

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

FARHAD AZARI,

Defendant.

Case: 1:23-mj-00013

Assigned To : Harvey, G. Michael

Assign. Date : 1/13/2023

Description: Complaint W/ Arrest Warrant

: Case No:
:
: VIOLATIONS:
:
: 18 U.S.C. § 111(a)(1)
: (Assaulting, Resisting, or Impeding Certain
: Officers)
:
: 18 U.S.C. § 111(a)(1) and (b)
: (Assaulting, Resisting, or Impeding Certain
: Officers with a Deadly or Dangerous
: Weapon)
:
: 18 U.S.C. § 231(a)(3)
: (Civil Disorder)
:
: 18 U.S.C. § 1751(a)(1) and (b)(1)(A)
: (Entering and Remaining in a Restricted
: Building or Grounds with a Deadly or
: Dangerous Weapon)
:
: 18 U.S.C. § 1752(a)(2) and (b)(1)(A)
: (Disorderly and Disruptive Conduct in a
: Restricted Building or Grounds with a
: Deadly or Dangerous Weapon)
:
: 18 U.S.C. § 1752(a)(4) and (b)(1)(A)
: (Act of Physical Violence in a Restricted
: Building or Grounds with a Deadly or
: Dangerous Weapon)
:
: 40 U.S.C. § 5104(e)(2)(D)
: (Disorderly or Disruptive Conduct in the
: Capitol Grounds or Building)
:
: 40 U.S.C. § 5104(e)(2)(F)
: (Act of Physical Violence in the Capitol
: Grounds or Building)
:
: 40 U.S.C. § 5104(e)(2)(G)
: (Parading, Demonstrating, or Picketing in
: the Capitol Building)

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
AND ARREST WARRANT**

I, Brittany Ausley, being first duly sworn, hereby depose and state as follows:

PURPOSE OF AFFIDAVIT

1. I make this affidavit in support of an application for an arrest warrant for FARHAD AZARI.

AGENT BACKGROUND

2. You affiant, Brittany Ausley, is a Special Agent with the Federal Bureau of Investigation (“FBI”), and, as such, am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C). I have been a Special Agent since 2019 and am currently assigned to the FBI’s Richmond Field Office Division Joint Terrorism Task Force (“JTTF”). Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent, I have participated in numerous investigations and have executed both arrest and search warrants. I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of violations of Federal criminal laws.

3. The facts in this affidavit come from my review of the evidence, my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. Except as explicitly set forth below, I have not distinguished in this affidavit between facts of which I have personal knowledge and facts of which I have hearsay knowledge. This affidavit is intended to show simply that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4.

BACKGROUND

5. The United States Capitol is secured 24 hours a day by United States Capitol Police (“USCP”). Restrictions around the United States Capitol include permanent and temporary security barriers and posts manned by USCP. Only authorized people with appropriate identification are allowed access inside the United States Capitol. On January 6, 2021, the exterior plaza of the United States Capitol was also closed to members of the public.

6. On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, located at First Street SE, in Washington, D. C. During the joint session, elected members of the United States House of Representatives and Senate met in the United States Capitol to certify the vote count of the Electoral College for the 2020 Presidential Election, which took 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 Michael R. Pence was present and presiding, first in the joint session, and then in the Senate chamber.

7. 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 United States Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the United States Capitol building and USCP were present, attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

8. At such time, the certification proceedings were underway, the exterior doors and windows of the Capitol were locked or otherwise secured. Members of the USCP attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and

by assaulting members of the USCP, as others in the crowd encouraged and assisted those acts.

9. 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 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.

10. 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 United States Capitol building without authority to be there.

STATEMENT OF FACTS SUPPORTING PROBABLE CAUSE

A. The Defendant

11. On January 14, 2021, an individual (“Witness-1”) contacted the FBI to report two individuals who had entered the Capitol building on January 6, 2021. Witness-1 reported the following, among other things:

a. On January 6, 2021, Witness-1 was with Individual-1, watching the news as rioters breached the U.S. Capitol building.

b. Individual-1’s close family member, whose last name was “Azari,” was one of the first people to breach a barrier near the Capitol building and also entered the Capitol building with his father. Witness-1 did not know the father’s name and only knew the family member’s last name and that he was in his thirties. Both the family member and his father lived in Richmond, Virginia. The father had previously owned a particular business (“Business-1”).

c. Individual-1 told Witness-1 about what “Azari” and his father were doing and showed Witness-1 photographs and videos that they had sent to Individual-1 of their activities, as well as of government documents.

12. On or about January 16, 2021, the FBI received an anonymous tip from an individual (“Witness-2”) that “Francis Azari” had been bragging about being part of the Capitol insurrection on January 6, 2021. “Azari” showed Witness-2 videos he had taken of storming the building and breaking windows, as well as photographs of his father sitting in Nancy Pelosi’s chair.¹ Witness-2 also identified Azari’s employer (“Employer-1”) and phone number (the “Farbod Phone”).

13. Based on a review of law enforcement databases and employment records, the FBI determined that Farbod Azari (“FARBOD”) and FARHAD AZARI had addresses in Richmond, Virginia, and that Farbod was associated with the Farbod Phone and worked at Employer-1. I am also aware that, in connection with a separate investigation, an FBI Special Agent interviewed FARHAD AZARI at Business-1.

14. On February 2, 2021, I interviewed Witness-1, who informed me of the following:

a. On January 6, 2021, Witness-1 and Individual-1 were watching television as the events described in paragraphs 6-8 began.

b. Individual-1 showed Witness-1 pictures and videos on his/her phone that had been sent by his/her close family members—who I have identified as FARHAD AZARI and his son, Farbod Azari -- and which showed both AZARI and Farbod at the U.S Capitol that day.

¹ The FBI has not identified any images of AZARI sitting in a chair in Nancy Pelosi’s office and/or office suite.

c. One video showed AZARI and Farbod breaking through a police barricade and running up the steps of the Capitol and inside the building while the police were retreating. According to Witness-1, the video showed that AZARI and Farbod were among the first ones to break through the barrier and enter the Capitol building.

d. Another video depicted Farbod standing on a concrete stair railing of the Capitol building, screaming to people that it was “1776” and to come up and enter the building. Farbod was screaming history quotes and inciting people, saying “We are going to break through.”

e. Individual-1 showed Witness-1 images of documents from House Speaker Nancy Pelosi’s office, as well documents from several other offices in the Capitol building, which had been sent by AZARI and Farbod. The offices were ransacked and AZARI and Farbod were present inside them.

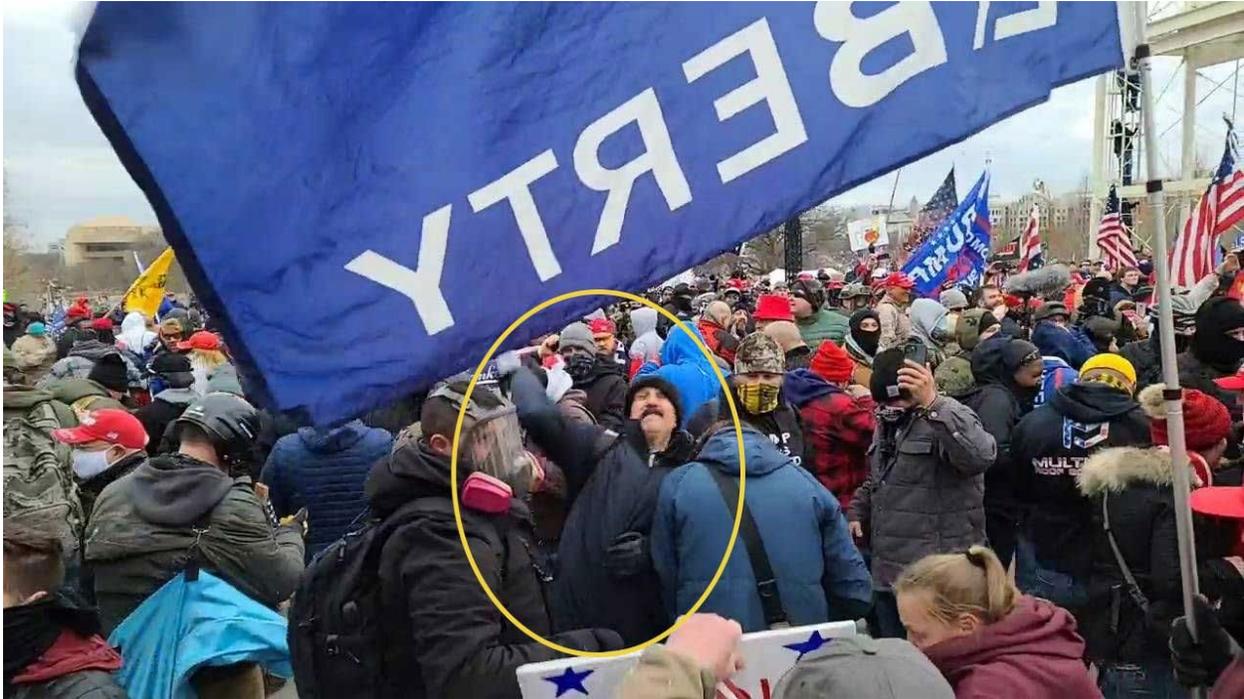
f. Individual-1 also showed Witness-1 text messages from Farbod, one of which read “We are warriors, we did that.”

g. Individual-1 sent some of the videos and images to Witness-1, which Witness-1 forwarded to the FBI.

15. On April 13, 2021, I interviewed Individual-1. Individual-1 initially stated that s/he did not know if AZARI or Farbod went to the Capitol on January 6, 2021. After I informed Individual-1 that I believed s/he had photographs and videos of AZARI and Farbod inside of the Capitol and had shared those videos, Individual-1 stated that s/he did not have Facebook and did not share any videos online. Individual-1 also stated that AZARI and Farbod were not at the Capitol on January 6, 2021.

16. I have reviewed open source videos from the vicinity of the U.S. Capitol on January 6, 2021, including a video that appears to show an individual with a full, dark mustache, wearing

a dark jacket, a black backpack, and a dark knit cap, in the process of throwing a water bottle in the direction of officers as depicted below:



17. I have reviewed a photograph of AZARI from the Virginia DMV, and, as discussed further below, I have interviewed AZARI in person.² Based on my review of the DMV photograph, body-worn camera (“BWC”) from the Metropolitan Police Department (“MPD”), open source video, and my interaction with AZARI, I believe that AZARI is the individual pictured in the image in paragraph 16, above and other photographs and video from January 6, 2021, described below.

² At the time of the interview, AZARI had a full beard that covered the lower part of his face, whereas the individual in the images from January 6, 2021 has a full mustache, but no beard. AZARI has a moustache but no beard in his driver’s license photograph. On April 16, 2021, a Task Force Officer with the FBI emailed with a neighbor of Farbod who had met AZARI on several occasions. The neighbor reported that s/he did not recall seeing AZARI with a beard prior to January 6, 2021 and that AZARI had always been clean shaven.

B. The Defendant's Conduct on January 6, 2021

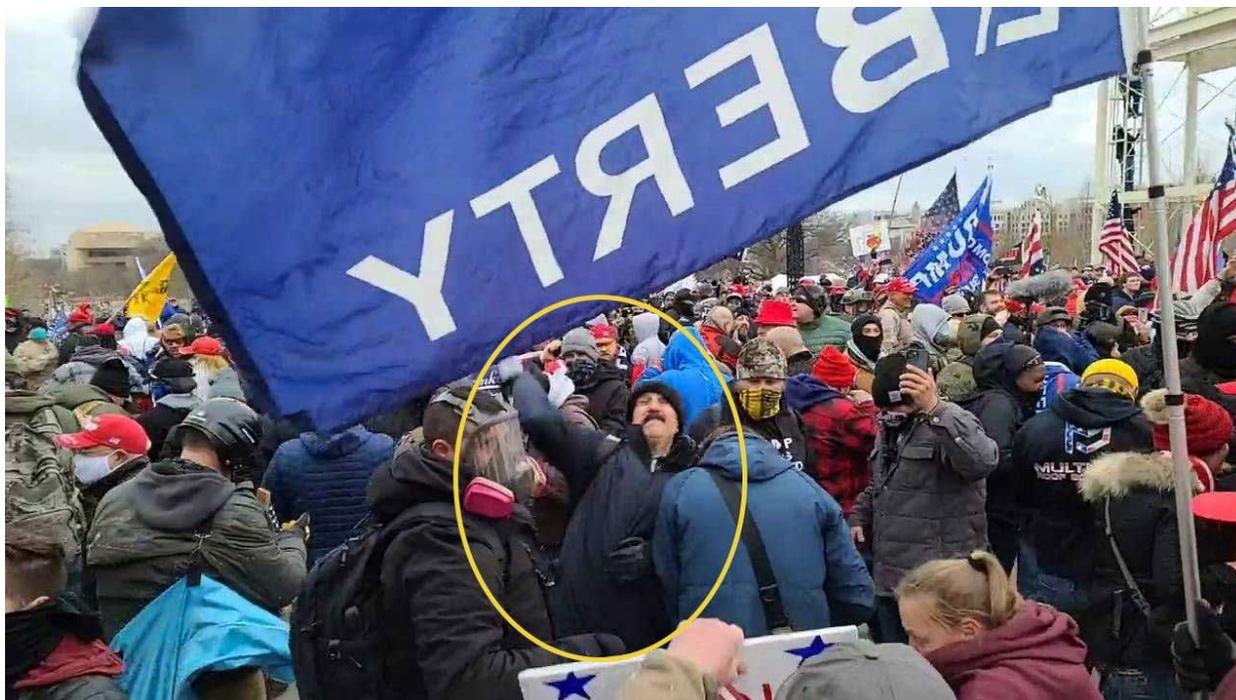
18. Based on my review of BWC footage from MPD officers that responded to the Capitol on January 6, 2021, USCP CCTV footage, and other publicly available video footage, I have observed that, on January 6, 2021, AZARI was wearing a dark, hip-length jacket, a dark knit cap, khaki pants, and a black backpack with the Under Armour logo visible on the back.

19. By approximately 1:12 p.m., police officers cleared rioters from a small area on the south side of the West Plaza of the Capitol building. Officers attempted to erect metal bike-rack style fencing between rioters and the Capitol building, including along at the top of a set of steps on the West Plaza.

20. AZARI was positioned toward the front of a group of rioters on the West Plaza of the Capitol building. Publicly available video depicts AZARI throwing a water bottle toward the line of officers.



(AZARI's hand holding water bottle, circled in yellow)



(AZARI, circled in yellow, holding water bottle and preparing to throw the bottle)

21. According to a review of BWC, at approximately 1:13 p.m., AZARI kicks at an erected bike rack and then appears to push against the bike rack, along with other rioters.



(AZARI, circled in yellow, kicking at a bike rack)



(AZARI, circled in yellow, appearing to push against a bike rack)



(AZARI, circled in yellow attempting to, with other rioters, break the police line)

22. Approximately 30 minutes later, publicly available video revealed AZARI in the crowd of rioters in the West Plaza.

23. BWC footage captures AZARI confronting a line of police officers on the north side of the West Plaza, near the foot of a set of stairs leading to the Upper West Terrace of the Capitol building at approximately 1:40 p.m.



(AZARI standing in front of line of officers with knit cap off and backpack on)

24. While confronting officers, AZARI attempts to kick an object on the ground in the direction of the officers and picks up a large staff or flagpole and hurls it at the line of officers.



(AZARI attempting to kick an object in the officers' direction)



(AZARI holding what appears to be a flagpole)



(AZARI and the flagpole, that appeared to be in his hand, in mid-air traveling in the direction of the officers)

25. Shortly after AZARI throws the flagpole, open source video shows him appearing hold an air horn in his right hand. Moments later, AZARI appears to throw an object, which appears to be the air horn, towards officers.



(AZARI, circled in yellow, standing in the crowd)



(AZARI, circled in yellow, holding what appears to be an air horn in his hand)



(object, which appears to be an air horn, in the air, circled in green)

26. Your affiant has reviewed surveillance video from the U.S. Capitol and observed AZARI enter the U.S. Capitol building via the Senate Wing Doors at approximately 2:14 p.m. through a broken window while holding his cellular telephone device in his hand.



(AZARI, circled in yellow, entering the Capitol via a broken window)

27. AZARI then proceeded towards the Crypt. While in the Crypt, AZARI appeared, at times, to attempt to calm rioters.³ At another time, AZARI appeared to attempt to direct rioters. AZARI also appeared to take photographs and/or videos while inside of the Crypt before returning to the Senate Wing Door area. While there, AZARI appeared to try and stand between the officers and the rioters. AZARI later exited the Capitol at approximately 2:35 p.m. via the same broken Senate Wing Door window from which he entered.

28. At approximately 2:46 p.m., AZARI reentered the Capitol building via the Parliamentarian doors and entered an office.

³ Publicly available video also depicts AZARI appearing to place himself between rioters and officers in an attempt to protect the officers.



*(AZARI, circled in yellow, after entering via the Parliamentary doors
and then entering an office)*

AZARI then left the Capitol building via the Parliamentary doors at approximately 2:50 p.m., exiting onto the plaza outside of the Senate Wing Doors.

29. AZARI remained in the area of that plaza for at least 30 minutes. AZARI at times, appeared to stand between rioters and law enforcement officers and to attempt to keep rioters from escalating with officers. At times, AZARI also stood alone at moments or engaged in conversations with other rioters.

30. Based on records obtained from Apple, I know that an iCloud account in the name “Farhad Azari,” associated with the cellular telephone number XXX-XXX-1444 (“AZARI’s cellular telephone phone”) and the email address FarhadAzari60@icloud.com⁴ was activated on or about February 8, 2019.

⁴ Based on my review of DMV records, I know that AZARI was born in 1960.

31. Based on information lawfully received from T-Mobile, cellular telephone number XXX-XXX-1444 was registered to Esmat Azari, AZARI's wife, on or about January 6, 2021.

32. Based on my review of records obtained from the T-Mobile, I know that AZARI's cellular telephone was active prior to and on January 6, 2021 and was deactivated prior to March 23, 2021, and that, on March 23, 2021, a new subscriber activated an account associated with AZARI's cellular telephone. On January 6, 2021, a phone number associated with Farbod placed 27 phone calls to AZARI's cellular telephone number and received eight calls from AZARI's cellular telephone number. I therefore believe that, from at least February 8, 2019 until at least March 23, 2021, AZARI was the user of AZARI's cellular telephone number.

33. Cell site records from T-Mobile revealed that on January 6, 2021, the device assigned AZARI's cellular telephone number traveled from Richmond, Virginia to Washington, D.C. Those same records show that the device assigned AZARI's cellular telephone number was in Washington D.C. from approximately 12:56 p.m. until approximately 6:22 p.m. Finally, those same records show that device assigned AZARI's cellular telephone number was back in Richmond, Virginia by approximately 8:55 p.m.

C. Interview with the Defendant and Farbod

34. On April 13, 2021, I and other FBI agents interviewed AZARI and Farbod regarding their activities on January 6, 2021.⁵ During the interview, AZARI confirmed that Farbod was his son and that he was related to Individual-1. AZARI stated that he did not agree with the violence that occurred at the Capitol on January 6th. When agents explained that they had seen video footage of him inside and outside of the Capitol building, AZARI denied being at the Capitol on January 6, 2021 and said that the images and video could be any "brown man."

⁵ Farbod arrived as I was interviewing AZARI at Farbod's residence.

He also said that the FBI would not find his DNA at the scene. Both AZARI and Farbod stated that, on January 6, 2021, they had been at Farbod's house all day.

CONCLUSION

35. Based on the foregoing, your Affiant submits that there is probable cause to believe that FARHAD AZARI violated:

a. 18 U.S.C. §§ 111(a)(1) (Assaulting, Resisting, or Impeding Certain Officers or Employees), which makes it crime to forcibly assault, resist, opposes 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,. For purposes of Section 1114 of Title 18, a designated person means any officer or employee of the United States while engaged in the performance of official duties, or any person assisting such an officer or employee in the performance of such duties;

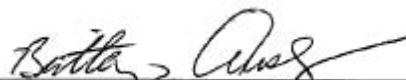
b. 18 U.S.C. §§ 111(a)(1) and (b) (Assaulting, Resisting, or Impeding Certain Officers or Employees with a Deadly or Dangerous Weapon), which make it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in Section 1114 of Title 18 while engaged in or on account of the performance of official duties, using a deadly or dangerous weapon. For purposes of Section 1114 of Title 18, a designated person means any officer or employee of the United States while engaged in the performance of official duties, or any person assisting such an officer or employee in the performance of such duties;

c. 18 U.S.C. § 231(a)(3) (Civil Disorder), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects

commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes;

d. 18 U.S.C. § 1752(a)(1), (2), and (4) and (b)(1)(A) ((Entering and Remaining in a Restricted Building or Grounds, Disorderly and Disruptive Conduct in a Restricted Building and Grounds, and Act of Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon)), 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; and (4) knowingly engages 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 provides additional penalties for anyone who, during an in relation to the offense uses or carries a deadly or dangerous weapon. 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; and

e. 40 U.S.C. § 5104(e)(2), (D), (F), and G) (Violent Entry and Disorderly Conduct), 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; (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.



Special Agent Brittany Ausley

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 13th day of January 2023.

G. MICHAEL HARVEY
UNITED STATES MAGISTRATE JUDGE