

STATEMENT OF FACTS

Your affiant, [REDACTED] field office. In my duties as a special agent, I conduct investigations related to domestic terrorism and related criminal violations. 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. 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.

Following the events of January 6, 2021, the FBI identified an unknown subject participating in the Capitol riot. *Image 1*, consisting of three photos from an FBI “Be on the Lookout” notice, depicted the subject among the mob wearing a black beanie, transition lenses, a blue jacket, and a distinct red bandana.



Image 1: The subject among the mob on January 6, 2021.

At approximately 1:29 p.m. – nearly thirty minutes after rioters initially breached the restricted Capitol grounds – open-source and police Body Worn Camera (“BWC”) footage captured the subject approach a bike rack barricade separating officers from rioters on the Capitol’s West Front. Officers had previously assembled a police line at this location to prevent rioters from encroaching further on Capitol grounds as the riot developed. At this location, Body Worn Camera (“BWC”) and open-source footage showed the subject disregard police orders to “get back.” Instead, the subject turned his back to officers along the line, grabbed the bike rack, and used his body weight to push the bike rack into officers in an apparent attempt to breach the police line at this location. (*Image 2*)



Image 2: Image, excerpted from open-source footage, of the subject, circled in yellow, pushing a bike rack into officers on the West Front.



Image 3: Image, excerpted from BWC footage, of the subject pushing a bike rack into officers on the West Front.

For approximately the next 20 seconds, open-source and BWC footage showed the subject struggling with officers over the bike rack as he attempted to lift and remove the barricade from the police line.



Image 4: Image, excerpted from BWC footage, of the subject attempting to disconnect the police barricade as he struggled with officers over the barricade on the West Front.



Image 5: Image, excerpted from open-source footage, of the subject lifting and removing a bike rack barrier from the police line.

In response to the subject's actions, officers defended themselves by using their riot batons against the subject and deploying a chemical irritant in the subject's direction to preempt further aggression by the subject. The officers successfully repelled the subject's advance and the subject retreated in visible pain from the chemical irritant. (*Image 6*)



Image 6: Image, excerpted from open-source footage, of the subject washing his eyes with a water bottle after officers deployed a chemical irritant against him.

After January 6, 2021, the FBI utilized open-source databases to compare identifiers associated with #BarrierBandit – a moniker attributed to the subject following January 6, 2021. Based on these comparisons, the FBI made a preliminary identification that #BarrierBandit was

associated with an individual named Andre “Andy” Maurice Bonneau (“BONNEAU”) of Lewiston, Maine.



Image 7: A comparison of open-source images of Bonneau (left) revealed BONNEAU had the same facial hair and distinctive upper tooth pattern, notably a longer left central incisor, as #BarrierBandit.

In response, the FBI attempted a subject interview with BONNEAU following this preliminary identification. In a brief interview on June 13, 2022, BONNEAU confirmed his presence at the Capitol on January 6, 2021. However, after the FBI asked BONNEAU if he was involved in any acts of violence, to include pushing a bicycle barricade into a police line, BONNEAU declined to answer any further questions. During this interview the interviewing agent was able to observe BONNEAU’s facial features. Based on these observable facial features, the interviewing agent identified BONNEAU as the individual associated with #BarrierBandit at the Capitol on January 6, 2021.¹ During a subsequent third-party canvass interview, an individual in Lewiston, Maine who knows BONNEAU personally and was previously aware of his presence at the Capitol on January 6, 2021, positively identified BONNEAU as the individual in *Image 1* of this memorandum.

Based on the foregoing, your affiant submits there is probable cause to believe that BONNEAU 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

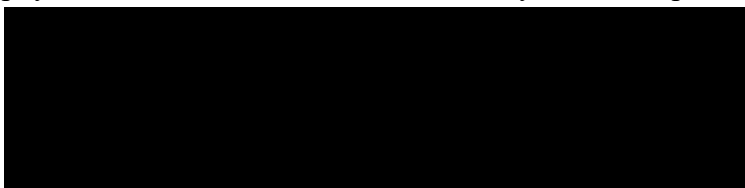
¹ The interviewing agent also observed BONNEAU wearing similar transition lenses to those worn by #BarrierBandit at the Capitol on January 6, 2021.

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.

I submit there is also probable cause to believe that BONNEAU 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, where such acts involve physical contact with the victim or the intent to commit another felony. 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.

I further submit there is probable cause to believe that BONNEAU violated 18 U.S.C. § 1752(a)(1), (2), and (4) which makes 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 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.

Your affiant submits there is also probable cause to believe that BONNEAU 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 1st day of October 2024.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE