

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America)
v.)
ROBERT GIESWEIN) Case No.
)
)
)
Date of Birth: XXXXXXXXXX)
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 USC 111(a)(2) Assault on a federal officer	
18 USC 1361, 2 Aiding and Abetting Destruction of Federal Property	
18 USC 1512(c)(2) Obstruction of a federal proceeding	
18 USC 1752(a) Violent entry or disorderly conduct	
40 USC 5104(e) Knowingly entering or remaining in any restricted building or grounds without lawful authority	

This criminal complaint is based on these facts:

See attached statement of facts.

¶ Continued on the attached sheet.


Complainant's signature


Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
Telephone (specifically reliable electronic means).

Date: 01/16/2021

 2021.01.16
15:36:00 -05'00'

Judge's signature

City and state: Washington D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA : Case No:
: :
v. : 18 U.S.C. § 111(b)
: Assault on a Federal Officer)
ROBERT GIESWEIN : :
Defendant. : 18 U.S.C. § 1361
: Destruction of Government Property
: :
: 18 U.S.C. § 1512(c)(2)
: (Obstruction of an Official Proceeding)
: :
: 18 U.S.C. § 1752(a)
: (Restricted Building or Grounds)
: :
: 40 U.S.C. § 5104(e)(2)
: Violent Entry or Disorderly Conduct)
: :
: 18 U.S.C. § 2
: Aiding and Abetting)
: :
: **UNDER SEAL**

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

I, [REDACTED] being first duly sworn, hereby depose and state as follows:

PURPOSE OF AFFIDAVIT

1. This Affidavit is submitted in support of a Criminal Complaint charging ROBERT GIESWEIN with violations of 18 U.S.C. § 111(a)(2), 18 U.S.C. § 1361, 18 U.S.C. § 1512(c)(2), 18 U.S.C. § 1752(a), 40 U.S.C. § 5104(e), and 18 U.S.C. § 2, and I respectfully submit that this Affidavit establishes probable cause to believe that GIESWEIN 1) did forcibly assault, resist, oppose, impede, intimidate, and interfere with a federal officer using a dangerous weapon; 2) did aid and abet the destruction of government property; 3) corruptly did obstruct, influence, or impede any proceeding before the Congress, 4) did knowingly enter or remain in any restricted building

or grounds without lawful authority, or did knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct; 5) did willfully and knowingly 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 any deliberations of either House of Congress. Specifically, on or about January 6, 2021, GIESWEIN traveled to Washington, D.C., assaulted and intimidated U.S. Capitol Police officers with a spray canister, temporary barrier, and baseball bat; knowingly and willfully joined and encouraged a crowd of individuals who forcibly entered the U.S. Capitol; impeded, disrupted, and disturbed the orderly conduct of business by the United States House of Representatives and the United States Senate; and obstructed, impeded, and interfered with a law enforcement officer carrying out duties incident to and during the civil disorder at the U.S. Capitol.

BACKGROUND OF AFFIANT

2. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) assigned to the Washington Field Office. I am a graduate of the FBI Academy at Quantico, Virginia and I have been an FBI Special Agent for over three years. In that time I have investigated several violations, to include counterterrorism. I have received training and I have gained experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, advanced open-source research, and various other criminal laws and procedures. Prior to my employment as an FBI agent, I served as an Infantryman and Captain in the Military Intelligence branch of the U.S. Army. In addition to this knowledge, I have had extensive training in federal law.

3. Unless otherwise stated, the information in this Affidavit is either personally known to me, has been provided to me by other individuals, or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause to support an application for an arrest warrant, it does not contain every fact known by me or the United States. The dates listed in this Affidavit should be read as “on or about” dates.

BACKGROUND

Incursion at the U.S. Capitol on January 6, 2021

1. The U.S. Capitol, which is located at First Street, SE, in Washington, D.C., 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.

2. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.

3. 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.

4. 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.

5. 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. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by U.S. Capitol Police Officers or other authorized security officials.

6. At such time, the certification proceedings 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 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, all proceedings of the United States Congress, including the joint session, were effectively suspended until shortly after 8:00 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol

without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 pm after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

8. 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.

ROBERT GIESWEIN

1. ROBERT GIESWEIN is a 24-year-old resident of Woodland Park, Colorado. GIESWEIN appears to be affiliated with the radical militia group known as the Three Percenters. For context, the Three Percenters (also referred to as 3 Percenters or III%ers) is a domestic militia that advocates for resistance to the U.S. federal government polices it considers to infringe on personal, local, and gun ownership rights. This group is loosely allied with the Oath Keepers, another anti-government militia, and has provided security services for various right-wing protests and movements. GIESWEIN has posted multiple pictures on his Facebook profile in which GIESWEIN flashes hand signs commonly used by the Three Percenters, while posing in front of a Three Percenters flag with others wearing clothing bearing Three Percenters logos. In addition, I believe based on social media postings that GIESWEIN runs a private paramilitary training group called the Woodland Wild Dogs. Notably, when GIESWEIN participated in the January 6, 2021 incursion of the U.S. Capitol as set forth below, a patch for the Woodland Wild Dogs was visible on the front of his tactical military-style vest.

STATEMENT OF FACTS SUPPORTING PROBABLE CAUSE

2. I have studied video footage and still photographs of the January 6, 2021, incursion of the Capitol, and have identified an individual in them as GIESWEIN through comparison of these images to GIESWEIN's Colorado driver's license photo and GIESWEIN's social media accounts. As described below, these images establish that on January 6, 2021, GIESWEIN assaulted federal officers outside of the Capitol; observed and encouraged other rioters as they broke a window of the Capitol building; entered the building through that broken window; and then charged through the Capitol building.

3. In all of the photographs and videos that capture GIESWEIN outside and inside the U.S. Capitol on January 6, 2021, GIESWEIN is in distinctive paramilitary gear. He is wearing a camouflage shirt underneath a reinforced military-style vest; an army-style helmet marked with orange tape and patches; goggles; and a black camouflage patterned backpack.

4. In one video taken at the Capitol on January 6 and posted online,¹ GIESWEIN is visible outdoors in a large crowd underneath a temporary Inauguration viewing stand. The crowd GIESWEIN is in is pushing up against and attempting to dislodge a temporary barrier between the crowd and a group of U.S. Capitol Police officers. At the approximately 32 minute and 59 second mark of the video, GIESWEIN —recognizable by his distinctive military-style helmet and patch— steps forward, lifts a black canister in his hand, and sprays an unidentified substance at the law enforcement officers:

¹ <https://www.youtube.com/watch?v=P34tO5eaLhg&bpctr=1610750110>

Pictures 1 and 2:



5. A still photograph² taken outside the Capitol shows GIESWEIN helping a crowd of people lift and force a temporary barrier against a crowd of U.S. Capitol Police officers:

² <https://www.shutterstock.com/editorial/image-editorial/protrump-protests-over-electoral-college-vote-certification-us-capitol-washington-dc-united-states-06-jan-2021-11695081bj> (last viewed January 16, 2021).

Picture 3:



6. Another still photograph³ of GIESWEIN outside of the Capitol demonstrates that as he stood in the crowd, he brandished a baseball bat. Also visible in this photograph of GIESWEIN is a patch for Woodland Wild Dogs and a pouch attached to the front of GIESWEIN's vest that holds GIESWEIN's smartphone, with the camera of the phone facing outward such that if GIESWEIN wished to take smartphone videos of the activity at the Capitol, he would be able to do so without holding his phone:

³ <https://www.shutterstock.com/editorial/image-editorial/trump-supporters-protest-certification-of-presidentelect-biden-washington-usa-06-jan-2021-11695563bh> (last viewed January 16, 2021)

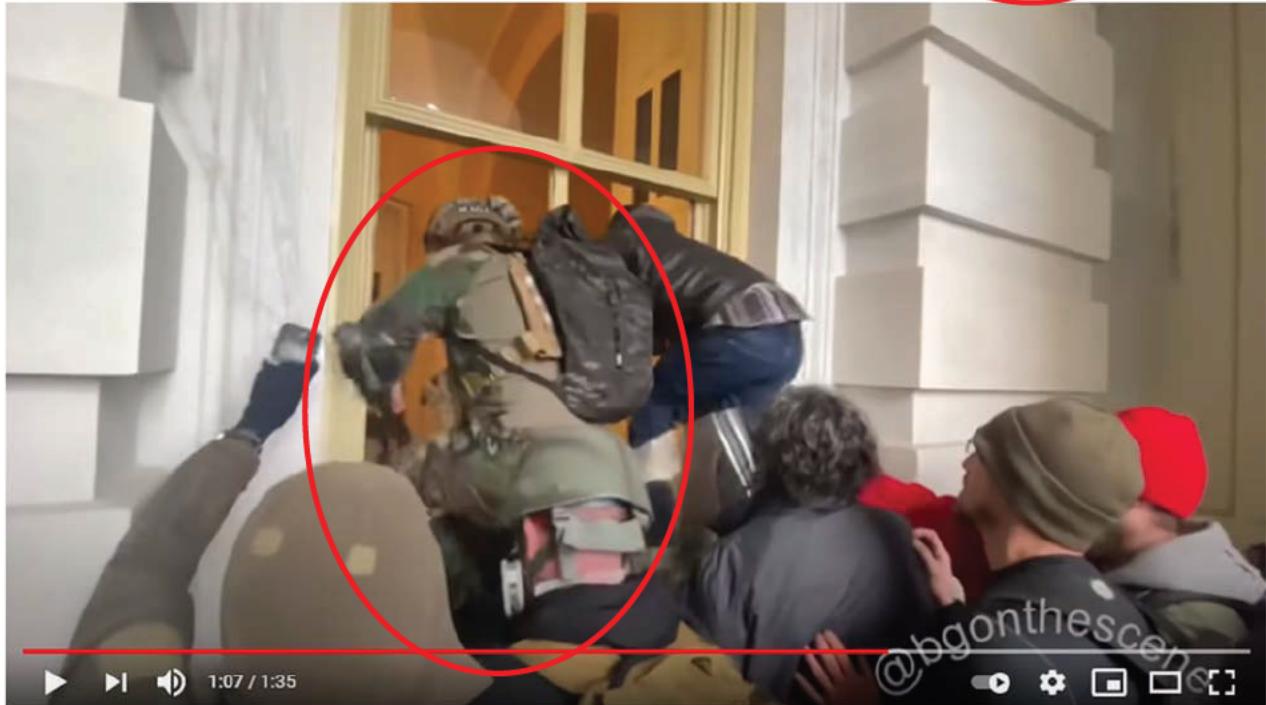
Picture 4:



7. Another video⁴ captures GIESWEIN forcibly enter the Capitol through a broken window. In particular, starting at the approximate 25 second mark, GIESWEIN observes and encourages other rioters as they strike a window—first with a wooden board, and then with a stolen plastic law enforcement shield—until it breaks. The rioters, including GIESWEIN, then climb through the window into the Capitol. As GIESWEIN scrambles up into the building, the baseball bat is visible in his hand.

⁴ <https://www.youtube.com/watch?v=jtPmi4BShNM> (last viewed January 16, 2021).

Pictures 5 and 6:



8. I have also viewed a news documentary, titled "Storming the Capitol: The Inside

Story.”⁵ In it, at approximately the 15 minutes mark, the news correspondent points out GIESWEIN on the inside of the Capitol window he has climbed through, helping other rioters enter the building through the window. The correspondent then introduces a brief video interview he had conducted with GIESWEIN in Washington, D.C. the previous day. In that interview, GIESWEIN says, “What we need to do, is we need to get the corrupt politicians that have been in office for 50-60 years, that have been destroying our country and selling it to the Middle East and Israel out of office and they need to be imprisoned.” When asked what his message is to Congress, GIESWEIN responds, “That they need to get the corrupt politicians out of office. Pelosi, the Clintons, all of...every single one of them, Biden, Kamala...they have completely destroyed our country and sold them to the Rothschilds and Rockefellers.”⁶

9. Finally, photographs taken inside the Capitol after GIESWEIN’s forced entry show that he then stormed the halls of the building. In the photograph below, taken inside the Capitol, GIESWEIN appears to be holding the spray canister in his hand, and his smartphone is again visible in a chest pouch with its camera facing outward.

⁵ <https://www.youtube.com/watch?v=jJiSmVktty4> (last viewed January 16, 2021)

⁶ Your affiant is aware of online and anti-Semitic conspiracy theories hold that shadow forces, including the Rothschild family, secretly control global currency. See, e.g., Anti-Defamation League, Quantifying Hate: A Year of Anti-Semitism on Twitter, available at <https://www.adl.org/media/11775/download> (last viewed January 16, 2021).

Picture 7:



CONCLUSIONS OF AFFIANT

10. Based on the foregoing, your Affiant submits that there is probable cause to believe that GIESWEIN violated:

- a. 18 U.S.C. § 111(b), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, and interfere with a federal officer using a dangerous weapon.
- b. 18 U.S.C. § 1361, 18 U.S.C. §2, which makes it a crime to aid or abet the willful depredation against any property of the United States.
- c. 18 U.S.C. § 1512(c)(2), which makes it a crime to corruptly obstruct, influence, or impede any official proceeding—to include a proceeding before the Congress—or

make an attempt to do so.

- d. 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 so; 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 4) knowingly engage in any act of physical violence against any person or property in 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.
- e. 40 U.S.C. § 5104(e)(2), which makes it a crime for an individual or group of individuals to willfully and knowingly A) enter or remain on the floor of either House of Congress or in any cloakroom or lobby adjacent to that floor, in the Rayburn Room of the House of Representatives, or in the Marble Room of the Senate, unless authorized to do so pursuant to rules adopted, or an authorization given, by that House; B) enter or remain in the gallery of either House of Congress in violation of rules governing admission to the gallery adopted by that House or

pursuant to an authorization given by that House; (C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of— (i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; or (ii) the Library of Congress; (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; (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; or (G) parade, demonstrate, or picket in any of the Capitol Buildings.

11. As such, I respectfully request that the court issue an arrest warrant for GIESWEIN.

The statements above are true and accurate to the best of my knowledge and belief.

[REDACTED]

FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 16th day of January, 2021.


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ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE