

STATEMENT OF FACTS

Your Affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation (“FBI”), assigned to the Indianapolis Field Office. I have investigated allegations associated with international terrorism, domestic terrorism, and interstate threatening communications. I have completed training and gained experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, and various other criminal laws and procedures. 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 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.

Initiation of Investigation into Andrew MILLARD

In February 2021, during an investigation into another individual (Suspect 1) who was suspected of engaging in criminal conduct at the U.S. Capitol on January 6, 2021, your affiant reviewed records for Suspect 1's Facebook account, which were obtained via search warrant. The Facebook account for Suspect 1 featured several pictures posted by Suspect 1 that showing Suspect 1 and another individual together in and around the U.S. Capitol on January 6, 2021 (Exhibit 1).

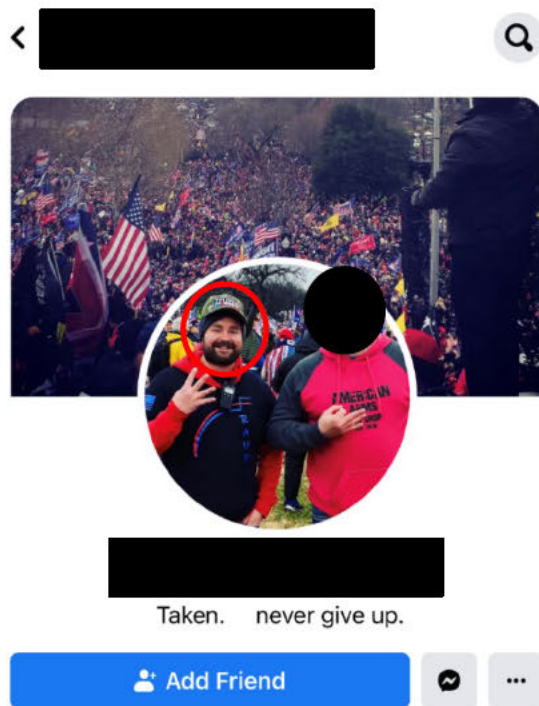


Image 1: Screenshot of Suspect 1's Facebook profile featuring a photo of Suspect 1 with an individual later identified as Andrew Thomas MILLARD (circled in red) on what appeared to be U.S. Capitol grounds on Jan. 6, 2021 (Exhibit 1).

In the image, the individual pictured with Suspect 1 is visible wearing a camouflage baseball hat with "Trump 2020" across the top, a dark-colored head covering underneath the hat, a black t-shirt with blue lettering spelling "FRAUD," and a red hooded sweatshirt underneath the black t-shirt. In the image, the individual appears to have a handheld radio device attached to the front of his shirt and is making a gesture of four upheld fingers with the back of the hand showing.

During the course of the investigation, law enforcement reviewed Suspect 1's cell phone records and identified a call made on Jan. 6, 2021 from Suspect 1's phone to a second telephone

number that, at the time, was utilizing a cell site providing service to a geographic area that included the interior of the U.S. Capitol building.

Verizon records obtained via subpoena provided that this second phone (XXX-XXX-4107) was registered to a Verizon account belonging to Indianapolis, Indiana resident XXX Millard, who, according to Indiana state marriage records, is lawfully married to an individual named Andrew Thomas MILLARD. The Verizon account registered to MILLARD's wife has two active phone numbers and is registered at the home residence of Andrew Thomas MILLARD, which was identified through Indiana Department of Motor Vehicle records and publicly available data. Based on my training and experience, in addition to corroborating publicly available data, I believe the 4107 number is operated by MILLARD.

On May 21, 2021, your affiant attempted to interview Millard at his place of business in Indianapolis, Indiana, but he declined to answer questions. During this interaction, your affiant recognized MILLARD as the individual pictured in Image 1 above and in the images below.

MILLARD'S activity at the U.S. Capitol on Jan. 6, 2021

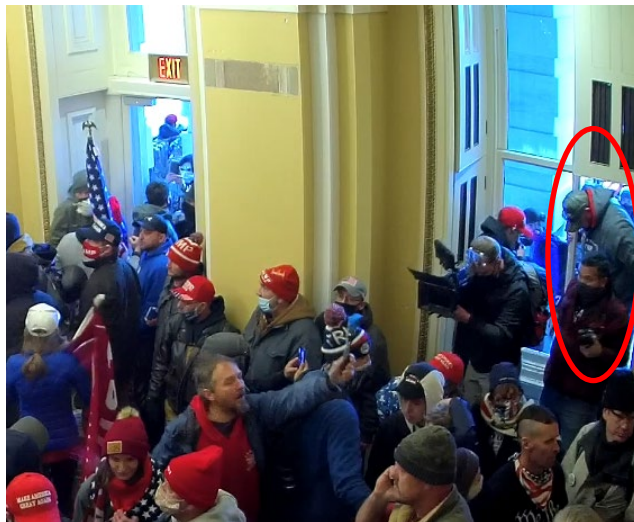
A subsequent review of Capitol CCTV and other publicly available videos capture MILLARD in and around the U.S. Capitol building on Jan. 6, 2021. On that day, MILLARD wore blue jeans, a grey hooded sweater with "STOP THE STEAL" printed in white lettering on the front, and a camouflage hat with "Trump 2020" across the top (Exhibit 2).



MILLARD shown on police body-worn camera footage at the U.S. Capitol on Jan. 6, 2021 (Exhibit 2).

At approximately 2:59 p.m. on Jan. 6, 2021, MILLARD is visible climbing through the northern window adjacent to the Senate Wing Door entryway into Capitol building room S1CR4S

902 (Exhibit 3). This window was smashed open by rioters less than one hour earlier, at approximately 2:13 p.m.



(Exhibit 3)

After entering the building, MILLARD appeared to pull a phone out of his pocket and use it in a manner consistent with taking photographs or video (Exhibit 4).



(Exhibit 4)

At approximately 3:00 p.m., MILLARD pulled a dark-colored device from his pocket that appears to be a radio communication device. MILLARD then held it up to his face in a manner consistent with communicating on the device (Exhibit 5).



(Exhibit 5)

At approximately 3:01 p.m., MILLARD entered hallway S1CR4Q leading from the Senate Wing Door to the Crypt. Shortly thereafter, MILLARD attempted to enter room S142, but was unable to open the door. MILLARD then crossed the hallway and appeared to enter room S140 at approximately 3:02 p.m.

Open-source video shows MILLARD and several other individuals in a small room that appears consistent with S140 in the U.S. Capitol. Individuals near MILLARD are visible damaging property, smoking, yelling loudly, and chanting, “Stop the Steal” (Exhibit 6).



(Exhibit 6)

At approximately 3:06 p.m., MILLARD walked south into the Crypt from room S1CR4M (Exhibit 7).



(Exhibit 7)

Millard then crossed into the center of the Crypt, between the columns, and held his phone in the air in a manner consistent with taking photographs or video (Exhibit 8).



(Exhibit 8)

Moments later, MILLARD walked south through the Crypt until he no longer appears on CCTV cameras in the room. Seconds later, at approximately 3:06 p.m., MILLARD reappeared walking to the south side of the Crypt. During this period, MILLARD continued to hold his phone up in a manner consistent with taking photographs or video (Exhibit 9).



(Exhibit 9)

At approximately 3:07 p.m., MILLARD entered room H1CR4K on the south side of the Crypt, and seconds later was captured on Metropolitan Police Department (“MPD”) body-worn camera (“BWC”) footage in room H1CR4K (Exhibit 10).



(Exhibit 10)

Approximately 12 seconds later, MILLARD reentered the Crypt and walked towards the west side of the Crypt while appearing to film on his phone, as shown on MPD BWC footage (Exhibit 11).

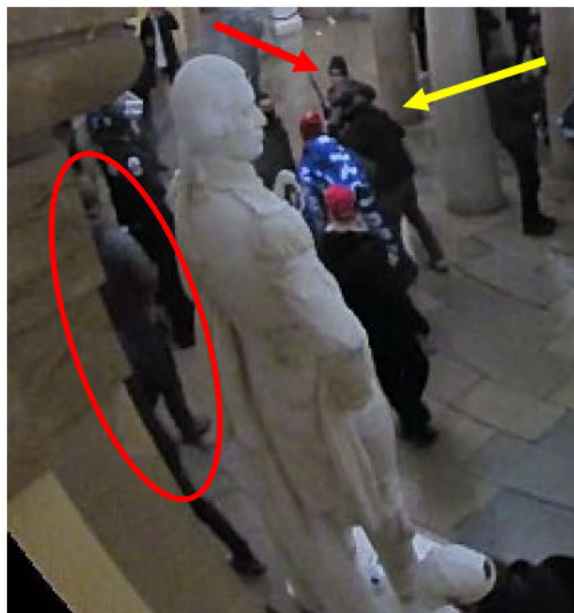


(Exhibit 11)

Records from Suspect 1's Facebook account contain a 42-second video of an individual walking around the Crypt with other protestors on Jan. 6, 2021. In the video, the individual taking the video entered room H1CR4K from the Crypt and asked a police officer where to find the bathroom. The individual then re-entered the Crypt and walked in front of a row of police officers who can be heard directing rioters to exit the building. The video at this point matched the placement of individuals in Crypt CCTV footage. In both videos, an individual in a gas mask appeared directly in front of the camera and appeared to raise their left hand near their head. Next to the individual in the gas mask is another individual wearing a dark-colored skull cap. Both individuals appeared to stand directly in front of a pillar in Exhibits 12 and 13. Based on this review, I believe this video was recorded by MILLARD.

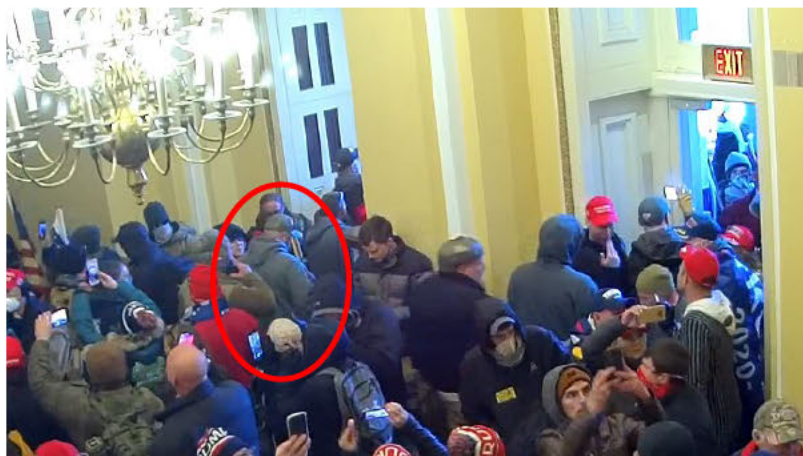


(Exhibit 12)



(Exhibit 13)

MILLARD then walked in a clockwise direction around the Crypt from the south side of the room to the north side of the room until he exited the Crypt into room S1CR4M at approximately 3:08 p.m. At approximately 3:12 p.m., MILLARD walked down hallway S1CR4Q in the direction of the Senate Wing Door (Exhibit 14). MILLARD then proceeded to the southernmost window in room S1CR4S and exited by climbing out the window at approximately 3:13 p.m.



(Exhibit 14)

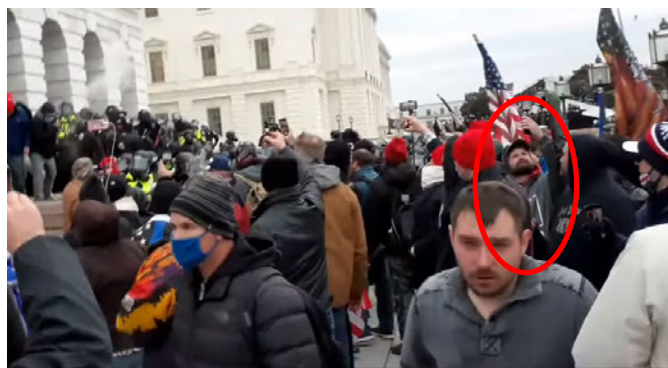
Activities on Capitol Building Terrace

After exiting the Capitol building 3:13 p.m., video footage from multiple sources shows that MILLARD remained on the Northwest Terrace area immediately outside the Senate Wing Door for over an hour. At approximately 4:20 p.m., a large line of police officers in riot gear began advancing toward the northwest corner of the Upper West Terrace in an effort to clear the hundreds of rioters, including MILLARD, from the area. As officers advanced and deployed crowd control

munitions, MILLARD appeared to remain standing in the area and film on his phone (Exhibits 14 and 15).

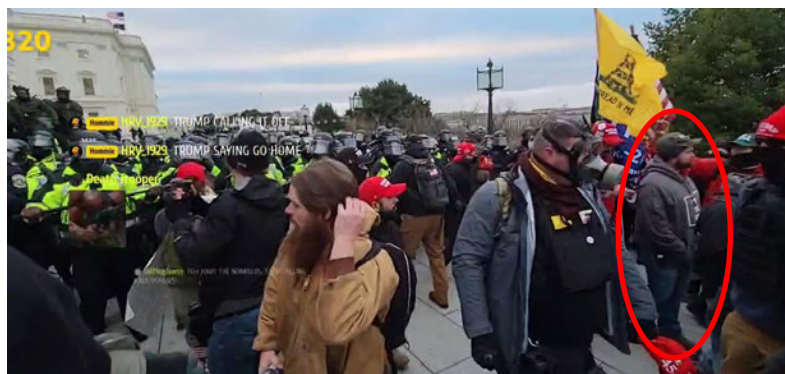


(Exhibit 15)



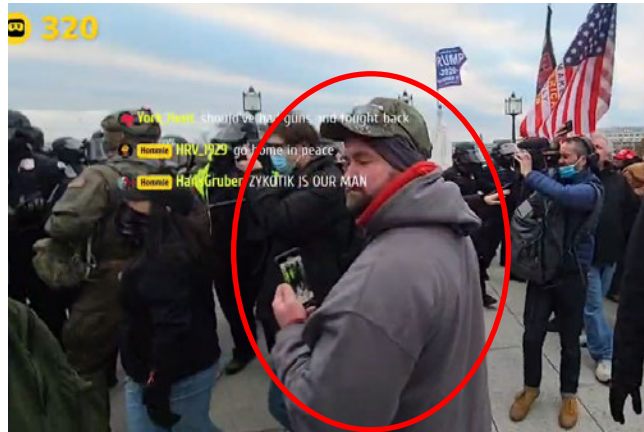
(Exhibit 16)

Moments later, officers began advancing forward to clear the area, and Millard remained standing in front of them (Exhibit 17).



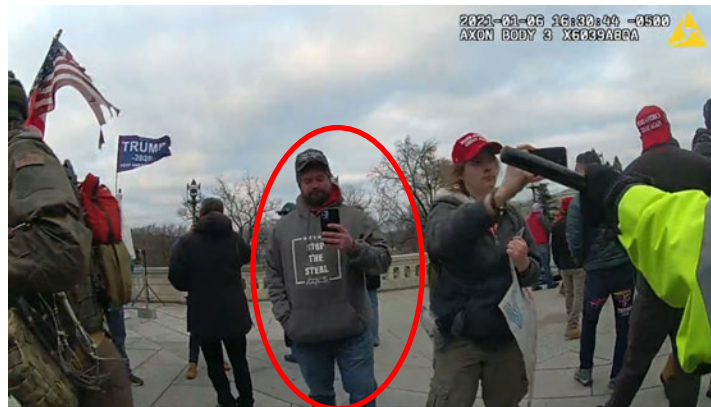
(Exhibit 17)

As the advancing line of officers pressed forward in an attempt to drive the crowd toward a staircase leading down from the Upper West Terrace, MILLARD slowly walked a number of feet ahead of the officers. At times, MILLARD walked backwards and held his phone in a manner consistent with taking photographs or video (Exhibit 18).



(Exhibit 18)

As the line of officers continued to advance toward the northwest corner of the Upper West Terrace, officers repeatedly issued commands to “move back.” Officers deployed forms of crowd control agents to include flashbangs, tear gas, and pepper spray. As officers temporarily stopped advancing once arriving at the northwestern corner of the terrace, MILLARD took out his phone and appeared to take photos or video with it (Exhibit 19).



(Exhibit 19)

At approximately 4:31 p.m., as advancing officers resumed directing protesters around the northwestern corner of the terrace towards the east, officers began using batons to push protestors towards the northeast corner of the Upper West Terrace. As the officers advanced forward, MILLARD is visible in the crowd being pushed by an officer’s baton as he stood still or slowly walked forward (Exhibits 20 and 21).



(Exhibit 20)

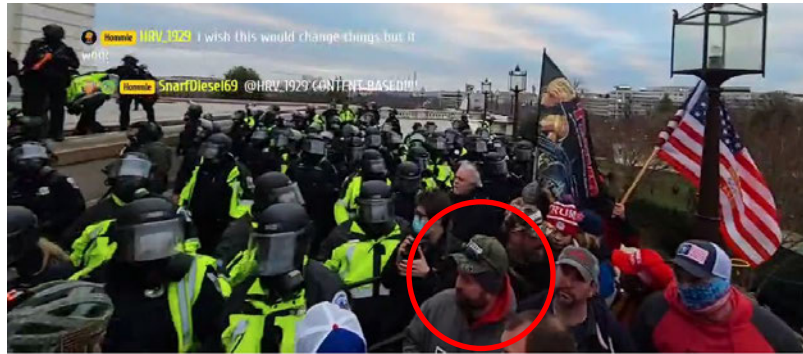


(Exhibit 21)

MILLARD then turned towards the officers and said, “Come on guys.” Over the next several moments, MILLARD appeared to utter something inaudible and held up his phone in the direction of the officers (Exhibits 22 and 23).



(Exhibit 22)

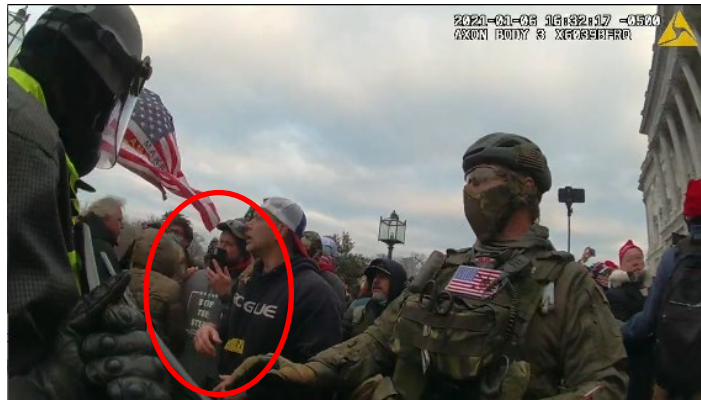


(Exhibit 23)

At approximately 4:32 p.m., MILLARD stopped walking and turned around to use his phone to film officers as they fought with rioters (Exhibits 24 and 25).



(Exhibit 24)



(Exhibit 25)

After advancing police officers engaged in physical confrontations with protestors, MILLARD appeared to stand back several feet and stated, “(inaudible) on our constitutional rights.” At approximately 4:34 p.m., advancing officers issued commands for protestors to move while using their shields to push protestors eastward on the Upper West Terrace.



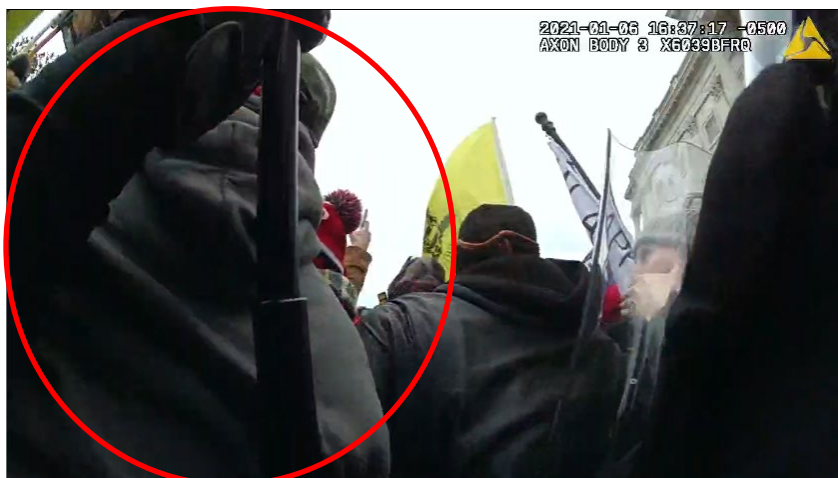
(Exhibit 26)

Moments later, MILLARD joined in a chant stating, “Take off your helmets and stand here with us” at the line of officers working to clear the Upper West Terrace. At approximately 4:36 p.m., MILLARD held up his cell phone and appeared to record a video of himself in the crowd stating, “Hitting people in the head (inaudible) that’s-that’s lethal force. Hitting someone in the head with a baton is lethal force. Use of lethal force.” (Exhibit 27)



(Exhibit 27)

The officer wearing the body worn camera in Exhibit 27 then came in contact with MILLARD’s back and was pressed into the back of MILLARD’s sweatshirt. The officer then placed his baton diagonally across Millard’s back in an attempt to push MILLARD forward (Exhibit 28).



(Exhibit 28)

At 4:37 p.m., officers continued to push on the line of protestors while issuing commands to “Go.” An officer then used his hand to push MILLARD forward. Seconds later another officer places his baton across Millard’s back (Exhibit 29).



(Exhibit 29)

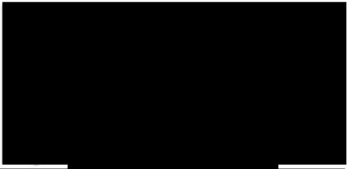
At 4:38 p.m., the police line reached a staircase on the north end of the Upper West Terrace, where MILLARD exited onto the lawn on northwest U.S. Capitol grounds. This is the last point in time MILLARD was identified on U.S. Capitol grounds that day (Exhibit 30).



(Exhibit 30)

Based on the foregoing, your affiant submits that there is probable cause to believe that MILLARD violated 18 U.S.C. §§ 1752(a)(1) and (2), 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; or attempts or conspires to do so. 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.

Your affiant submits there is also probable cause to believe that MILLARD violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes 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; 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 5th day of June 2024.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE