

## STATEMENT OF FACTS

On January 6, 2021, I was on duty and performing my official duties as a Detective with the District of Columbia Metropolitan Police Department (MPD), specifically assigned to the Mass Processing center. 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.

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 session resumed.

District of Columbia Mayor Muriel Bowser declared a public emergency in the District of Columbia (Mayor's Order 2021-001, pursuant to 24 DCMR § 2203.2.), which resulted in a District-wide curfew commencing at 6:00 p.m. on Wednesday, January 6, 2021 and ending at 6:00 a.m. on Thursday January 7, 2021.

At approximately 9:20 p.m. MPD officers made contact with a group of individuals to include Joshua PRUITT in the 1000 block of 14<sup>th</sup> St. NW, Washington, D.C. MPD Inspector J. Glover issued at least three warnings for PRUITT and the other individuals to disperse and go inside pursuant to the curfew. PRUITT and others did not comply and were then arrested pursuant to the curfew order.

After PRUITT was arrested and while being processed at the Mass Processing Center, MPD Investigator Emma Hicks noticed that PRUITT appeared to be an individual that Investigator Hicks observed in an open source image (currently on The Washington Post website) unlawfully

entering the United States Capitol earlier in the day. Upon review of the image, we confirmed that PRUITT appear to be the same individual depicted in the photograph, as he was wearing the same clothing, had the same facial features, hair style, facial hair, and tattoo. MPD Investigator Hicks and I proceeded to interview PRUITT.

We issued PRUITT his Miranda warnings and at approximately 12:16 a.m. on January 7, 2021; PRUITT waived his Miranda rights and elected to speak to us. During the interview, PRUITT identified himself as the person depicted in the photograph and stated that he entered the United States Capitol on January 6, 2021, after others had breached the Capitol. PRUITT further stated that while inside the Capitol, he did not engage in any unlawful activity and was only attempting to de-escalate others who had entered the Capitol.

I submit that there is probable cause to believe that PRUITT violated 18 U.S.C. § 1752(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; (3) knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions, obstruct or impede ingress or egress to or from any restricted building or grounds; 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 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.

  
D11-1456  
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DETECTIVE YAROSLAV BABICH  
METROPOLITAN POLICE  
DEPARTMENT

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 7th day of January, 2021.

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G. MICHAEL HARVEY  
U.S. MAGISTRATE JUDGE