

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Andy Steven Oliva-Lopez,

DOB: XXXXXXXX

Defendant

Case: 1:24-mj-00017

Assigned To : Moxila A. Upadhyaya

Assign. Date : 1/18/2024

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

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. § 111(a)(1), 18 U.S.C. § 231(a)(3), 18 U.S.C. § 1752(a)(1), (2), and (4), and 40 U.S.C. § 5104(e)(2)(F).

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.



Complainant's signature



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: 01/18/2024

Signature of Moxila A. Upadhyaya

Judge's signature

City and state: Washington, D.C.

Moxila A. Upadhyaya, U.S. Magistrate Judge

Printed name and title



(“JTTF”) investigating a variety of criminal and national security matters, including the investigation of violent crimes and major offenses such as threats to human life, threats to damage property, and efforts to use violence in support of or to counter a particular ideology. My training and experience include a variety of investigative and legal matters, including the topics of Fourth Amendment searches, the drafting of search warrant affidavits, and probable cause. 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.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

4. Based on the facts set forth in this affidavit, there is probable cause to believe that Andy Steven Oliva-Lopez (“OLIVA-LOPEZ”) committed violations of 18 U.S.C. §§ 111(a)(1); 231(a)(3); and 1752(a)(1), (2), and (4); and 40 U.S.C. § 5104(e)(2)(F) in connection with his actions at the United States Capitol on January 6, 2021.

**BACKGROUND ON WEDNESDAY, JANUARY 6, 2021**

5. The United States Capitol is secured twenty-four hours a day by the United States Capitol Police (“USCP”). Restrictions around the United States Capitol include permanent and temporary security barriers and posts manned by the USCP. Only authorized people with appropriate identification are allowed access inside the United States Capitol. On January 6, 2021, the exterior plaza of the United States Capitol was also closed to members of the public.

6. On January 6, 2021, a Joint Session of the United States Congress convened at the United States Capitol, 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 met

in the United States Capitol to certify the vote count of the Electoral College for the 2020 Presidential Election, which took place on Tuesday, 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 Michael Richard Pence was present and presiding, first in the Joint Session, and then in the Senate chamber.

7. As the proceedings continued in both the House and the Senate, and with Vice President Pence present and presiding over the Senate, a large crowd gathered outside the United States Capitol. As noted above, temporary barricades and permanent barricades were in place around the exterior of both the United States Capitol building and its grounds. USCP officers were present and attempting to keep the crowd off the restricted grounds and away from the Capitol building and the proceedings underway inside.

8. At such time, the certification proceedings were underway, the exterior doors and windows of the Capitol were locked or otherwise secured. Members of the USCP attempted to maintain order and keep the crowd from entering the Capitol. Around 2:13 p.m., however, individuals in the crowd forced entry into the United States Capitol, including by breaking windows and by assaulting members of the USCP, as others in the crowd encouraged and assisted those acts.

9. Shortly thereafter, at approximately 2:20 p.m., members of the House of Representatives and the Senate, including Vice President Pence—the President of the Senate, were instructed to and did evacuate the Chamber. 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.

10. During national news coverage of these 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 United States Capitol building without authority to be there.

[THIS SPACE INTENTIONALLY LEFT BLANK]

**STATEMENT OF FACTS SUPPORTING PROBABLE CAUSE**

*Andy Steven Oliva-Lopez's Conduct on January 6, 2021*

11. I have reviewed video footage and still photographs of the January 6, 2021, riot at the United States Capitol, and I have observed an individual in them wearing a blue plaid long sleeve shirt/jacket, beige backpack, khaki pants, a tactical style helmet, and, at times, a full-face respirator, as depicted below in Image 1 and Image 2:



*Image 1 and Image 2 (left to right)*

12. As described in paragraphs 17-25, below, this individual, originally designated “AFO 285”<sup>1</sup> by the FBI, was subsequently identified as ANDY STEVEN OLIVA-LOPEZ, a resident of the State of Oregon.

13. By 2:00 p.m. on Wednesday, January 6, 2021, a crowd of violent rioters, OLIVA-LOPEZ among them, had assembled on the West Front of the United States Capitol. USCP officers, assisted by officers from the Metropolitan Police Department (“MPD”) had

---

<sup>1</sup> AFO stands for Assault on a Federal Officer, and, in these cases, it is a designation given to individuals that are believed to have engaged in acts of violence against police officers on January 6, 2021.

formed a line consisting of bike-rack-style barricades extending from the north end of the West Front to the south end, the purpose of which was to act as a barrier against the crowd. Officers were standing behind this line, attempting to keep any rioter from getting through and fending off repeated attempts by rioters to pull on the bike racks, either with their hands, ropes, or straps. Many of the rioters assaulted USCP and MPD officers by hurling objects at the officers, physically striking the officers with batons or other blunt objects and deploying chemical sprays and irritants against the officers.

14. Beginning at approximately 2:04 p.m. on the West Plaza, OLIVA-LOPEZ deployed a yellow/orange-colored chemical aerosol multiple times at individual MPD officers.



*Image 3*



*Image 4 and Image 5 (left to right)*

15. The spray struck at least one officer, Officer A.I., in the face shield, as depicted in two screenshots from Officer A.I.'s body-worn camera ("BWC") footage (Image 6 and Image 7) and in a publicly photograph (Image 8):



*Image 6*





*Image 7*



*Image 8*

16. Shortly after 2:00 p.m., some people in the crowd forced their way through, up, and over the barricades and past police officers. The crowd advanced to the exterior façade of the building, where it was not lawfully authorized to be. At such time, the certification proceedings

were still underway, and the exterior doors and windows of the United States Capitol were locked or otherwise secured. Police officers attempted to maintain order and keep the crowd from entering the United States Capitol. Images 9 and 10 below, obtained from screenshots of publicly available YouTube videos, show OLIVA-LOPEZ on the Capitol building itself, climbing past the temporary scaffolding erected for the Inauguration. This scaffolding was located well inside the restricted perimeter of the building and its grounds, and it was in an area that was not open to the public. OLIVA-LOPEZ is highlighted by a yellow oval in Images 9 and 10.



*Image 9*



*Image 10*

[THIS SPACE INTENTIONALLY LEFT BLANK]

*Identification of AFO-285 as ANDY STEVEN OLIVA-LOPEZ*

17. Following the January 6, 2021, attack on the United States Capitol, images and videos of an individual later determined to be OLIVA-LOPEZ participating in the riot appeared on the internet. Using those images, the FBI created an electronic profile for a suspect denoted by the number 285. The FBI then published a “Be on the Look Out” (“BOLO”) bulletin for the individual suspected of committing an “Assault on a Federal Officer” (“AFO”). The BOLO for AFO 285 was included in an FBI Seeking Information poster which was disseminated by the FBI Office of Public Affairs on its website, [www.FBI.gov](http://www.FBI.gov), and social media, to garner public assistance in identifying AFO 285. The BOLO on the website featured Image 11, Image 12, and Image 13, below.



*Image 11, Image 12, and Image 13 (left to right) from FBI's AFO 285 BOLO*

18. The FBI's Washington Field Office reviewed publicly available images and videos that appear to depict AFO 285 assaulting police officers at the Capitol with an aerosol chemical agent. In most of the available videos, AFO 285 is wearing a protective gas mask, as depicted in Images 12 and 13. However, Image 14 shows AFO 285 in a crowd of protesters on the west side of the Capitol building with his mask off. Image 11 and Image 15 are a zoomed-in portion of Image 14.



*Image 14*



*Image 15*

19. I then located a known image of OLIVA-LOPEZ from the Oregon Department of Motor Vehicles, which showed OLIVA-LOPEZ's most current driver's license photograph dated September 11, 2018. I compared the driver's license photograph to the images used in the BOLO for AFO 285 and believed them to be the same individual.

20. Considering the similarity between OLIVA-LOPEZ and AFO 285, the FBI

reviewed content on a Periscope<sup>2</sup> account for which OLIVA-LOPEZ is the subscriber. Review of the videos posted on the Periscope account show close-up views of OLIVA-LOPEZ's face which were then compared to the available DMV photograph and to Image 15. Based on my analysis, I was able to determine that it was the same individual. Image 16 was taken from a screen shot of a selfie-style video which had been uploaded to the Periscope account for which OLIVA-LOPEZ was the subscriber, while Image 15, as discussed above, is from a video recorded during the Capitol Riot on January 6, 2021.

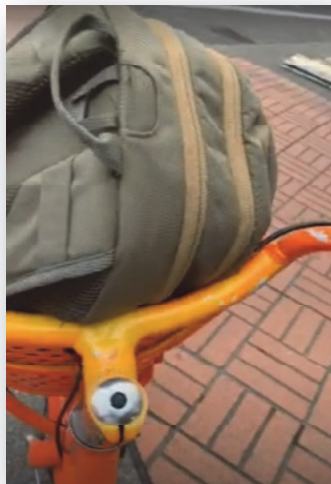


*Image 16 and Image 15 (left to right)*

21. Another video from the Periscope Account depicts a backpack that appears identical to the backpack used by AFO #285 on January 6, 2021. Image 17 was taken from a screen shot of a video uploaded to the Periscope Account; Image 18 on the right is from a publicly available video recorded during the Capitol Riot on January 6, 2021.

---

<sup>2</sup> Periscope was a live-streaming social app acquired by Twitter which enabled users to broadcast and express themselves through live video and social interactions. The service is no longer available.



*Image 17 and Image 18 (left to right)*

22. In the same video as Image 18, OLIVA-LOPEZ can be observed resting on his backpack on some steps of the Capitol while seeking aid from unidentified individuals (Image 19). OLIVA-LOPEZ is highlighted by a yellow circle.



*Image 19*

23. A review of bank records relating to a debit card account in the name of ANDY STEVEN OLIVA-LOPEZ revealed a history of purchases suggesting travel by car from Portland, Oregon, to Washington, D.C., in early January 2021: There was a purchase at a gas station on January 3, 2021 in The Dalles, Oregon (about 1.5 hours from his residence); a purchase at a gas station on January 4, 2021 in Wilsonville, Oregon (about 3 hours from his residence); a purchase at a gas/travel center in Laramie, Wyoming, on January 4, 2021; and a purchase at gas station in Somerset, Pennsylvania, on January 5, 2021 (about 3.5 hours from Washington, D.C.).

24. Those same records suggest that OLIVA-LOPEZ purchased a two-pack of 7.9-ounce cannisters of UDAP Bear Spray at a sporting goods store in Portland, Oregon, on December 20, 2020. Your affiant has compared a picture of this item found on the store's website (Image 20) with the spray cannister which can be seen in the hand of OLIVA-LOPEZ as he sprays officers in videos recorded at the United States Capitol on January 6, 2021. It appears to be the same or similar product.



*Image 20*



25. Historical cell site location information obtained from AT&T regarding a telephone number for which OLIVA-LOPEZ is listed as the subscriber shows that a cellular device utilizing that phone number traveled across the country from Portland, Oregon, to Washington, D.C., along major highways departing in the morning of January 4, 2021, and arriving at approximately 1:12 a.m. on January 6, 2021.

### CONCLUSION

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

a. ANDY STEVEN OLIVA-LOPEZ violated 18 U.S.C. §§ 111(a)(1) (Assaulting, Resisting, or Impeding Certain Officers or Employees), which makes it unlawful to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in 18 U.S.C. § 1114 while engaged in or on account of the performance of official duties, or to aid, abet, counsel, command, induce, or procure the commission of such offense. For purposes of 18 U.S.C. § 111, United States Capitol Police Officers constitute persons designated in 18 U.S.C. § 1114.

b. ANDY STEVEN OLIVA-LOPEZ violated 18 U.S.C. § 231(a)(3) (Civil Disorder), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of 18 U.S.C. § 231, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

c. ANDY STEVEN OLIVA-LOPEZ violated 18 U.S.C. §§ 1752(a)(1), (2), and (4), which make it a crime to which (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; and (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; or attempt or conspire to do so. For purposes of 18 U.S.C. § 1752, 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.

d. ANDY STEVEN OLIVA-LOPEZ violated 40 U.S.C. § 5104(e)(2)(F) which makes it a crime to willfully and knowingly engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

Respectfully submitted,



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 18th day of January 2024.

Handwritten signature of M. A. Upadhyaya in blue ink, with a circular official seal of the United States District Court for the District of Columbia partially visible behind it.

---

HON. MOXILA A. UPADHYAYA  
UNITED STATES MAGISTRATE JUDGE