

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

UNITED STATES OF AMERICA

v.

ANDREW WILLIAMS,

Defendant.

Case: 1:21-MJ-00030

Assigned to: Judge Zia M. Faruqi

Assigned Date: 1/11/2021

Description: COMPLAINT W/ARREST WARRANT

Violations:

18 U.S.C. § 1752

40 U.S.C. § 5104

UNDER SEAL

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, William Novak, first being duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”). I am assigned to the Washington Field Office Public Corruption / Civil Rights Squad, tasked with investigating criminal activity in and around the Capitol grounds. As an FBI Special Agent, 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.

2. This affidavit is being submitted in support of a criminal complaint and an arrest warrant based on probable cause to believe that ANDREW WILLIAMS has committed the offenses of Unlawful Entry of a Restricted Building, in violation of Title 18, Section 1752(a), and Disorderly Conduct on Capitol Grounds, in violation of Title 40, Section 5104(e)(2).

3. The facts and information contained in this affidavit are based on my personal knowledge and observations, my review of records and documents obtained during this investigation, information received from other individuals, and my experience and training as a Special Agent.

4. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

STATEMENT OF FACTS

5. 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.

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

7. 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.

8. 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. The crowd

included many people who expressly objected to the conduct of the proceedings to certify the vote count of the Electoral College of the 2020 Presidential Election, and who expressly stated that their purpose was to stop or disrupt those proceedings.

9. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and past officers of the U.S. Capitol Police, including by engaging in assaultive and abusive conduct towards officers of the U.S. Capitol Police who lawfully attempting to block access to the U.S. Capitol. The crowd then 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.

10. At such time, the certification proceedings, specifically, the proceedings in the House and Senate to address the objection, 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, 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.

11. 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.

12. 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.

13. Your affiant identified ANDREW JAMES WILLIAMS as an individual who was inside the U.S. Capitol building on January 6, 2021, without authority. The FBI obtained at least two videos and one still photograph showing WILLIAMS on the grounds of the U.S. Capitol on that date.

14. One video appears to have been recorded using a cellphone or other handheld device that was taken during the riots in the U.S. Capitol on January 6, 2021. The recording shows scores of individuals climbing up steps and through scaffolding on the exterior of the Capitol. A voice can be heard saying, “We are storming the Capitol! Yeah baby!” Immediately after that statement, the camera was flipped around and WILLIAMS, who appears to be holding the device, was recorded uttering an additional “Yeah!” in what appears to your affiant to be the same voice as that which made the statement about storming the Capitol.

15. The second video also appears to have been recorded using a cellphone or handheld device. During the recording, it appears that the individual recording the video briefly turns the camera around to record himself, at which time WILLIAMS is shown in the recording. In

particular, WILLIAMS is shown on the recording wearing a yellow jacket with a black jacket underneath, multi-colored neck gaiter, dark colored hat, and a pair of sunglasses around his neck. The narrator of the video is overheard stating: “Taking it back baby”; “We are inside the Capitol”; “Thank you fellow patriot”; “How are they going to arrest every single person?”; “Good job man”; “This looks nice. This is really nice”; “We are in the Rotunda.” Your affiant was previously an intern at the U.S. Capitol building in 2003 – and your affiant is aware that the individual recording the video footage is actually underneath the Rotunda in the area that is commonly known as “Capitol crypt.”

16. In the still photograph, WILLIAMS is standing underneath an archway and pointing to a sign that reads:

Speaker of the House
Nancy Pelosi

In the photograph, WILLIAMS is wearing a red shirt, black jacket, dark colored hat, and has a yellow jacket tied around his waist. WILLIAMS also has a pair of gold-colored sunglasses around his neck, along with a multi-colored neck gaiter.


17. I have identified WILLIAMS as the person depicted in the photograph and videos in the following ways. First, on January 7, 2021, Witness 1, a law enforcement officer in Sanford, Florida, contacted the FBI and reported that WILLIAMS had posted a photograph of himself inside the Capitol building on January 6, 2021, and that WILLIAMS was a firefighter employed by the Sanford, Florida fire department. Second, investigators obtained the Florida Department of Motor Vehicle (DMV) photograph of WILLIAMS and compared it to video and photograph described herein. The DMV photograph of WILLIAMS appears to your affiant to match the individual shown in the videos and photograph.

18. Based on the foregoing, your affiant submits that there is probable cause to believe that WILLIAMS 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.

19. Your affiant submits there is also probable cause to believe that WILLIAMS violated 40 U.S.C. § 5104(e)(2)(C), (D), (E) and (G), which makes it a crime to willfully and knowingly (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; (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; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

CONCLUSION

20. Based on my training and experience, and the information provided in this affidavit, there is probable cause to believe that on or about January 6, 2021, in the District of Columbia, ANDREW WILLIAMS did knowingly and willfully commit the offenses of Unlawful Entry of a Restricted Building, in violation of Title 18, Section 1752(a), and Disorderly Conduct on Capitol Grounds, in violation of Title 40, Section 5104(e)(2).



Special Agent William Novak
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 11th day of January 2021.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE