

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America

v.

Ryan Seth Suleski

DOB: [REDACTED]

) **Case: 1:21-mj-00282**
) **Assigned To : Meriweather, Robin M.**
) **Assign. Date : 3/5/2021**
) **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:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 1752(a) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority,	
40 U.S.C. § 5104(e)(2) - Violent Entry and Disorderly Conduct on Capitol Grounds,	
18 U.S.C. §§ 1512(c)(2), 2 - Obstruction of Justice/Congress, Aiding and Abetting,	
18 U.S.C. § 641 - Theft of Government Property.	

This criminal complaint is based on these facts:

See attached statement of facts.

¶ Continued on the attached sheet.



Complainant's signature

[REDACTED] **Special Agent**

Printed name and title

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

Date: 03/05/2021

2021.03.05

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Judge's signature

City and state: _____ Washington, D.C.

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

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent with the FBI. 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 violations of Federal criminal laws.

U.S. Capitol Police secure the U.S. Capitol 24 hours a day. 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. 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, 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.

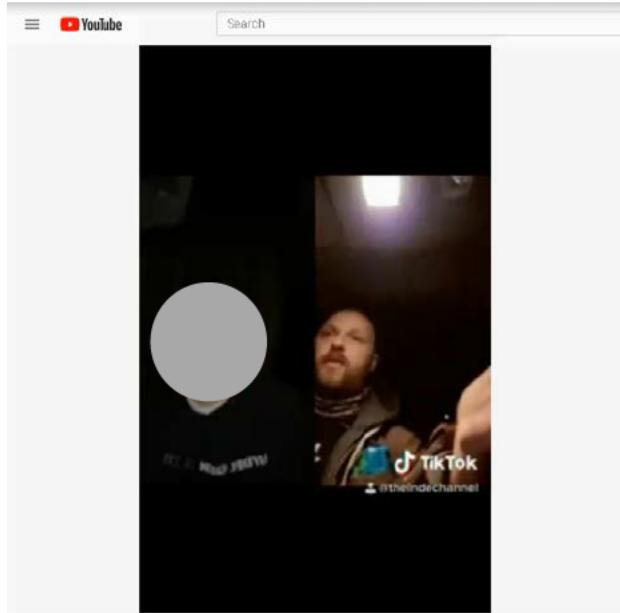
During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

On January 10, 2021, the Metropolitan Police Department (MPD) received a text tip with a link to the social media platform TikTok. The TikTok link led to video posted on a known TikTok user's account (hereinafter "User 1"); that video appeared to be a screen recording of a second video that had been posted on the TikTok page of the user "Mustafas_Pride." The video from the Mustafas_Pride TikTok account depicted an individual later identified as RYAN SETH SULESKI (SULESKI), speaking to the camera about the riots at the U.S. Capitol. In the video, SULESKI claimed that he was in the "initial wave of people that forced our way into the Capitol building." SULESKI went on to say that, he "got tear gas grenade" and "got hit with some rubber bullets." User 1's video then cut-off SULESKI's video and went on to criticize SULESKI.

User 1's video also screen recorded another, older video published on the Mustafas_Pride TikTok account, dated June 1, 2020. This second video showed an assault rifle with a scope lying on a table, and an extended magazine lying next to it. Text superimposed on the video read, "wanna come up to white neighborhoods...We Ready." SULESKI's name also appeared at the bottom of the post.



An open source internet search revealed a video posted to YouTube in which another known TikTok user (hereinafter “User 2”) posted the same TikTok video of SULESKI discussing the Capitol riots alongside a video of themselves (User 2) reacting to the video, known as a “duet.” See <https://www.youtube.com/watch?v=3QtNbVwKn4Q> (last visited Mar. 3, 2021).



The TikTok duet video posted to YouTube by User 2 is slightly longer in length than the video posted by User 1, and contains additional statements by SULESKI. In the video posted by User 2, SULESKI began by saying, “So, I’m pretty sure everybody’s been watching the news about what happened in Washington, D.C. today.” He also reported that he “got a CS gas canister dropped on” him. SULESKI stated that, “today was fucking nuts. But, we got our point across. We showed how weak their defense was. And we showed Congress that America is tired of being fucking quiet and that we’re about that life.”

On January 13, 2021, an identified individual (hereinafter “Witness 1”) called the FBI National Threat Operations Center and identified SULESKI as a person of interest (POI) depicted in a photograph on the MPD website. See https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/POIs%20of%20Interest_1.28.21.pdf (last visited Mar. 3, 2021). Witness 1 sent to the FBI what appears to be a screenshot of the MPD POI photograph.



Witness 1 reported that they heard from their relative that SULESKI and SULESKI's relative were saying that SULESKI had been inside the Capitol and that SULESKI had allegedly stolen mail from the Capitol. A follow up interview with Witness 1 revealed that Witness 1 did not know SULESKI personally and had never seen him in person. Witness 1 reported that they only knew SULESKI through Witness 1's relative; Witness 1's relative sent Witness 1 the photo of SULESKI. Reportedly, Witness 1's relative had not seen SULESKI in over a year.

On January 18, 2021, FBI agents went to SULESKI's residence, and interviewed SULESKI. SULESKI admitted to being inside the Capitol on January 6, 2021, but claimed that he left as soon as he was told to do so. SULESKI told the agents that he decided to attend President Trump's rally at the Ellipse in Washington, D.C. He stated that he did not plan on going into the Capitol, but wanted to be there to show support for President Trump. SULESKI reported that halfway through the rally, he heard people start talking about the Capitol, and he remembered January 6th was the date Congress certified the election results. SULESKI told the agents that he then remembered that protesters had been permitted into the Capitol during previous Supreme Court nomination proceedings, so he decided to go see if anyone would be let into the Capitol.

According to SULESKI, when he arrived at the Capitol, he saw a big crowd and did not think he would get in to the building. He stated that he saw some barricades and wondered why they were there. SULESKI said that a moment later, a police officer spread apart one of the barricades and shot rubber bullets at the crowd, one of which struck SULESKI in the back of the leg. SULESKI claimed he still had the rubber bullet in his possession. SULESKI reported a tear gas canister then went off at his feet. SULESKI stated that he did not see any other barriers or knowingly cross them, and believed the crowd ahead of him must have moved them.

SULESKI reported that he went up the stairs to the Capitol and was taking pictures of the area when he realized that people were going into the Capitol building. SULESKI said that he

decided to follow, and entered the Capitol building through the West Entrance. According to SULESKI, when he was inside the Capitol building he observed people trying to break in through doors and windows at the East Entrance. SULESKI reported that once they broke in, the crowd from the East side started fighting with the police, and he went upstairs to get away from the fighting. SULESKI claimed that once he got upstairs, he looked down to “document what was happening.”

SULESKI told the agents that about 30 seconds later, police told him to leave the building, and he did so immediately. SULESKI estimated he was inside the Capitol building for approximately two minutes. SULESKI said that when he left, he ran into a BBC reporter and spoke with the reporter about what he saw inside the Capitol.

According to SULESKI, he was not wearing any kind of plate carrier or armor. He stated that he was wearing a t-shirt and a hooded jacket underneath a corduroy jacket, and blue jeans over pajama pants. SULESKI claimed that the only reason he entered the Capitol was because he saw other people enter. SULESKI further alleged that he did not see anyone fighting with the Capitol police until he was inside the building.

SULESKI confirmed that the TikTok video detailing his actions at the Capitol, referenced *supra*, was correct. He claimed that TikTok removed his account after his post regarding the Capitol. Your affiant would note that in the video posted on TikTok in which SULESKI described what occurred at the Capitol, he was wearing clothing consistent with the clothes he was captured wearing in photos at the Capitol. Indeed, his sunglasses with mirrored lenses, which he wore on his head at the Capitol, are visible in the pocket of his jacket in the TikTok video. This, along with the fact that SULESKI described in the video events that occurred in “Washington, D.C. today,” supports the conclusion that SULESKI recorded this video on January 6, 2021.

During the interview with agents, SULESKI advised that he is a Federal Firearms Licensed (FFL) dealer. A review of law enforcement databases revealed that SULESKI possesses an FFL through Obtuse Innovations LLC, which carries the same address as his residence. SULESKI is listed as member and manager of Obtuse Innovations on the FFL.

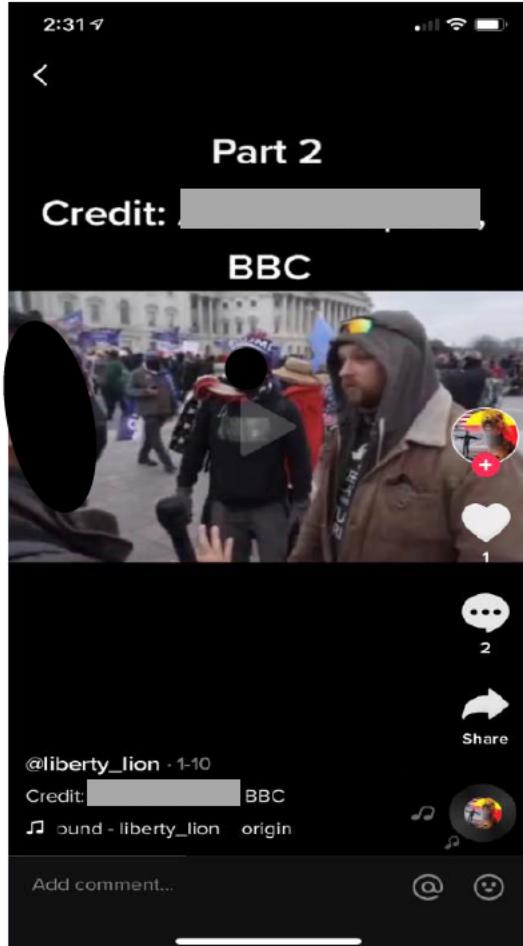
In a telephone follow-up interview on January 19, 2021, agents asked SULESKI about the allegation that he had stolen mail from the Capitol. SULESKI stated he did not take any property from the United States Capitol building. He acknowledged that he was carrying a tan backpack with him during his time inside the Capitol, and at one point retrieved his water bottle from the backpack, exposing the contents of the backpack. According to SULESKI, he could not think of anything he would have picked up or touched that was not already in his possession before entering the Capitol building, nor could he think of anything someone would have seen inside the backpack that would be concerning. Agents asked SULESKI if he still had the backpack in his possession. When SULESKI confirmed that he did, agents requested that he open the backpack and examine its contents. SULESKI stated that when he opened the backpack, he realized the backpack contained several loading slips from his job as a truck driver. SULESKI claimed that it was possible he moved some of the loading slips around in order to gain access to his water bottle, and someone observing him may have thought he picked up paperwork in the Capitol.

During this second interview, SULESKI reiterated multiple times he did not take any property from the United States Capitol. He also stated that when he entered the Capitol, he nodded at a Capitol Police officer, who nodded back, leading him to believe he was permitted to enter. SULESKI alleged that once he was told to leave the Capitol, he did so immediately.

On February 18, 2021, law enforcement interviewed an identified individual (hereinafter “Witness 2”). A follow-up interview was conducted on February 26, 2021. During those interviews, Witness 2 reported that they knew SULESKI for over one year and would see and interact with SULESKI on a periodic basis, approximately once or twice a month. For a period of several months, Witness 2 did not see SULESKI at all. When Witness 2 saw SULESKI again, SULESKI told Witness 2 that he had been inside the U.S. Capitol building. Law enforcement showed Witness 2 a picture of SULESKI inside the U.S. Capitol building, and Witness 2 identified SULESKI as the person depicted.



An open source review of TikTok revealed that a new account associated with SULESKI with the username “liberty_lion” is now active. The account includes several videos of SULESKI speaking to the camera about various topics. Also published on the “liberty_lion” TikTok account is a video of an interview by a BBC reporter with SULESKI. The post is dated January 10.



In the interview, the BBC reporter stated to SULESKI, contextually referring to the events of January 6, 2021, "That is just not how things are done in this country." SULESKI responded, "Right." The reporter went on to say, "Lawlessness, storming buildings, even, and that is what happened today." SULESKI countered, "This nation wasn't founded on civility. This nation was founded on revolutionary activity. We became civil after the government realized that they got overwhelmed." The reporter asked SULESKI, "So, what happens now?" SULESKI answered, "I guess now we wait and see if they take us seriously because they saw how easily we were able to breach their defense."

A review of surveillance footage from inside the Capitol building on January 6, 2021, captured a person consistent with SULESKI entering the building through the Upper West Terrace door at 2:35 p.m. The individual is wearing the same coat, distinctive black t-shirt with white lettering and an image of Texas, dark hooded coat/sweatshirt with the hood up, tan/brown jacket, and mirrored sunglasses on his head. The individual in the below photograph also appears to have a consistent build and complexion as SULESKI.



Surveillance footage from the same area captured an individual consistent with SULESKI entering the building from behind. This view shows SULESKI wearing a brown backpack with what appears to be a distinctive green t-shirt with yellow writing or images tied to the back of the backpack.



Surveillance footage shows that SULESKI walked through the double doors depicted in the above screenshot, and went up the stairs with the rest of the crowd.

Several minutes later, SULESKI, recognizable from the distinctive green t-shirt hanging from his backpack, was captured by surveillance video walking through the empty House Gallery

West hallway with two additional individuals. The trio walked all the way to the end of the hallway, where there were papers laying on the ground outside what appears to be an office.



Upon reaching the end of the hallway, SULESKI and the other individual picked up some of the papers, and looked at them.



The other individual dropped the papers back to the ground, but SULESKI kept the papers he had picked up. Indeed, he rolled them up and started to secret them inside his jacket.



SULESKI then changed his mind, took off his backpack, and placed the papers inside the backpack. Your affiant spoke with members of the U.S. Capitol Police, who advised that the papers taken by SULESKI were sitting outside the office of a known Congressman.



SULESKI placed the backpack back on his shoulders, and continued to walk through the Capitol building. No other individuals entered the hallway in the time that SULESKI was there. The screen shot of surveillance footage below captured the distinctive black t-shirt with white writing and the image of Texas, the sunglasses perched on top of the hood, and the tan/brown jacket SULESKI was observed wearing throughout the day on January 6, 2021.



A few minutes later, surveillance footage captured SULESKI walking through the Hall of Columns, and ultimately leaving the Capitol building.

Based on the foregoing, your affiant submits that there is probable cause to believe that RYAN SETH SULESKI 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 RYAN SETH SULESKI 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.

Further, your affiant submits there is probable cause to believe that RYAN SETH SULESKI violated 18 U.S.C. §§ 1512(c)(2) and 2, which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings.

Finally, your affiant submits there is probable cause to believe that RYAN SETH SULESKI violated 18 U.S.C. § 641, which makes it a crime for a person to embezzle, steal, purloin, or knowingly convert to his use or the use of another, or without authority, sell, convey or dispose of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof; or receive, conceal, or retain the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted.



Special Agent, FBI

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 5th day of March 2021.

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ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE