

Case: 1:24-mj-00136
Assigned To : Harvey, G. Michael
Assign. Date : 4/16/2024
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to the FBI Richmond field office. In my duties as a special agent, I investigate, among other things, criminal activity relating to domestic terrorism. 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 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.

In the days following January 6, 2021, the FBI received information that Nathaniel Noyce (“NOYCE”) of Richmond, Virginia participated in the riot at the U.S. Capitol. According to an individual, shortly after returning to Richmond, Virginia, NOYCE shared photos and videos he took at the riot with others. This individual personally knew NOYCE and subsequently identified NOYCE in photographs inside and outside the U.S. Capitol on January 6, 2021.

In response, the FBI initiated an investigation into NOYCE’s activities at the U.S. Capitol on January 6, 2021. NOYCE travelled to Washington D.C. prior to the former president’s rally at the Ellipse on January 6, 2021. Open-source video captured NOYCE, circled in yellow in *Image 1*, wearing a dark jacket, a red hooded sweatshirt, and a black hat. In this photo, NOYCE appeared with a crowd in Washington D.C. near the former president’s rally on January 6, 2021.



Image 1

According to open-source footage NOYCE eventually arrived at the U.S. Capitol a little before 2:00 p.m. EST, making his way to the east side of the building¹. Here, police established barricades using bicycle racks to prevent rioters from further encroaching on the U.S. Capitol. As the crowd grew and became more erratic, video footage of the riot showed that rioters successfully breached these police barricades, forcing officers to retreat deeper onto U.S. Capitol grounds.

After this initial breach, according to video footage, officers reestablished a police line to stop rioters from moving toward the U.S. Capitol. *Image 2* showed Noyce along this provisional

¹ A subsequent database query for mobile devices at the U.S. Capitol on January 6, 2021, confirmed a mobile device associated with NOYCE was present on U.S. Capitol grounds on January 6, 2021.

police line on the U.S. Capitol's East Steps. Soon after, according to video footage I have reviewed, this line also collapsed causing a cascade of rioters up the East Steps to the East Doors.



Image 2

After this line collapsed, video showed that NOYCE continued to loiter among the mob on the east side of the U.S. Capitol as *Image 3* depicted.



Image 3

After the mob reached the East Doors, rioters assaulted law enforcement and attempted to enter the U.S. Capitol. At approximately 2:40 p.m. rioters inside the U.S. Capitol successfully pushed past police and opened the East Doors. In response, many of the rioters outside of the East Doors flooded into the U.S. Capitol over the next 50 minutes, including NOYCE.

Eventually, it appeared that NOYCE moved to the East Doors. *Image 4*, an excerpt from U.S. Capitol Police surveillance cameras or CCTV, showed NOYCE enter the U.S. Capitol through the East Doors at approximately 3:15 p.m.



Image 4

Once inside the U.S. Capitol, CCTV and third-party video footage showed NOYCE immediately travel through the East Foyer to the Rotunda. As NOYCE entered the Rotunda, officers attempted to physically remove rioters from the Rotunda. NOYCE's continued presence in the Rotunda during this time impeded their efforts. At approximately 3:20 p.m., NOYCE was one of the last rioters that officers removed from the Rotunda. Video footage, excerpted at *Image 5*, showed officers encircling NOYCE as they attempted to physically remove him and other rioters from the Rotunda. The same video also showed that officers had already cleared much of the Rotunda and were pushing out the remaining rioters, including NOYCE, to the East Foyer.



Image 5

Once Noyce returned to the East Foyer, video captured NOYCE continuing to obstruct and impede the officers dealing with the ongoing riot. Officers around NOYCE appeared to be giving directions or orders to the rioters inside, in what looks to be an effort to force them to leave. Despite that he was very close to these officers and likely knew of their efforts, NOYCE did not leave. Instead, it appeared from the footage that he recorded the ongoing scene in the East Foyer

near the Rotunda entrance using his cell phone. *Image 6* showed an officer with his hand on NOYCE's back pushing NOYCE away from officers in the East Foyer toward the East Doors.



Image 6

Over the next few minutes, video footage showed that NOYCE became increasingly physical with officers as he moved around the mob in the East Foyer recording his actions. *Image 7*, taken from body worn camera footage, depicted NOYCE wrapping his arm around an officer at approximately 3:23 p.m.



Image 7

A few seconds later, BWC footage, excerpted at *Image 8*, depicted NOYCE placing his left hand on an officer.

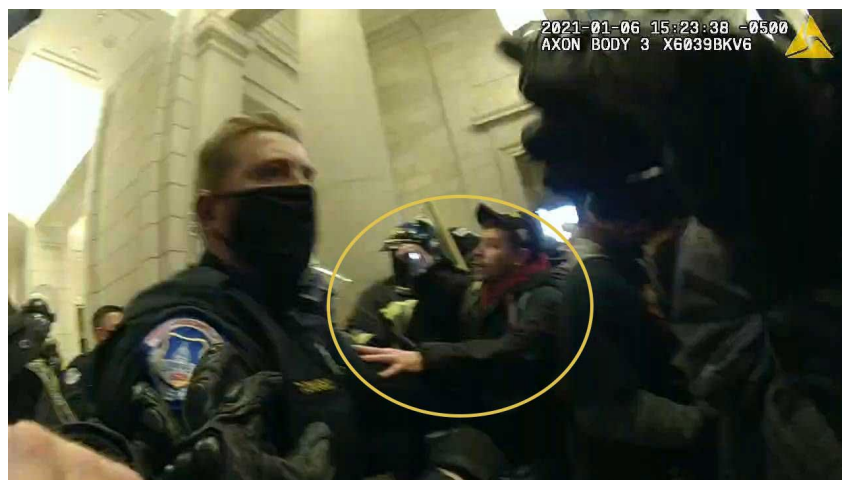


Image 8

Immediately thereafter, a confrontation between NOYCE and an officer ensued. U.S. Capitol CCTV footage captured NOYCE, depicted in *Image 9*, forcibly removing an officer's protective visor. In this image, NOYCE grabbed the visor with his left hand as he appeared to use his right hand to record his ongoing activities with his cell phone.



Image 9

After NOYCE successfully removed the officer's protective visor, CCTV footage captured NOYCE instantaneously strike the officer in his face with his right hand while holding his mobile phone. *Image 10*, taken from U.S. Capitol CCTV footage, captured these actions. NOYCE's right hand with his mobile phone is circled in red as he strikes the officer in front of him.



Image 10

In response, a scuffle occurred between NOYCE and this officer. CCTV footage, excerpted at *Image 11*, captured this incident as the officer wrapped his right arm around NOYCE's left shoulder and *attempted* to push NOYCE away. Another rioter immediately attempted to diffuse this incident and NOYCE retreated to the mob.



Image 11

Several minutes after this incident, CCTV footage showed NOYCE depart the U.S. Capitol through the East Doors at approximately 3:25 p.m. However, NOYCE did not depart U.S. Capitol grounds. Instead, NOYCE moved from the east to the west side of the U.S. Capitol. Video taken by a third party, excerpted at *Image 12* below, captured this movement.



Image 12

In fact, video footage showed NOYCE remained near the U.S. Capitol and on U.S. Capitol grounds for several hours after he departed the U.S. Capitol through the East Doors. In one video, excerpted at *Image 13*, NOYCE appeared with rioters near the west side of the U.S. Capitol after reinforcing officers physically removed rioters from U.S. Capitol grounds after dark.



Image 13

Based on the foregoing, your affiant submits that there is probable cause to believe that Nathaniel NOYCE violated 18 U.S.C. § 111(a)(1), 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, where such acts involve physical contact with the victim or the intent to commit another felony. Persons designated within section 1114 of Title 18 include federal officers such as USCP officers and include any person assisting an officer or employee of the United States in the performance of their official duties.

Your affiant also submits there is probable cause to believe that Nathaniel NOYCE 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 Secret Service's protection of the Vice President and his family and the Capitol Police's protection of the U.S. Capitol.

Additionally, your affiant submitted that Nathaniel NOYCE 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 so; (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.

Lastly, your affiant submits there is probable cause to believe that Nathaniel NOYCE 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; (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.


Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 16th day of April, 2024.

HONORABLE G. MICHAEL HARVEY
UNITED STATES MAGISTRATE JUDGE