

## STATEMENT OF FACTS

Your affiant, [REDACTED], is an Investigator with the Utica Police Department and is currently a Task Force Officer with the Federal Bureau of Investigation – Joint-Terrorism Task Force. As a Task Force Officer, I am authorized to investigate violations of the laws of the United States and to execute search warrants issued under the authority of the United States. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Task Force Officer, 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.

### **Identification of Rachel Nohle**

In January 2021, investigators received a tip regarding Facebook posts relating to the attack on the U.S. Capitol on January 6, 2021. The tipster stated that the Facebook posts came from an account named “Rachel Louise,” which belonged to Rachel NOHLE (“NOHLE”). The tipster also gave NOHLE’s address in Adams, New York. In one of the Facebook posts, one photograph showed the inside of the U.S. Capitol building while another photograph showed a woman standing in the area immediately outside the building. The accompanying post read, “Let’s not forgot that the media likes to exaggerate . . . we are completely safe and I would do it all over again. The Trump supporters are unarmed and Antifa just showed up with bats so there’s that.”



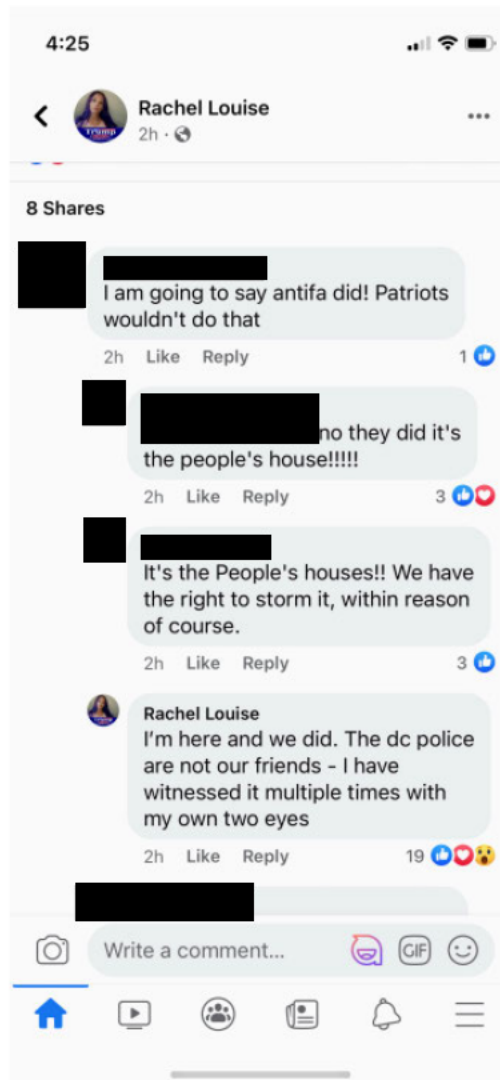
*Image 1: Screenshot from “Rachel Louise” Facebook account*

Another post to the “Rachel Louise” Facebook page stated, “Just so everyone knows-we were let in the capital [sic] by the police.”



*Image 2: Screenshot from “Rachel Louise” Facebook account*

Likewise, the Rachel Louise account responded to a post on Facebook asserting the right to storm “the People’s house” by stating: “I’m here and we did. The dc police are not our friends – I have witnessed it multiple times with my own two eyes.”



*Image 3: Screenshot from "Rachel Louise" Facebook account*

Accordingly, NOHLE's Facebook posts indicate that she had entered into the U.S. Capitol building.

In December 2021, I and another investigator interviewed NOHLE at her residence in Adams, New York. NOHLE voluntarily agreed to the interview. During the interview, she stated that she travelled to Washington, D.C. with her brother on January 5, 2021, to attend a pro-Trump rally. On January 6, 2021, they attended the rally together, returned to their hotel, and then left for the Capitol. NOHLE recounted that they arrived at the Capitol at approximately 3:00 p.m. NOHLE stated that she saw that people were already inside of the U.S. Capitol at that time. She also acknowledged that she saw barricades that had been tipped over and nonetheless walked up to the Capitol balcony. NOHLE claimed that, when she got to the Capitol building, police officers were opening doors and letting people inside of the building. In the interview, NOHLE stated that she remained at the Capitol for approximately 25 minutes, but never entered. She stated that while she had posted a photograph showing the inside of the Capitol building, it was a photograph taken

from someone else's Facebook post. NOHLE confirmed that the Facebook account named Rachel Louise was hers and that she posted the two photographs from January 6 referenced above. She further admitted that she was the woman shown in the photograph taken outside of the Capitol that she posted on Facebook. She added that Facebook shut down her account shortly after she posted those photographs from the Capitol on January 6. Investigators asked for permission to look through her phone, but she refused.

### **NOHLE'S Conduct on January 6, 2021**

Based on my review of relevant videos, and contrary to NOHLE's statements to law enforcement, on January 6, 2021, NOHLE entered the U.S. Capitol building at approximately 3:10 p.m. through the North Doors which leads into Brumidi Corridor part of the U.S. Capitol.



*Image 3: Video Still of NOHLE Entering Through the North Doors of the U.S. Capitol Building*

Shortly after her entry into Brumidi Corridor, NOHLE used her cell phone to take photos or record video of the Brumidi Corridor. Upon closer examination of the North Door circuit television footage and of the photos originally received from the tipster, it appears that NOHLE personally took the photo of the Brumidi Corridor ceiling reproduced in Image 1 above and that she did not repost someone else's photo as she subsequently told investigators.

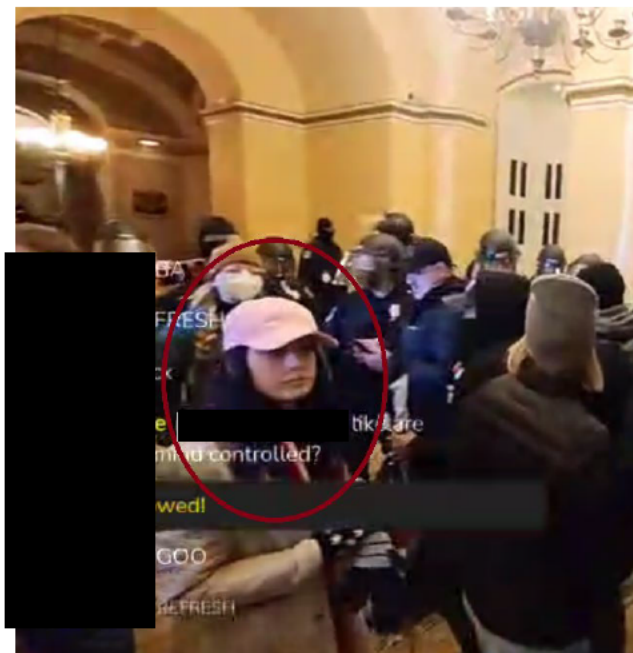




*Image 4: CCTV Video Still of NOHLE Taking Photographs of the Brumidi Corridor Just inside the North Doors of the U.S. Capitol Building*

NOHLE remained in the vicinity of the the Brumidi Corridor for approximately one minute before exiting through the North Doors.

Based on my review of video footage from January 6, after exiting the Capitol building through the North Doors, NOHLE did not leave the U.S. Capitol grounds. Rather, CCTV footage shows that she re-entered the U.S. Capitol building at approximately 3:26 p.m. through the Senate Wing Doors. She then walked through the crowd toward the far end of the room, and spoke with other rioters while in the area. After entering through the Senate Wing Doors, NOHLE remained inside the U.S. Capitol building for approximately 4 minutes and 37 seconds, before exiting the building at approximately 3:31 p.m.



*Image 5: Video Still of NOHLE Inside the U.S. Capitol Building a Second Time.*



*Image 6: Video Still of NOHLE Inside the U.S. Capitol Building near the Senate Wing Doors*

Based on the foregoing, your affiant submits that there is probable cause to believe that NOHLE 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 so; 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 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 NOHLE 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.

  
  
Task Force Officer  
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 17th day of June 2024.

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HON. ZIA M. FARUQUI  
U.S. MAGISTRATE JUDGE