

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to Federal Bureau of Investigation, Charlotte Division. In my duties as a Special Agent, I investigate violations of federal law. 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.

BACKGROUND

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.

PAUL NOWELL'S PARTICIPATION IN THE JANUARY 6, 2021 RIOT

1. Nowell's Activities on January 6, 2021.

Pursuant to its investigation of the events of January 6, 2021, the FBI identified individuals present at the Capitol building and within restricted grounds on January 6. PAUL MARVIN NOWELL was one of those individuals. NOWELL was identified as a white male with a red/brown beard, wearing a baseball cap, green jacket, blue and red flannel shirt, blue bandana, and black and red backpack on January 6. *See* Figure 1. He sometimes, but not always, wore a black paintball mask, goggles, and/or black sunglasses. *See* Figures 2 and 3. The identification of NOWELL is described in more detail in Section 2, below.



Figure 1



Figure 2

I reviewed open-source, body worn camera, and CCTV footage from January 6, 2021 depicting NOWELL. According to footage that I reviewed, NOWELL attended the Stop the Steal rally on January 6, 2021:



Figure 3

After attending the rally, NOWELL went to the Capitol building. NOWELL was present on the Lower West Terrace of the building, within restricted Capitol grounds, and stood nearby as

other rioters used metal bike rack barricades to climb up to the West Terrace of the Capitol building, as shown below.

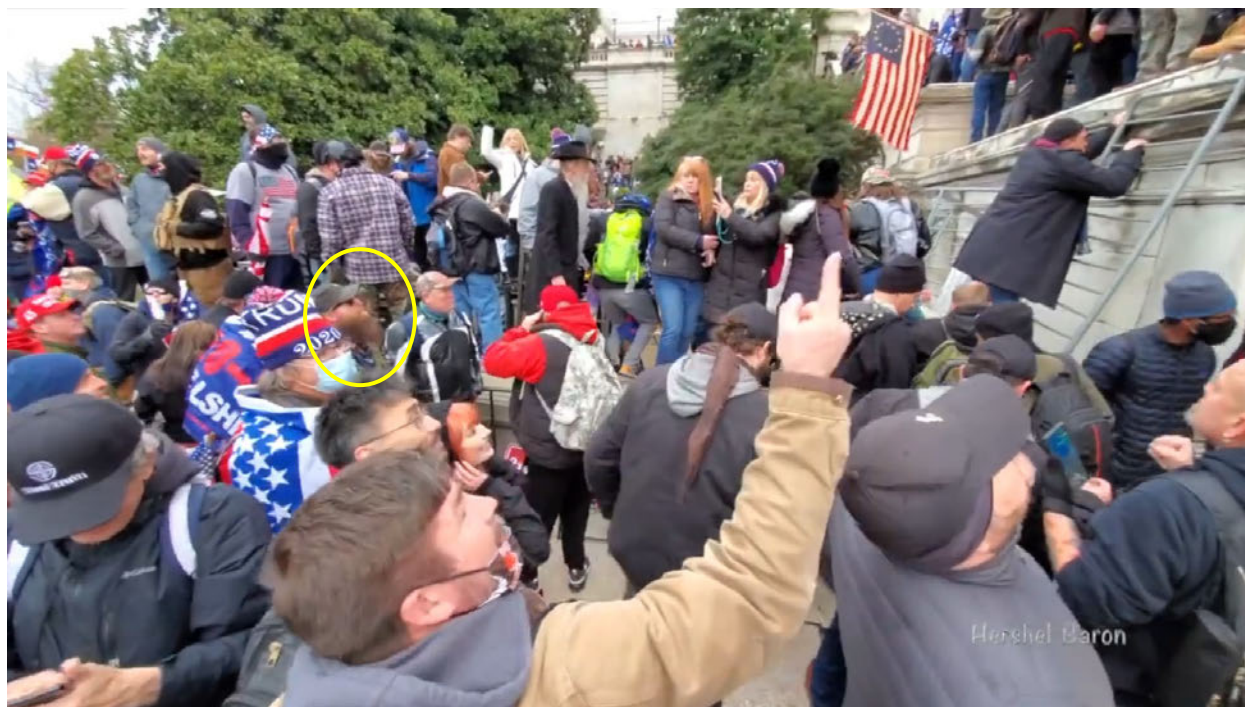


Figure 4

Nowell ascended up onto the ledge on the West Terrace of the building, within restricted Capitol grounds:



Figure 5

NOWELL began to walk up the Northwest steps, leading to the Upper West Terrace of the building:



Figure 6

At approximately 4:50 p.m., NOWELL approached a line of officers at the top of those steps, who were attempting to clear the Upper West Terrace and Northwest steps of the United States Capitol building. He began yelling at the officers, “you are not Americans.”



Figure 7

The officers commanded, “Police. Move back,” but NOWELL and other rioters refused to move. Instead, NOWELL continued to repeat, “you are not Americans.”

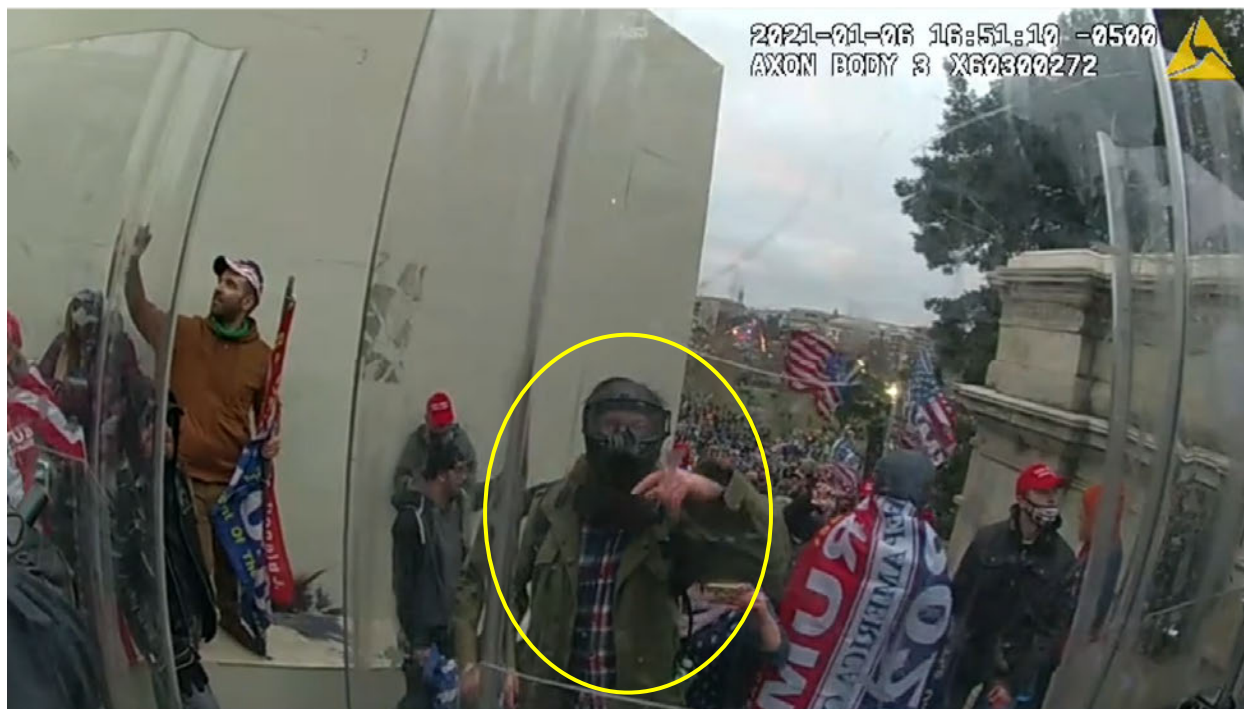


Figure 8

NOWELL removed his face mask at approximately 4:53 p.m., as shown below.



Figure 9

The officers again commanded, “move down” and “police, move back” as they attempted to walk down the steps. NOWELL refused to move, and instead stood in a stationary position directly in front of the line of officers and shook his head as if to say “no.” He stated, “it doesn’t make sense” to the officers, as they commanded him and others to clear the area.



Figure 10

As the officers continued to move closer to him, he still refused to move, and repeatedly stated, “we backed you up.” Then, at approximately 4:54 p.m., NOWELL began pushing against an officer’s shield as the line of officers attempted to clear the Northwest steps.



Figure 11



Figure 12

In response, the officer pushed his shield forward, and NOWELL took a few steps back down the stairs. Another officer then approached NOWELL from his left side, still attempting to clear the stairs. NOWELL pushed back against that officer's shield:



Figure 13



Figure 14

At this point, another rioter grabbed NOWELL's arm, as if to pull him away from the confrontation, as shown below. Nearly simultaneously, a smoke grenade was deployed.



Figure 15

The officers continued to descend down the steps. NOWELL remained in the area for several minutes. He stood in front of the line of officers as they continued to command the crowd to “move back” and “back up.”



Figure 16



Figure 17

NOWELL eventually cleared the area at approximately 5:05 p.m. Open-source footage from January 6, 2021 shows him away from the Capitol building with two other individuals whom I recognize as having been present with NOWELL on the Northwest steps:



Figure 18

2. Identification of Nowell.

As part of its investigation into individuals who participated in the riot on January 6, 2021, the FBI identified individuals suspected of assaults on federal officers as “AFOs” and disseminated images of those individuals to the public as “BOLOs.” The man described above was initially identified in the image below as “BOLO AFO-452” in public postings by the FBI seeking assistance. The FBI received information from a tipster, TIPSTER #1, identifying “BOLO AFO-452” as PAUL MARVIN NOWELL.



Figure 19

The FBI conducted database checks on NOWELL and determined that NOWELL was a resident of North Carolina. On May 1, 2023, the FBI conducted physical surveillance on a residence associated with NOWELL, according to those checks. During that surveillance, agents observed a white male standing the front yard of the residence. The agents visually confirmed the individual as the person identified as BOLO AFO-452.

On March 12, 2024, myself and another FBI Special Agent attempted to interview NOWELL at his residence. When we arrived at the residence, the person who answered advised us that NOWELL was inside. NOWELL and his mother exited the residence and spoke to us briefly. We identified ourselves and informed NOWELL that we were there to speak with him about the January 6, 2021 riot. When asked if he was willing to speak with us, NOWELL stated that he did not have counsel and did not know anything. I positively identified NOWELL as the individual pictured in Figures 1 through 18, above.

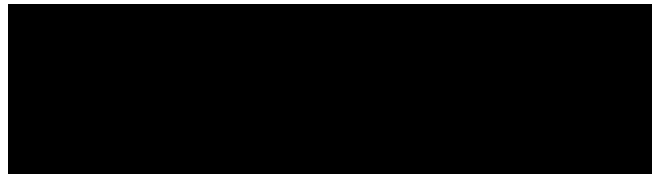
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Based on the foregoing, your affiant submits that there is probable cause to believe that PAUL NOWELL violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful 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 PAUL NOWELL violated 40 U.S.C. § 5104(e)(2)(D), which makes it a crime to willfully and knowingly 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.

Finally, your affiant submits there is probable cause to believe that PAUL NOWELL 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.



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 23rd day of July 2024.

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE