

## STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to the Mon Valley Resident Agency at the Federal Bureau of Investigation's ("FBI") Pittsburgh Field Office. I have been so employed since June 2023. As a Special Agent with the FBI, I am charged with investigating possible violations of federal criminal law. By virtue of my FBI employment, I perform and have performed a variety of investigative tasks, including assisting with investigation on domestic terrorism investigations. Currently, I am tasked with, among other things, 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.

### **The Lower West Terrace “Tunnel”**

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 closed-circuit video (“CCV”) footage prior to rioters entering)



*Image 3* (The “Tunnel”)

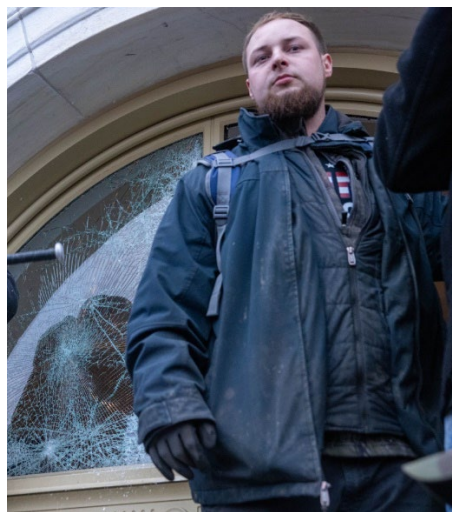
Rioters amassed outside the Tunnel with a variety of tools and weapons. By the time rioters began entering the Tunnel, at about 2:40 p.m., a group of officers had formed a line at a second set of glass doors inside the Tunnel. Rioters outside the Tunnel quickly summoned more rioters to join their efforts 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.

Starting at approximately 3:21 p.m. and continuing until at least approximately 5:04 p.m., officers maintained a police line at the mouth of the “Tunnel” while rioters continuously sought to push through the line and assaulted officers defending this entryway into the U.S. Capitol building.

#### **Identification of JOSHUA LEE ATWOOD**

Following the January 6, 2021 assault on the U.S. Capitol, the FBI located video and photographic evidence of an individual, designated BOLO AFO-299, attacking police officers multiple times at the entrance to the Tunnel around approximately 5:00 p.m. AFO-299 was depicted at the Capitol wearing a dark jacket, dark gloves, a tan/green backpack. *See* Images 4 and 5.



*Image 4*

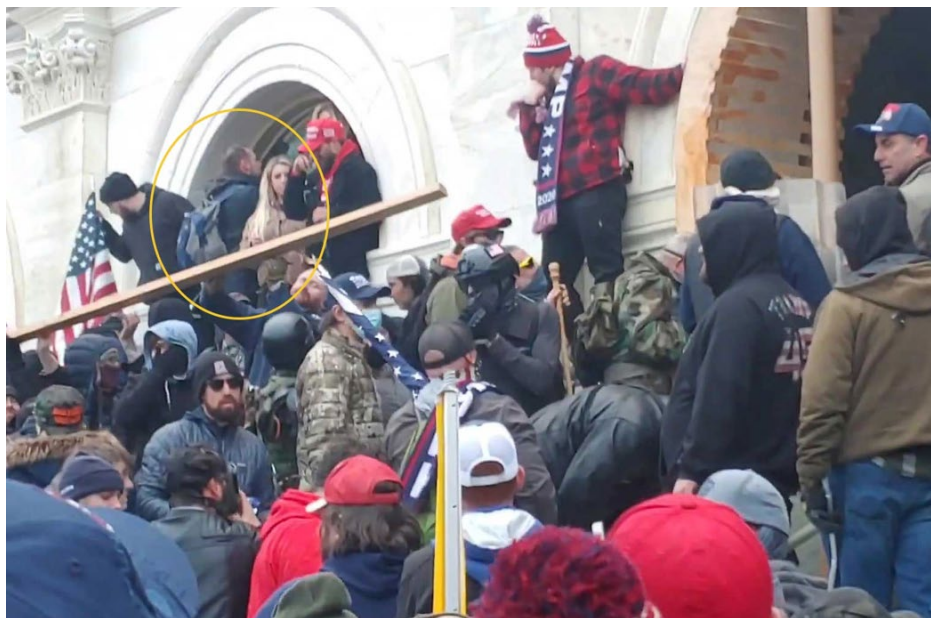


Image 5

A tip received by the FBI included information identifying AFO-299 as JOSHUA LEE ATWOOD. Information included with the tip revealed that AFO-299 closely resembled a public mugshot of ATWOOD that was taken following a 2011 arrest in Pennsylvania. Information included with the tip revealed that the mugshot and a photo of AFO-299 both included a matching scar on the left portion of ATWOOD's forehead. *See Image 6.*



Image 6

In May 2023, ATWOOD was arrested for charges of robbery and malicious assault in New Cumberland, Pennsylvania. A New Cumberland Police Department Patrolman, who was one of the officers that executed that May 2023 arrest and familiar with ATWOOD's appearance, was provided images of AFO-299 at the U.S. Capitol on January 6, 2021. The Patrolman reviewed the images, *see* Images 7–13, and confirmed the individual depicted in all of the AFO-299 images was JOSHUA ATWOOD.



*Image 7*



*Image 8*



*Image 9*



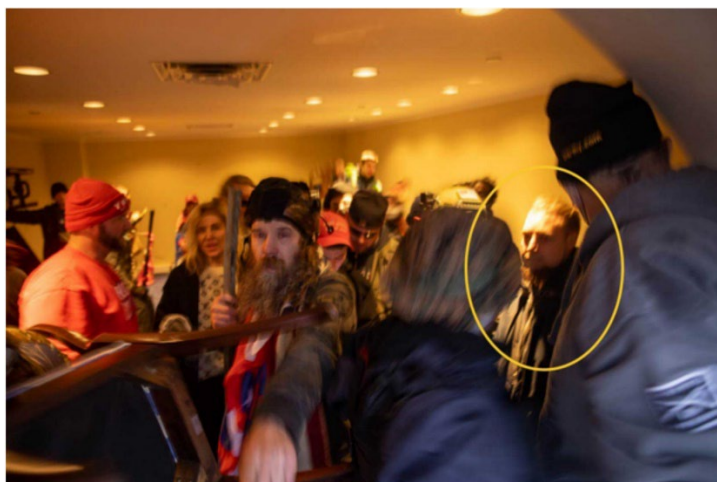
*Image 10*



*Image 11*



*Image 12*



*Image 13*

### **ATWOOD's Participation in the Events of January 6, 2021**

As part of its investigation, the FBI reviewed multiple MPD body-worn camera (“BWC”), Capitol CCV, and open-source video footage depicting ATWOOD’s conduct at the Capitol on January 6, 2021. The material reviewed shows multiple instances of ATWOOD attacking law enforcement officers defending the Tunnel between approximately 4:51 p.m. and 5:03 p.m. Furthermore, open source videos and photographs also depict ATWOOD joining rioters gathering inside the Capitol building in a room with a window just to the left of the Tunnel entrance.

At approximately 4:51 p.m., open-source video shows that ATWOOD picked up an object that appears consistent with a bottle from the ground and threw it into the tunnel at officers. *See* Images 14 and 15. The bottle was captured by MPD BWC footage as it flew into the tunnel and struck an officer positioned near the back of the tunnel. *See* Image 16.



*Image 14*



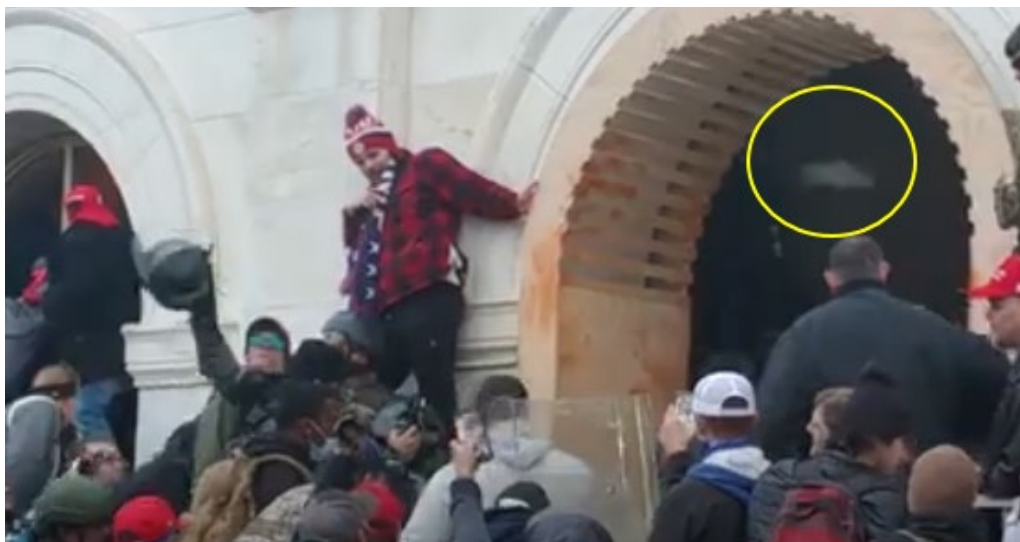


Image 15



Image 16

Directly thereafter, at approximately 4:51 p, open-source video shows that ATWOOD threw a long silver pole at the officers in the Tunnel. *See* Image 17. CCV footage shows that the pole flew over the top of officers' riot shields that had been placed above the heads of the front-line officers to protect against incoming debris. *See* Image 18. BWC footage shows the pole landed in the back of the tunnel and struck an officer on the south wall. *See* Images 19 and 20.



Image 17



Image 18



Image 19



Image 20

Moments later, open-source video shows that ATWOOD threw a small square object into the Tunnel. See Image 21. BWC shows that the object flew into the tunnel and hit the south side wall. See Image 22.

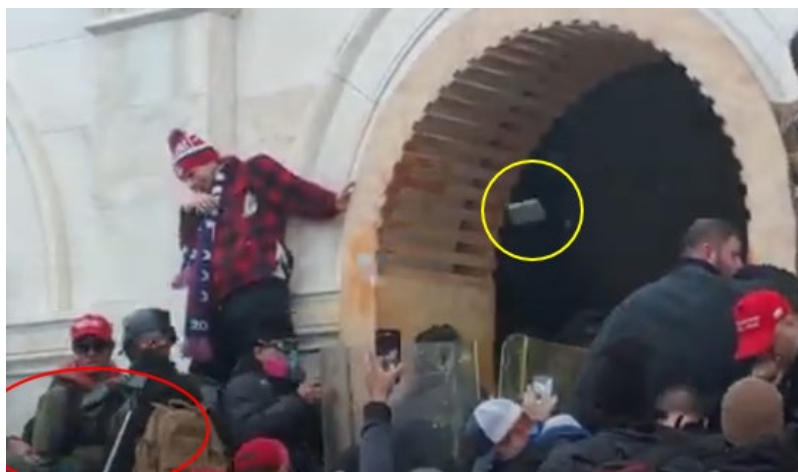


Image 21



Image 22

Shortly thereafter, at approximately 4:52 p.m., open-source video shows that ATWOOD threw another small object which appeared consistent with a bottle into the Tunnel. *See* Image 23. At that same approximate time, an object of similar appearance was captured on BWC footage as it flew into the tunnel and hit the south side wall in front of the line of officers. *See* Image 24.



*Image 23*



*Image 24*

Moments later, various types of video footage show that ATWOOD used a long wooden pole to strike multiple officers using a stabbing motion with a significant amount of force. *See* Images 25–34. Specifically, ATWOOD used the long wooden pole to strike two MPD officers who were part of the front line and used their riot shields to protect themselves from

ATWOOD's strikes. ATWOOD then momentarily pulled the pole back before striking another MPD Officer on the top of the officer's helmet by the face plate. ATWOOD then pulled the pole back and threw it in the direction of two MPD officers, hitting their shields and ricocheting off the south wall.



Image 25



Image 26



Image 27



Image 28



Image 29



Image 30



Image 31



Image 32



Image 33



Image 34

At approximately 5:01 p.m., an open-source photograph shows that ATWOOD was outside of the tunnel entrance holding a USCP riot shield. *See* Image 35. At approximately 5:02 p.m., various video footage shows ATWOOD stood in front of an officer while holding the shield. *See* Image 36. ATWOOD used the shield to strike the officer's shield twice. *See* Images 37–40. During the incident, ATWOOD can be heard on BWC footage making several statements to the officers:

- “Fuck off, you guys are all pieces of shit.”
- “Everyone of you should be ashamed of yourself. Everyone of you mother fuckers are pieces of shit. Betraying your country like this, why would you betray your county. Do you love our country, or do you want civil... communist fuck.”
- “. . . pieces of fucking shit. Everyone of you motherfuckers.”



Image 35





Image 36



Image 37



Image 38

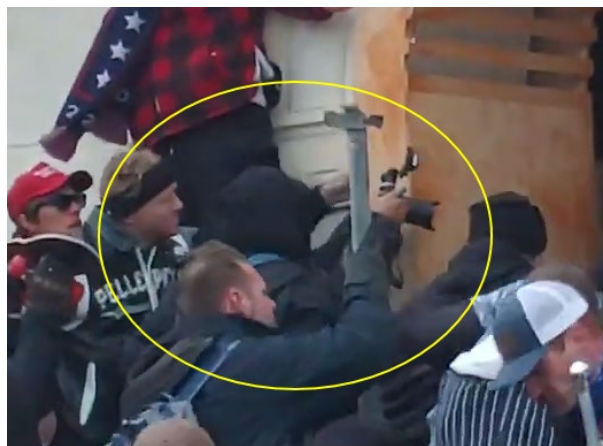


*Image 39*



*Image 40*

Moments later, ATWOOD threw a metal pipe into the tunnel, which first struck an MPD officer's riot shield, then hit an assisting Virginia State Police trooper's head and neck. See Images 41–44.



*Image 41*

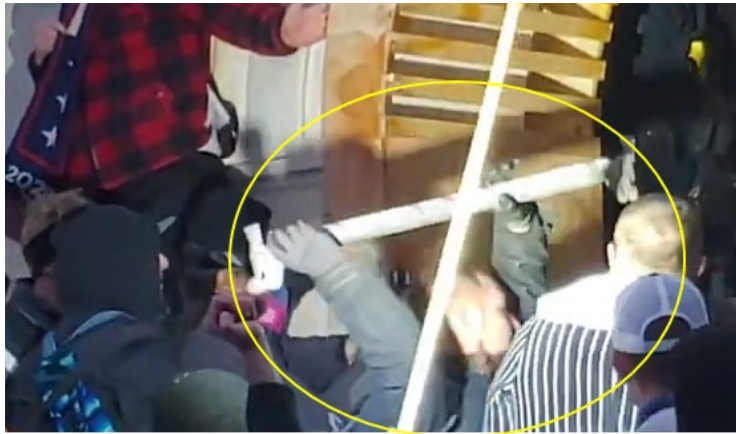


Image 42

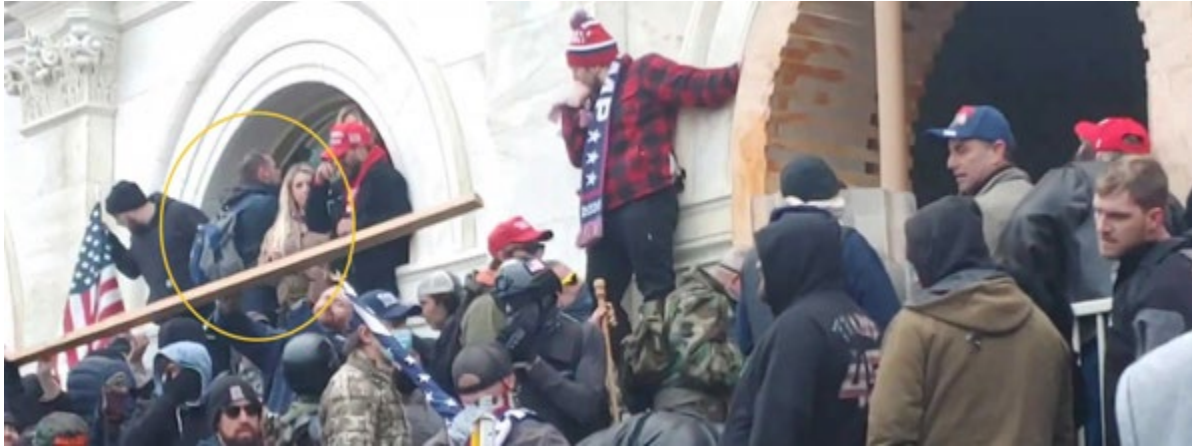


Image 43

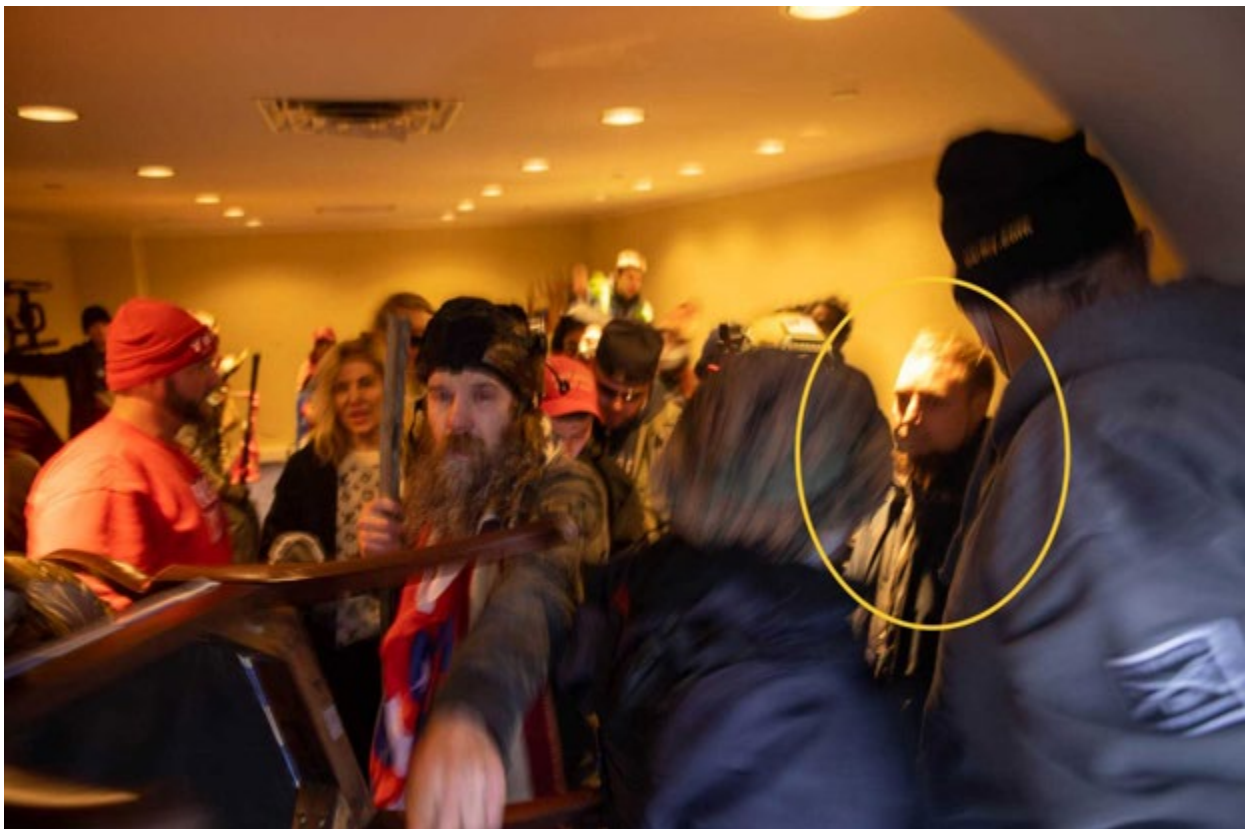


Image 44

At some point, open-source photographs show that ATWOOD joined other rioters in the Senate Terrace Room 2 – Mezzanine. This room is located directly to the north of the Lower West Terrace Exterior Doors and was accessed by rioters through a broken window to the immediate north/left of the Tunnel. *See Images 45 and 46.*



*Image 45*



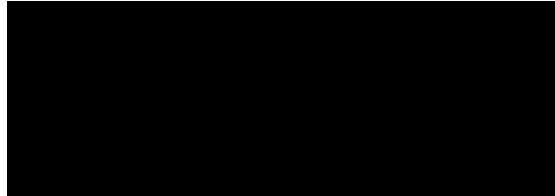
*Image 46*

Based on the foregoing, your affiant submits that there is probable cause to believe that JOSHUA LEE ATWOOD 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 18 U.S.C. § 231, 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 also submits there is probable cause to believe that ATWOOD violated 18 U.S.C. § 111(a)(1) and (b), which make it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in 18 U.S.C. § 1114 as an officer or employee of the United States while engaged in or on account of the performance of official duties where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony, 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.

Your affiant also submits that there is probable cause to believe that ATWOOD violated 18 U.S.C. §§ 1752(a)(1), (2), and (4), and (b)(1)(A), which make 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; 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; and (b)(1)(A) to use or carry a deadly or dangerous weapon or firearm in relation to the aforementioned offenses. For purposes of 18 U.S.C. § 1752, 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.

Finally, your affiant also submits there is probable cause to believe that ATWOOD violated 40 U.S.C. §§ 5104(e)(2)(D), (F), and (G), which make it a crime to willfully and knowingly (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; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; 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 15 day of April, 2024.

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Robin M. Meriweather  
U.S. MAGISTRATE JUDGE