

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America
v.
Nicholas Patrick Hendrix
DOB: XXXXXX

)
) Case: 1:21-mj-00446
) Assigned to: Judge Faruqui, Zia M.
) Assign Date: 5/25/2021
) Description: COMPLAINT W/ ARREST WARRANT
)
)

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 6, 2021 in the county of in the
in the District of Columbia, the defendant(s) violated:

Code Section

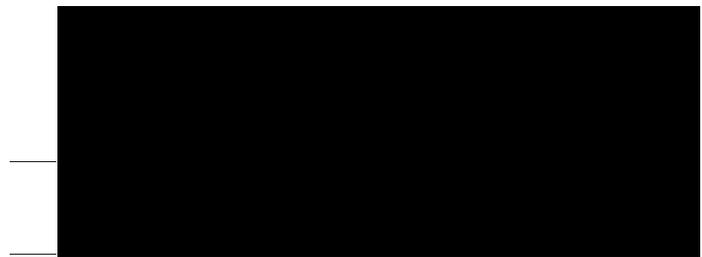
Offense Description

- 18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority,
18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds,
40 U.S.C. § 5104(e)(2)(D) - Violent Entry and Disorderly Conduct on Capitol Grounds,
40 U.S.C. § 5104(e)(2)(G) - Parade, Demonstrate, or Picket in any of the Capitol Buildings.

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.



Printed name and title

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

Date: 05/25/2021



Handwritten signature

2021.05.25

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Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

1. STATEMENT OF FACTS

I, [REDACTED], am a Special Agent with the Federal Bureau of Investigation (“FBI”), currently assigned to the Boston Field Office, Portland, Maine Resident Agency (RA). I have been so employed since May of 2019. Prior to this assignment, I was an FBI contractor for 15 months working on digital forensic evidence to identify significant mobile application trends utilized by violent criminals. I have received training in conducting counterintelligence, counterterrorism, criminal, and cyber investigations. I have participated and assisted in investigations related to numerous types of violations to include wire fraud, online threatening communications, fraud, violent gangs, counterterrorism, counterintelligence, drugs, human trafficking, kidnapping, and interstate domestic violence. 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.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, 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.

On January 11, 2021, an online tipster notified the FBI Washington Field Office that NICHOLAS HENDRIX (“HENDRIX”) was overheard talking about the U.S. Capitol, showing video from there and stating he had been pepper-sprayed, which suggested to the tipster that HENDRIX was close to the U.S. Capitol. The tipster notified the FBI that HENDRIX lived in Portland, Maine. The FBI Washington Field Office notified the FBI Portland RA Office of the lead.

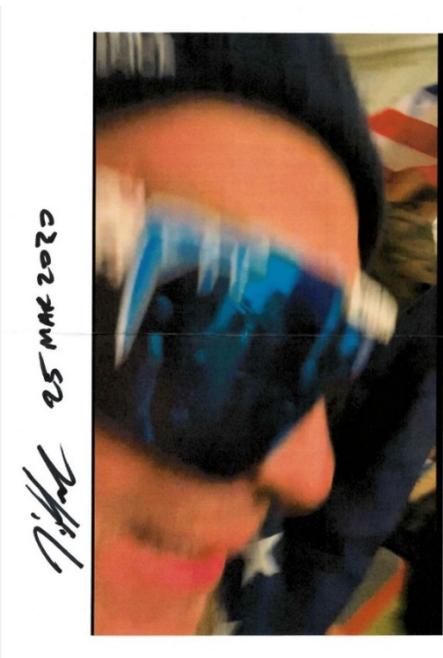
The FBI reviewed Department of Motor Vehicle (“DMV”) information on HENDRIX and identified his address in Gorham, Maine. On January 21, 2021, the FBI went to HENDRIX’s residence in Gorham, Maine. HENDRIX was not at home at the time, and a family member informed him the FBI wanted to speak with him about the events at the United States Capitol on January 6, 2021. Later that day, the FBI met with HENDRIX at the Hannaford Supermarket parking lot in Standish, Maine. HENDRIX stated that he was inside the United States Capitol on January 6, 2021 but did not break or take anything while there. HENDRIX explained that on January 5, 2021, he drove to Boston, MA and took a bus from Boston to Washington D.C., arriving approximately at 6:30am on January 6, 2021. HENDRIX followed a mass of people to the Capitol and ultimately explained the crowd “pushed” themselves into the Capitol. He further provided that he was inside the Capitol for a “minute or two” before exiting. He attempted to enter the Capitol a second time, but he was hit with pepper-spray and then left the area. HENDRIX went to the bus area to wait for his return trip, eventually leaving Washington D.C. around 6:30pm on January 6, 2021 and arriving at his home around 6:30am on January 7, 2021. HENDRIX perceived that there was not too much resistance from law enforcement to individuals going inside the Capitol building and expressed that he believed the United States Capitol Police were quitting and allowing them to go inside. HENDRIX admitted that he knew it was illegal to enter the Capitol building.

On January 21, 2021, HENDRIX voluntarily permitted the FBI to extract photos and videos taken on January 6, 2021 from his phone. As presented below, a photo from HENDRIX’s phone shows an image of HENDRIX in Washington D.C. dressed in distinctive items, including a watch cap colored in an American flag pattern, ski sunglasses, a distinct t-shirt and protest sign. HENDRIX’s DMV photograph resembles his photograph taken on January 6, 2021, though his image from January 6, 2021 is obscured by the cap and sunglasses. One of the videos provided by HENDRIX shows his perspective when entering the U.S. Capitol surrounded by a crowd. Another video provided by HENDRIX provides a similar perspective taken just outside the U.S. Capitol next to a door, which looks like the outside of the Rotunda Door, as law enforcement attempt to usher out rioters from the U.S. Capitol. In a subsequent interview on March 25, 2021, HENDRIX identified himself in the two below screenshots taken from these two videos as the

phone turned to capture him in the videos while he was inside the U.S. Capitol and just outside the U.S. Capitol.



Photograph of HENDRIX from his phone taken on January 6, 2021.

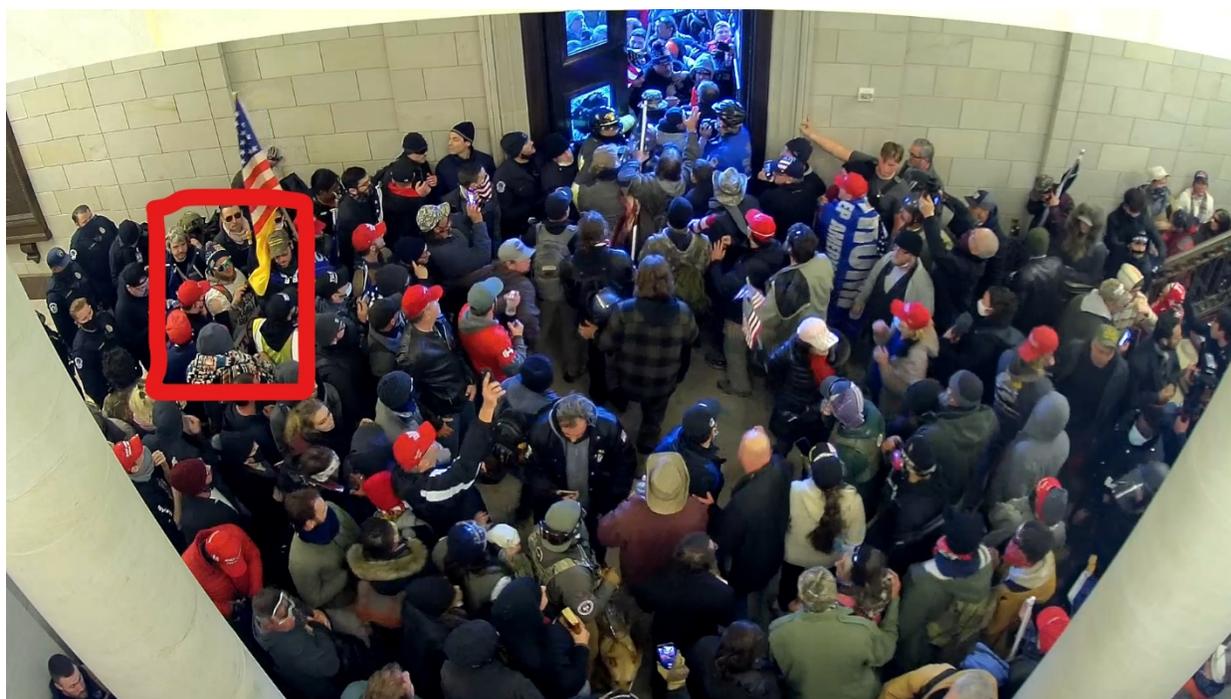


Screenshot of HENDRIX captured from video taken inside the U.S. Capitol on HENDRIX's phone.

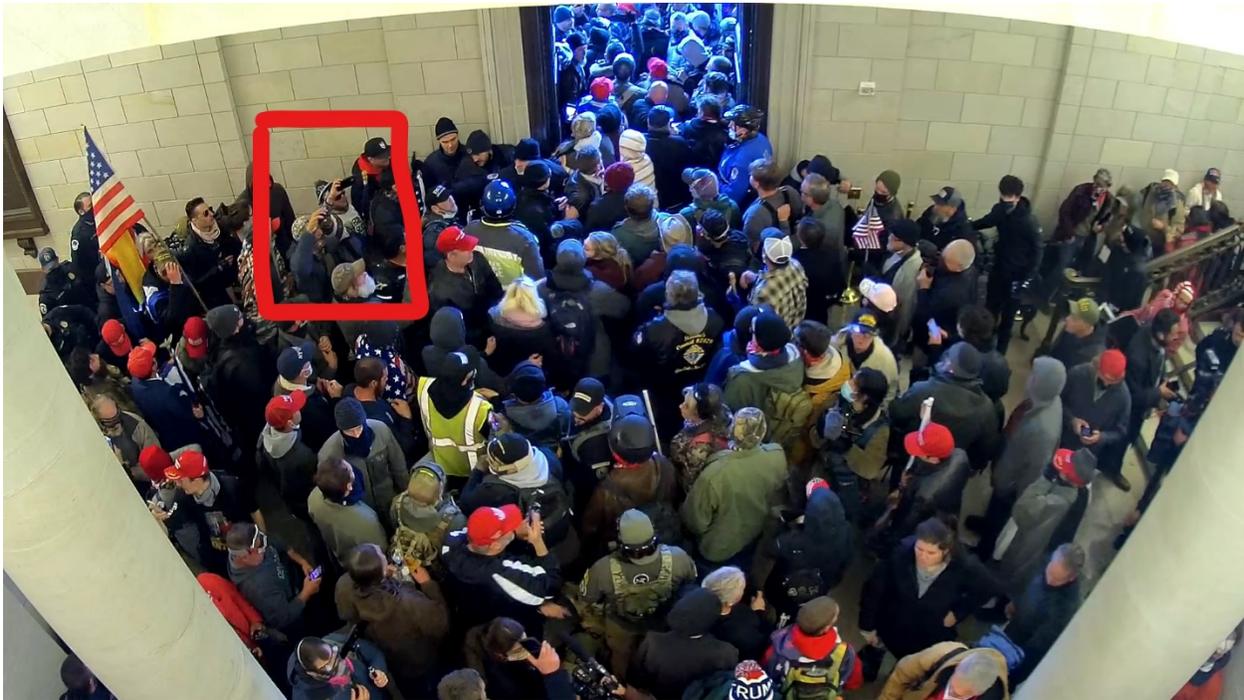


Screenshot of HENDRIX captured from video taken just outside of the U.S. Capitol Rotunda Door on HENDRIX's phone.

United States Capitol Police closed-circuit television (CCTV) footage shows HENDRIX was inside the U.S. Capitol for approximately one minute and 23 seconds near the Rotunda Door of the United States Capitol. As shown below, the CCTV footage shows an individual that matches HENDRIX on January 6, 2021 to include a bearded male wearing a watch cap colored in an American flag pattern and ski sunglasses. As well, the CCTV footage shows this individual using his phone to capture images from inside the U.S. Capitol. The CCTV footage matches the scene depicted by HENDRIX's video from a different perspective, including the people in the video and specifically one individual holding an American flag. Moreover, the timeline of HENDRIX's entrance into the Capitol matches the timeframe on the CCTV footage; The extraction from HENDRIX's phone indicates the video of HENDRIX entering the U.S. Capitol was created around 3:15pm EST, which is the same timeframe in which the FBI was able to locate HENDRIX on USCP CCTV.



Screenshot from USCP CCTV inside U.S. Capitol showing HENDRIX with cap and sunglasses.



Screenshot from USCP CCTV inside the U.S. Capitol showing HENDRIX using phone.

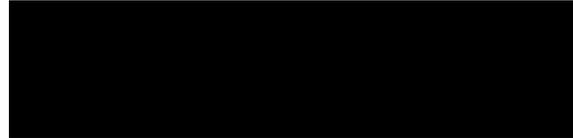
During the January 21, 2021 interview, HENDRIX was wearing a watch cap and sunglasses that looked similar to the ones he wore on January 6, 2021. The cap and sunglasses HENDRIX wore during the January 21, 2021 interview look like the same cap and glasses worn by the person depicted in the above screen shots from USCP CCTV. During the March 25, 2021 interview, HENDRIX permitted the FBI to photograph the sunglasses, shirt and sign he had with him in Washington D.C. on January 6, 2021. The sunglasses HENDRIX showed the FBI on March 25, 2021 look like the same glasses worn by the person depicted in the above screenshots from USCP CCTV.



Based on the foregoing, your affiant submits that there is probable cause to believe that HENDRIX 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; 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 HENDRIX violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 25th day of May 2021.



A handwritten signature in blue ink, appearing to read 'Zia M. Faruqui'.

2021.05.25

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ZIA M. FARUQUI
MAGISTRATE JUDGE