

STATEMENT OF FACTS

Your affiant, [REDACTED]

[REDACTED] In my duties as a Special Agent, I investigate International and Domestic Terrorism Offenses. 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 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 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.

Identification of Cleophus Dulaney

As part of its investigation of the January 6, 2021 riot at the United States Capitol, the FBI identified an unknown male (SUBJECT 1), later identified as Cleophus DULANEY, who participated in the riot, wearing a blue hat/cap and a brown fur-lined leather jacket. SUBJECT 1 came to be known as #BlueVelvetRioter in various publicly available source channels due to the blue hat/cap worn by the individual on that day.

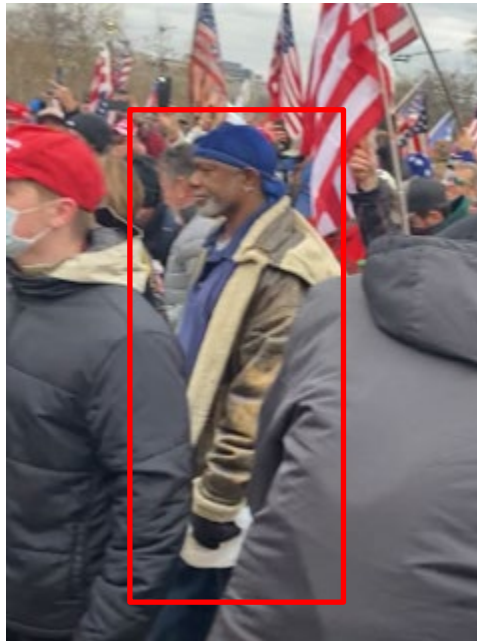


Image 1: Screenshot of open-source footage showing SUBJECT 1 on Capitol grounds on January 6, 2021

The FBI located SUBJECT 1 in archived open-source footage from the events at the Capitol and found numerous videos showing SUBJECT 1's conduct on January 6, 2021, including forcefully pushing a metal bike rack into police officers.

The FBI located social media accounts operated by a person resembling SUBJECT 1. The FBI located a Facebook profile with the username "Cleophus Dulaney." A review of that social media account revealed multiple photographs and videos that appear to have been taken on January 6, 2021. The profile photograph of the account matches the likeness of SUBJECT 1 from January 6, 2021.

The FBI also identified an archived copy of a Parlor profile with username "cleophusdulaney." The aforementioned Parler profile was archived on January 10, 2021, at approximately 3:29 p.m. The profile's banner image contains the upper portion of a face that the affiant believes to be Cleophus Dulaney's (DULANEY). A review of the profile revealed a post from two days prior to the archive, presumably January 8, 2021. In this post, "cleophusdulaney"

indicated that he was at the front of the crowd at the Capitol. A screenshot of that post is depicted below:



On that same day, “cleophusdulaney” also posted a video on Parler that appears to have been taken from the crowd occupying the Northwest Plaza of the Capitol on January 6, 2021.

The FBI identified a “Cleophus Dulaney” (DULANEY) who lives in Columbus, Ohio. In July 2023, the FBI conducted surveillance of DULANEY’s known address. A male believed to be DULANEY was observed on multiple occasions outside the residence. This male was wearing a blue cap/hat of similar nature to the one that SUBJECT 1 can be seen wearing on January 6, 2021, and appeared to have the same physical likeness of the person wearing a blue hat/cap and a brown fur-lined leather jacket in the video footage taken on January 6, 2021. Your affiant also compared photos of SUBJECT 1 from January 6, 2021 to an Ohio driver’s license image of “Cleophus Dulaney” and concluded that they depict the same person.

Based on all of these comparisons, your affiant believes SUBJECT 1 to be DULANEY.

In January 2024, the FBI interviewed Witness 1, a person known to be familiar with DULANEY for over 10 years. The FBI showed Witness 1 photographs taken on January 6, 2021 at the U.S. Capitol of SUBJECT 1, wearing a blue hat/cap and a brown fur-lined leather jacket. Witness 1 positively identified the person in the photographs as Cleophus DULANEY.

Dulaney’s Conduct on January 6, 2021

Video footage shows that at approximately 12:45 p.m. on January 6, 2021, as preparations for the proceedings described above were underway in the House and the Senate, a large crowd gathered to the West of the U.S. Capitol around the Peace Monument, located in the Pennsylvania Avenue, NW, and 1st Street NW roundabout, commonly referred to as “Peace Circle.”



Image 2: Aerial imagery of U.S. Capitol Grounds with a red rectangular line depicting the restricted perimeter on January 6, 2021 and a red arrow depicting the direction of the crowd's movement

The crowd moved Southwest to the threshold of the sidewalk that connects Peace Circle to the U.S. Capitol Building, commonly referred to as the “Pennsylvania Ave Walkway.” Around the Capitol grounds, in approximately the location of the rectangular red line in Image 1, U.S. Capitol Police had placed metal barricades that were intended to keep the public away from the Capitol building and the Congressional proceedings underway inside.

At about 12:50 p.m., rioters bypassed the first line of barricades and approached a second line of barricades that were manned by uniformed U.S. Capitol Police Officers. The second line of barricades were constructed of metal bike rack barriers, physically linked end to end, and reinforced with dark colored plastic mesh safety fencing affixed behind the metal bike racks. The fence was clearly marked with large white “AREA CLOSED” with bold red lettering clearly marked the fence.

Upon approaching the barricade manned by U.S. Capitol Police Officers, the crowd immediately became confrontational with the officers. The crowd pushed and pulled on the barricades as the now vastly outnumbered officers attempted to keep the crowd back. DULANEY was at the front of the crowd.



Image 3: Screenshot of open-source footage showing DULANEY (red circle) with rioters approaching bike rack barricades and the police line

At about 12:54 p.m., rioters plowed through those barricades, driving the bike racks directly into the police officers. One officer was driven to the ground and suffered a concussion. Another officer was pressed down under the barricade and struggled to avoid being pulled out into the mob. With the police officers under attack, DULANEY, for his part, picked up and moved a metal bike rack to the side, opening a pathway for the mob behind him to surge forward.





Images 4-5: Screenshots of open-source footage showing DULANEY (red circle) moving a bike rack as police officers retreat and the crowd surges forward

The crowd surged forward as officers retreated towards the building. As DULANEY and the crowd moved down the Pennsylvania Ave Walkway, they approached another line of barricades backed by another line of police officers. DULANEY marched directly to the front of the barricades, as officers retreated and regrouped.

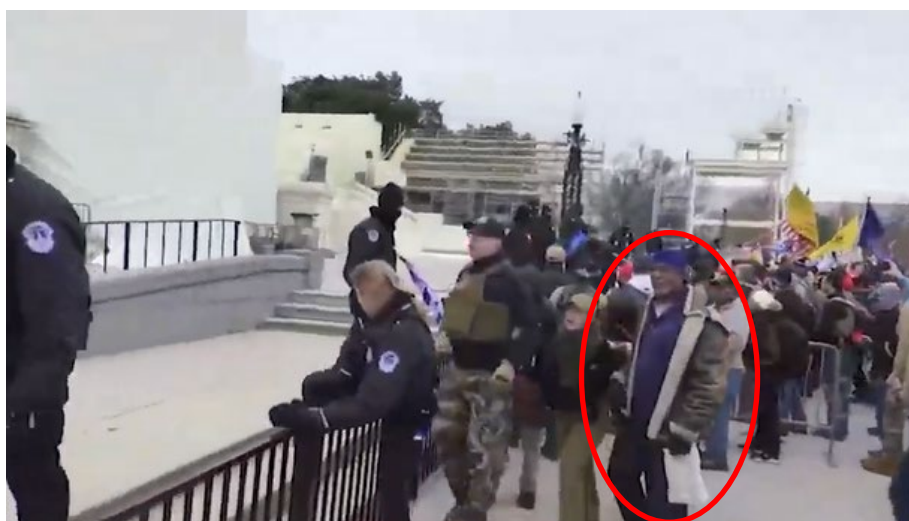


Image 6: Screenshot of open-source footage showing DULANEY (red oval) at the front of the mob on the West Front as police officers retreat behind metal barricades



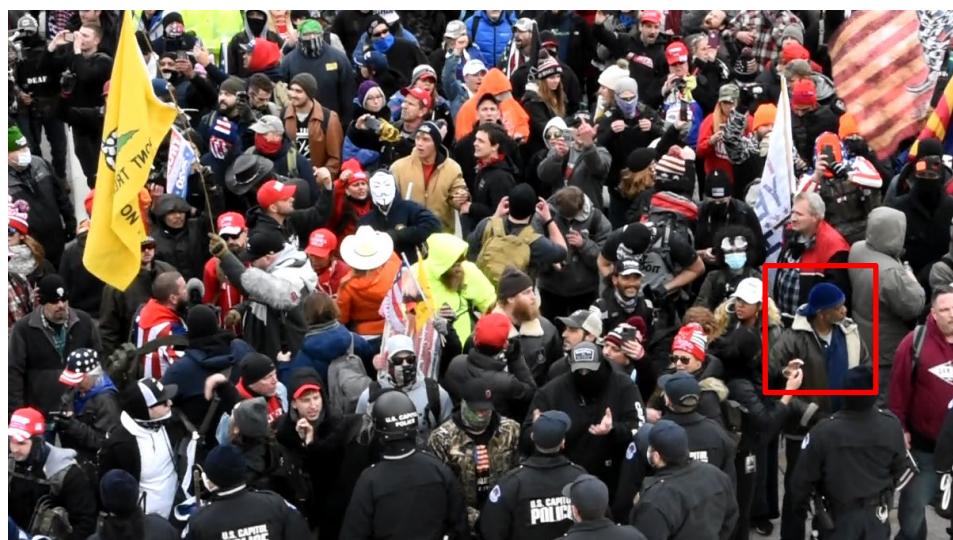
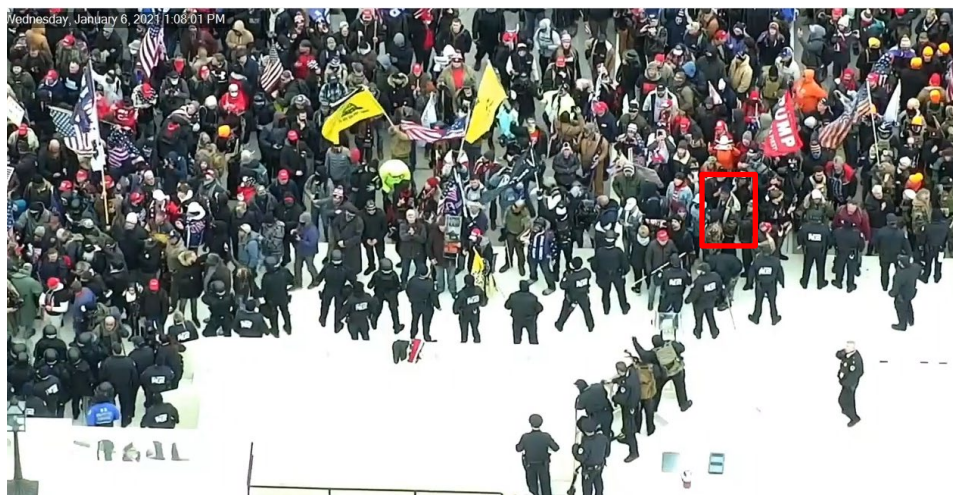
Image 7: Screenshot of Capitol surveillance footage showing the mob behind the black metal barricades (yellow rectangle); DULANEY is just North (to the right) of the yellow rectangle

The individuals from the crowd quickly broke through this fencing, allowing the mob to move forward and flood the West Plaza. DULANEY remained at the front of the mob as the crowd chanted “USA USA USA!” and “OUR HOUSE!”



Image 8: Screenshot of Capitol surveillance footage showing the mob flooding the West Front after breaking through the barricades and facing off with a line of police officers guarding the Capitol

Rioters immediately began attacking the police officers. The rioters used weapons, such as chemical irritants, against the officers, pushed into the officers, and threw objects at the officers. DULANEY remained at the front of the mob near the police line as the police officers attempted to ward off the rioters’ attacks.



Images 9-10: Screenshots of Capitol surveillance footage showing DULANEY (red square) at the front of the mob facing off with police officers guarding the Capitol

At about 1:12 p.m., police officers from the Metropolitan Police Department arrived on the scene to assist the Capitol Police. Together, the officers formed another line of bike rack barricades and moved the crowd back.



Images 11-12: Screenshots of Capitol surveillance footage showing the West Front flooded with rioters (top) and about fifteen minutes later, the rioters pushed back behind a newly established bike rack line with police officers manning the line (bottom)

At about 1:34:50 p.m., rioters on the North side of the West Front began pushing and pulling on the bike racks. Additional officers ran to support the area as the confrontation escalated. DULANEY was close by and watched the confrontation.



Image 13: Screenshot of open-source footage showing DULANEY (red oval) watching as rioters fought with police officers

Then, at 1:35:10 p.m., when the situation appeared to escalate, DULANEY charged forward as the rioters fought to obtain control of a bike rack.

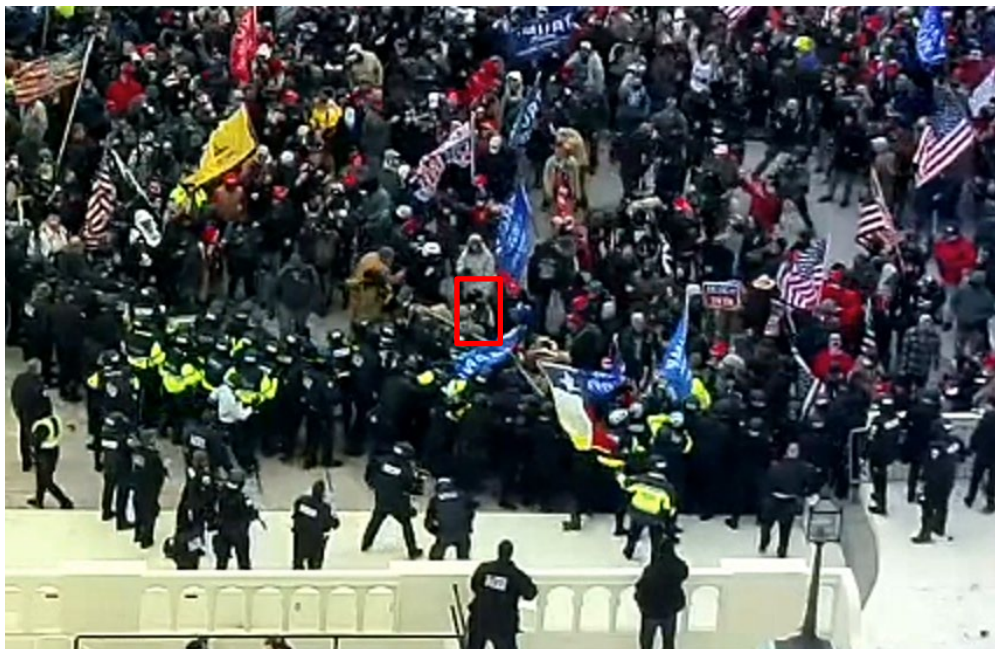


Image 14: Screenshot of Capitol surveillance footage showing DULANEY (red rectangle) approaching the police line

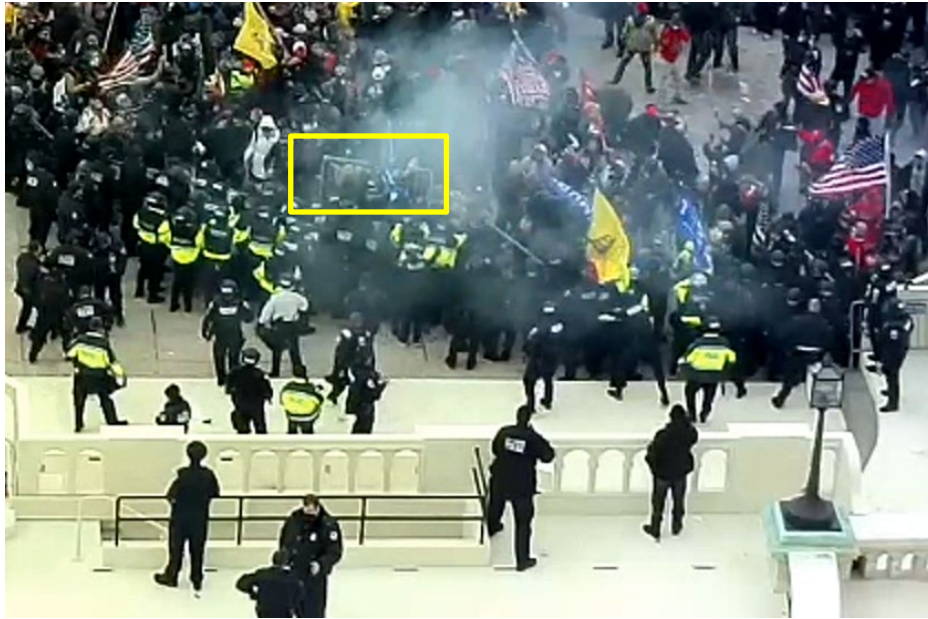
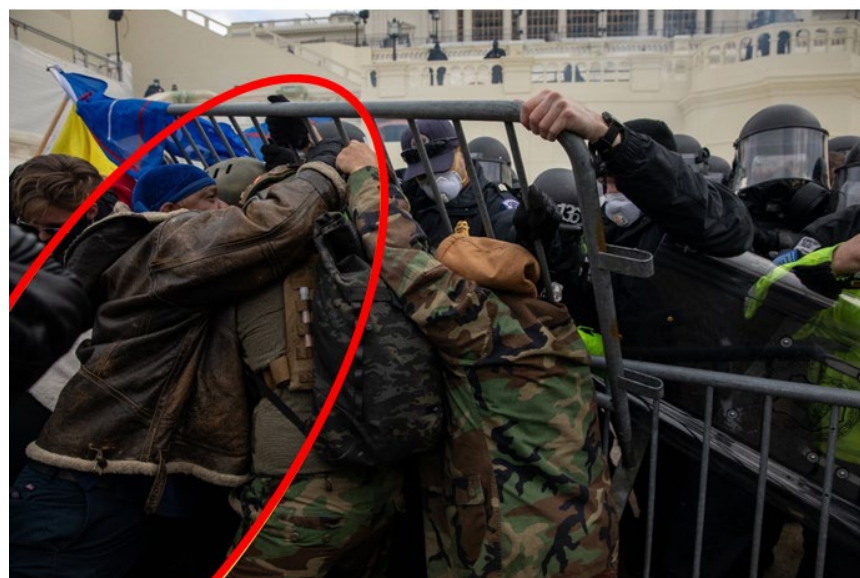


Image 15: Screenshot of Capitol surveillance footage showing the bike rack raised in the air as rioters pushed the bike rack into the police line



Image 16: Screenshot of open-source footage showing DULANEY (red oval) approaching the altercation between the rioters and police officers, as rioters pushed the bike rack (yellow rectangle)

DULANEY reached over several rioters and grabbed the top of the barricade that was now raised in the air and, with the aid of his fellow rioters, pushed the barricade into the police officers.



Images 17-19: Screenshots of open-source footage showing DULANEY (red square/oval) grabbing onto the metal bike rack and forcefully pushing it into the police officers

As DULANEY and the rioters forcefully pushed the bike rack forward, the bike rack made physical contact with several officers.

Even after this altercation ended, DULANEY continued to watch as rioters attacked police officers and, eventually, broke through the police line.



Image 20: Screenshot of Capitol surveillance footage showing DULANEY (red oval) at the front of the mob facing off with officers as rioters continue to attack the police line around him

For the reasons set forth above, I submit there is probable cause to believe that DULANEY violated:

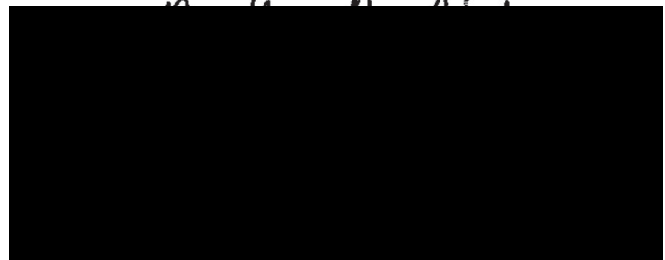
1. 18 U.S.C. § 111(a)(1), which makes it a crime to forcibly assault or interfere with any person designated in section 1114 of this title 18 while engaged in or on account of the performance of official duties. Persons designated within section 1114 include any person assisting an officer or employee of the United States in the performance of their official duties.

2. 18 U.S.C. § 231(a)(3), which makes it a crime 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. "Civil disorder" means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual. "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; and such term shall specifically include, but not be limited to, the collection and distribution of the United States mails. 18 U.S.C. § 232(1).

3. 18 U.S.C. § 1752(a), which make 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 function; and (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, 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.

4. 40 U.S.C. § 5104(e)(2), which makes it a crime for an individual or group of individuals 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 (F) engage in an act of physical violence in the Grounds or 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 22nd day of February 2024.

Zia M. Faruqi
U.S. MAGISTRATE JUDGE