

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America

v.

[Redacted]
JAMES HAFFNER
[Redacted]

Defendant(s)

) Case: 1:21-mj-00672
) Assigned to: Judge Meriweather, Robin M.
) Assign Date: 11/30/2021
) Description: COMPLAINT W/ ARREST WARRANT
)

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 [Redacted] in the
District of Columbia, the defendant(s) violated:

Code Section

- 18 U.S.C. § 231(a)(3)
18 U.S.C. § 1752(a)(1) and (2),
40 U.S.C. § 5104(e)(2)(D) and (F),
18 U.S.C. § 111(a) (HAFFNER ONLY)

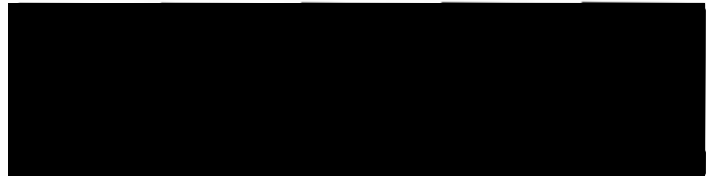
Offense Description

- Obstruction of Law Enforcement During a Civil Disorder
Unlawful entry on restricted buildings or grounds Violent
Entry and Disorderly Conduct on Capitol Grounds
Assaulting, Resisting or Impeding Certain Officers or
Employees

This criminal complaint is based on these facts:

See attached Statement of Facts.

[] Continued on the attached sheet.



Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/30/2021

City and state: Washington, D.C.

Robin M. Meriweather
2021.11.30 12:24:58
-05'00'

Judge's signature

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

1. Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation (FBI) and has been so employed since May 2018. As an FBI Special Agent I have received extensive training in a variety of investigative of federal and state law. As such, I am an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Titles 18 and 21 of the United States Code. During my employment with the FBI, I have participated in various violent crime investigations. These investigations have given me experience in preparing and assisting in the preparation of court orders and search warrant applications. Additionally, during the course of these and other investigations, I have also conducted or participated in physical and electronic surveillance, assisted in the execution of search and arrest warrants, debriefed informants, interviewed witnesses and suspects, and reviewed other pertinent records. In addition to my regular duties, I am currently also tasked with investigating criminal activity that occurred in and around the Capitol grounds on January 6, 2021.

2. I submit this offense solely for the purpose of establishing probable cause to believe that Ronald LOEHRKE and James HAFFNER and committed violations of 18 U.S.C. §§ 231(a)(3) and 1752(a)(1) and (2), and 40 U.S.C. § 5104(e)(2)(D) and (F) on or about January 6, 2021, and that HAFFNER committed an additional violation of 18 U.S.C. § 111(a) on that date. It does not contain all facts known to law enforcement or to me regarding this investigation.

BACKGROUND ABOUT THE U.S. CAPITOL

3. 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.

4. 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.

5. 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.

6. 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, 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.

7. 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.

8. During national news coverage of the aforementioned events, video footage, including that 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.

**LOEHRKE AND HAFFNER’S PARTICIPATION IN THE
JANUARY 6 RIOT AT THE CAPITOL**

9. LOEHRKE was born in 1991, and as of January 6, 2021, resided near Seattle, Washington. LOEHRKE has since moved to the Atlanta, Georgia area.

10. HAFFNER was born in 1968, and as of January 6, 2021, resided near Seattle, Washington. HAFFNER has since moved to the Sturgis, South Dakota area.

11. Pursuant to legal process, law enforcement searched the contents of Ethan Nordean’s mobile device, including communications with other individuals who were involved in the events of January 6, 2021.¹ The data revealed that on or about January 5, 2021, Nordean placed one call to number XXX-XXX-7221, which is listed in Nordean’s contacts as “Ron (Lisa Friend).” Subsequent records obtained from the mobile phone provider for that number established that it is registered to LOEHRKE.

¹ Ethan Nordean is charged in connection with the events of January 6, 2021, in the District of Columbia in Case No. 21-cr-175 (TJK).

12. Text-message communications between Nordean and LOEHRKE, using XXX-XXX-7221 and recovered from Nordean's phone, revealed that on or about December 27, 2020, Nordean asked LOEHRKE if LOEHRKE was coming to "DC." After LOEHRKE answered in the affirmative, on or about December 29, 2020, Nordean told LOEHRKE, that he wanted LOEHRKE "on the front line" with him. LOEHRKE responded with, "Sounds good man," and indicated that he was bringing three "Bad mother fuckers [sic]" with him.

13. Records provided by a U.S. cell phone provider showed that LOEHRKE's number, XXX-XXX-7221, was in contact with XXX-XXX-9835 a total of 106 times, including on nine occasions between December 19, 2020, and January 7, 2021. XXX-XXX-9835 is registered to HAFFNER's wife, and it was provided as a contact number for HAFFNER (but not his wife), according to information provided by a U.S. bank at which HAFFNER and his wife jointly hold a checking account.

14. In the morning of January 6, 2021, LOEHRKE met up with other individuals at the Washington Monument. He is depicted in the Images 1 and 2 below, circled in yellow in a distinctive plaid jacket, with a maroon hoodie underneath, and a white, and light blue baseball cap bearing a distinctive "Cummins Oil" logo.² For the reasons detailed in the identification section below, I submit that there is probable cause to believe that the individual depicted below and in this distinctive clothing in and around the Capitol on January 6, 2021, is LOEHRKE.

² Throughout this affidavit, LOEHRKE is circled in yellow and HAFFNER is circled in green.



Image 1



Image 2

15. After the meet-up at the Washington Monument, LOEHRKE was observed marching near the front of a group of individuals on Constitution Avenue, Northwest, in the area around First Street, Northwest. The group was engaged in various chants and response calls, including “Fuck Antifa!” and “Whose streets? Our streets!” In front of LOEHRKE, and also marching at the front of the group, is Nordean, whose text messages with LOEHRKE from prior to January 6, 2021, are laid out above. Image 3 below is a screenshot from a video depicting these actions. LOEHRKE is circled in yellow, and Nordean is circled in red.

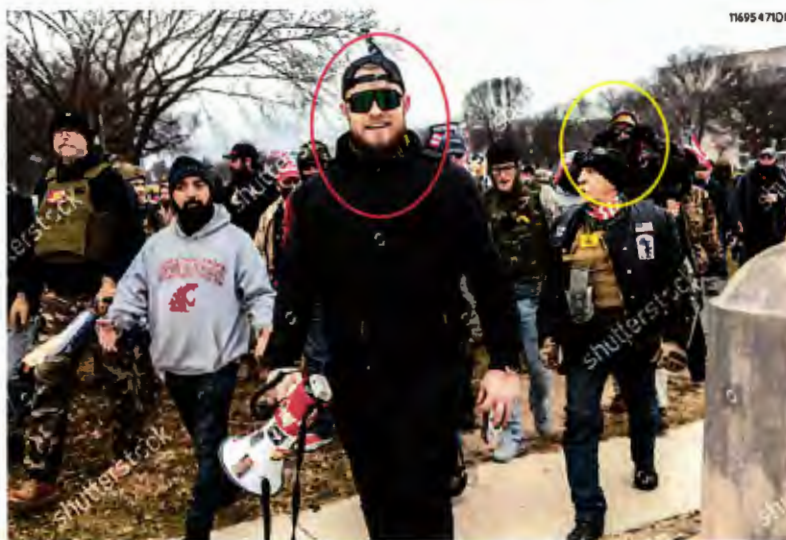


Image 3

16. HAFFNER can also be seen marching with this same group on multiple different publicly available photographs and videos. In one example below, Image 4, HAFFNER and LOEHRKE can be seen near each other when the group stopped at a group of food trucks near the intersection of Constitution Ave NW and Second Street NW. For the reasons stated in the identification section below, I submit that there is probable cause to believe that the individual circled in green throughout this affidavit is HAFFNER.



17. Shortly before 1:00 p.m., a large crowd gathered near the pedestrian entrance to the Capitol grounds on First Street. The entrance was secured by a small number of U.S. Capitol Police, who stood behind a waist-high metal barrier. Image 5, which is a screen shot from publicly available video, depicts this.



Image 5

18. Shortly after Image 5 was captured on video, two men advanced toward the waist-high metal gate. The crowd followed, and within minutes, the crowd overwhelmed the U.S. Capitol Police officers seen at the top of the steps in the image above. The crowd then advanced toward

the U.S. Capitol. In additional video footage, LOEHRKE can be seen helping another individual over a rail perpendicular to this barricade, and shortly thereafter, waving protestors towards the Capitol, wearing the distinctive outfit described above.



Image 5



Image 6

19. After overwhelming the pedestrian gate near the Peace Monument, the crowd advanced on the U.S. Capitol, where another line of U.S Capitol Police and barricades attempted to stop the crowd from advancing to the walls of the building. Near the entrance to the plaza to the west of the Capitol (“West Plaza”), USCP were guarding another set of barricades, along with more permanent fences, as the crowd advanced up the walkway from the Peace Monument. LOEHRKE moved along a concrete wall, followed by HAFFNER shortly thereafter. LOEHRKE and HAFFNER then climbed back over the concrete wall, and they jointly assisted a couple of other rioters in doing the same, before moving towards the fences, guarded by USCP, separating the rioters from the West Plaza. Screenshots of a publicly available video showing this sequence are below, Images 7 and 8.

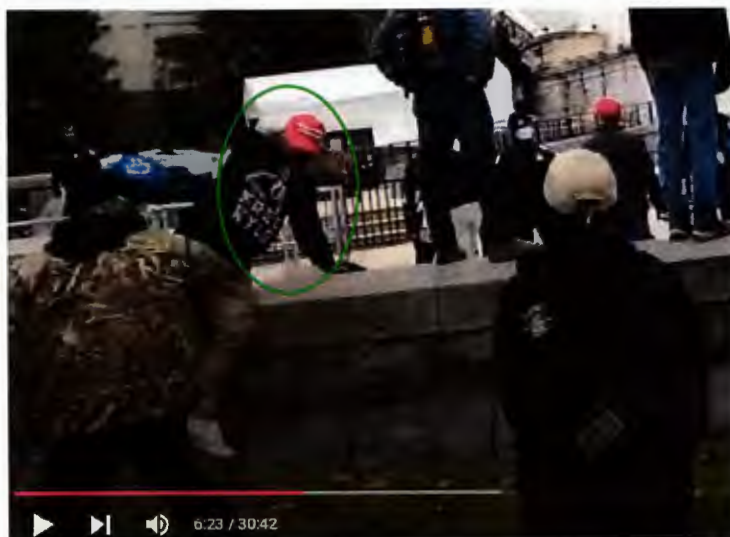


Image 7



Image 8

20. Shortly thereafter, rioters toppled that fence and rushed past it into the West Plaza. Thousands of rioters followed. LOEHRKE, followed shortly thereafter by HAFFNER, was one of the first across the trampled barricades and into the West Plaza, as depicted in Image 9 below.



Image 9

21. Once inside the West Plaza, a group of USCP officers in riot gear formed a line between rioters and the building proper. HAFFNER and LOEHRKE positioned themselves near the front of this line, next to each other, as depicted in Image 10 below.



Image 10

22. As rioters were standing outside of the Capitol, LOEHRKE could also be seen addressing a group saying that they were being “stopped by twenty-five officers. Don't back down, patriots! The whole fucking world is watching. Stand the fuck up today!” A screenshot from this video is included as Image 11. HAFFNER was nearby as LOEHRKE was doing so.



Image 11

23. At some point thereafter, LOEHRKE and HAFFNER proceeded to the east side of the Capitol, along with other rioters. Along the way, LOEHRKE was captured on video participating with others in trampling a plastic fence that had impeded the rioters' progress. A screenshot from that video is below, labeled as Image 12.



Image 12

24. LOEHRKE and HAFFNER advanced with other rioters to the east front of the Capitol, where they dismantled police barricades, first at a pedestrian entrance near outside the northeast corner of the Capitol. A screenshot is below, labeled as Image 13, from a video which shows HAFFNER helping to drag a police barricade aside, while USCP officers were on just the other side of it. Seconds after the screenshot below was taken, the camera pans to the right and LOEHRKE appears on screen.



Image 13

25. HAFFNER and LOEHRKE advanced with the crowd past the police line pictured above and continued marching towards the plaza to the east of the Capitol building (“East Plaza”). According to publicly available video evidence, LOEHRKE and HAFFNER directly participated in the dismantling of these barricades at the edge of the East Plaza. In the first instance, LOEHRKE was caught on video tugging on a barricade as U.S. Capitol Police were attempting (ultimately futilely) to keep it standing on the other side. HAFFNER joined in moving and ultimately stacking police barricades, helping to allow other rioters access to the Capitol’s east front. Screen shots of one of Haffner’s efforts in that regard is below, labeled as Images 14 and 15.



Image 14



Image 15

26. After the breach of barricades described in the previous paragraph, LOEHRKE can

be seen moving to another set of barricades, some of which had just been re-positioned by USCP, dragging those barricades aside, and encouraging other rioters with words to the effect of, "Let's go! Get in there!" A screenshot from a video of this second instance is depicted in Image 16 below.



Image 16

27. After reaching the stairs at the east side of the Capitol, LOEHRKE and HAFFNER made their way towards the front of the crowd, which began chanting outside the Columbus Doors entrance to the Capitol, which is adjacent to the Rotunda. There were a small number of USCP officers stationed outside the Columbus Doors.

28. LOEHRKE and HAFFNER made their way up the stairs on the Capitol's east side, and to the Columbus Doors, where they stood next to each other a few rows back in a crowd attempting to breach those doors. HAFFNER raised up his hand and sprayed an aerosol substance at USCP officers who stood a few rows ahead of them, trying to guard the Columbus doors. Image 17 below, which is a screenshot from a publicly available video, shows HAFFNER's position within the crowd, and his position next to LOEHRKE, shortly before one such spray assault. A

USCP officer, whose knit hat bears the USCP logo, is circled in red.³ The video then shows HAFFNER move in front of and to the left of LOEHRKE. Image 18, taken approximately 30 seconds after Image 17, shows an individual reach up his arm and spray a substance at officers guarding the Columbus Doors. The position of this sprayer's arm is consistent with the location to which LOEHRKE can be seen moving on the video.

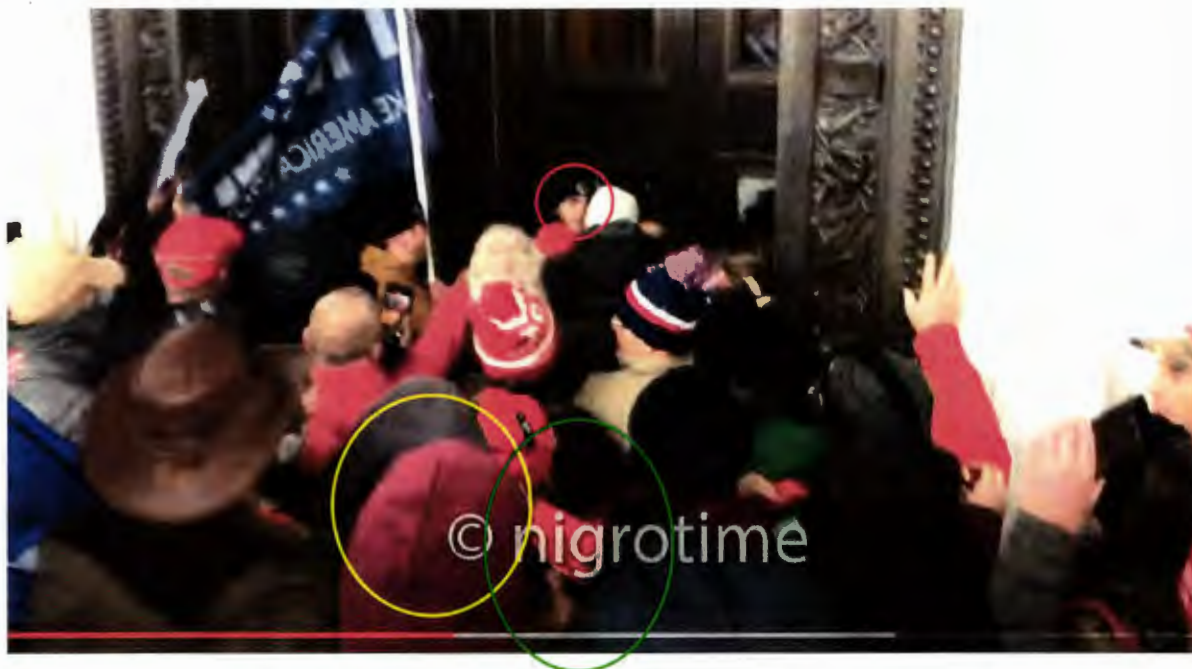


Image 17

³ Your affiant has reviewed other angles of this interaction, which confirm that there were multiple police officers stationed at the exterior of the Columbus Doors for the entirety of the events depicted below.

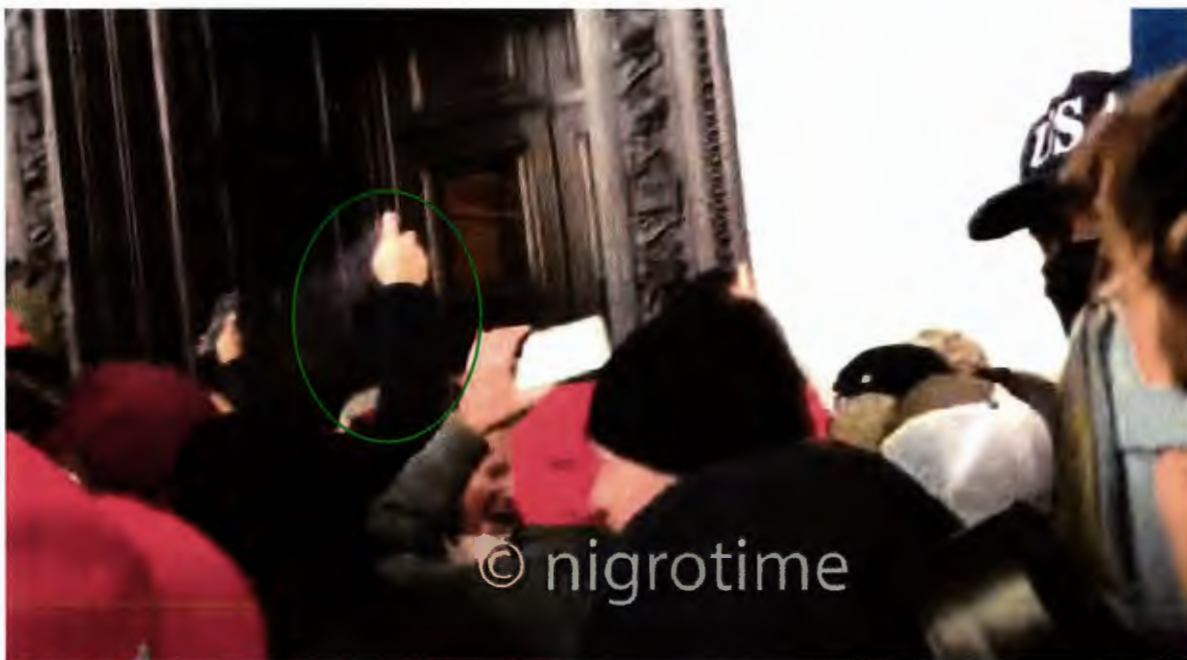


Image 18

29. Approximately 30 seconds after Image 18, HAFFNER can be seen in the bottom right corner of the same video, as depicted in Image 19. He then raises his hand and points a canister towards the Columbus Doors and the officers guarding them. A screenshot depicting this is below, labeled as Image 20. I have also reviewed a video showing a different angle of the same interaction, which shows a hand rise from the crowd and spray at officers. Based on my review of the context of the two videos, this happens at the same time and location as Image 20. The screenshot showing the hand and spray is labeled as Image 21 below. Shortly after HAFFNER sprayed at the officers as depicted in the below images, the rioters breached the Columbus Doors and entered the Capitol. HAFFNER and LOEHRKE entered through those doors as well.



Image 19



Image 20



Image 21

30. Inside the Capitol, LOEHRKE was captured on video and numerous still photos, including in a confrontation with police and inside Senator Merkley's office. *See* Images 22 and 23, below. HAFFNER, meanwhile, was captured on video, apparently in possession of some sort of aerosol can. *See* Images 24 and 25, below.



Image 22



Image 23

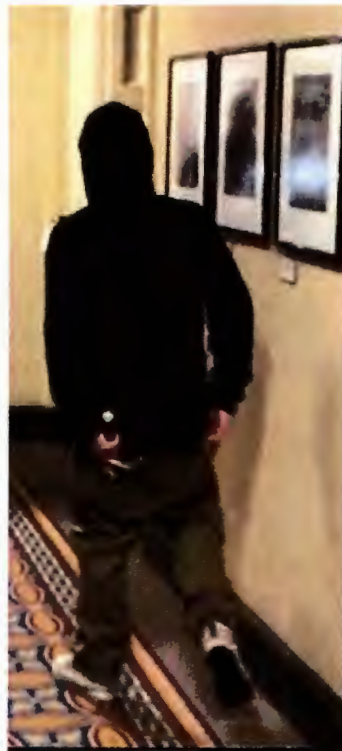


Image 24

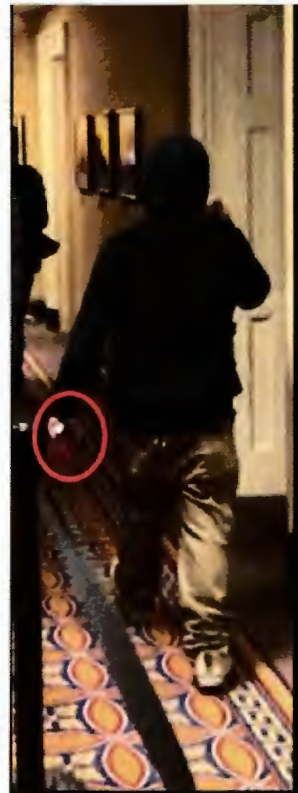


Image 25

Identification of LOEHRKE

31. Law Enforcement has spoken to an individual (“W-1” for purposes of this affidavit) who has known LOEHRKE for years, although W-1 last had contact with LOEHRKE more than five years ago. W-1 was shown photographs, including the images below labeled as Images 26, 27, and 28. W-1 stated that Image 26 was LOEHRKE, and that Images 27 and 28 (the latter of which is from January 6, 2021) looked like LOEHRKE.

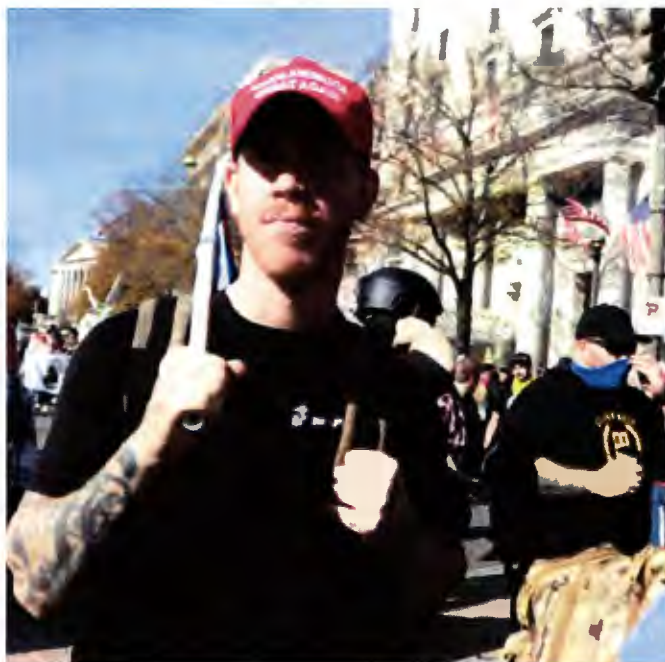


Image 26



Image 27



Image 28

32. Your affiant is aware of a video taken outside of a hotel in downtown Washington, D.C. on or about January 5, 2021, which depicts an individual matching the known photographs of LOEHRKE, who was wearing a hat and neck gaiter that appear identical to those LOEHRKE was photographed in on January 6, 2021. Those photographs show hand tattoos that appear to be identical to those depicted in Images 14 and 15 above, particularly the word “stay” on LOEHRKE’s right knuckles and the outline of a rose on the top of his hand. Images from the January 5 video, showing the tattoos as they appeared that day are below, Image 29.⁴

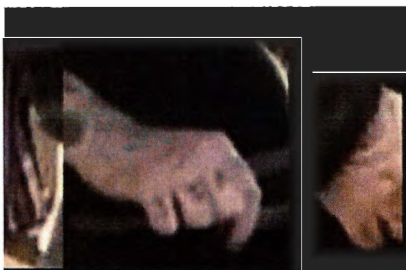


Image 29

33. Your affiant has also reviewed records obtained from a U.S. Airline, which establish that LOEHRKE flew from Seattle, Washington to the Washington, D.C. area on January 4, 2021, returning to Seattle on January 7, 2021. I am aware that commercial airlines require airline tickets to be issued in true name and date of birth of the traveler, that the traveler present valid identification, and that the traveler match the identifying details on the identification/ticket.⁵

⁴ W-1 stated to law enforcement that at the time W-1 knew LOEHRKE, LOEHRKE did not have any tattoos.

⁵ Your affiant is aware that the FBI received information in April 2021, in which a source opined that the individual wearing the plaid jacket, maroon hoodie, and Cummins Oil hat on January 6, 2021, was someone other than LOEHRKE (“Person 1”). The source does not personally know either LOEHRKE or Person 1. The source made his/her assessment based on comparing photographs of LOEHRKE from January 6, 2021, where only his nose and sunglasses are visible above his mask, with publicly available photographs of Person 1. The source opined that Person 1 and the photographs of LOEHRKE from January 6 possessed a similar-looking nose and sunglasses.

Identification of HAFFNER

34. According to records provided by a U.S. airline, HAFFNER traveled from Seattle, Washington to Washington-Reagan National Airport, via JFK Airport in New York, on January 5, 2021. He then returned from National Airport to Seattle, via Los Angeles International Airport, on January 7, 2021. I am aware that commercial airlines require airline tickets to be issued in true name and date of birth of the traveler, that the traveler present valid identification, and that the traveler match the identifying details on the identification/ticket.

35. According to information provided by a U.S. bank, a checking account jointly held by HAFFNER and his wife had a transaction with the U.S. airline mentioned in the previous paragraph, in the amount of \$911.60 on December 29, 2021, and with an online reservation service on December 30, 2021. According to records provided by the online reservation service, a reservation was made in the name of JAMES HAFFNER at a hotel in downtown, Washington, D.C., checking in on January 5, 2021, and leaving on January 7, 2021. According to information provided by that hotel, an individual named JAMES HAFFNER in fact stayed there on those dates.

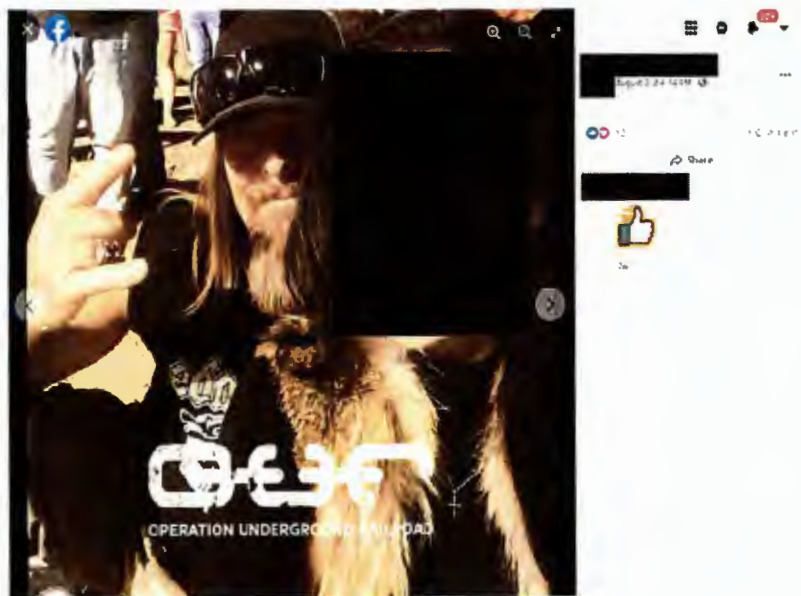
36. According to information provided by the same U.S. bank mentioned in the previous paragraph, an account solely held by HAFFNER used for transactions at the hotel in downtown Washington, D.C. where HAFFNER stayed from January 5-7, 2021, along with at an ATM a few blocks away from there, on January 5, 2021. The same account was used in transactions at Washington-Reagan National and Los Angeles International Airports on January 7, 2021.

37. Your affiant has reviewed HAFFNER's South Dakota driver's license photograph, which was taken shortly after January 6, 2021. That photograph appears to depict the same

individual above.

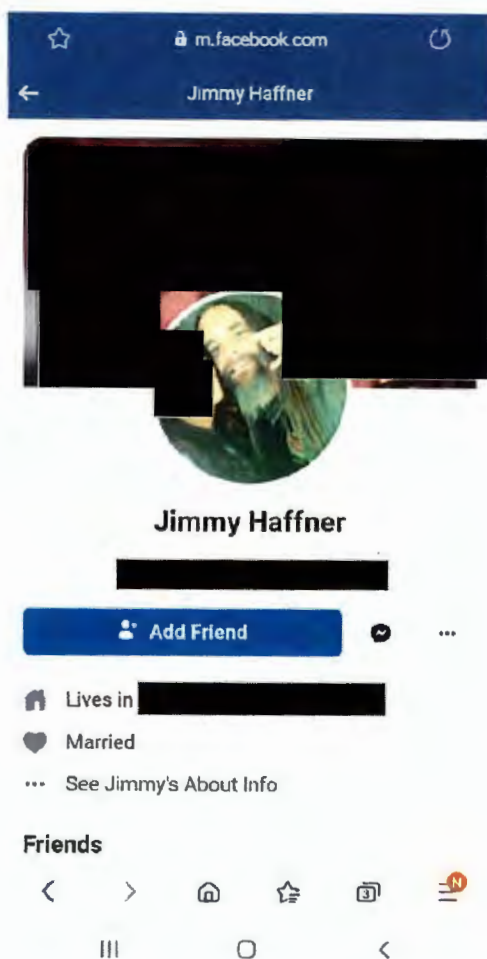
38. Your affiant has also reviewed a social media account in the name of HAFFNER's wife. That account includes multiple photos of a person who appears to be HAFFNER, and who appears identical in all material respects to the individual I have identified as HAFFNER above.

Two examples are below.



39. Your affiant has also learned that on January 8, 2021, a tipster submitted a

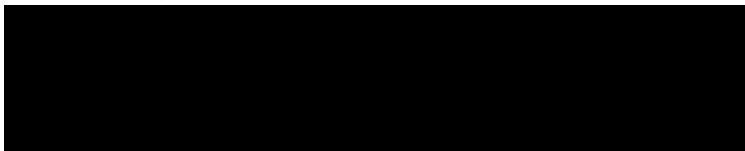
screenshot of a Facebook account in HAFFNER's name to the FBI's email tip box. The profile photograph associated with that account appears to be HAFFNER, and it also appears to be identical in all material respects to the individual I have identified as HAFFNER above. That screenshot is below.⁶



40. Based on the above information, your affiant submits that there is probable cause to believe that Ronald LOEHRKE and James HAFFNER committed violations of 18 U.S.C. §§ 231(a)(3) and 1752(a)(1) and (2), and 40 U.S.C. § 5104(e)(2)(D) and (F) on that date January 6, 2021, and that HAFFNER additionally violated 18 U.S.C. § 111(a) on that date.

⁶ Your affiant is also aware that at least as of August 25, 2021, the same account displayed its name as "Jim Haffner," and the profile photograph did not include a photograph of HAFFNER.

Respectfully,



Federal Bureau of Investigation

Subscribed and sworn pursuant to Fed. R. Crim. P. 4.1 and 41(d)(3) on November 30, 2021

Robin M. Meriweather

2021.11.30 09:59:08

-05'00'

ROBIN M. MERIWEATHER
UNITED STATES MAGISTRATE JUDGE