

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.
Robert Schornak (AKA: Bobby Schornak)
xx/xx/xxxx
Daniel Herendeen
xx/xx/xxxx

Defendant(s)

Case: 1:21-mj-00312
Assigned To : Meriweather, Robin M.
Assign. Date : 3/16/2021
Description: Complaint w/ Arrest Warrant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the
_____ in the District of Columbia, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 1512(c)(2) - Obstruction of Justice/Congress;
18 U.S.C. § 2 - Aiding and Abetting;
18 U.S.C. § 1752(a)(1), (2) - Knowingly Entering or Remaining in any Restricted
Building or Grounds Without Lawful Authority;
40 U.S.C. § 5104(e)(2)(D), (G) - Violent Entry and Disorderly Conduct on Capitol
Grounds;

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.



Complainant's signature

Nathan R. Steele, Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone.

Date: 03/16/2021



Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

Your affiant, Nathan R. Steele, is a Special Agent with the Federal Bureau of Investigation assigned to the Detroit Field Office. In my duties as a special agent, I am currently assigned to the Detroit Field Office. In my employment as an FBI Special Agent Bomb Technician, I have investigated various types of federal criminal violations, including complex financial crimes, computer crimes, and cases involving domestic terrorism. 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 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 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, shortly 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.

Suspects' Planning to Attend Events on January 6, 2021

During my investigation, I have reviewed Facebook messages between ROBERT SCHORNAK and DANIEL HERENDEEN. Specifically, on or about On December 30, 2020, SCHORNAK and HERENDEEN discuss their dedication to attend the “Stop the Steal” rally. Among their comments were:

- a. SCHORNAK: Cant stay home, I would not be able to live w myself
- b. HERENDEEN: That’s how I feel. I’m supposed to go with [redacted], but it sounds like he might back out. I heard it might be hard to get to DC. I go regardless.
- c. SCHORNAK: Hard, nothing easy ever worth doing. Just call me bro
- d. HERENDEEN: Good point! Wanna make a plan? I have next two weeks off work. Just worked every day from Thanksgiving till this Thursday.

Following the events of January 6, 2021, the FBI received information from an associate of HERENDEEN (WITNESS 1). WITNESS 1 had known HERENDEEN for many years and had maintained frequent personal contact.

WITNESS 1 told the FBI of HERENDEEN’s attendance at the “Stop the Steal” rally in Washington, D.C., on January 6, 2021. Prior to attending the rally, HERENDEEN told WITNESS 1 of his plans to travel to Washington, D.C., as well as various items he intended to take with him. Of the items HERENDEEN showed WITNESS 1, were black tinted goggles, a combat styled belt, a knife, a canister of what HERENDEEN described as “ANTIFA spray,” body armor, and a face covering depicting the American flag. WITNESS 1 took a photograph of some of the items, while visiting HERENDEEN at his residence (see Image 1-3).

Image 1



Image 2



Image 3



Suspects Together on January 6, 2021

After January 6, 2021, the FBI National Threat Operations Center received information from a caller (hereinafter WITNESS 2) that ROBERT “BOBBY” SCHORNAK was inside the United States Capitol on January 6, 2021. WITNESS 2 provided a screen capture (see below Image 4) from another Facebook user who was providing an update on SCHORNAK’s behalf. The post stated, “...yes I was in it, front line tear gased, pepper sprayed n batoned [sic]...” WITNESS 2, an individual who has known SCHORNAK since high school, identified SCHORNAK as the individual on the left side of the below image.

HERENDEEN (second individual from the right) also appears to be pictured in the below image with SCHORNAK. As discussed further below, I recognize the second individual from the right as HERENDEEN based on a review of HERENDEEN’s driver’s license images as well as social media photographs.

Image 4



Additional Evidence of HERENDEEN Inside United States Capitol

Shortly after the events of January 6, 2021, I reviewed video provided to the FBI by WITNESS 1 and later corroborated through search warrant returns from Facebook. (IMG_0780.MOV). IMG_0780.MOV is a 17-second video, which appears to be taken by HERENDEEN, while in the Crypt of the U.S. Capitol on January 6, 2021 (see Images 5 and 6). Images 5 and 6 below are screen shot images, captured from the larger video file of IMG_0780.MOV.

Image 5



Image 6



The Crypt of the U.S. Capitol building is in the center section of the Capitol building, one floor directly beneath the Rotunda. The Crypt of the U.S. Capitol building is uniquely identifiable by the 40 Doric columns of brown stone, surmounted by groined sandstone arches which support the floor of the Rotunda above. These columns and arches are clearly visible in the video, as captured in Image 4 above.

WITNESS 1 identified the person in Image 5 as HERENDEEN. In my review of the video, I recognized that HERENDEEN was wearing several of the items in the pictures sent to the FBI by WITNESS 1, to include body armor, a black military style backpack, black goggles, and an American flag mask. Among the items of clothing seen in Image 4 was a black and white colored baseball hat, bearing the logo of Bass Pro Shop. HERENDEEN was seen, within the video footage from which Image 6 was generated, wearing a hat that appears to be identical to the hat seen in Image 4.

As part of my investigation, I reviewed information from a Facebook account, identified as belonging to HERENDEEN. Within the information and data associated with this account was a video (10224983333998401, hereinafter Video File 98401) which was identical to IMG_0780.MOV. Video File 98401 was published to HERENDEEN's Facebook page on January 6, 2021, with the caption "Front line" in the post. The post received subsequent responses from other Facebook users praising HERENDEEN for "standing up for our American rights". Subsequent to that post and prior to my review of the account, Video File 98401 was deleted from HERENDEEN's social media page.

Based upon my knowledge and experience, I know that connected to each video file uploaded to Facebook's platform is a link detailing the origins of the related media. Within

Facebook returns for HERENDEEN was link information for Video File 98401. According to Facebook search warrant returns the link information for Video File 98401 was “/daniel.herendeen/videos/10224983333998401”.

Additional Evidence of SCHORNAK Inside United States Capitol

Law enforcement obtained a search warrant for the Facebook account believed to belong to SCHORNAK: www.facebook.com/bobbyschornak. The below image was recovered from SCHORNAK’s Facebook account. WITNESS 2 identified SCHORNAK as the individual on the right side of the below photo (see Image 7, the individual in the red hat and grey gaiter, consistent with the individual pictured on the left in Image 4). Image 7 photo appears to be a “selfie” photo taken by SCHORNAK while inside the U.S. Capitol.

Image 7



Law enforcement conducted a manual review of United States Capitol Police (USCP) closed-circuit television (CCTV). At approximately 2:33:38 p.m., USCP CCTV from Emancipation Hall inside the U.S. Capitol appears to capture SCHORNAK taking the above described selfie posted to Facebook (see below USCP CCTV still Image 8 and enlarged Image 9).

Image 8

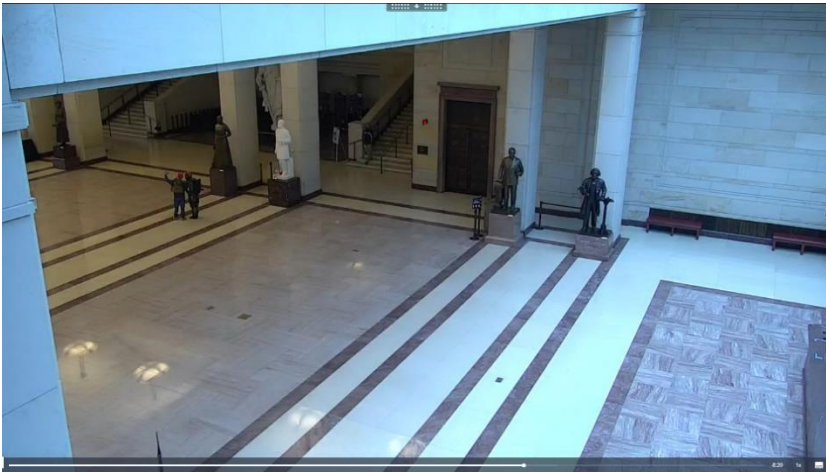


Image 9



USCP CCTV also captured SCHORNAK at approximately 2:30:51 p.m. (see below Image 10) and 2:36:47 p.m. (see below Image 11), and by enlarging the frame of each, your Affiant identified SCHORNAK as wearing the same clothing items as shown in the above Facebook photo (see Image 4), to include a blue long sleeved shirt or sweatshirt, a camouflage vest, a red hat, a grey gaiter, and carrying a megaphone.

Image 10



Image 11



Conclusion

Based on the foregoing, your affiant submits that there is probable cause to believe that DANIEL HERENDEEN and ROBERT SCHORNAK violated 18 U.S.C. § 1752(a)(1) and (2), 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; 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 HERENDEEN and SCHORNAK violated 40 U.S.C. § 5104(e)(2)(D) and (G), 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 (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Finally, your affiant submits there is probable cause to believe that HERENDEEN and SCHORNAK violated 18 U.S.C. §§ 1512(c)(2) and 2 (Obstruction of an Official Proceeding, and Aiding and Abetting), which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings.



Special Agent Nathan R. Steele
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 16th day of March 2021.



ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE