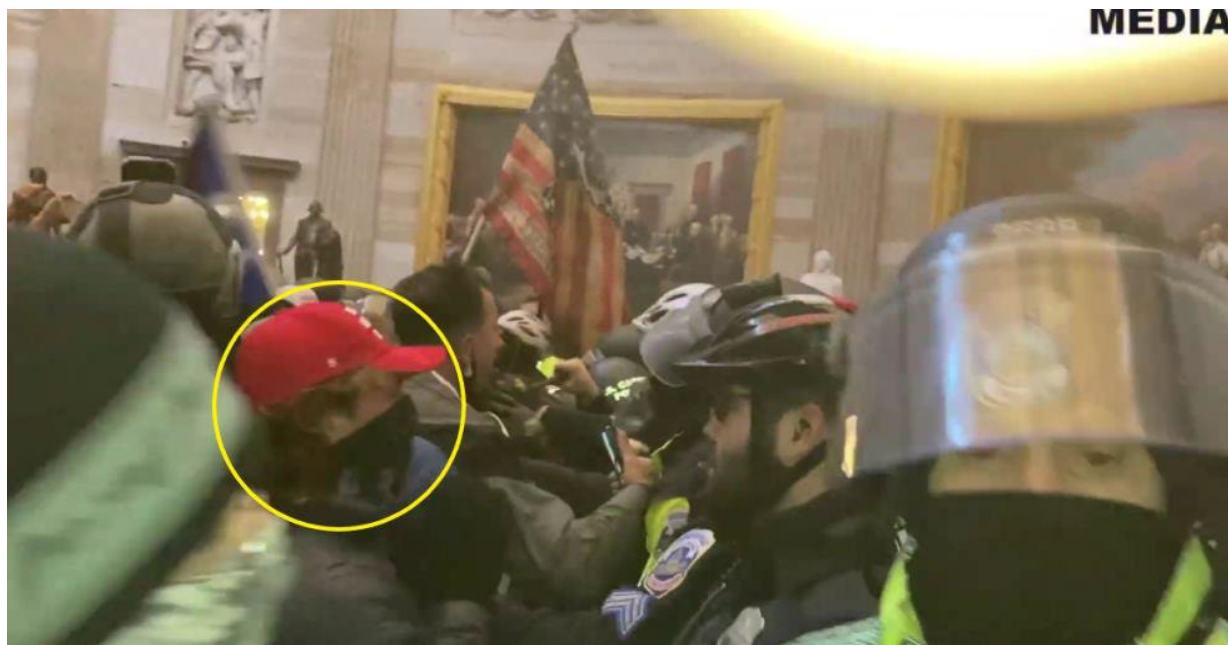


Figure 7

Around 3:20 p.m. CARVAJAL was pushed outside the Rotunda and continued to stand in the way of police officers who were trying to clear the area. As heard on BWC, CARVAJAL begged the police officers to let him in the building, and when they refused, “Why not?!?” The officer responded, “it’s not open today.” Figure 8.

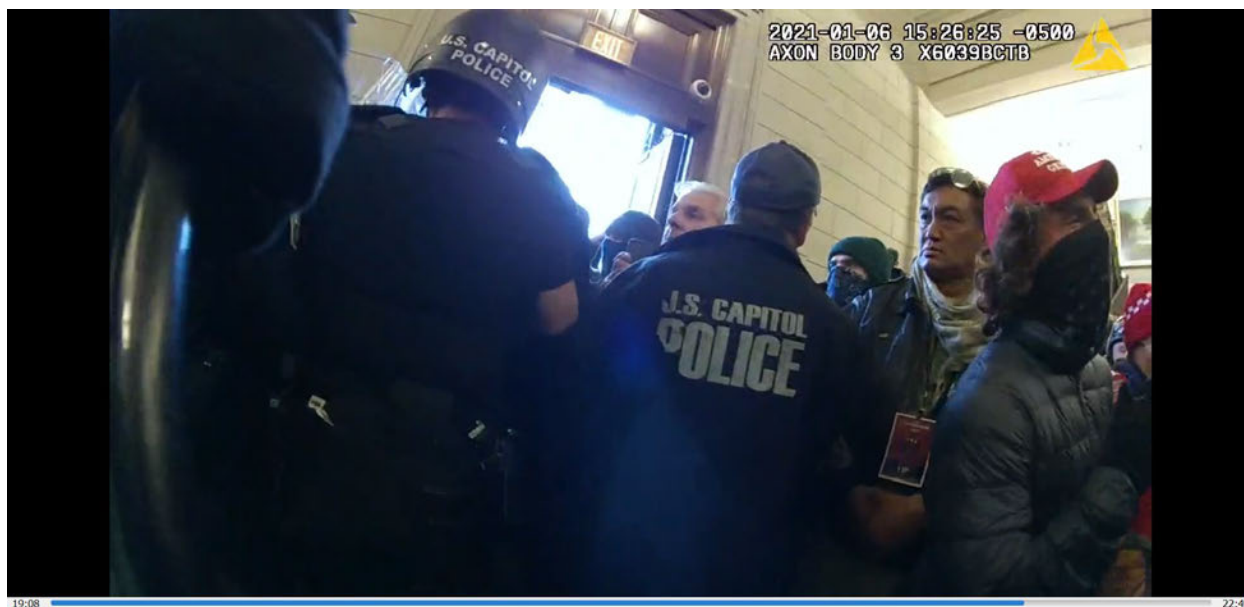


Figure 8

Video footage, including public video posted to Parler, shows that at 3:27 p.m. the police finally cleared out the area between the Rotunda and the Rotunda doors. At the door of the U.S. Capitol, CARVAJAL joined a group of individuals who were cheering and yelling in the direction

of police officers who were exiting the building; CARVAJAL also appeared to yell something to one of the police officers. *Figure 9.*



Figure 9

Finally, I reviewed publicly available video posted on YouTube in which CARVAJAL is sitting on the steps of the U.S. Capitol, and based on my training and experience, appeared to have been OC sprayed and is looking at his eyes with his iPhone. *Figure 10.*



Figure 10

Identification of CARVAJAL

Based on facial recognition software's comparison of the footage referenced above with CARVAJAL's California and Texas driver's license photographs, CARVAJAL was identified as Andrew Roman Carvajal. I confirmed that CARVAJAL's facial features in his DMV photographs match those of the BWC and CCTV footage; they appear to be the same person.

On March 15, 2023, I interviewed CARVAJAL at his residence in Austin, Texas. When CARVAJAL identified himself, I noted that he matched the drivers license photograph for Andrew Roman Carvajal, and matched the individual I saw on CCTV and BWC footage entering the U.S. Capitol on January 6, 2021. CARVAJAL confirmed that he traveled to Washington, D.C. to attend President Trump's "Stop the Steal" rally on January 6, 2023. He confirmed that he wanted to support then-President Trump, and that while at the rally, President Trump stated everyone was going to walk to the U.S. Capitol and CARVAJAL followed. CARVAJAL confirmed that he entered the U.S. Capitol.

According to American Airlines records, on December 29, 2020, CARVAJAL was issued a ticket to travel from Los Angeles to Baltimore on January 4, 2021. CARVAJAL then returned to Los Angeles on January 8, 2021 from Baltimore.

Conclusion

Your affiant submits that there is probable cause to believe that CARVAJAL violated 18 U.S.C. §§ 1752(a)(1), and (2) 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. 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 CARVAJAL violated 40 U.S.C. § 5104(e)(2)(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; and (G) parade, demonstrate, or picket in 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 8th day of February, 2024.

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE