

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent assigned to the Federal Bureau of Investigation, Richmond Field Office, Charlottesville Resident Agency. In my duties as a Special Agent, I investigate criminal and national security matters. Currently, I am tasked with multiple investigative cases regarding criminal activity in and around the United States Capitol (“U.S. 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, 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 are 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 U.S. 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 U.S. 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. (all times herein are Eastern Standard Time). 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 U.S. Capitol and the proceedings underway inside.

At such time, the certification proceedings were still under way 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 U.S. 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 U.S. 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 and closed captioning cameras, 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 DARL MCDORMAN

DARL MCDORMAN, was identified as an individual who was on the grounds of the U.S. Capitol for several hours on January 6, 2021. He wore a plaid shirt, baseball-style cap, dark blue or black jacket, a backpack, and red sneakers. In that time, he was involved in several assaults and violent acts.

On August 13, 2021, the FBI received a tip from Witness 1, who observed a social media post by MCDORMAN. In the post, MCDORMAN stated he was part of the Capitol riot and carried a person he claimed had died during the breach. Witness 1 provided two publicly available January 8, 2021 posts on MCDORMAN's Facebook page which described his involvement in the January 6, 2021 Capitol riot. He was also depicted on another person's Facebook page in a picture taken on January 6, 2021, in Washington, D.C. See Images 1A and 1B. Darl McDorman is circled in red wearing plaid shirt, baseball-style cap, dark blue or black jacket, a backpack, and red sneakers. See Image 1B.



Image 1A



Image 1B

On September 13, 2021, FBI conducted an interview with Witness 2, who had attended high school with MCDORMAN. On November 7, 2022, FBI conducted an additional interview with Witness 2, who was shown photographs of MCDORMAN on the Capitol Grounds on January 6, 2021, and was able to identify the person in Images 1A, 1B, 1C and Image 2 as MCDORMAN.



Image 1C

On September 14, 2021, facial and name recognition returned positive results for MCDORMAN. Facial recognition shows a YouTube video from the Capitol riots and grounds with results of MCDORMAN throwing multiple items at law enforcement officers, one item being a bike rack. See Images 24-25. The video depicts multiple tattoos and physical descriptive data that this agent was able to compare to MCDORMAN’s driver’s license and social media photos.

MCDORMAN Kicks USCP Officer - Assault Captured on MPD Officer C.W.’s BWC

Metropolitan Police Department (“MPD”) Officer’s body worn camera shows events at the Capitol on January 6, 2021. At approximately 2:28 pm, a crowd of rioters assembled on the Lower West Terrace of the Capitol Grounds near the media tower. Law enforcement officers from U.S. Capitol Police (“USCP”) and MPD had formed a line of bike racks to act as a barrier against the crowd. Officers stood behind this line, fending off repeated attempts by the rioters to breach the bike racks and assault the officers. The rioters eventually breached the line, swarmed the officers, and advanced towards the first landing of the Lower West Terrace. During the breach, rioters assaulted multiple officers.

At approximately 2:29 pm, MCDORMAN was at the front of the crowd, kicking a USCP Officer (hereinafter referred to as Unidentified Victim USCP Officer) with his right leg. See Images 2-3.

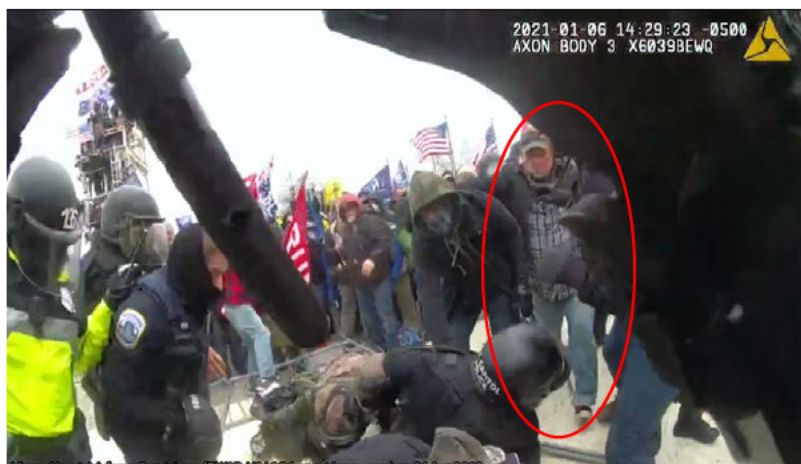


Image 2



Image 3

MCDORMAN Throws Bottle at Officers - Assault Captured on MPD Officer J.S.'s BWC

At approximately 2:41 pm, numerous USCP and MPD officers, after having had their positions on the Lower West Terrace of the U.S. Capitol overrun by rioters (including by MCDORMAN), fell back and began entering the Lower West Terrace tunnel, in an effort to prevent rioters from entering the U.S. Capitol building through that entrance. The officers attempted to secure the exterior glass doors behind them. At approximately 2:42 pm, rioters began entering the tunnel and fighting with the officers. The rioters broke the glass and forced the doors open. In response, the USCP and MPD officers formed a police line blocking that entrance to the U.S. Capitol building.

From approximately 2:42 pm and on, numerous rioters were consistently attempting to breach the police line that formed in the tunnel. The rioters used various weapons, as well as the force of their bodies, in an attempt to overcome the officers. The crowd was pushing against police and the police, which ran several officers deep, was pushing to get the rioters out of the doorway while fending off repeated attempts by the rioters to assault the officers. Many of the rioters assaulted MPD and USCP officers by hurling objects towards the officers, physically striking officers with batons and other blunt instruments, using lights to distract and disorient the officers, using electrical shock devices, crushing officers between the doors and walls of the confined space, and by deploying chemical sprays and fire extinguishers against the officers. At approximately 3:18 pm, officers were able to advance and start pushing the rioters back toward the mouth of the tunnel. During this process of advancing, officers continued to fend off repeated attempts by the violent rioters to assault them. At approximately 3:21 pm, officers were steadily maintaining a police line at the mouth of the tunnel. From 3:21 pm and on, rioters consistently disturbed the police line and assaulted and pushed against officers.

At approximately 4:34 pm, as the crowd of violent rioters continued their efforts to breach the tunnel and as the officers continued to attempt to maintain the police line and were fending off ongoing assaults by the rioters, MCDORMAN approached the tunnel and stood near the tunnel entrance. A rioter farther in the crowd threw what appeared to be a bottled beverage (hereafter referred to as object 1) towards the line of officers. *See* Image 4. Object 1 landed on the ground and did not appear to hit the officers. MCDORMAN proceeded to immediately pick up object 1 from the ground and throw it directly at the officers. *See* Image 5. Image 5 shows MCDORMAN's arm held up in air with the bottle in his hand right before he violently threw it at police officers.



Image 4



Image 5

MCDORMAN Throws Multiple Items at Officers - Assaults Captured on Video Available on YouTube Video, Entitled “FULL FOOTAGE: Patriots STORM U.S. Capitol”¹

At what your affiant believes to be 4:15 pm (the 1 hour 20 minute mark of the “FULL FOOTAGE” video), MCDORMAN stood in front of the Lower West Terrace where officers attempted to maintain a police line and fend off repeated assaults by rioters. MCDORMAN threw what appeared to be a silver short pipe at officers. See Images 6-7.



Image 6



Image 7

¹ Available on YouTube Video at <https://www.youtube.com/watch?v=iNFcdpZdkh0>

Approximately one second later, MCDORMAN threw what appeared to be a different long metal brown pipe at the officers again. *See Images 8-9.*



Image 8



Image 9

Approximately 40 seconds later, MCDORMAN picked up what appeared to be a wooden flagpole off the ground and struck officers with it repeatedly. *See Images 10 - 11.* MCDORMAN's conduct occurred as numerous other rioters were repeatedly assaulting officers, including by striking and throwing objects at officers.

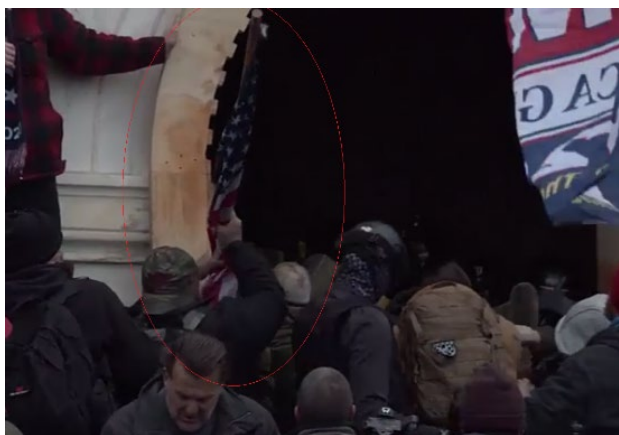


Image 10

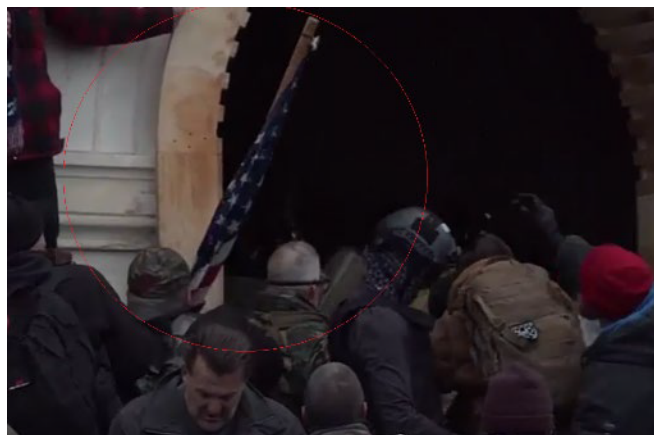


Image 11

Approximately two minutes later, MCDORMAN was seen talking to an unidentified rioter and several seconds later was seen holding what appeared to be a metal object, which he then passed it to rioters closer to the tunnel. *See Image 12.* Seconds later, MCDORMAN took what appeared to be a desk drawer and passed it to the rioters closer to the tunnel. *See Image 13.* From my investigation, during the riot, some rioters passed one another items such as metal poles, flags, and other objects to use in the ongoing assaults against police officers.



Image 12



Image 13

Multiple Assaults Captured on Video Entitled, “Police under attack at the US Capitol!!! {4K}” aka “Cop Watch”²

Shortly after 4:15 pm, USCP began to clear the north side of the area known as the Upper West Terrace of the U.S. Capitol. USCP was assisted by at least four other law enforcement entities including Arlington County Police Department (“ACPD”), Montgomery County Police Department (“MCPD”), and MPD. Officers from these agencies used crowd-control techniques to direct trespassers, many of whom were assaulting officers, away from the U.S. Capitol. Specifically, officers from ACPD, MCPD, and MPD directed trespassers west to the main route of egress: Stairs from the Upper West Terrace to the Lower West Terrace.

By approximately 5:12 pm, officers had cleared many trespassers from the north side of the Upper West Terrace to the Lower West Terrace and continued to direct the crowd to back up. The "Cop Watch" video shows MCDORMAN on the Lower West Terrace at about 5:12 pm. *See* Image 14. The "Cop Watch" video begins with a stamp at the bottom of the screen that states, “4:13PM EASTERN TIME,” however the actual time appears to be 5:12 pm based on review of MCPD body-worn camera footage described herein. The "Cop Watch" video shows MCDORMAN initially backing away from the police line as police approached the Lower West Terrace. Within seconds MCDORMAN picked up what appeared to be a blue-colored folding lawn chair in a storage bag. MCDORMAN then threw the chair toward the police line. *See* Image 15.

² Available on YouTube at <https://www.youtube.com/watch?v=wIFpSg-6Hlc>



Image 14



Image 15

The body-worn camera footage of MPD Lieutenant P.D. at 5:12 pm shows Lieutenant P.D. descending the stairs from the Upper West Terrace to the Lower West Terrace. As Lieutenant P.D. approached the Lower West Terrace at the bottom of the steps, an object which appeared to be a blue-colored folding chair in a bag, appearing to be the chair thrown by MCDORMAN, arcs into the air then down onto the back of the head, neck, and back of MPD Lieutenant C.F. See Images 16-17.



Image 16



Image 17

At approximately 5:13 pm, MCDORMAN can be seen in the "Cop Watch" video, approaching the police line (Image 18), this time holding a metal bike-rack-like police barrier with both hands and hurling it at the police line (Image 19). The barrier did not appear to strike any officers as its forward motion was apparently stopped by one of the barrier's feet striking vertical scaffolding. Immediately after this, a police officer appeared to move toward MCDORMAN, and MCDORMAN immediately turned and began retreating from the police line. Sometime thereafter, the video appears to show MCDORMAN launching an unidentified metal object, approximately 2-3 feet long, at the police line, which struck the shield of an unidentified MPD officer (Image 20).



Image 18



Image 19

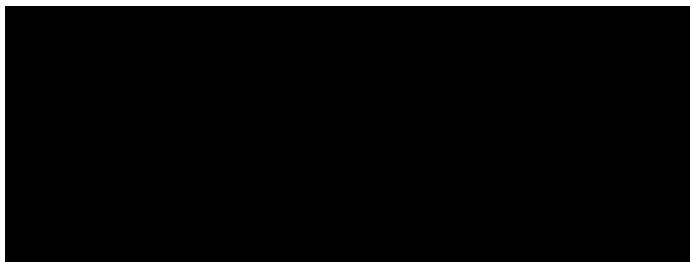


Image 20

Based on the foregoing, your affiant submits that there is probable cause to believe that DARL MCDORMAN violated 18 U.S.C. § 111(a)(1) and (b), which makes it a crime to use a deadly or dangerous weapon to forcibly assault, resist, oppose, impede, intimidate, or interfere with a person designated in 18 U.S.C. § 1114, which includes certain federal officers or employees or those assisting them, where such acts involve physical contact with the victim of that assault, while the officer or employee is engaged in or on account of the performance of official duties.

Further, based on the foregoing, your affiant submits that there is probable cause to believe that DARL MCDORMAN violated 18 U.S.C. §§ 1752(a)(1), (2), (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; (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; (4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds; and (b)(1)(A) using a deadly or dangerous weapon. 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.

Finally, your affiant submits there is probable cause to believe that Darl MCDORMAN violated 40 U.S.C. §§ 5104(e)(2)(D), and (F), 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; 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 9th day of April 2024.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE