

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to the FBI's Washington Field Office, Joint Terrorism Task Force. In my duties as a Special Agent, I investigate violations of federal law. 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, 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 (USCP). 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 ANATOLIY LUTSIK

ANATOLIY ANATOLIEVICH LUTSIK (LUTSIK), of Sterling, Virginia, whose identification is further described below, traveled to Washington, D.C., on January 6, 2021. LUTSIK was seen on the United States Capitol Grounds and inside the United States Capitol Building on January 6, 2021, on surveillance footage, police body-worn camera, and video footage taken by third parties. LUTSIK wore distinctive apparel, including a gas mask, a helmet, and a black vest with a yellow snake patch. Throughout the day, LUTSIK removed his helmet and face mask.

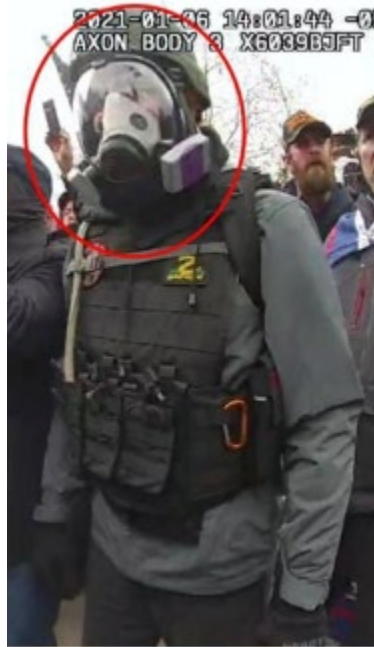


Image 1: LUTSIK on Capitol grounds with the gas mask, helmet, and black tactical vest.



Image 2: LUTSIK inside the U.S. Capitol with the helmet.



Image 3: LUTSIK outside the U.S. Capitol wearing the helmet and tactical vest.



Image 4: LUTSIK outside the U.S. Capitol wearing glasses and tactical vest.

According to records obtained through a search warrant served on Google, a mobile device associated with email address [REDACTED] was present at the U.S. Capitol on January 6, 2021. Google estimates device location using sources including GPS data and information about nearby Wi-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” for each location data point. Thus, where Google estimates that its location data is accurate

to within 10 meters, 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 email address [REDACTED] was located on the East Front of the Capitol. The earliest point reported by Google as being within the Capitol’s restricted perimeter occurred at 3:24:18 PM and the latest occurred at 3:25:29 PM. Google provided two discrete device location points. For each, the entirety of the “maps display radius” fell within the Capitol’s restricted perimeter.

Records provided by Google indicated the telephone number associated with this email address is [REDACTED]. An IP address associated with this Google account on January 12, 2021, resolves to Sterling, VA.

Records provided by Verizon for telephone number [REDACTED] indicated that “ANATOIL LOUSIK” was associated with this phone number on January 6, 2021. Verizon records provided a billing address known to be associated with LUSTIK. Verizon records indicated [REDACTED] was ported to T-Mobile on January 14, 2021.

Records provided by T-Mobile for telephone number [REDACTED] indicated that LUSTIK was associated with this phone number on January 14, 2021. Records indicated LUSTIK was still associated with this phone number as of May 2024.

On July 1, 2024, a former employer was shown Images 2, 3, and 4 and identified the individual as LUSTIK. LUSTIK worked for the former employer from 2017 to 2021. The former employer worked directly with LUSTIK during this time period and interacted with LUSTIK on a monthly basis.

LUSTIK’s Conduct on January 6, 2021

According to video footage I have reviewed, on January 6, 2021, LUSTIK initially entered Capitol Grounds on the West Front of the U.S. Capitol. Throughout the day on Capitol grounds, LUSTIK’s conduct included picking up a fire extinguisher and spraying police officers, pulling on a bike rack that was utilized as a police barrier, and entering the U.S. Capitol.

As captured on Metropolitan Police Department (MPD) Body Worn Camera (BWC) and an open source video, at approximately 2:07 p.m., while on the West Front of the Capitol, LUSTIK picked up a fire extinguisher and sprayed law enforcement officers. *See Image 5.*

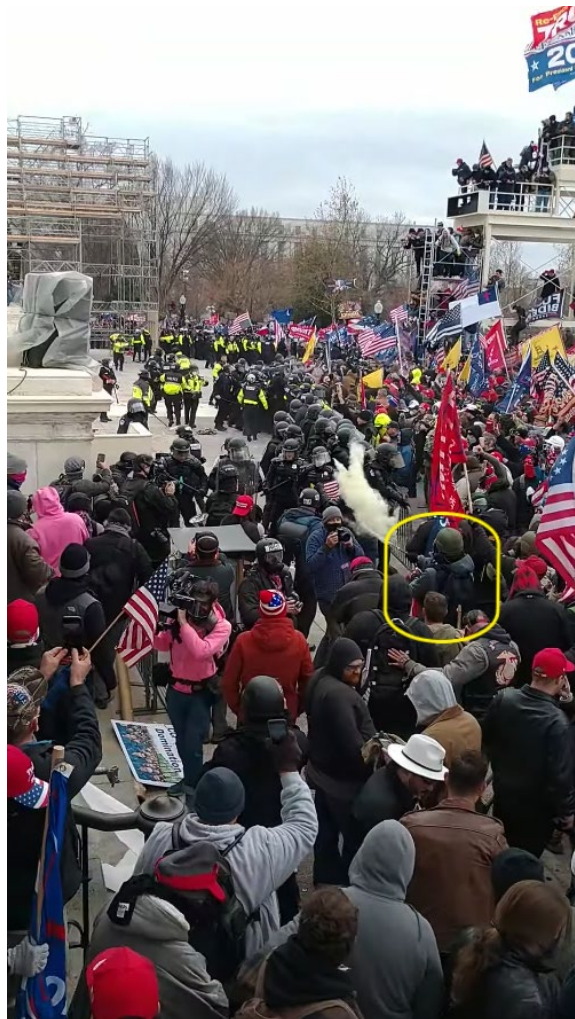


Image 5: LUTSIK spraying law enforcement officers with a fire extinguisher.

At approximately 2:15 p.m., LUTSIK pulled a bike rack barrier away from the police. See Image 7 and Image 8. The police had been using the bike rack barrier to prevent rioters from advancing further onto Capitol grounds.



Image 6: LUTSIK pulling a bike rack police barrier from law enforcement officers.



Image 7: LUTSIK pulling a bike rack police barrier from law enforcement officers.

LUTSIK entered the U.S. Capitol building at approximately 2:36 p.m. through the Upper West Terrace Door. LUTSIK walked to the Rotunda, Statuary Hall, and toward the House of Representatives. LUTSIK exited the building at approximately 2:45 p.m.



Image 8: LUTSIK entering the U.S. Capitol.



Image 9: LUTSIK inside the Rotunda.

At approximately 2:38 p.m., LUTSIK walked into Statuary Hall. According to an open source video, while in Statuary Hall, LUTSIK appeared to make a video call and stated, "Hey ma, I'm in the Senate. I told y'all I'd make something of myself."



Image 10: LUTSIK making a video call from Statuary Hall.

LUTSIK placed his gas mask back on his face at approximately 2:40 p.m.



Image 11: LUTSIK with his gas mask in Statuary Hall Connector.



Image 12: LUTSIK exiting the U.S. Capitol at approximately 2:45 p.m.

Charges Supported by Probable Cause

Based on the foregoing, your affiant submits there is probable cause to believe that LUTSIK 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 Secret Service's protection of the Vice President and his family and the Capitol Police's protection of the U.S. Capitol.

Your affiant submits that there is probable cause to believe that LUTSIK violated 18 U.S.C. § 111(a)(1), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in section 1114 of Title 18 while engaged in or on account of the performance of official duties. Persons designated within section 1114 of Title 18 include federal officers such as USCP officers, and include any person assisting an officer or employee of the United States in the performance of their official duties.

Your affiant submits that there is probable cause to believe that LUTSIK violated 18 U.S.C. § 1752(a)(1), (2), and (4), which make it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; 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; (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.

Your affiant submits there is also probable cause to believe that LUTSIK violated 40 U.S.C. § 5104(e)(2)(D), (F) and (G), which make 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 a Capitol Building.

[REDACTED]

Special Agent [REDACTED]
FBI

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 19th day of August 2024.

HON. G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE