

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America
v.
Donald Hazard, (DOB: XXXXXXXXXX)
Lucas Denney, (DOB: XXXXXXXXXX)
Case No.
Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 7, 2021 in the county of in the
in the District of Columbia, the defendant(s) violated:

Code Section

Offense Description

Denney Charges:

- 18 U.S.C. §§ 111(a)(1) and (b) (Assaulting, Resisting, or Impeding Certain Officers, Inflicting Bodily Injury);
18 U.S.C. § 231(a)(3) (Civil Disorder);
18 U.S.C. §§ 1512(c)(2), (Obstruction of an Official Proceeding);
18 U.S.C. § 1512 (k)(Conspiracy to Obstruct an Official Proceeding).
18 U.S.C. §§ 1752(a)(1) and (a)(1)(A)(Entering and Remaining in a Restricted Building or Grounds resulting in significant bodily injury)
18 U.S.C. §§ 1752(a)(2) and (a)(1)(A)(Disorderly and Disruptive Conduct in a Restricted Building or Grounds resulting in significant bodily injury);
18 U.S.C. §§ 1752(a)(4) and (a)(1)(A)(Engaging in Physical Violence in a Restricted Building or Grounds);
40 U.S.C. § 5104(e)(2)(F) (Act of Physical Violence in the Capitol Grounds or Buildings);

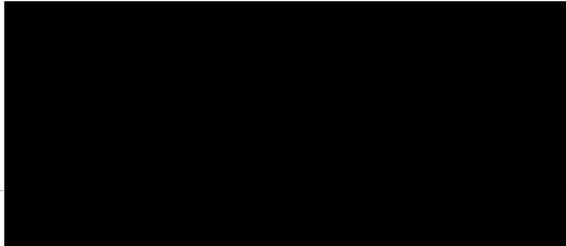
Hazard Charges:

- 18 U.S.C. §§ 111(a)(1) and (b) (Assaulting, Resisting, or Impeding Certain Officers, Inflicting Bodily Injury);
18 U.S.C. § 231(a)(3) (Civil Disorder);
18 U.S.C. §§ 1512(c)(2), (Obstruction of an Official Proceeding);
18 U.S.C. § 1512 (k)(Conspiracy to Obstruct an Official Proceeding).
18 U.S.C. §§ 1752(a)(1) and (a)(1)(B)(Entering and Remaining in a Restricted Building or Grounds resulting in significant bodily injury);
18 U.S.C. §§ 1752(a)(2) and (a)(1)(B)(Disorderly and Disruptive Conduct in a Restricted Building or Grounds resulting in significant bodily injury);
18 U.S.C. §§ 1752(a)(4) and (a)(1)(B)(Engaging in Physical Violence in a Restricted Building or Grounds);
40 U.S.C. § 5104(e)(2)(C) (Entering and Remaining in Certain Rooms in the Capitol Building);
40 U.S.C. § 5104(e)(2)(D) (Disorderly Conduct in a Capitol Building);
40 U.S.C. § 5104(e)(2)(F) (Act of Physical Violence in the Capitol Grounds or Buildings);
40 U.S.C. § 5104(e)(2)(G) (Parading, Demonstrating or Picketing in the Capitol Buildings);

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.



James P Farris, Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone.

Date: 12/07/2021

Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge
Printed name and title

## STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent assigned to the Federal Bureau of Investigation – Dallas Division, Fort Worth Resident Agency. I have been in this position since January 12, 2003. My responsibilities include conducting investigations involving allegations of terrorism and other violations of federal law. I have received training and have gained experience in interview and interrogation techniques, arrest procedures, search warrant applications, the execution of arrest and search warrants, evidence seizure and processing, 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, detention, investigation, or prosecution of a violation of Federal criminal laws. I have personally participated in this investigation and am familiar with the information contained in this affidavit

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. Thousands of people made their way inside the perimeter of the Capitol grounds and approached the Capitol building. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly 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 DENNEY and HAZARD***

Following the January 6, 2021 events at the Capitol, the FBI requested the public's assistance in identifying the individuals depicted below (at the time referred to as 258-AFO and 267-AFO<sup>1</sup>), and posted the following photographs, along with a video compilation of incidents involving 258-AFO.<sup>2</sup>



258-AFO A



258-AFO B



258 AFO C<sup>3</sup>

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<sup>1</sup> The acronym “AFO” stands for “Assault on a Federal Officer.”

<sup>2</sup> See <https://www.fbi.gov/contact-us/field-offices/washingtondc/news/press-releases/fbi-washington-field-office-releases-new-videos-of-suspects-in-violent-assaults-on-federal-officers-at-us-capitol-seeks-publics-help-in-identifying-them-070621>

<sup>3</sup> See <https://www.fbi.gov/wanted/capitol-violence-images/capitol-258a.jpg/view>;  
<https://www.fbi.gov/wanted/capitol-violence-images/capitol-258b.jpg/view>;  
<https://www.fbi.gov/wanted/capitol-violence-images/capitol-258c.jpg/view>



267-AFO A



267-AFO B



267-AFO C<sup>4</sup>

On January 6, 2021, a tipster (“T-1”) submitted a tip to the FBI’s Internet tip line regarding Lucas DENNEY (“DENNEY”).<sup>5</sup> T-1 stated that “based on texts,” T-1 was aware that Lucas DENNEY was “actively participating in the attack on the capitol, fighting on the steps.” On January 7, 2021, a tipster (“T-2”) submitted a tip to the FBI’s Internet tip line that on January 6, 2021, Donald HAZARD (“HAZARD”)<sup>6</sup> had posted a videos of himself on his Facebook account “breaking into the [U.S. Capitol] bldg” and “[t]elling everyone to come down and help ‘storm the building like a true patriot.’”

On January 18, 2021, a search warrant was issued in the District of Columbia for HAZARD’s Facebook account.<sup>7</sup> On April 20, 2021 a search warrant was issued in the District of

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<sup>4</sup> See <https://www.fbi.gov/wanted/capitol-violence-images/capitol-267a.jpg/view>;  
<https://www.fbi.gov/wanted/capitol-violence-images/capitol-267b.jpg/view>;  
<https://www.fbi.gov/wanted/capitol-violence-images/267-c.png/view>

<sup>5</sup> The FBI also received at least two tips that AFO-258 was someone other than DENNEY. Upon reviewing these tips, the FBI concluded that the individual identified in at least one did not match AFO-258 in appearance. Further, by the time these tips came in, the FBI had already identified DENNEY based on information from T-1 and a review of HAZARD and DENNEY’s Facebook accounts, as described below.

<sup>6</sup> The FBI also received at least seven tips that AFO-267 was someone other than HAZARD. Upon reviewing these tips, the FBI concluded that the individual identified in several did not match AFO-267 in appearance. Further, by the time these tips came in, the FBI had already identified HAZARD based on information from T-2 and a review of HAZARD and DENNEY’s Facebook accounts, as described below.

<sup>7</sup> HAZARD’s Facebook account is subscribed to in the name “Donald Hazard” and lists a particular number (the “Hazard Phone”) as a verified phone number, meaning that the account holder responded to a text sent to that phone number. Based on my review of records from T-Mobile, I have learned that from approximately June 21, 2020 through January 14, 2021, the subscriber for the Hazard Phone was an individual who I believe was in a romantic relationship with HAZARD and that the name associated with the Hazard Phone was “Donald Hazard.” Based on my review of HAZARD’s Facebook account, I know that HAZARD sent messages to a Facebook user with that individual’s name. I therefore do not believe that that individual was the user of HAZARD’s Facebook account.

Columbia for DENNEY's Facebook account.<sup>8</sup> Information received pursuant to those search warrants revealed that DENNEY and HAZARD were engaged in conversations about their activities leading up to, during, and after the events at the Capitol Building on January 6, 2021 and that DENNEY and HAZARD were members of a group called the "Patriot Boys," a self-proclaimed militia, with DENNEY identifying himself as the President and HAZARD as the sergeant at arms.

Based on my review of records obtained from Facebook, I have learned that, on or about January 6, 2021, DENNEY sent another user the picture below, writing "That's what I'm wearing if you see me."



DENNEY also sent the picture below to the same user, in order to show that user his location in Washington, D.C.:

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<sup>8</sup> DENNEY's Facebook account is subscribed to in the name "Lucas Denney" and lists a particular email address for the subscriber. Based on the handle of that email address, I believe it was used by Denney's ex-wife, whose name is similar to the email address.



In these images, DENNEY is wearing a distinctive face mask with a “Joker” grin printed on it, and a hat with the “three percenter”<sup>9</sup> symbol on it. Based on my review of these images, the information obtained from T-1, the records contained in DENNEY’s Facebook account, and my observations of DENNEY during an in-person interview I conducted in February 2021, I believe that DENNEY is 258-AFO.

On or about January 3, 2021, HAZARD sent a message on Facebook stating “Check my new gear out helmet knuckle gloves and body armor as well” along with the following picture:



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<sup>9</sup> Based on my training and experience, I know that militia extremists sometimes call themselves three percenters (“III%ers” or “threepers”) based on the myth that only three percent of American colonists took up arms against the British during the American Revolution. While many independent or multi-state militia groups incorporate III% in their unit names, the term is less indicative of membership in a single overarching group than it is representative of a common belief in the notion that a small force with a just cause can overthrow a government if armed and prepared.

HAZARD also posted several selfie-style videos that appear to have been taken on January 6, 2021 in Washington D.C. In another video, uploaded late in the day on January 6, 2021, HAZARD is standing under what appears to be the scaffolding that was erected outside of the Capitol building on January 6, 2021 for the upcoming inauguration. In that video, HAZARD states, “What up everybody back home? We’re here at the nation’s capital and we’re storming it. We’re taking the Capitol. Shit is real here. This is America baby.” Screenshots from that video are depicted below:



In another video, uploaded in the early morning hours of January 7, 2021, HAZARD is wearing a tan tactical vest, a black sweater with a red shirt or sweatshirt underneath, and a black helmet with the Confederate flag printed on the side and standing near what appears to be an entrance to the Capitol building. In the video, HAZARD states “we are storming our nation’s capitol. This is America. Look at all these patriots. We are storming the fucking Capitol.” Screenshots from that video are depicted below:



HAZARD also sent selfie photographs of himself to another user on January 5, 2021, in which he appears to be at locations in Washington, D.C. In those pictures, he is wearing a tan camouflage fleece hat and a red hooded sweatshirt with the words “PATRIOT BOYS / NORTH TEXAS” printed on it and a military insignia affixed to it, as depicted below:



Based on my review of these images and the videos described above, the information obtained from T-2, and the records contained in HAZARD’s Facebook account, I believe that HAZARD is 267-AFO.

***HAZARD and DENNEY's Planning for January 6, 2021***

On or about December 21, 2020, HAZARD and DENNEY discussed a militia meeting that HAZARD could not attend. DENNEY told HAZARD that the meeting “[w]ent great man. We’re all good and solid. Trump himself is calling for a big protest in DC on January 6th. I’m not going to miss this one. If you can go, it’s paid for.”

On or about December 25, 2020, DENNEY and HAZARD exchanged the following messages:

**DENNEY:** Hey if your trip is paid for can you go to DC? Leaving on the 5th, coming back 7<sup>th</sup>. I’m making you a sergeant at arms.

**HAZARD:** I’m sure I could.sounds good man. What does a sergeant at arms do?as in What will be my responsibilities?

**DENNEY:** An SA watches the president’s back. Kinda like security.

**DENNEY:** You’ll have stripes on your hoodie and shirts.

**HAZARD:** Oh ok. That sounds right up my alley.<sup>10</sup>

**DENNEY:** You’re perfect for that lol.

**DENNEY:** So the 6th is going to be bigger than the last rally. I can’t tell you everything I know over media here but it’s gonna be big. Millions and millions will be there I can tell you that.

**DENNEY:** We will need linking up with proud boys<sup>11</sup> though. I’ve been in contact with a few different chapters and they’re helping us out with safe hotels to get.

**DENNEY:** We’ll be staying in the same hotels that they are.

**HAZARD:** Cool bro let me look at the dates on the calendar.

**DENNEY:** Don’t worry about money. Just get the days off of work if you can.

**DENNEY:** Tell your boss you’re going to do your part saving the country from communist

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<sup>10</sup> The records from Facebook indicate that HAZARD used an emoji at the end of the sentence, but do not indicate which one.

<sup>11</sup> Based on my training and experience, I know that the Proud Boys is a nationalist organization with multiple U.S. chapters and potential activity in other Western countries. The group describes itself as a “pro-Western fraternal organization for men who refuse to apologize for creating the modern world; aka Western Chauvinists.” Proud Boys members routinely attend rallies, protests, and other First Amendment-protected events, where they sometimes engage in violence against individuals whom they perceive as threats to their values. The group has an initiation process for new members, who often wear yellow and black polo shirts or other apparel adorned with the Proud Boys logo to events.

On or about December 26, 2020, DENNEY messaged HAZARD that “DC is definitely on. Have plenty of money now. I just got a 1 thousand dollar donation from just one person for the trip. I have more donations coming in to.” DENNEY also asked HAZARD if he knew “any other guys that can go that’s [sic] like us and will fight, we could use them. And it will be paid for.”

On or about December 28, 2020, DENNEY told HAZARD “Got the room booked. We are teaming up with thousands of others that will be in the same hotel and the one around it. I wish I could tell you more but I can’t over messenger. But bro, you’re going to love it and it’s going to be historic.” Following that message, DENNEY sent HAZARD a screenshot of a reservation from booking.com showing a reservation a hotel in Washington, D.C. (“Hotel-1”). In a message to another Facebook user, DENNEY described the hotel as “the same place everyone else is getting in the Proud Boys crew and other militia’s until it gets full.” Information obtained from Hotel -1 confirmed that on December 28, 2020, DENNEY booked a room at a hotel located in Washington, D.C. with a check-in date of January 5, 2021 and a check-out date of January 7, 2021.

On or about December 30, 2020, DENNEY messaged HAZARD stating, in relevant part, “I want to pick you up and take you to get a helmet and pick up some other gear. . . . We have 3 guys so far. But we are meeting hundreds of others at our hotel.” Later, DENNEY informed HAZARD that DENNEY had “picked us each up a bottle of police grade pepper spray from the Fort Worth Police Store . . . . I’m gonna have you a vest too.” DENNEY also sent HAZARD an image of sergeant stripes that would “be sewn in to your hoodie on the right front chest to show who are you” to which HAZARD responded “Totally cool!!” The next day, DENNEY reiterated to HAZARD that they had “to go our tomorrow and get you a helmet for yo head.”

### ***DENNEY’s Recruitment, Fundraising, and Planning for January 6, 2021 on Facebook***

Throughout December 2020, DENNEY attempted to recruit additional members to join his militia group (the Patriot Boys of North Texas or “PBONT”) and travel with him to Washington D.C. for the January 6, 2021 rally. DENNEY stated on Facebook that PBONT was “allied with the Patriot Prayer and the Proud Boys” and that he was “building other chapters now in west Texas, south Texas and Tennessee so far.” DENNEY also engaged in fundraising from other individuals, for example, thanking one individual for donating and stating “If you know anyone else that can donate let them know about us. I still need to get some more protective gear for some more of my guys and other supplies before we leave Sunday.” As DENNEY recruited additional members, he discussed adding them to a group text message and directed them to join a telegram group as well.

On or about December 29, 2020, DENNEY sent the following Facebook messages to various different users:

- “Gonna be a historic rally that’s for sure. Got the room booked and plans to meet with about 1 thousand other guys that we are all in a Intel chatroom together.”
- “I’m going to DC. Leaving on the 4<sup>th</sup> with a big group of my guys. Big rally on the 6<sup>th</sup>. Been taking all day everyday to organize and make sure everyone has the right equipment and supplies. . . . It’s the rally Trump has called for. It’s the day

that Congress is going to try and certify the results with the electoral [sic] college. But Pence oversees that and he can deny the ones from the states that cheated. After he does that, you're going to see ANTIFA and BLM start rioting. That's why Trump has called everyone there to fight back and show support. The media is not reporting how big this really is because they are trying to hide it from being big news. But keep an eye on my Facebook January 6th. I'll post pics, videos and go live as much as I can."

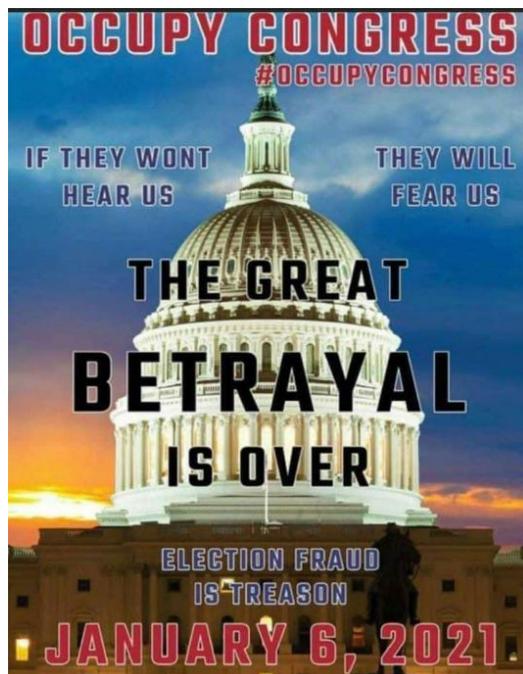
- "Going to DC if you can go it's paid for. . . . Leaving on the 4th. We'll be back here on the 8th. We are linking up with thousands of Proud Boys and other militia that will be there. This is going to be huge. And it's going to be a fight. . . . Everything is paid for through donations to our chapter . . . . Trump is calling this rally himself. It's the day that Congress is going to try and certify the electoral college. But Pence can deny the ones coming from the states where fraud took place. So we are thinking Trump wants us there to keep the area from being burned down by ANTIFA thugs when they get mad . . . . Biden ain't getting into office."
- "Hey do you or do you know anyone that wants to go to DC with me and a few other guys for the January 6th rally? I need guys willing to fight ANTIFA back. . . . Everything will be paid for . . . . We are meeting with thousands of other fighters."

On or about December 30, 2020, DENNEY sent the following Facebook messages to various users or posted the following on Facebook:

- "I got a lot of donations so everything is plenty paid. If something changes just let me know. Free trip and would love to have you. I've been so busy. Having to organize everything with my guys and linking with other militias across the US. Going to be a historic rally. . . . I have 5 of my guys going but I'm linking up with over 300 in DC."
- "Hey can you or anyone you know donate to this chapter that isn't going to DC with us? I got the hotel rooms paid for. But two of the guys that's going need helmets and vest and medical equipment. If you know anyone we need donations by Friday. We are leaving Sunday."
- "So Trump has called this himself. For everyone to come. It's the day the electoral college is suppose to be certified by congress to officially elect Biden. But, Pence is in charge of this and he's going to throw out all the votes from states that were proved to have fraud. There's so much more going on behind the scenes though. That's why he's called this rally for support. . . . Trump will stay President . . . . That's why I've been super busy. I'm the President of the Patriot Boys in North Texas and have over 200 guys. We are 3%ers. Since I'm retired from the military this is what I do mainly. Would love to have you go. If you want to just let me know."
- "REMINDER: For everyone going to DC remember, no guns. They have strict

weapon laws. Look them up before you go. Pepper spray is legal though.”

DENNEY also attempted to post the following photographs in response to comments on Facebook on or about December 30, 2020:<sup>12</sup>



On or about December 31, 2021, DENNEY sent the following message on Facebook: “A lot of the Presidents and commanders of militias like myself are meeting on the 5th to organize and plan.” Later in the conversation, DENNEY continued, “It’s 209am. I’m still up chatting with all my brothers that going to DC. All the Presidents have been so busy organizing, planning and talking lol.”<sup>13</sup> DENNEY also stated that “it’s gonna get bad with the Intel I’m getting about ANTIFA and BLM and their plans right now,” and that DENNEY and his militia needed to go to Washington D.C. because “if we aren’t there, and no one shows up, then ANTIFA and BLM will burn down that city and take over all the neighborhoods. Trump knows militia’s will protect people and property.”

On or about January 1, 2021, DENNEY sent the following message on Facebook: “I’m in other chat groups and one for the president’s of other groups and there are certain plans being made right now. It’s gonna be historic is all I can say and we will be taking back the country on the 6th up there.” DENNEY commented on another user’s post: “I’m so pumped brother. I can’t wait to be in the middle of it on the front line on the 6th. ”

<sup>12</sup> These images appear to have been removed by Facebook that same day.

<sup>13</sup> At one point, the individual with whom DENNEY was messaging asked “Your [sic] not out to deliberately hurt people, are you?” DENNEY responded “Oh no way. What we do it show our faces to let ANTIFA know that there is people that will protect the innocent people. We stand them down the best we can. But, we will never be the first to start anything.”

On or about January 4, 2021, DENNEY discussed his plan to march on the Capitol on Facebook, stating in a message: “Things are going to be happening here. Trump is going to be speaking to everyone Wed before everyone marches to the capital. Rumour has it that he may march with us. I’ll tell you more when you get here on where to be wed and what time so you have the best seats.” DENNEY claimed in messages to this user that “DC police have joined forces with them [ANTIFA] per orders of the mayor. DC police are even escorting them to our Rally to protest,” to which that user responded, “World War 3 here lol” and DENNEY replied “Civil war” and “Ww3 isn’t too far away though.”

In a message on or about January 6, 2021, DENNEY stated: “You’d be getting you some blood here. Good night. Check out the live feed I made before we started fighting. Tomorrow will be epic and historic so keep an eye out tomorrow for live feeds as well. Trump talks to us around 11am. Fuck ANTIFA and BLM. They lost tonight and they’re going to lose tomorrow.” DENNEY also told another user “Check out the live videos I made earlier before we started fighting. It was crazy. We made it back to the hotel safe and ready for tomorrow. Trump speaking to us around 11 am then we march to the capital and after that we have special plans that I can’t say right now over Facebook. But keep an eye out for live feed tomorrow from me. Tomorrow will be historic.”

#### ***HAZARD’s Planning for January 6, 2021 on Facebook***

In addition to his communications with DENNEY, HAZARD engaged in several conversations with other Facebook users where he attempted to recruit others to DENNEY’s militia. For example, in one post, HAZARD stated, in part, “I’m an American Patriot. I belong to a militia group that’s affiliated with the proud boys.” In another post, HAZARD stated, in part, “I’m with the patriot boy’s north TEXAS chapter. We’re affiliated with the proud boys which have folks of all races as there’s several thousand members. It’s not at all about race it’s about patriotism and the willingness to protect property, communities, people, their livelihoods/businesses etc and to be willing to fight evil people who threaten these things or people.”

In another Facebook message on or about January 3, 2021, HAZARD stated “So in Washington DC BLM Plaza.<sup>14</sup> Our goal is to take several thousand militia guys down there and kick them out of their own Plaza and take total control of it.” HAZARD explained he “got a helmet knuckle gloves goggles to protect my eyes and body armor” and that “[w]e also got walkie talkies.” HAZARD stated he was “really proud of Luke for spearheading this whole deal and making it happen. He’s smart he’s strategic and he’s been to war. He makes a great president of our chapter of the Patriot boys.”

On January 3, 2021, in a Facebook conversation with another individual (“Individual-1”), HAZARD attempted to recruit Individual-1 to join DENNEY’s militia group. During that conversation, the following exchange occurred:

**Individual-1:** Hazard are you going to dc

**HAZARD:** Yeah we leave in the morning.

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<sup>14</sup> HAZARD later explained that he meant to type “in Washington DC they have BLM Plaza.”

**HAZARD:** Wanna go bust some head's with us??

**Individual-1:** Let me see if I can get off work I will drive

**HAZARD:** We probably got body armor for you and probably a pair of knuckle gloves. You'll want a helmet and maybe eye protection. And unfortunately DC is a very liberal place with terrible gun laws. So we are having to leave all guns here in Texas.

\* \* \*

**Individual-1:** Are you ready?

**HAZARD:** Yeah brother I'm ready. I got a helmet today I got knuckle gloves I got goggles I got a body armor. And I just checked we have a helmet for you we have gloves we have body armor only thing you might need is some safety glasses. And Luke said you're more than welcome to drive and meet us out there or you're more than welcome to just jump in with us tomorrow at 9 a.m. and head out there with us. But like I said earlier and he said the same thing we'd love to have you.

**HAZARD:** We also have a patriot boys hoodie for you. Which is uniform.

**HAZARD:**



**HAZARD:**



**HAZARD:** Our militia group is called the Patriot boys. We're directly affiliated with the proud boys. So we have literally thousands upon thousands of members backing us up.

\* \* \*

**HAZARD:** Friend request Lucas denny. He's the president of this chapter and I'm riding out there with him. I won't have phone service so friend request him so that we can stay in communication.

On or about January 3, 2021, HAZARD commented on Facebook, in part "[A]ll you shady treasonous demacrats!! All Democrat/communist politicians should be hung for treason." That same day, HAZARD also wrote on Facebook, in part "And as for militia groups. The one I'm in is all about the Constitution so make no mistake about that. Also we have sat by and tried to be peaceful while watching antifa and BLM terrorize America with no repercussions. So the time to sit back and be peaceful is over. There's a Civil War coming and I for one will be on the front lines taking out as many of those sons of bitches as I possibly can."

HAZARD also commented on Facebook, in part, "Joe Biden Kamala Harris and the whole Democratic Party are nothing but a bunch of worthless communist whose sole purpose is nothing but to do away with the Constitution and take all of our freedoms away. They've made it perfectly clear they're rolling with black lives matter and antifa thugs. Well I'm rolling with a bunch of patriot militia men. So Uncle Joe I'm heading out to DC tomorrow. And you can bet I'm gonna bust as many antifa and BLM skulls as I possibly can for you. So much love for you even though in this fight between good and evil. You sir are on the wrong side."

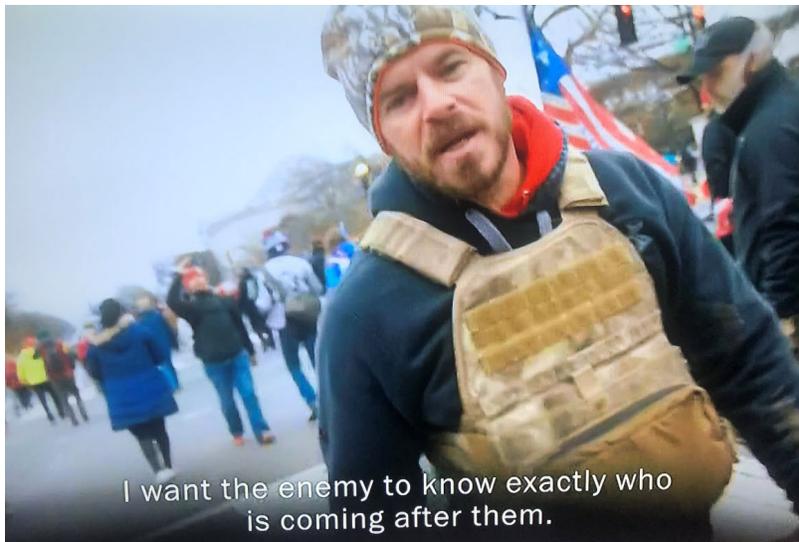
### ***HAZARD and DENNEY's Actions at the Capitol on January 6, 2021***

#### **HAZARD**

A video captured by the Washington Post depicts HAZARD marching in Washington D.C. on January 6, 2021. In that video, HAZARD states "Make sure you get my face and everything on your news channel. I want the enemy to know exactly who is coming after them."<sup>15</sup> A screenshot from that video is depicted below:

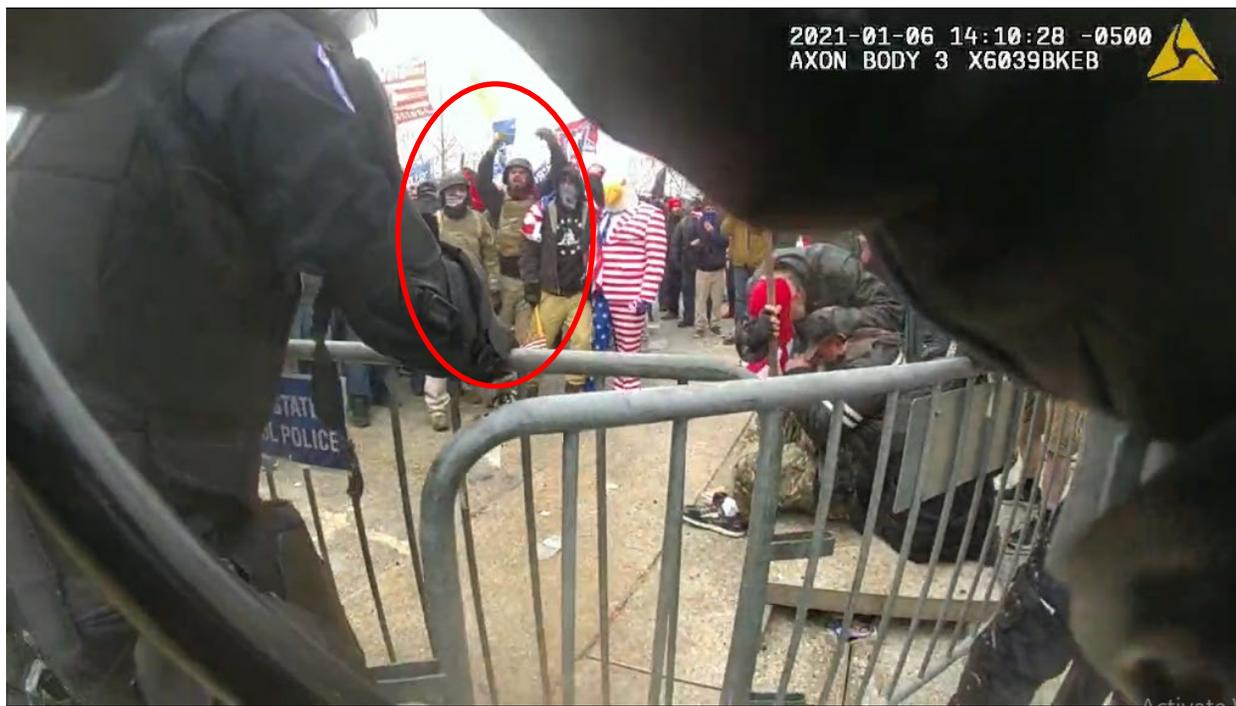
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<sup>15</sup> Available at [https://www.washingtonpost.com/video/opinions/how-the-capitol-attack-unfolded-from-inside-trumps-rally-to-the-riot-opinion/2021/01/12/a7146251-b076-426e-a2e3-8b503692c89d\\_video.html](https://www.washingtonpost.com/video/opinions/how-the-capitol-attack-unfolded-from-inside-trumps-rally-to-the-riot-opinion/2021/01/12/a7146251-b076-426e-a2e3-8b503692c89d_video.html).



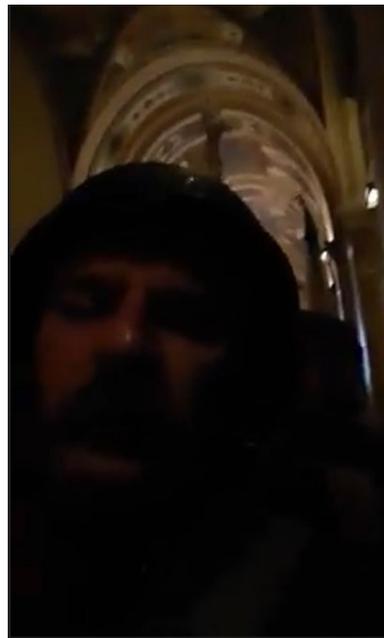
Based on my review of body-worn camera (“BWC”) footage of Metropolitan Police Department (“MPD”) officers who responded to the U.S. Capitol on January 6, 2021, U.S. Capitol surveillance footage, and other publicly available video footage, I have observed that by at least 1:30 p.m. on January 6, 2021, numerous rioters were at the police line protecting the west side of the Capitol, with metal bike-rack barricades separating the crowd and the police officers.

At approximately 2:10 p.m., HAZARD and DENNEY were positioned on the west side of the Capitol building, as depicted below:



HAZARD and DENNY, along with other rioters in the crowd, were yelling at the police officers guarding the Capitol building. In particular, HAZARD yelled “We’re patriots, motherfucker!” while slapping the tactical vest he was wearing, and continued “Fuck you! You’re bought out by China, you communist fuck!”

A video posted to HAZARD’s Facebook account in the early morning hours of January 7, 2021 depicts HAZARD inside the Capitol building. In the background, the crowd is chanting “Whose house? Our house.” In that at video, HAZARD states “So you want to be a Patriot? This is what it looks like. We have stormed our nation’s capitol. We’re in. Look at all these good patriots here. I’ve been maced. I’ve been beat up by cops. Shit’s getting real here in D.C.”



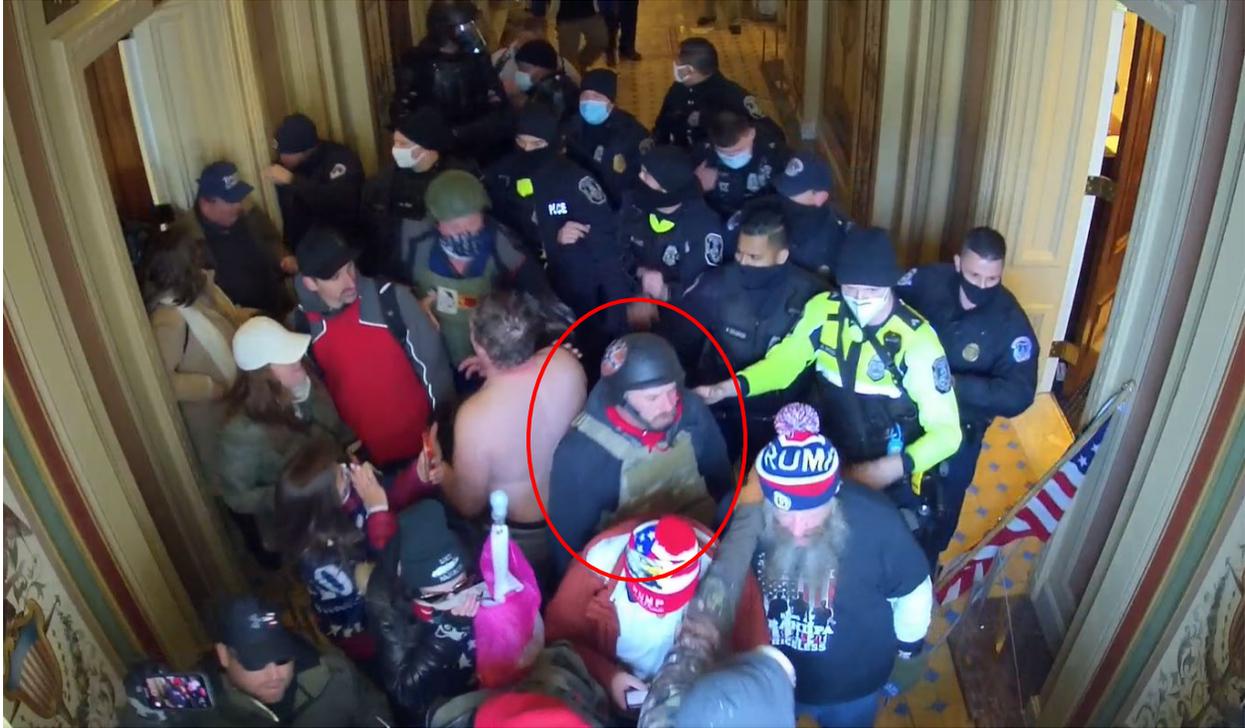
Based on my review of U.S. Capitol surveillance video footage and BWC footage, I have observed that, at approximately 2:56 p.m. on January 6, 2021, HAZARD was present in a hallway accessed through a door on the northwest side of the first floor of the U.S. Capitol building – the “Parliamentarian Door.” HAZARD walked into the hallway and then assisted another rioter in rinsing out his eyes with water. Shortly thereafter, HAZARD briefly entered the Senate Parliamentarian’s office, then continued down the hallway, further into the building:



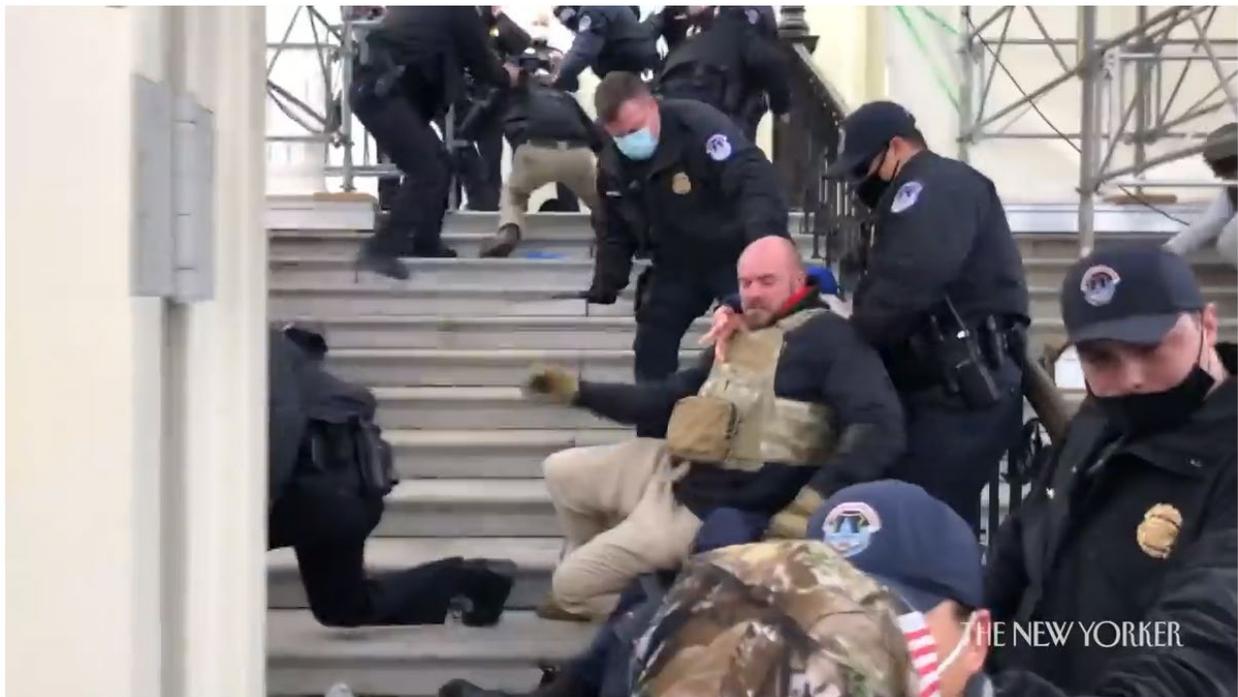
After several minutes, police officers began to corral the crowd of rioters back towards the Parliamentarian Door. Several officers turned into the Senate Parliamentarian's office and instructed rioters to leave. At approximately 3:01 p.m., HAZARD was captured by one officer's BWC, bending down as if to pick something up and then exiting the office, as depicted below:



HAZARD, along with other rioters, was then pushed out the Parliamentarian Door by police officers:



Footage posted by The New Yorker<sup>16</sup> and available on YouTube (the “New Yorker Video”), depicts HAZARD grappling with USCP officers as he falls down a set of stairs under a scaffolding erected on the west side of the U.S. Capitol building.



<sup>16</sup> Available at <https://www.youtube.com/watch?v=270F8s5TEKY>.

I have interviewed two of the USCP officers depicted in the New Yorker Video –T.S. and T.L. Officer T.S. recalled that he encountered HAZARD as HAZARD attempted to make his way up the steps. After Officer T.S. engaged with HAZARD in order to force him back, both HAZARD and T.S. fell down the steps. HAZARD fought with Officer T.S. as they were falling, landed on top on Officer T.S., and continued to wrestle with T.S.

Officer T.L. recalled that HAZARD grabbed Officer T.S. and pulled Officer T.S. down the stairs with him as he fell. HAZARD continued to fight with Officer T.S. as Officer T.S. lost his balance and fell down the stairs. Officer T.L. also lost his balance and fell down the stairs. Officer T.L. grabbed ahold of Officer T.S.'s gun belt and attempted to cover Officer T.S.'s service weapon because he was concerned that HAZARD, who had his arms tightly wrapped around Officer T.S., might grab Officer T.S.'s service weapon. Officer T.L. overheard HAZARD yelling to the crowd "get the gun!" Officer T.L. also recalled that HAZARD had metal rebar strapped to his arms and underneath his jacket.

After he fell down the stairs, Officer T.S. was knocked unconscious and sustained injuries to his head, foot, and arm, some of which required surgery.

#### DENNEY

Based on my review of BWC footage and other publicly available video footage, I have observed that by at least 1:30 p.m. on January 6, 2021, numerous rioters were at the police line protecting the west side of the Capitol, with metal bike-rack barricades separating the crowd and the police officers. At approximately 1:37 p.m., DENNEY approached the line of police officers and began yelling words to the effect of "Who y'all protecting? Who are you all protecting?". DENNEY then reached out and grabbed one of the metal barricades and attempted to pull it away from the officers standing behind it, as depicted below:



Officers pulled the barrier back and DENNEY then lunged forward, kicking at the barrier, as depicted below:



After apparently being sprayed by crowd-control spray, DENNEY ran away from the barrier, yelling “Fuck you! Fuck you!” and raised his middle finger.

Approximately two minutes later, at 1:39 p.m., DENNEY rattled the metal barrier and then again attempted to rip barrier away from the officers, as depicted below:



When unsuccessful, DENNEY moved slightly south to another barricade and again attempts to pull the barricade away from and into the officers protecting the Capitol.





As described above, at approximately 2:10 p.m., DENNEY and HAZARD were positioned on the west side of the Capitol, as depicted below:



HAZARD and DENNEY, along with other rioters in the crowd, were yelling at the police officers guarding the Capitol building.

Shortly thereafter, at approximately 2:14 p.m., DENNEY grabbed and shoved a police officer, as depicted below:





By at least 2:23 p.m., Officer K.K. had assumed a position on an elevated structure between the crowd and the west side of the Capitol building. The rioters below were throwing debris at police officers, including Officer K.K., who was armed with crowd-control spray and occasionally used it to repel the rioters. DENNEY worked his way through the crowd and attempted to grab the canister of crowd-control spray away from Officer K.K., as depicted below:





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Officer K.K. then deployed the crowd-control spray and DENNEY retreated into the crowd.

Less than a minute later, DENNEY picked up a long metal pole from the ground which he swung towards Officer K.K., as depicted below.



<sup>17</sup> Available at <https://www.youtube.com/watch?app=desktop&v=9mt8YGpJ5vs>.



Officer K.K. and several other officers attempted to pull the pole away from DENNEY and the other rioters, but were ultimately unsuccessful.

Less than a minute later, at approximately 2:24 p.m., DENNEY and another rioter grabbed what appears to be a large tube and launched it toward the line of law enforcement officers guarding the west side of the Capitol building.<sup>18</sup>



Based on my review of U.S. Capitol surveillance footage, I have observed that by approximately 3:12 p.m. on January 6, 2021, DENNEY relocated to the vicinity of the terrace on the west side of the Capitol building where a stage for the Presidential Inauguration was being constructed (the “Lower West Terrace”). By that time, the crowd of rioters had already advanced

<sup>18</sup> Available at [https://www.youtube.com/watch?time\\_continue=85&v=SwqktTT9hU4&feature=emb\\_title](https://www.youtube.com/watch?time_continue=85&v=SwqktTT9hU4&feature=emb_title).

partway down a passageway that connects the Lower West Terrace and the interior of the U.S. Capitol building (the “Tunnel”), which had an arched entrance (the “Archway”) and was guarded by a line of law enforcement officers. At that time, the crowd was collectively pushing against the officers – at times rocking together in a coordinated fashion – in an effort to breach the line of officers and gain entry to the interior of the Capitol building. DENNEY then passed through the Archway and joined the crowd, waving his hand forward in encouragement.



By approximately 3:14 pm, as multiple other rioters exit the Tunnel, DENNEY has pushed himself farther into the Tunnel, carrying what appears to be a baton or stick in his hand.



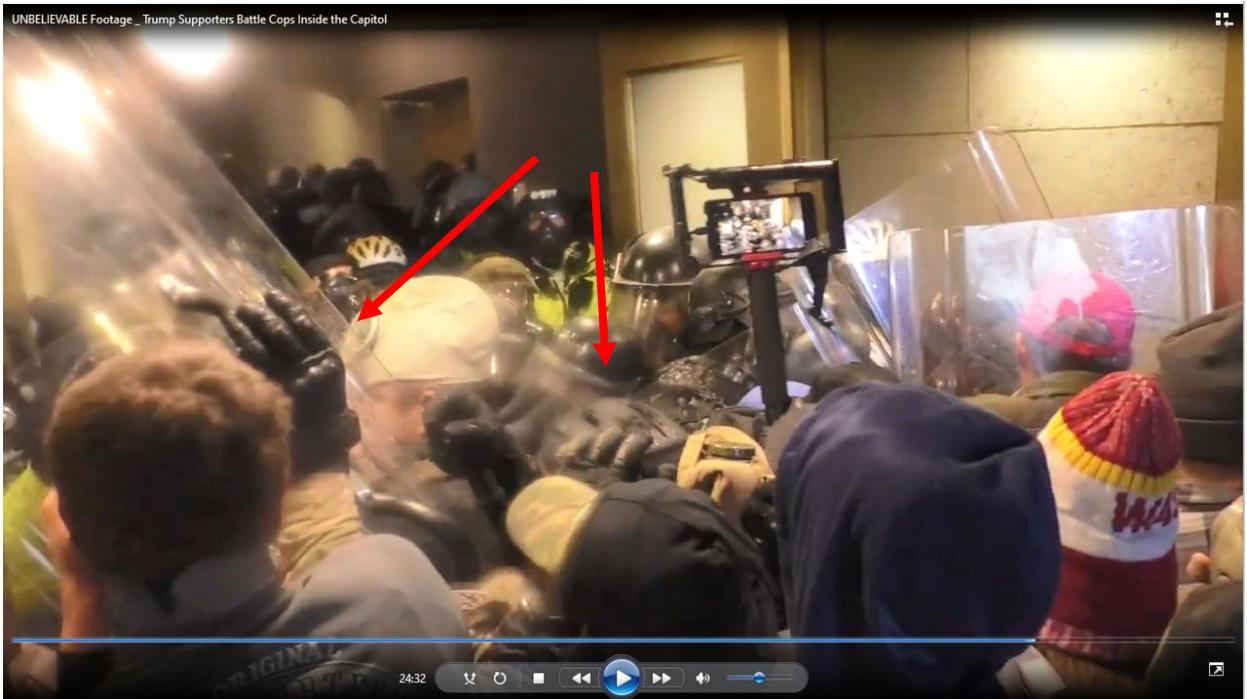
At approximately 3:15 p.m., DENNEY and another rioter pushed a riot shield into and on top the line of officers for more than a minute, as the crowd of rioters rocked back and forth chanting “heave ho!” and pressing against the line of officers.



UNBELIEVABLE Footage \_ Trump Supporters Battle Cops Inside the Capitol



UNBELIEVABLE Footage \_ Trump Supporters Battle Cops Inside the Capitol

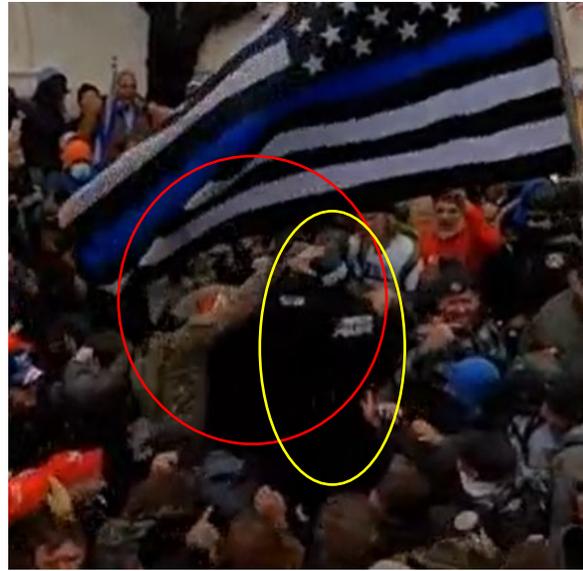
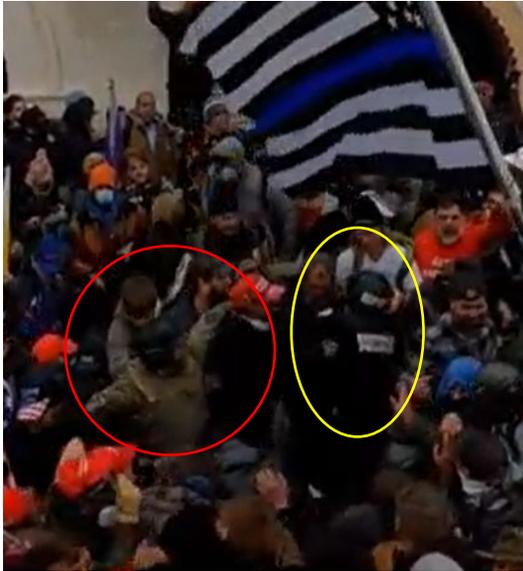




At approximately 3:18 p.m. rioters had pulled a police officer – Officer M.F. – off of the police line, and as other officers were pushing rioters from the Tunnel, the rioters pulled Officer M.F. through the Archway and out of the Tunnel into the crowd on the Lower West Terrace. As Officer M.F. was pulled into the crowd and down the steps, DENNEY gestured towards others in the crowd, as depicted below:



DENNEY then turned towards Officer M.F., swung his arm and fist at M.F., and grabbed M.F., pulling him farther down the stairs, as depicted below. DENNEY then himself fell backwards into the crowd. In the images below, DENNEY is circled in red; Officer M.F. is circled in yellow.



### ***DENNEY and HAZARD's Post-January 6, 2021 Activities***

In the days following January 6, 2021, DENNEY and HAZARD made numerous comments on Facebook boasting about their participation in the riot and expressing concern that they might be detected by law enforcement.

From the late evening of January 6, 2021 through on or about January 7, 2021, HAZARD made the following comments or sent the following messages, among others, on Facebook:

- yeah that's true. And if the election wasn't stolen none of us would have went there.
- I'm here in dc now. They were here but we went hunting last night and found them at BLM plaza. We tried to kick they're ass and dc pd saved them. They realized they'd get killed if they showed up
- 1st time since the 1800s!!! Now they knowlike the Patriots are pissed!!!
- key board warriors???? I'm a trump supporter and I stormed our nation's capital today!!! Wtf have you done lately???how about you just sit on your couch, shut your mouth and let Patriots like myself handle our country's business!!!!
- Hey no worries. It's a sad day when Patriots have to fight law enforcement but they turned on us so they get what they got.
- it wasn't easy at all. I had to fight several cops.and didn't make it on my 1 st attempt. I charged the cops and got in a fight with a lot of them. I got beat tup and beat with they're clubs and maced. But the 2nd time I won!!
- Yeah as a Democrat I guess so. however if you're a patriot then you would realize

we made a huge bold statement today. And that statement is the Patriots have had enough!!! Make no mistake about it. What we did today was totally epic!!! We took over the capital and had Democrat politicians hiding like the cowards they are. And Mike pence is a coward 2. He had to run away through an underground tunnel and be flown away. We made history today. The capital hasn't been taken since the 1800s. Until we came to town.

- I'm fantastic!! The way I see it .it was an honor to be here and be apart of something so epic!!! And If I died here today it would be an honor as well!!!!
- The Intel we got was antifa wanted to dress like us to be on the dl.so we didn't wear our colors neither. But we ran across antifa last night in blm plaza and the cops protected them. The cops pepper sprayed the hell out of me.
- So I just seen a video of the police intentionally opening the barricades to let protestors in like they were doors or something. And no one was even fighting or anything. They just calmly opened them. There's also a video showing the police at the capital intentionally provoking peaceful protestors at the capital by shooting gas into the crowd and non lethal rounds when the crowd wasn't even fighting or anything. It's crazy how this is being spun and it's not right. There's also evidence of ANITFA in the crowd and paid crisis actors. What the media is showing is the after effects. It's not showing how it started. In my opinion the whole thing was as set up. A straight up set up.
- well Mike Pence had to run and hide underground and be helicoptered out so. I'd say we made a f\*\*\*\*\* point.!!!
- like I said I was there and we stormed the capital. We made history today. Now Washington DC knows the Patriots are pissed !!1st time since the 1800s.
- I'm beat up been maced gased had flashbang grenades thrown at me beat down by the cops. But I'm blessed and wouldn't have it any other way.
- Thanks brother. But really all it is I'm scare of losing our country. So it's time to fight. It's time for war.
- Dude if you wanna throw down I am all about it and I certainly wouldn't report you to anyone. And as for what happened today. We the people had an election stolen from us so we took our capital/NOT THERE's back. IF THIS WAS BACK IN THE DAY OUR FORFATHERS WOULD HAVE STORMED IN AND DRUG POLITICANS OUT AND HUNG THEM FOR TREASON.

From January 7, 2021 through on or about January 13, 2021, DENNEY made the following comments or sent the following messages, among others, on Facebook:

- I know I Heard a bunch of ANTIFA was in the crowd wearing MAGA hats or other clothes that aren't all black. Now there were a lot of Patriots pushing back on the police riot shields trying to get through. But that was intentionally and unnecessarily started by a few of the police when they started throwing gas and flash bangs at the crowd that were just there yelling. There was women and children in the crowd. No one from what I seen was trying to go over barricades at that time. The whole thing was instigated on purpose.
- The whole Capitol building thing was a set up. It was peaceful. The police even opened up the barricades to let people come closer. The protesters were still peaceful at the second barricades when the Capitol police started firing flash bangs and gas into the crowd. It was a total set up.

DENNEY also described Pence as a “traitor” and told other Facebook users that the events at the Capitol were “a set up.”

On or about January 9, 2021, DENNEY messaged HAZARD on Facebook, stating “remember to keep quite [sic] this week.” On January 13, 2021, HAZARD asked DENNEY to return his gun to him, stating “I’ve been stressing not having a gun in the house. Especially in these times.” Later in the conversation, DENNEY stated “Great. See you tonight. Remember don’t talk about certain things to anyone. You know what I mean” to which HAZARD responded “Yep I know exactly what you mean.”

On or about January 14, 2021, HAZARD replied to a comment on Facebook and stated “I call them treasonous traitors. And I wish we could start hanging politicians again for treason like we used to. because that’s exactly what they deserve.” That same day, when another user asked if he was “nervous” about “[g]oing to DC,” HAZARD responded that he was not worried because “worst I could receive would be a misdemeanor.” HAZARD continued that he believed “we’re definitely going to have a civil war it looks like no matter what the decision made. And probably possibly Revolutionary War World War.” In a message to another user that day, HAZARD stated “I found out the worst I could be facing was a misdemeanor. Now I wish I hadn’t erased my pics and videos.”

HAZARD and DENNEY also continued to recruit members for their militia using Facebook. For example:

On January 6, 2021, HAZARD engaged in the following exchange:

**Individual-2:** HELL YEAH!!! How do I go about joining a Patriot Group?

**HAZARD:** You can join our militia now. Friend request lucas denny. He's president of the patriot boy's.

Between on or about January 7, 2021 and January 8, 2021, HAZARD engaged in the following exchange:

**Individual-3:** I want in damn it

**HAZARD:** Cool!! Just message luke and tell him you wanna join.

**HAZARD:** He said let us get home and we'll handle it then.  
\* \* \*

**Individual-3:** Will we need to need up

**HAZARD:** Yeah so you can get your hoodie/colors uniform. Plus luke will want to meet you.  
\* \* \*

**HAZARD:** Well hit Luke up and start talking to him personally. We have a meeting Saturday night.

**Individual-3:** Okay

**HAZARD:** But seriously start messaging him and he'll tell you exactly what to do. All I can really do is vouch for you which will be enough. But he's the president of our chapter so he's got final say so. But trust me he's totally cool. As long as you love this country and you're a trump supporter and you're down for the cause you're good.

On January 11, 2021, HAZARD engaged in the following exchange:

**HAZARD:** My organization has people who specialize in gathering intel. Wich I think would be right up your alley. Matter of fact I'd say you'd be perfect for it. Don't know if you've ever thought about joining a millita before? But if so hollar .

**Individual-4:** Who you with??

**Individual-4:** I know some PB

**HAZARD:** I'm with patriot boy's. We're affiliated with the proud boys.

**HAZARD:** In dc that's who we were rooming with and hanging with. Great bunch of folks.

On January 17, 2021, DENNEY sent the following message to Individual-1: "Hey brother. I'm the President of the Patriot Boys. Don hazard told me you might be interested in joining up or at least attending a meeting to learn more about us so I told him I would reach out to you. Tonight is my last night on Facebook. I'm deleting my profile. I am on Mewe though. If you want to download that app, look me up, search Lucas Denney. If you want to attend a meeting shoot me a text or her with Hazard. My number is [XXX-XXX-XXXX]. Hope to meet you soon."

Between on or about January 13, 2021 and on or about January 17, 2020, DENNEY engaged in the following exchange:

**DENNEY:** [Individual-5] we'll be here tonight for a meeting if you want to pop in.

**DENNEY:** [Image of an address on Google Maps]  
\* \* \*

**DENNEY:** Where having a meeting tomorrow night if you want to check it out. I've got other new members I'm bringing in. Just brought in 8 new members yesterday in the breckenridge chapter. But if you want to come tomorrow it's going to be at the same place and time that I sent you last time. Twin peaks

On February 26, 2021, DENNEY and another individual (“Individual-6”) voluntarily met with the FBI, including your affiant. DENNEY and Individual-6 told the FBI that they were members of the group “Patriot Boys of North Texas” (“PBONT”) and that DENNEY was the president of the organization. According to DENNEY and Individual-6, PBONT consisted of a group of like-minded, conservative, pro-Trump, pro-law enforcement men who believed in the U.S. Constitution and who did not like the direction the country was headed under the current liberal administration and liberal leaders in Congress. According to DENNEY, PBONT was not affiliated with the “Proud Boys” or “Oathkeepers” organizations. Rather, DENNEY stated that PBONT identified more with the “Three Percenters” movement. According to DENNEY, the PBONT was originally the “Patriot Boys Three Percenters.” He also stated that PBONT members did not bring guns to rallies because he would not allow it.

During the meeting, DENNEY stated he did not know anyone who went into the U.S. Capitol building on January 6, 2021. DENNEY falsely claimed he did not know of anyone who traveled to Washington, D.C. to go into the U.S. Capitol. DENNEY claimed that he had seen on social media, probably in December 2020, discussions of people who wanted to travel to Washington, D.C. to attend the Trump rally. DENNEY believed he saw postings on Facebook regarding the rally. DENNEY claimed that he no longer had a Facebook account. DENNEY falsely stated he did not personally know anyone who traveled to the rally.

Based on the foregoing, your affiant submits that there is probable cause to believe that HAZARD violated:

- (a) 18 U.S.C. §§ 111(a)(1) and (b), which make it unlawful 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, or aid, abet, counsel, command, induce, or procure the commission of such offense, and punish the commission of such acts when bodily injury is inflicted. For purposes of Section 111 of Title 18, United States Capitol Police Officers constitute persons designated in Section 1114 of Title 18;
- (b) 18 U.S.C. 231(a)(3), which makes it unlawful to commit or attempt to commit any act to 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 Joint Session of Congress where the Senate and House count Electoral College votes. Your affiant understands that members of the D.C. Metropolitan Police Department had responded to the U.S. Capitol to assist the U.S. Capitol Police after rioters unlawfully entered the building;

- (c) 18 U.S.C. § 1512(c)(2), which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so, and 18 U.S.C. § 1512(k), which makes it a crime to conspire to obstruct, influence, or impede any official proceeding. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings;
- (d) 18 U.S.C. §§ 1752(a)(1), (2), and (4) and 1752(b)(1)(a), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; (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; and punish the commission of such acts when significant bodily injury is inflicted. 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;
- (e) 40 U.S.C. § 5104(e)(2)(C), (D), (F), and (G), which makes it a crime to willfully and knowingly (C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; (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;

Based on the foregoing, your affiant submits that there is probable cause to believe that DENNEY violated

- (a) 18 U.S.C. §§ 111(a)(1) and (b), which make it unlawful 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, or aid, abet, counsel, command, induce, or procure the commission of such offense, and punish the commission of such acts using a deadly or dangerous weapon or when bodily injury is inflicted. For purposes of Section 111 of Title 18, United States Capitol Police Officers constitute persons designated in Section 1114 of Title 18.
- (b) 18 U.S.C. 231(a)(3), which makes it unlawful to commit or attempt to commit any act to 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 Joint Session of Congress where the Senate and House count Electoral College votes. Your affiant understands that members of the D.C. Metropolitan Police Department had responded to the U.S. Capitol to assist the U.S. Capitol Police after rioters unlawfully entered the building.
- (c) 18 U.S.C. § 1512(c)(2), which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so, and 18 U.S.C. § 1512(k), which makes it a crime to conspire to obstruct, influence, or impede any official proceeding. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings.
- (d) 18 U.S.C. §§ 1752(a)(1), (2), and (4) and 1752(b)(1)(a), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; (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; and punish the commission of such acts using or carrying a deadly or dangerous weapon or when significant bodily injury is inflicted. 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.

(e) 40 U.S.C. § 5104(e)(2)(F), which makes it a crime to willfully and knowingly engage in an act of physical violence in the Grounds or 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 7<sup>th</sup> day of December 2021.

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HON. ROBIN M. MERIWEATHER  
US. MAGISTRATE JUDGE