

## STATEMENT OF FACTS

Your affiant, [REDACTED], is a Task Force Officer assigned to the Kansas City Field Office (FBI KC) since November of 2018. I am currently assigned to the Domestic Terrorism and Weapons of Mass Destruction Squad, which is a component of the Joint Terrorism Task Force. I have been employed by the Kansas City, Kansas Police Department since May 2004, and was promoted to Detective in October 2010. As a Detective, I investigated crimes while assigned to the Property Crimes Unit, Crimes Against Children, and Internal Affairs. Through my experience, education, and training, I have become familiar with the way individuals use force or violence to promote a social or political goal.

Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Task Force Officer, I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of a violation of Federal criminal laws.

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.

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.

### ***Facts specific to Christopher Brian ROE***

According to records obtained through a search warrant served on Google, a mobile device associated with the name “Chris Rowe,” the email address croe\*\*\*@gmail.com, and a phone number ending in 5909 (x5909<sup>1</sup>) was present at or around the U.S. Capitol on January 6, 2021. Google estimates device location using sources including GPS data and information about nearby W-Fi access points and Bluetooth beacons. This location data varies in its accuracy, depending on the source(s) of the data. As a result, Google assigns a “maps display radius” of 10 meters to the location data point. Finally, Google reports that its “maps display radius” reflects the actual location of the covered device approximately 68% of the time. In this case, Google location data shows that a device associated with croe\*\*\*@gmail.com was within the U.S. Capitol Rotunda, hallways, and points of entry for approximately 2 hours and 12 minutes. Google records show that the “maps display radius” was less than or equal to 100 feet, which encompasses an area that is entirely within the U.S. Capitol Building.

In response to legal process, Verizon provided the subscriber information for the x5909 phone number, which identified Leah Roe as the account holder with an address in Raytown, Missouri. The investigation uncovered that Leah Roe is married to CHRISTOPHER BRIAN ROE (“ROE”). A review of the Missouri driver’s license information for ROE identified his residential address as the same address for Leah Roe in Raytown, Missouri.

ROE’s driver’s license photograph was used to conduct an image search of available images and videos from the U.S. Capitol Building on January 6. The search revealed an image of an individual matching ROE’s description from a police body-worn camera inside the building. Figure 1. In the still image, the individual is wearing a red baseball cap, glasses, an American flag neck gaiter, a black t-shirt, and an orange and black backpack with a blue hydration straw. The source video also shows the individual wearing a black brace around his right wrist. A cropped version of Figure 1 was subsequently shown to a law enforcement officer who arrested ROE in an unrelated matter on December 9, 2021. The officer positively identified the individual in the image as ROE.

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<sup>1</sup> The full email address and phone number are known to the affiant but omitted here due to the public nature of the filing.



*Figure 1*

Prior to his arrival at the Capitol, ROE attended the “Stop the Steal” rally, which occurred near the White House. A video taken at the rally shows ROE wearing the same glasses, wrist brace, and backpack. Figure 2. ROE is also wearing an American flag neck gaiter, but it is different than the one he wore later in the day. In front of ROE is pitchfork stuck in the ground, topped with a red baseball cap. On the video, ROE said that he has zipties and duct tape, with the latter visible on the outside of his backpack. After this statement, the person filming the video tells ROE to put his knife away, because 3 inch knives “are the max.” ROE responds, “thanks, I appreciate it.” As the person walks away, he said ROE had a “six inch dagger.”

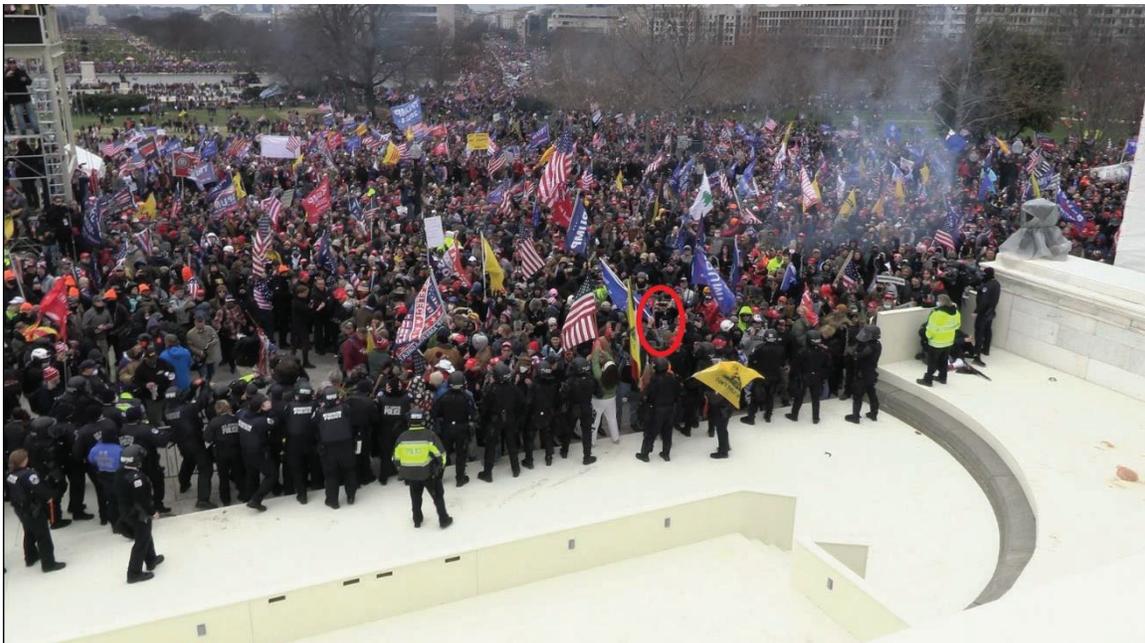


*Figure 2*

ROE proceeded to the Capitol and arrived at a line of United States Capitol Police (“USCP”) and Metropolitan Police Department (“MPD”) officers on the west front. At approximately 1:25 P.M., ROE stood a few feet back from the police line and held his pitchfork, which was pointed upwards. Figures 3-4. ROE eventually flipped the pitchfork, so that it pointed downwards.



*Figure 3*



*Figure 4*

ROE then moved closer to the police line with the pitchfork still in hand. Figure 5. ROE next grabbed one of the bicycle racks in front of the officers and pulled it towards the crowd. Figure 6. The officers responded by pushing ROE away, which caused ROE to drop the pitchfork.



*Figure 5*



*Figure 6*

At approximately 1:26 P.M., ROE picked the pitchfork back up as another altercation began between a different rioter and a USCP officer. With the pitchfork in his right hand, ROE moved forward and pushed the officer with his left hand. Figures 7-8. ROE then wrapped his arm around the officer's arm. Figures 9-10.

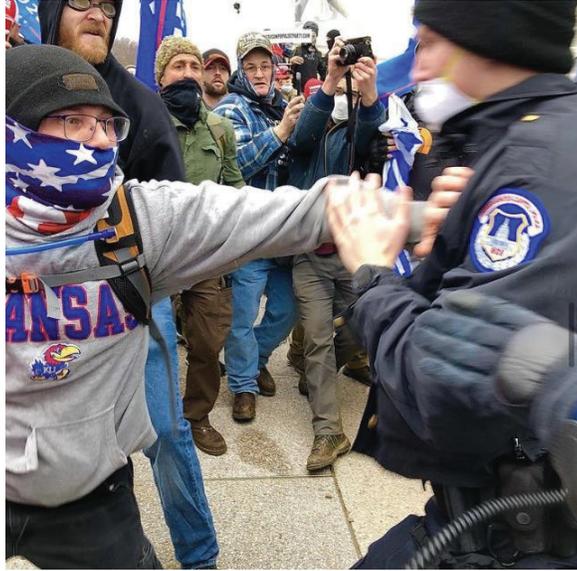


Figure 7

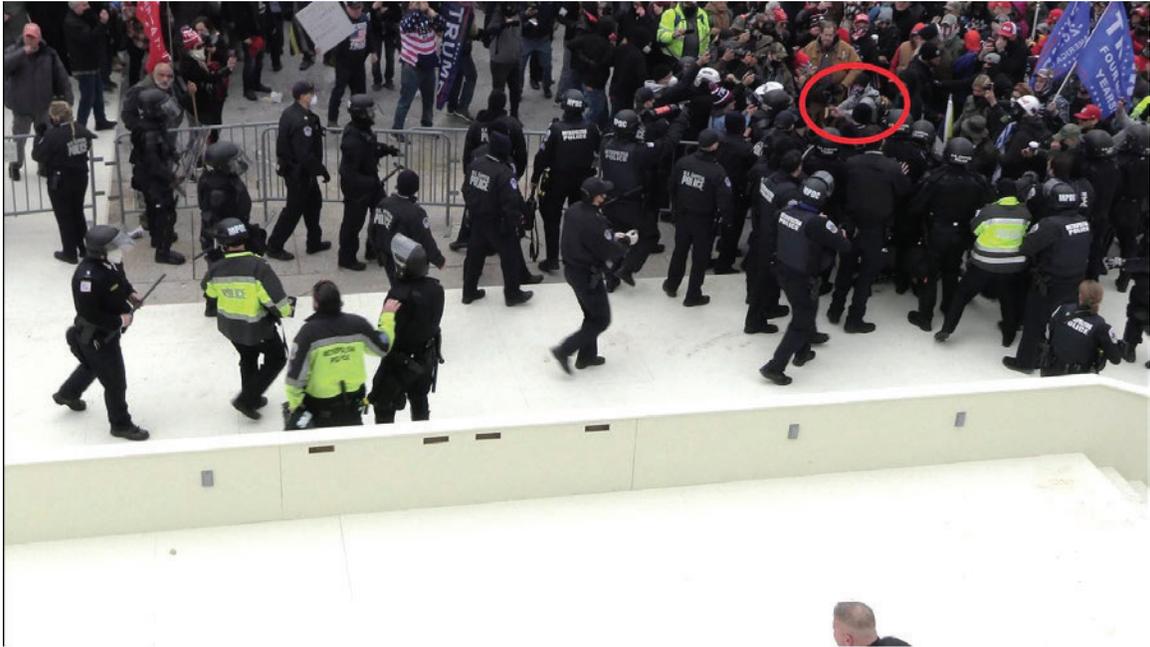


Figure 8



*Figure 9*



*Figure 10*

As the fight unfolded, most officers in the area moved towards ROE. One officer deployed chemical irritant, which struck ROE in the face. Figure 11. As ROE recoiled from the spray, he dropped the pitchfork again and moved back into the crowd. Figure 12.



*Figure 11*



*Figure 12*

ROE then retreated back into the crowd to clean the irritant off himself. Figure 13. At first, ROE only removed his black beanie, glasses, and neck gaiter. Figure 14. Later, ROE also removed his University of Kansas sweatshirt as well. He was, however, still wearing the wrist brace on his right arm. Figure 15.



Figure 13



Figure 14



Figure 15

ROE was next seen on the West Lawn of the Capitol, where he was again wearing his glasses, as well as a black shirt, a red baseball cap, a red scarf around his neck, and a metallic emergency blanket. Figure 16.



*Figure 16*

ROE eventually made his way to the Upper West Terrace of the Capitol. At this location, ROE held a large metal ladder while police officers stood in the distance and rioters entered the House of Representatives wing of the building through the Upper West Terrace door. Figure 17. ROE wore his backpack, baseball cap, and wrist brace. ROE also wore the second American flag neck gaiter. The emergency blanket is visible on the ground to ROE's right.



*Figure 17*

At 2:38 P.M., ROE followed the rioters into the Capitol. Figures 18-19.



Figure 18

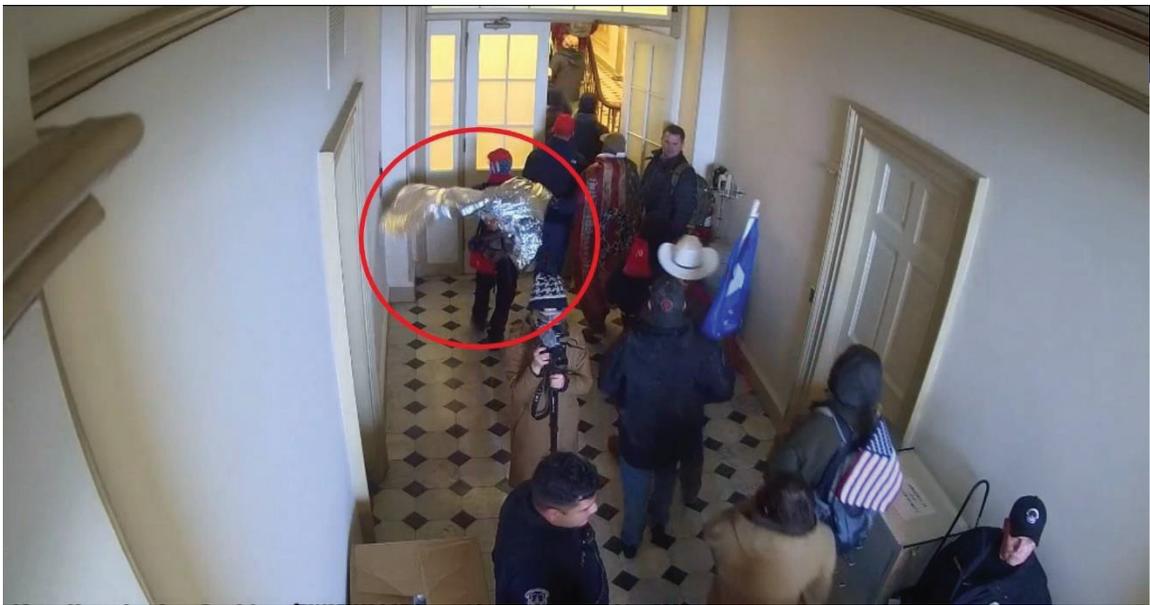


Figure 19

From there, ROE continued into the Capitol Rotunda. Upon his arrival, ROE handed his cell phone to another rioter and posed for a photograph in front of a statute. Figure 20. Afterwards, ROE proceeded into Statuary Hall, in the direction of the chamber of the House of Representatives. While in Statuary Hall, ROE discarded his emergency blanket onto the floor. Figure 21.



*Figure 20*



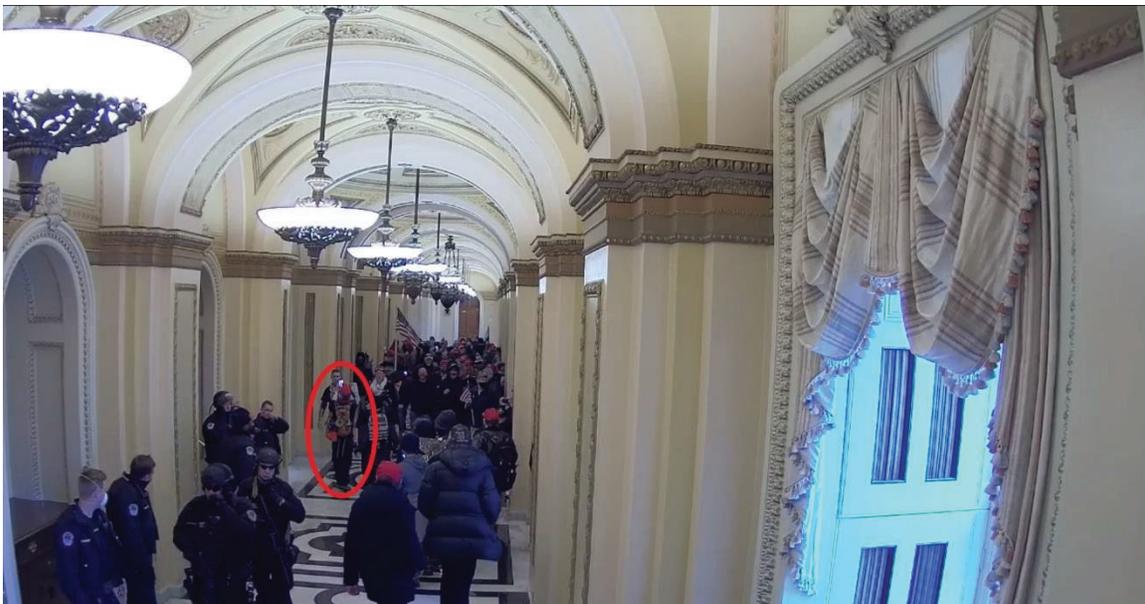
*Figure 21*

At 2:43 P.M., ROE stood with a group of rioters organizing outside of the House of Representatives chamber. ROE pulled his neck gaiter down and smoked some kind of cigarette. Figure 22.



*Figure 22*

ROE continued down the hallway that runs parallel to the House chamber, and used his cell phone. Figure 23. After a few moments, ROE stood in the middle of the hallway and held his fist in the air. Figure 24.



*Figure 23*



*Figure 24*

After the hallway filled with some type of substance in the air, ROE proceeded down the hallway. Figure 25.



*Figure 25*

At 2:55 P.M., ROE arrived at the east entrance of the House of Representatives wing of the Capitol. In the video depicted in Figure 1, ROE stood in place near a magnetometer while officers tried to remove rioters from the Capitol. One of the officers, MPD Officer R.D., eventually pushed

ROE towards the exit. In response, ROE forcefully grabbed onto the magnetometer, causing the device to shake several times. Figure 26.



*Figure 26*

ROE then turned back to the officer and said to them “you are protecting traitors and treasonists. They committed treason. And you shot one of us. That’s bullshit. Put your baton down and f\*\*\*ing join us.” While making these statements, ROE pointed into the Capitol Building in the direction of the House chamber. At the same time, another rioter standing behind Officer R.D. confronted other officers. This confrontation eventually became violent, at which point Officer R.D. turned his attention away from ROE to respond to the situation. ROE then pushed towards the fight and shoved Officer R.D. backwards several feet. Figure 27. ROE also wrapped his arm around Officer R.D.’s baton, impeding Officer R.D.’s ability to defend themselves from the rioters. Figure 28.



*Figure 27*

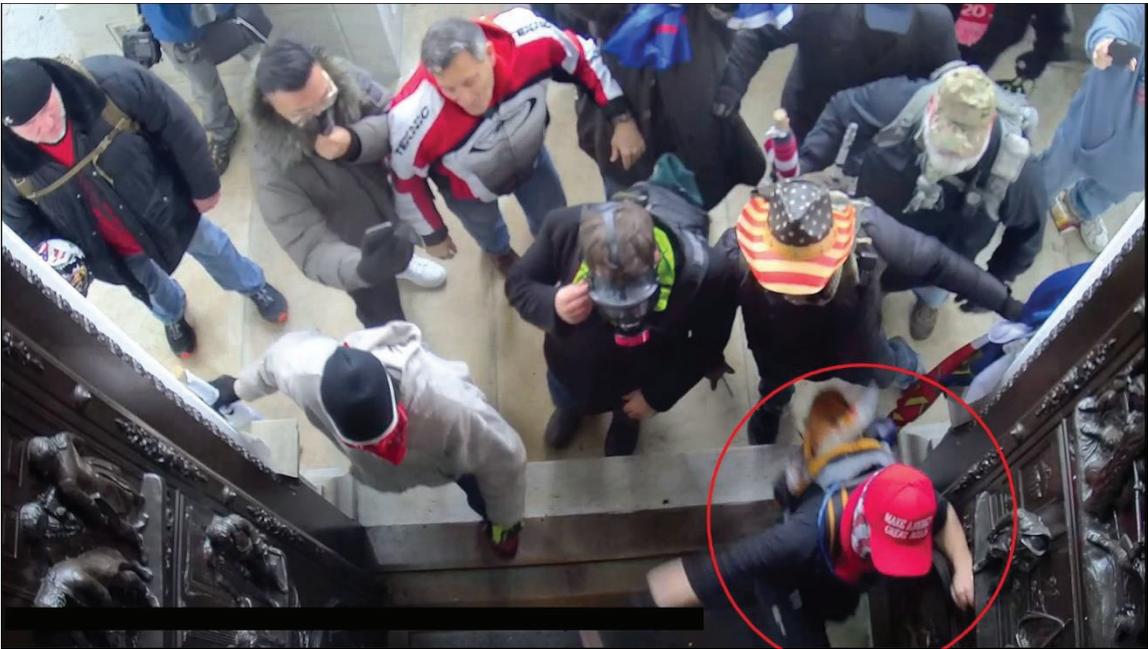


*Figure 28*

After this altercation, ROE held his arms in the air while officers pushed the rioters outside of the building. At the doorway, officers deployed chemical irritant towards the rioters, including ROE. At 2:57 P.M., ROE exited the Capitol. Shortly afterwards, ROE turned back towards the officers, grabbed the door, Figure 29, and kicked it shut, Figure 30. In Figure 29, the contents of ROE's backpack are visible and include a plastic bag of zip ties.



*Figure 29*



*Figure 30*

After kicking the door closed, ROE moved towards the door and momentarily stood in the corner between the frame and the door. Figure 31. Police then opened the opposite door and deployed chemical irritant, at which point ROE left the area. Figure 32.



*Figure 31*



*Figure 32*

After exiting from the House of Representatives side of the Capitol, ROE continued north alongside the east front of the Capitol and came to the East Rotunda Doors. At the time of his arrival, a small group of police officers were holding back rioters who were trying to push through the police line to enter the building. Figure 33. At 3:21P.M., the rioters eventually overcame the police officers and poured into the Capitol. ROE entered the East Rotunda Doors ten seconds after this breach. Figure 34.



*Figure 33*



*Figure 34*

After breaching back into the Capitol, ROE moved towards the Rotunda. On the same video footage, a large group of police officers are seen pushing rioters out of the Rotunda towards the exit. Figure 35. A few seconds later, ROE turned back towards the East Rotunda Door and waved rioters to move towards the police line. Figure 36.



*Figure 35*



*Figure 36*

As ROE and the other rioters progressed forward, some rioters, including ROE, breached through the police line at the doors to the Rotunda. In response, police closed the doors, separating the two groups of rioters. However, a few seconds later, ROE reemerged from the Rotunda and held the door open with his body. Figure 37.



*Figure 37*

Police removed ROE from this position and pushed him towards the exit. By 3:25 P.M., ROE moved about halfway to the East Rotunda Doors before stopping in place to talk to several police officers. As ROE continued to stand in the way of police, an officer started to push against ROE with a riot shield. ROE pushed back against the officer and stayed where he was standing. Figure 38.



*Figure 38*

ROE and the officer pushed against each other for roughly a minute, at which point ROE turns towards another rioter, and points towards the Rotunda. Figure 39.



*Figure 39*

At 3:27 P.M., police resumed trying to push the rioters out of the building. ROE again pushed back against the riot shield for a few moments before he stood in place to block the officer. Figure 40. After jostling with police, ROE then raised his right arm in the air with his hand in a fist. Figure 41.

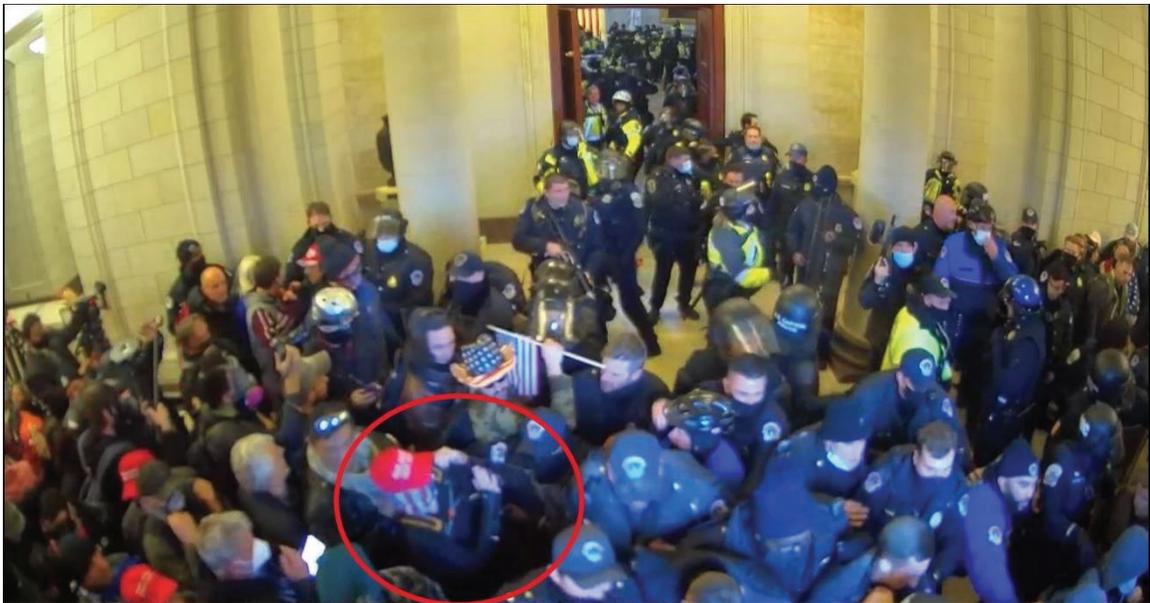


*Figure 40*



*Figure 41*

As police continued to push ROE towards the door, he maintained his position and blocked police efforts to move the rioters out. At 3:28 P.M., after an officer's riot shield moved close to his face, ROE grabbed the shield with both hands and pushed it away from himself. Figure 42. Moments later, as he is moved closer to the exit, ROE grabbed onto the arm of another police officer. Figure 43.

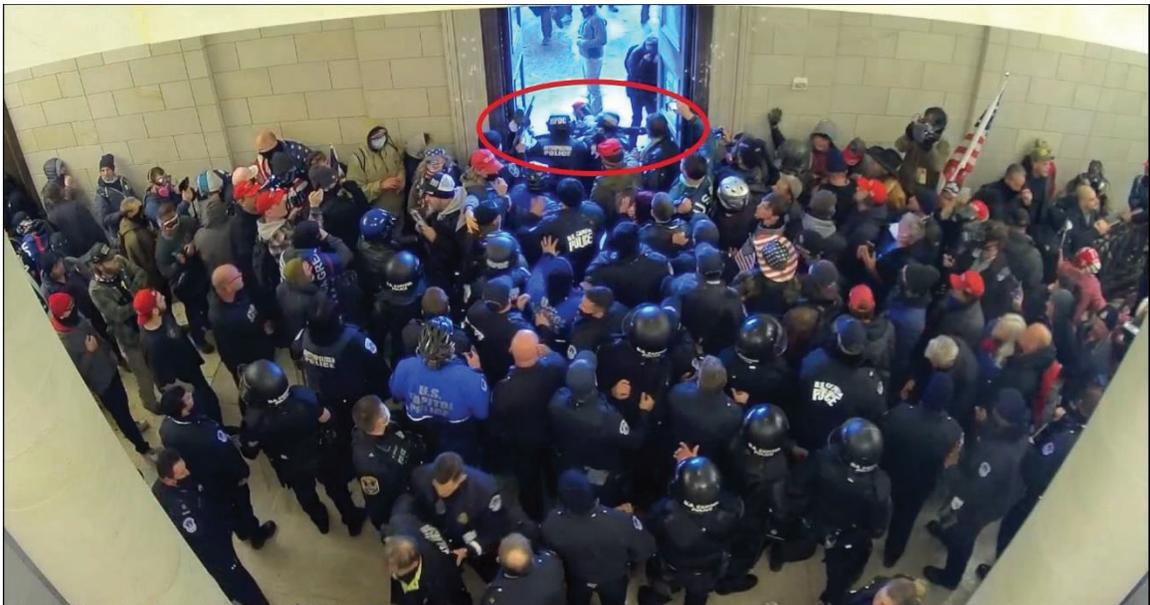


*Figure 42*



*Figure 43*

At 3:30 P.M., ROE is moved to the East Rotunda Doors and police tried to push him out of the Capitol. ROE, however, spread both of his arms wide and grabbed onto the doors. Figures 44-46. Officers tried to push ROE off of the doors for several seconds, but he continued holding onto the door until officers forcefully removed him.



*Figure 44*



*Figure 45*



*Figure 46*

After officers removed ROE from the East Rotunda Doors, ROE continued around to the North Door of the Capitol. At approximately 4:16 P.M., rioters were trying to breach into the doors while officers were barricaded inside the Capitol. In his own attempt to break down the doors, ROE brought a bike rack into the alcove and rammed it against the inner doors roughly ten times. Figures 47-48. At points, the door visibly buckled inwards against its hinges after ROE's strikes.



*Figure 47*



*Figure 48*

After the riot, the Architect of the Capitol determined that the rioters caused \$980 in damage and repair costs to the interior doors at the north entrance of the Capitol Building.

Based on the foregoing, your affiant submits there is probable cause to believe that CHRISTOPHER BRIAN ROE violated 18 U.S.C. § 111(a)(1), which makes it a crime to forcibly assault or interfere with any person designated in section 18 U.S.C. § 1114 as an officer or employee of the United States while engaged in or on account of the performance of official duties. Persons designated within Section 1114 include any person assisting an officer or employee of the United States in the performance of their official duties.

Your affiant submits there is probable cause to believe that CHRISTOPHER BRIAN ROE violated 18 U.S.C. 231(a)(3), 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 Section 231 of Title 18, 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.

Your affiant submits there is probable cause to believe that CHRISTOPHER BRIAN ROE violated 18 U.S.C. § 1361, by willfully injuring or deprecating of any property of the United States.

Your affiant submits that there is probable cause to believe that CHRISTOPHER BRIAN ROE violated 18 U.S.C. § 1752(a)(1), (2), and (4), and (b)(1)(A) 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; and (4) knowingly engages 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, 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, while carrying or using a deadly or dangerous weapon or firearm, in this case, a pitchfork.

Finally, your affiant submits there is also probable cause to believe that CHRISTOPHER BRIAN ROE violated 40 U.S.C. § 5104(e)(2)(D), (F), 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; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 12th day of July 2023.

 2023.07.12  
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ZIA M. FARUQUI  
U.S. MAGISTRATE JUDGE