

STATEMENT OF FACTS

Your affiant, James Daffer, is a Special Agent with the Federal Bureau of Investigation. Among my duties, I have been tasked with investigating criminal activity in and around the U.S. Capitol grounds that occurred 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 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 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. Vice President Mike Pence was present and presiding in the Senate chamber.

With the joint session underway and with Vice President Mike Pence presiding, a large crowd gathered outside the U.S. Capitol. Temporary and permanent barricades surround 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 approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades and officers of the U.S. Capitol Police, and the crowd advanced to the exterior façade of the building. At such time, the joint session was 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 after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows. 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.

Media coverage of these events showed one of the rioters who entered the Capitol building dressed in a red hat that appeared to have the word “Trump” on it, carrying a large red flag reading “Trump is My President,” and wearing an apparent badge from the individual’s place of employment. The individual appears to be a Caucasian male with a beard. The screenshots below

of photographs posted on media sites show this individual in the halls of Congress. In the first image below, the individual is on the far right.





Several media outlets subsequently identified this individual as Nicholas RODEAN. In addition, on January 7, 2021, the FBI received screenshot images from the Facebook account of a restaurant located in Frederick, Maryland suggesting that "Nicholas Rodean" was a "former weekend employee" at the restaurant who "lives in downtown Frederick" and participated in the violent, civil unrest and rioting at the U.S. Capitol Building in Washington D.C. on January 6, 2021. The poster to the account identified RODEAN as the individual in the front of the third photograph reproduced above. Another employee who formerly worked with RODEAN also identified him, on social media, as the individual in the second photograph reproduced above. Finally, a news outlet reported that a business in Frederick, Maryland had terminated RODEAN after becoming aware of the images of the individual pictured above. The news outlet reported that RODEAN had been wearing that business' badge. A badge can clearly be seen in the above photographs. News articles also showed a posting from the business's Facebook account confirming the termination.

Your affiant has confirmed these identifications of RODEAN. First, the photographs of RODEAN in the U.S. Capitol display unique attire and a clear view of the individual's face. Your affiant has viewed pictures posted to the LinkedIn account for Nicholas Rodean, which still lists him as working for the restaurant with the Facebook account. The person in the photograph appears to be the same individual in the pictures at the U.S. Capitol. Further, RODEAN has also been identified by law enforcement through open source data bases, including Maryland DMV driver's license records, as the person depicted inside the Capitol on January 6, 2021.

Finally, on January 8, 2021, an attorney who stated that he represented RODEAN called in to the Washington Field Office of the FBI, to voluntarily speak with law enforcement. Your affiant spoke on the phone with the attorney, who confirmed that RODEAN would like to turn himself in to law enforcement. Your affiant informed the attorney that he would contact the attorney again once charges had been brought against RODEAN.

Based on the foregoing, your affiant submits that there is probable cause to believe that Nicholas RODEAN 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; (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 Nicholas Rodean violated 40 U.S.C. § 5104(e)(2)(G), which makes it a crime to willfully and knowingly parade, demonstrate, or picket in any of the Capitol Buildings.



JAMES DAFFER
FEDERAL BUREAU OF
INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 11th day of January 2021.

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE