

## STATEMENT OF FACTS

On January 6, 2021, your affiant, Detective Scott Brown, was on duty and performing my official duties as a Metropolitan Police Department Detective. Specifically, I am assigned to the Narcotics and Special Investigation Division, and detailed to the FBI's Safe Streets Task Force. Since January 6, 2021, your affiant has been tasked with investigating criminal activity in and around the Capitol grounds.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. On January 6, 2021, permanent and temporary security barriers were in place to separate areas where lawful first amendment activity could be conducted from areas restricted both to prevent any adverse impact on the legislative process and to safeguard and prevent property damage directed at the U.S. Capitol and West Front Inaugural Platform. These security barriers included bike racks that were positioned to the north of the U.S. Capitol along Constitution Avenue; to the south of the U.S. Capitol along Independence Avenue; to the west of the U.S. Capitol along First Street on the eastern side of that street; and, on the east side of the U.S. Capitol, between the Capitol Plaza (East Front) and the grassy areas located between the Plaza and First Street. This bounded area is hereinafter referred to as the "Restricted Grounds." Within the West Front of the Restricted Grounds there were additional temporary barriers due to preparations and ongoing construction for the Inauguration including green snow fencing and signage stating "Area Closed By order of the United States Capitol Police Board." The exterior plaza of the U.S. Capitol was also closed to members of the public.

The picture on the next page demonstrates the barriers that were set up around the Capitol Building on January 6, 2021.



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 commenced, 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.

The picture below shows the west side of the Capitol Grounds near the Inaugural Stage where a police barricade was established along with the fenced barricade in an attempt to keep protesters from breaching the barricade.



At such time, the certification proceedings 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, shortly after 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 and the Restricted Grounds without authority to be there.

On January 9, 2021, the FBI received a tip that Otero County, New Mexico Commissioner COUY GRIFFIN (hereinafter S1) was present at the U.S. Capitol on January 6, 2021, and had posted videos to his Facebook page indicating that he intended to return to Washington, D.C. on January 20, 2021, and put the American flag on House Speaker Nancy Pelosi's desk.

Through investigation, the FBI and your affiant learned that S1 is the founder of an organization called "Cowboys for Trump." Following the incident at the U.S. Capitol on January 6, 2021, S1 posted a video to the Cowboys for Trump Facebook page in which he stated that he "climbed up on the top of the Capitol building and . . . had a first row seat." In that same video, which has since been removed from the Facebook page, he went on to state his intention to return to the U.S. Capitol on January 20, 2021:

You want to say that that was a mob? You want to say that was violence?  
No sir. No Ma'am. No we could have a 2nd Amendment rally on those same steps that we had that rally yesterday. You know, and if we do, then it's gonna be a sad day, because there's gonna be blood running out of that building. But at the end of the day, you mark my word, we will plant our flag on the desk of Nancy Pelosi and Chuck Schumer and Donald J. Trump if it boils down to it.

On January 11, 2021, Special Agents from the FBI interviewed S1 about his actions on January 6, 2021. S1 reported that he traveled to Washington, D.C. to participate in a protest regarding the results of the 2020 Presidential Election. S1 stated that he traveled with a man named MATT STRUCK, who runs media for the Cowboys for Trump organization. S1 told agents that he expected the event to be peaceful, and that it largely was. S1 stated that when he arrived at the U.S. Capitol, there was already a large crowd forming around the barricades. S1 stated that he was "caught up" in the crowd, which pushed its way through the barricades and entered the restricted area of the U.S. Capitol. S1 indicated that neither he nor STRUCK entered the U.S. Capitol building at any time, and instead they both remained on the U.S. Capitol steps. S1 stated that police never asked him to leave the area, and he exited the U.S. Capitol grounds peacefully. Finally, S1

stated that he plans to return to Washington, D.C. for the rally on January 20, 2021, and hopes the protests will be non-violent. S1 told the Special Agents that he hopes a change in leadership can be accomplished “without a single shot being fired,” but noted that there was “no option that’s off the table for the sake of freedom.”

Special Agents from the FBI also interviewed STRUCK, the videographer that traveled with S1 to Washington, D.C. on January 6, 2021. STRUCK stated that, following the rally, he and S1 moved towards the U.S. Capitol and saw people “where they shouldn’t be,” pushing past barriers and up onto the platform deck in front of the U.S. Capitol. STRUCK stated that he and S1 climbed up the U.S. Capitol wall and onto the patio on the U.S. Capitol’s west front. STRUCK stated that as he and S1 got closer to the U.S. Capitol, there were people around them scaling additional walls, but S1 decided they would not do that. Instead, a door opened which gave them access to the top stairs and the outside deck of the U.S. Capitol via a temporary staircase. S1 got up on the wall to face the crowd, and was able to borrow a bullhorn to lead the group in a prayer. STRUCK stated that he and S1 remained up on the deck for approximately an hour and a half, and left unprompted when they smelled pepper spray in the air. STRUCK stated that neither he nor S1 had “malicious intent,” but acknowledged that they may have committed some “minor trespassing” onto the steps of the U.S. Capitol. STRUCK provided the FBI with the video footage that he had taken on January 6, 2021, during the incident at the U.S. Capitol.

According to Special Agents from the FBI, the video footage provided by STRUCK is consistent with videos posted on the “Cowboys for Trump” Facebook page as well as on S1’s personal Facebook page.

The below picture is a still image taken from an ABC7 news story about S1’s participation in the January 6, 2021, incident at the U.S. Capitol. In the image, S1 is seen standing on the west front of the U.S. Capitol steps, well within the restricted area. In the video, S1 states: “it is a great day for America! The people are showing that they’ve had enough. People are ready for fair and legal elections, or this is what you are going to get, you’re going to get more of it.”



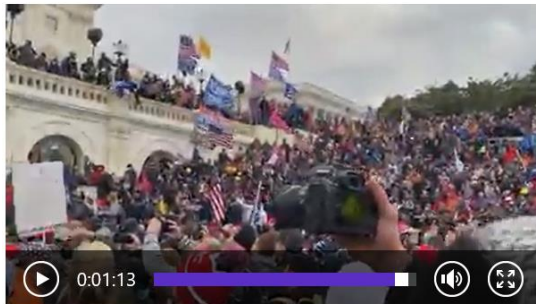
In another media story by Inside Edition, S1 was interviewed about his participation in the January 6, 2021, incident at the U.S. Capitol. The news segment contained video footage of S1

standing in the same location on the U.S. Capitol steps, and stating: “we are not going anywhere. We are not going to take for no for an answer. We are not going to get our election stolen from us from China.” During his subsequent interview, a reporter asks S1 about the comments he posted on Facebook stating that there might be “blood running out” of the U.S. Capitol during further demonstrations, and whether he was afraid that additional people could die. S1 responded: “I am more afraid of losing my freedom than anything.” At another point, S1 also states: “We are not going to allow it. There will never be a Biden presidency.”

A second still image below, which was obtained from a video posted to S1’s personal Facebook page, shows S1 addressing the crowd with a bullhorn in the same general location on the U.S. Capitol steps:



Additional still images taken from the Facebook video on S1’s personal page as well as from the ABC7 News story show S1’s proximity to the U.S. Capitol as the videographer pans away from S1. Once again, although the crowd control barriers are not visible due to the large crowd, S1’s location on the west facing steps of the U.S. Capitol was well within the restricted area.



On January 14, 2021, during an Otero County, New Mexico council meeting, S1 spoke for approximately seventeen minutes about his actions on January 6, 2021. During these comments, S1 told the council that he noticed the fencing that was erected to delineate the area between permissible First-Amendment activity and the prohibited areas on the west side of the U.S. Capitol. Specifically, S1 stated that when the crowd got down to the inaugural side of the building, “there was some fencing up and they were saying that you could not go any further because this was being reserved for Joe Biden and his inauguration. Well, you tell a million Trump supporters that . . . , pretty soon that crowd just pushed through. I wasn’t anywhere in the front of it, I was in the back.”

S1 also told members of the council about his intent to lead the group in a prayer, and noted that he finally was able to do so when he got a bullhorn “outside the Capitol, but up where the President is inaugurated at.” S1’s statements about his location and actions on January 6, 2021, are consistent with the video screenshots and other open source material that your affiant has reviewed.

Finally, S1 also spoke at the council meeting about his plans to return to Washington, D.C. to protest President-Elect Biden’s inauguration on January 20, 2021. S1 stated that he intended to bring his firearms with him when he traveled to Washington, D.C. Specifically, S1 stated: “I am going to leave either tonight or tomorrow. I’ve got a .357 Henry big boy rifle . . . that I got in the trunk of my car, and I’ve got a .357 single action revolver . . . that I will have underneath the front seat on my right side. And I will embrace my Second Amendment, I will keep my right to bear arms, my vehicle is an extension of my home in regard to the constitution law, and I have a right to have those firearms in my car.”

Your affiant reviewed open source material and news articles about S1 in order to become familiar with his appearance. As an example, your affiant compared the photograph of COUY GRIFFIN from a May 20, 2020, news article to the still images of S1 from the January 6, 2021, incident at the U.S. Capitol. Based on this comparison, as well as the other facts contained within this affidavit, your affiant reasonably believes that the person shown within the restricted area of the U.S. Capitol on January 6, 2021, is, in fact, COUY GRIFFIN.





*Couy Griffin is an Otero County Commissioner and founder of "Cowboys for Trump" (Credit: Couy Griffin)*

Based on the foregoing, your affiant submits that there is probable cause to believe that COUY GRIFFIN violated 18 U.S.C. § 1752(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.

DETECTIVE SCOTT BROWN  
METROPOLITAN POLICE DEPARTMENT

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 15th day of January 2021.

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Zia M. Faruqi  
U.S. MAGISTRATE JUDGE