

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to the [REDACTED]. 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 with the FBI, 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 United States Capitol is secured twenty-four 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 are 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 U.S. 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 U.S. Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on Tuesday, 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 Michael Richard 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 Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent security barricades were in place around the exterior of the U.S. Capitol. 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. U.S. Capitol Police officers attempted to maintain order and keep the crowd from entering the Capitol. Around 2:13 p.m., however, 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 House of Representatives and Senate, including the President of the Senate, Vice President Pence, were instructed to and did evacuate the chambers. Accordingly, the Joint Session of Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the U.S. Capitol from the time he was evacuated from the Senate Chamber until the certification proceedings resumed.

During national news coverage of these 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 permission or authority to be there.

Identification of DAVID CALEB CROSBY

Shortly after the attack on the U.S. Capitol that occurred on January 6, 2021, the FBI began reviewing evidence of the crime and designating certain individuals for whom the public should “be on the lookout” (BOLO). One such BOLO is 248-AFO. 248-AFO, who has also been referred to in online forums as “#NineLineBlue” due to the brand of sweatshirt he wore at the Capitol (see Image 2), is an individual now known to be DAVID CALEB CROSBY for the reasons described below.

Publicly available videos recorded CROSBY using his body to ram a line of police officers who were attempting to hold back rioters on the Lower West Plaza of the U.S. Capitol building.

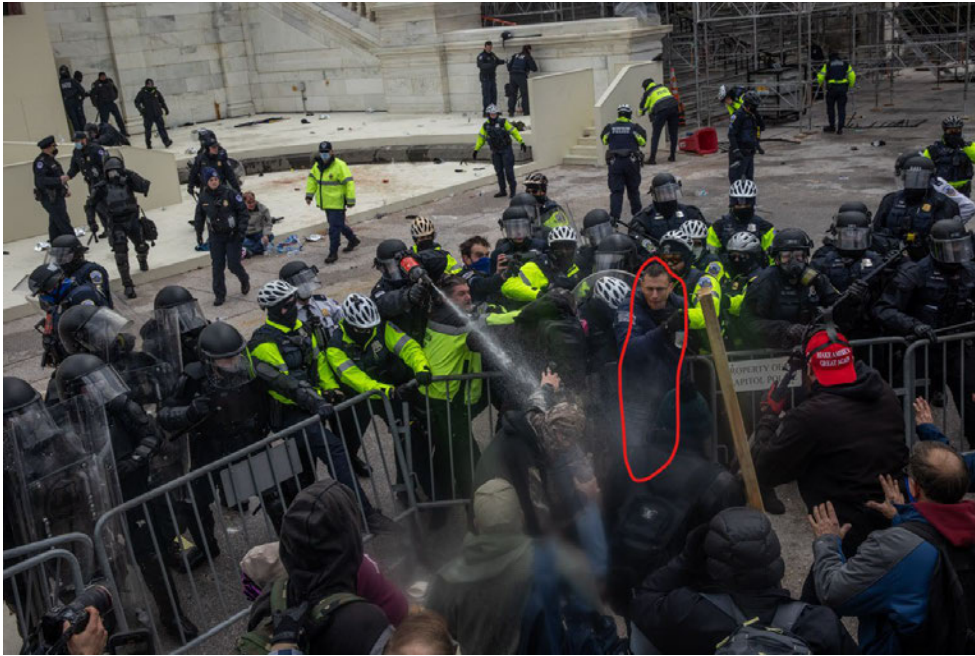


Image 1: CROSBY used his back to ram against the police line.



Image 2: CROSBY in his Nine Line Apparel blue hoodie

In January 2021, the FBI received a tip from an individual who identified themselves as a former coworker of CROSBY. The tip provided a screenshot from CROSBY's Facebook account, which showed CROSBY in Washington D.C. on January 6, with a comment indicating that CROSBY was in D.C. on January 6 with "so many Patriots," who Crosby said "resolved to defend Free & Fair Elections in the USA!" The tip also accurately provided the Facebook URL for CROSBY's Facebook account. Based on my review of this Facebook account, the image is no longer visible on CROSBY's Facebook page, which indicates to me that he likely removed the photo from his public facing account.



Image 3: A screenshot of CROSBY's Facebook post from Jan. 6, 2021, was provided by an acquaintance of CROSBY.

In February 2022, the FBI received a report from a different source who identified FBI BOLO 248-AFO as CROSBY. This report pointed out a number of unique facial features of CROSBY. These similarities included mole placements on the face and neck and earlobe shape, shown in the photos below.



Image 4: Comparisons between images of CROSBY on January 6th (top-left, bottom-right) and screenshots from publicly available videos (top-right, bottom-left)

The affiant compared CROSBY's Arizona driver's license photo against multiple images and videos of BOLO AFO-248 from January 6 and determined that the images are of the same person.

In September 2024, your affiant spoke with an individual associated with the apartment complex in Phoenix, Arizona, where CROSBY has resided since January 2024. After reviewing images taken on January 6, 2021 (including Image 2 above and Image 5 below), the individual stated that he/she was 100% certain that the individual depicted in the images is CROSBY.

DAVID CROSBY'S Involvement in the Events of January 6

On January 6, 2021, CROSBY confronted police attempting to hold a police line located on the U.S. Capitol's Lower West Plaza. CROSBY used his back and body to repeatedly ram into bike racks serving as police barricades, even after police used a riot shield and deployed chemical irritants in efforts to stop him.

The affiant reviewed numerous open-source videos that show CROSBY, shortly before 1:30 p.m., repeatedly backing into the police line, even as officers repeatedly shoved him away

and issued commands to back up. Both MPD Captain D.H. and another MPD officer armed with a Mk 46 “super soaker” deployed chemical irritants in efforts to repel CROSBY. Even after being directly sprayed by these irritants and specifically ordered to back up, CROSBY continued to ram his back into the police line.



Image 5: CROSBY, with chemical irritant visible on his face, continued to push against a police line.

CROSBY’s efforts appeared to encourage other rioters to also confront the police line. As other rioters also began to pressure the police line, CROSBY braced himself against police efforts to push him back.

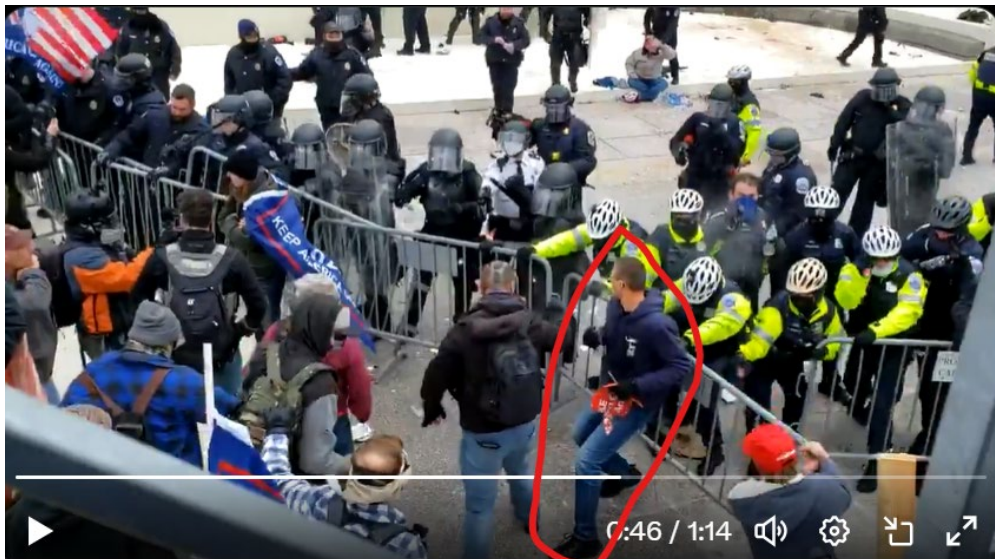


Image 6: Another angle of CROSBY using his legs to brace against police counterpressure.



Image 7: CROSBY used his body weight to press against the police line.

MPD body-worn camera (BWC) footage from Officer S.N. showed the officer shoving CROSBY away from the police line, and issuing verbal commands that CROSBY ignored.

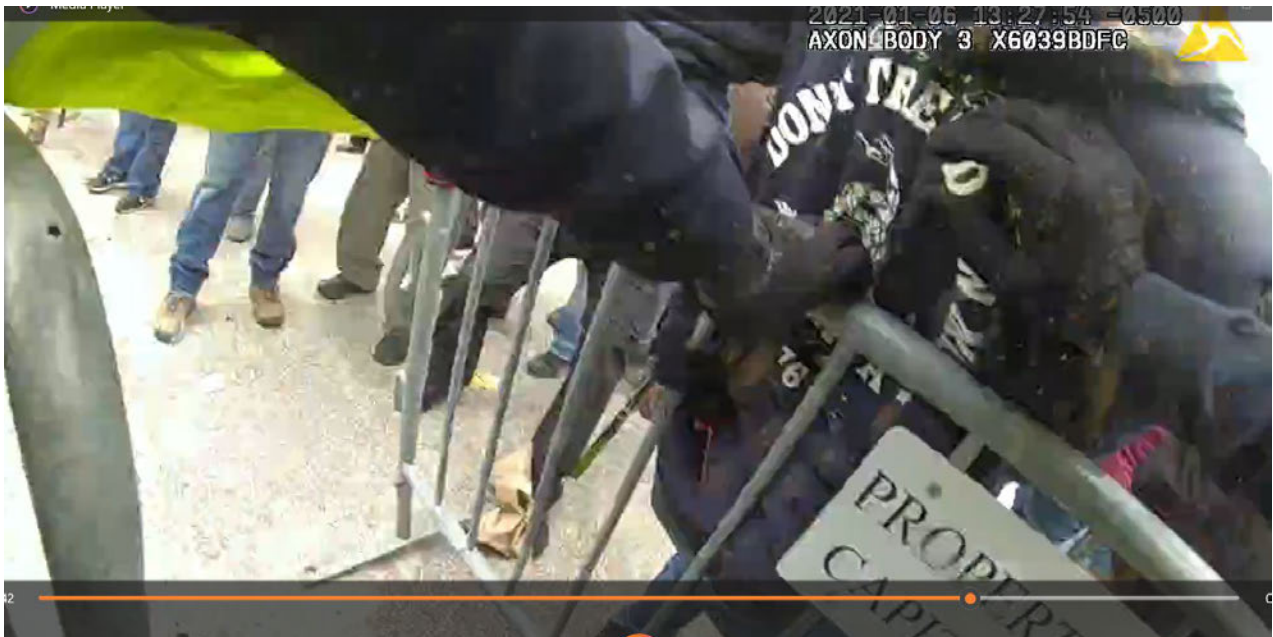


Image 8: CROSBY's back against the police line as seen by Officer S.N.

BWC video from MPD Officer J.K. showed CROSBY remained against the police line even as several other rioters attempted to move him away.

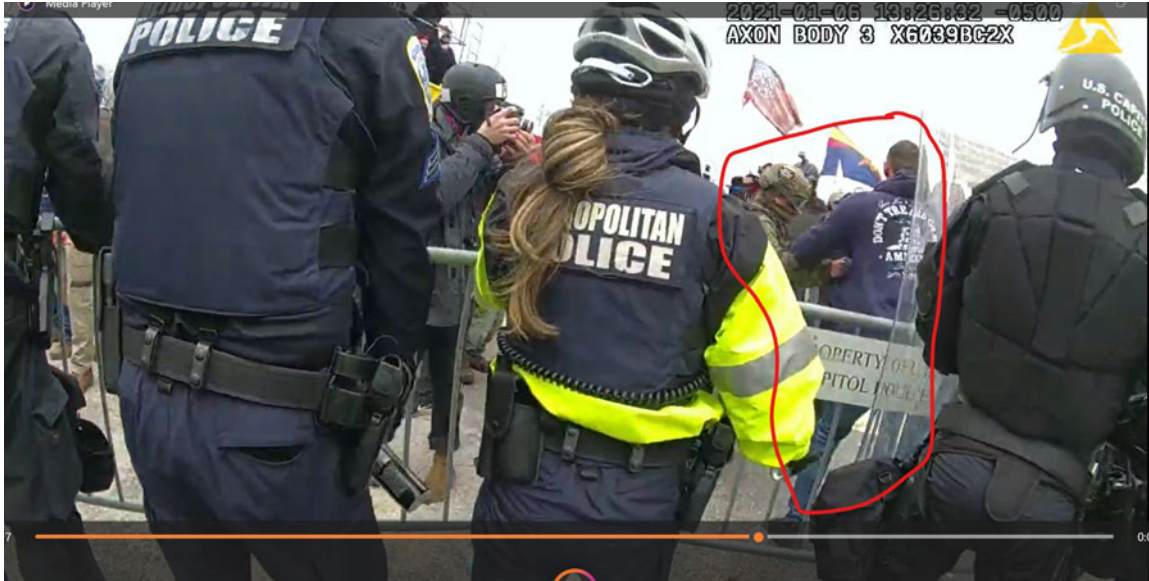


Image 9: CROSBY remained against the police line even as another rioter pulled him back.

CROSBY's pushes against the police line were thwarted only when MPD officers pulled him over the top of these barricades and detained him.

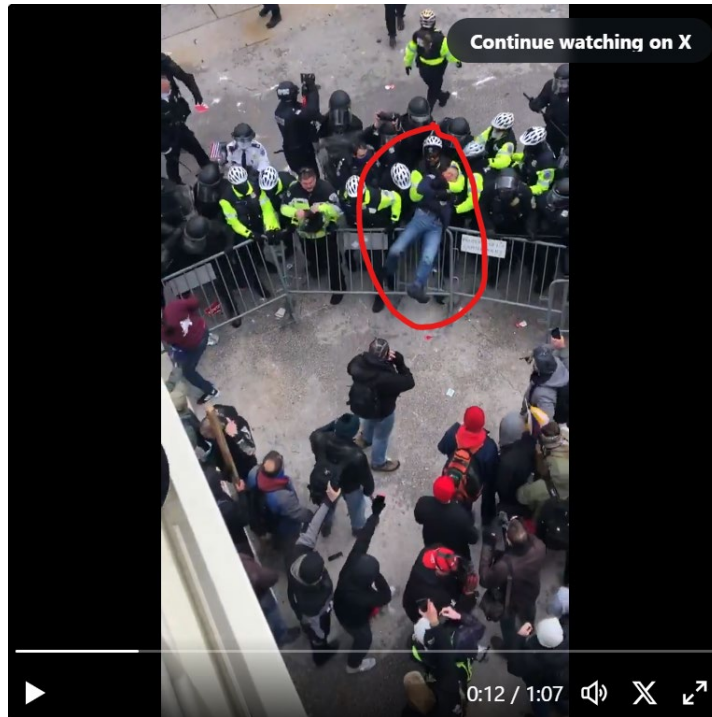


Image 10: CROSBY was detained by MPD Officers after he repeatedly rammed his body into a barricade.

Several MPD officers were forced to move away from the police line holding back the rioters to detain CROSBY.



Image 11: CROSBY was detained by police on the Lower West Plaza, causing police to leave the line.

The affiant reviewed images and video footage and determined that police were overwhelmed by the numbers of rioters and released CROSBY. Open-source images showed Crosby receiving assistance from other rioters and then resting near a tree.



Image 12: CROSBY received assistance from other rioters after he was released by police.

PROBABLE CAUSE

Based on the foregoing, your affiant submits that there is probable cause to believe that DAVID CALEB CROSBY 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 18 U.S.C.

§ 1114 while engaged in or on account of the performance of official duties. Persons designated within 18 U.S.C. § 1114 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 submits there is probable cause to believe that DAVID CALEB CROSBY 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 Secret Service's protection of the Vice President and his family and the Capitol Police's protection of the U.S. Capitol.

Your affiant submits that there is probable cause to believe that DAVID CALEB CROSBY violated 18 U.S.C. § 1752(a)(1), (2), and (4), which make 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; and (4) knowingly engage 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 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 DAVID CALEB CROSBY violated 40 U.S.C. § 5104(e)(2)(D) and (F), 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; and (F) engage in an act of [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 9th day of December 2024.

MATTHEW J. SHARBAUGH
UNITED STATES MAGISTRATE JUDGE