

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.Howard Berton Adams
DOB: XXXXXX

Defendant(s)

Case: 1:21-mj-00291

Assigned To : Harvey, G. Michael

Assign. Date : 3/8/2021

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. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder,

18 U.S.C. § 1512(c)(2) - Obstruction of Justice/Congress,

18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without
Lawful Authority,

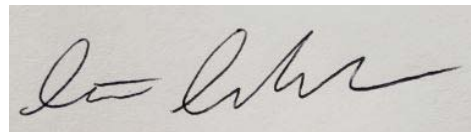
18 U.S.C. § 1752(a)(2) - Disorderly conduct in restricted building or grounds,

40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct on Capitol Grounds,

40 U.S.C. § 5104(e)(2)(G) - parading or demonstrating in Capitol building.

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.

Complainant's signature

Scott Schumacher, Special Agent

Printed name and titleAttested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone.Date: 03/08/2021

Digitally signed by G. Michael

Harvey

Date: 2021.03.08 14:30:06 -05'00'

Judge's signatureCity and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

Your affiant, Scott Schumacher, is an FBI Special Agent, at the Washington Field Office. 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 violations of Federal criminal laws. Currently, I am a tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021.

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.

Tip Regarding “Howard Adams” and Identification of HOWARD BERTON ADAMS

A citizen later provided a tip to the FBI indicating that he/she recognized someone he/she knew on an Inside Edition video purporting to show rioters entering the Capitol building on January 6, 2021. The citizen subsequently referred the FBI to a specific segment of an on-line video posted by Inside Edition, entitled “How the Capitol Coup Unfolded Minute by Minute,” and advised he/she knew the person depicted as “Howard Adams.” The citizen also provided the name of the town in Florida where “Howard Adams” resided.

A pertinent still from the segment referred to by the citizen tipster appears here:



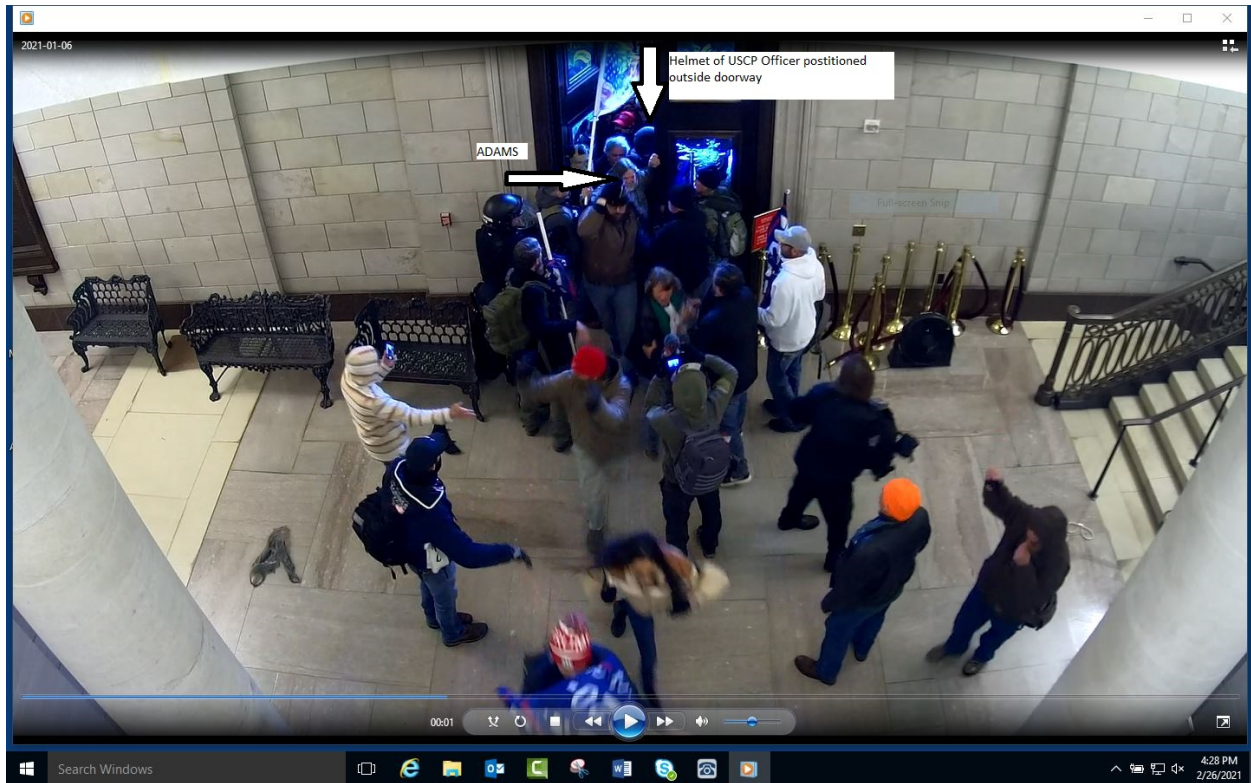
When the video is played, “Howard Adams” is screaming, “AHHH,” as he runs through the doorway.

Florida drivers’ license records show that a HOWARD BERTON ADAMS, white male, age 57, resides in the Florida town identified by the citizen tipster.

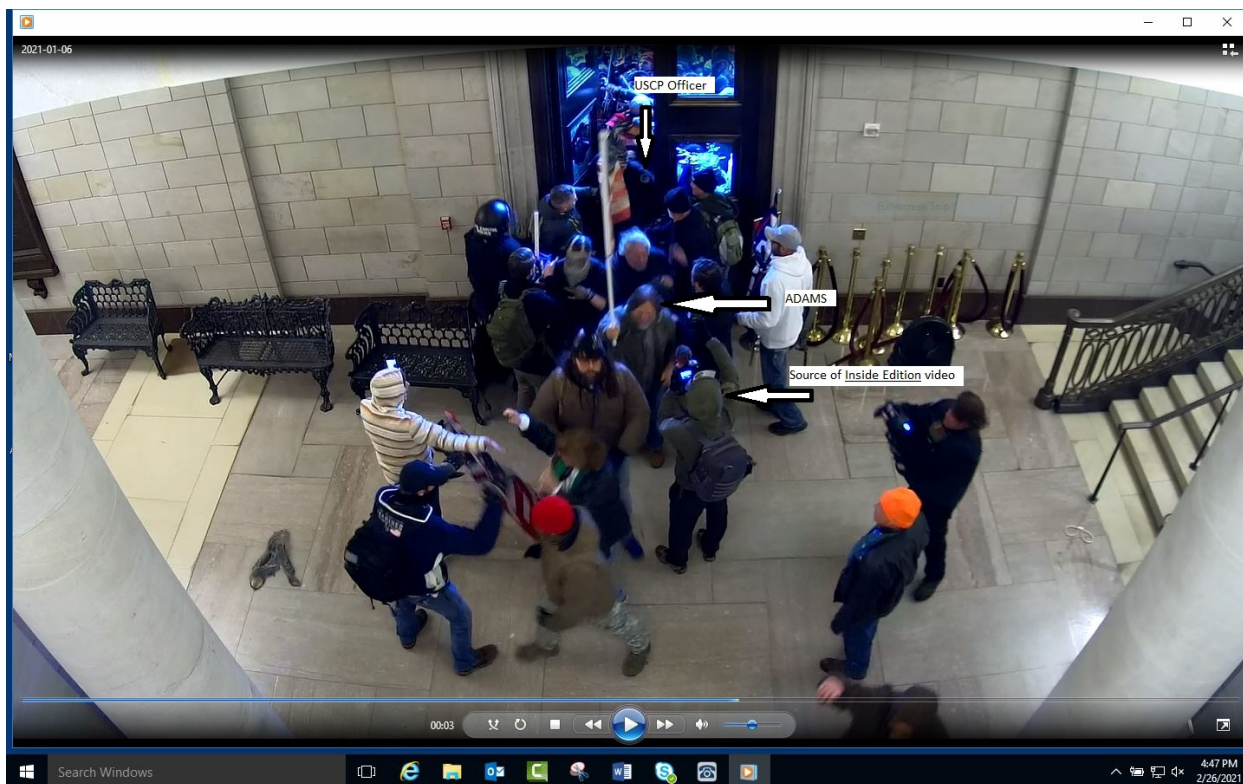
Additional Video Footage of ADAMS

The FBI subsequently obtained video footage from a fixed U.S. Capitol Police camera pointed toward the doorway that appears to correspond to the area depicted in the Inside Edition video, for the time period 2:26:19 p.m. to 2:26:26 p.m. on January 6, 2021.

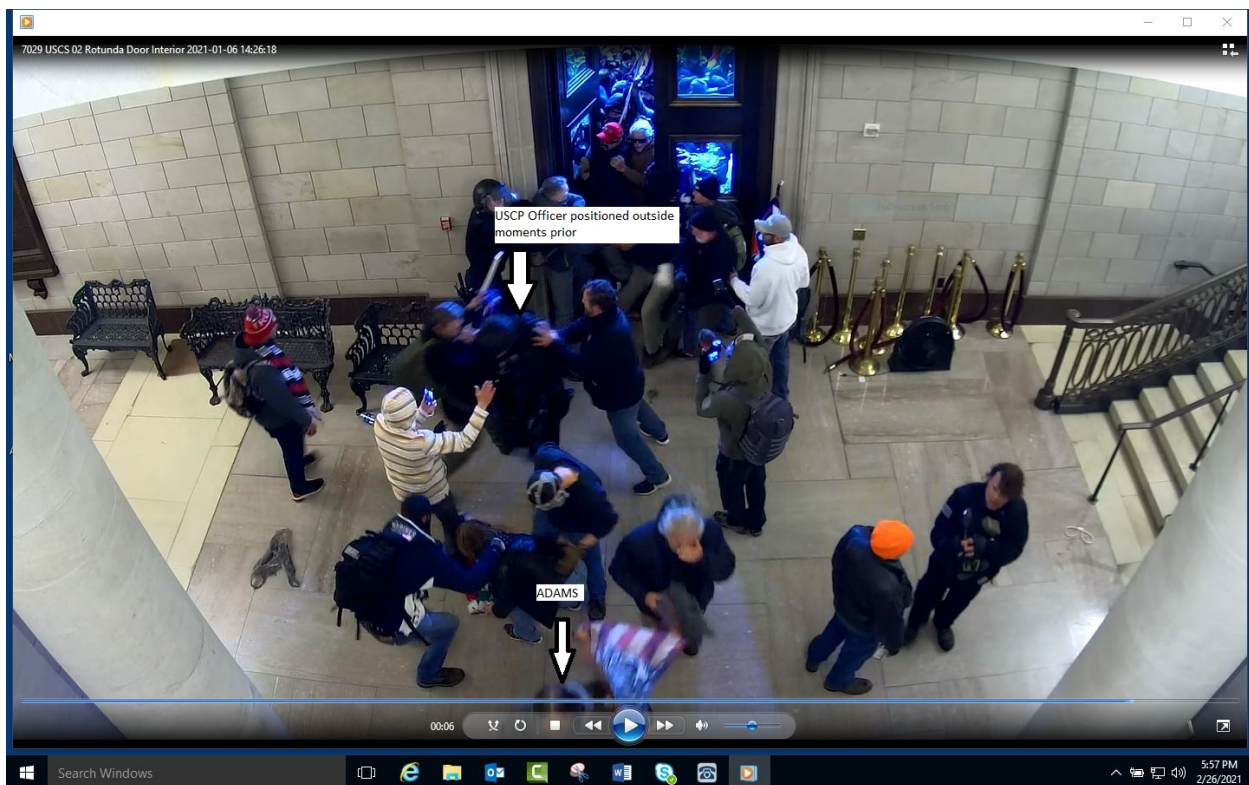
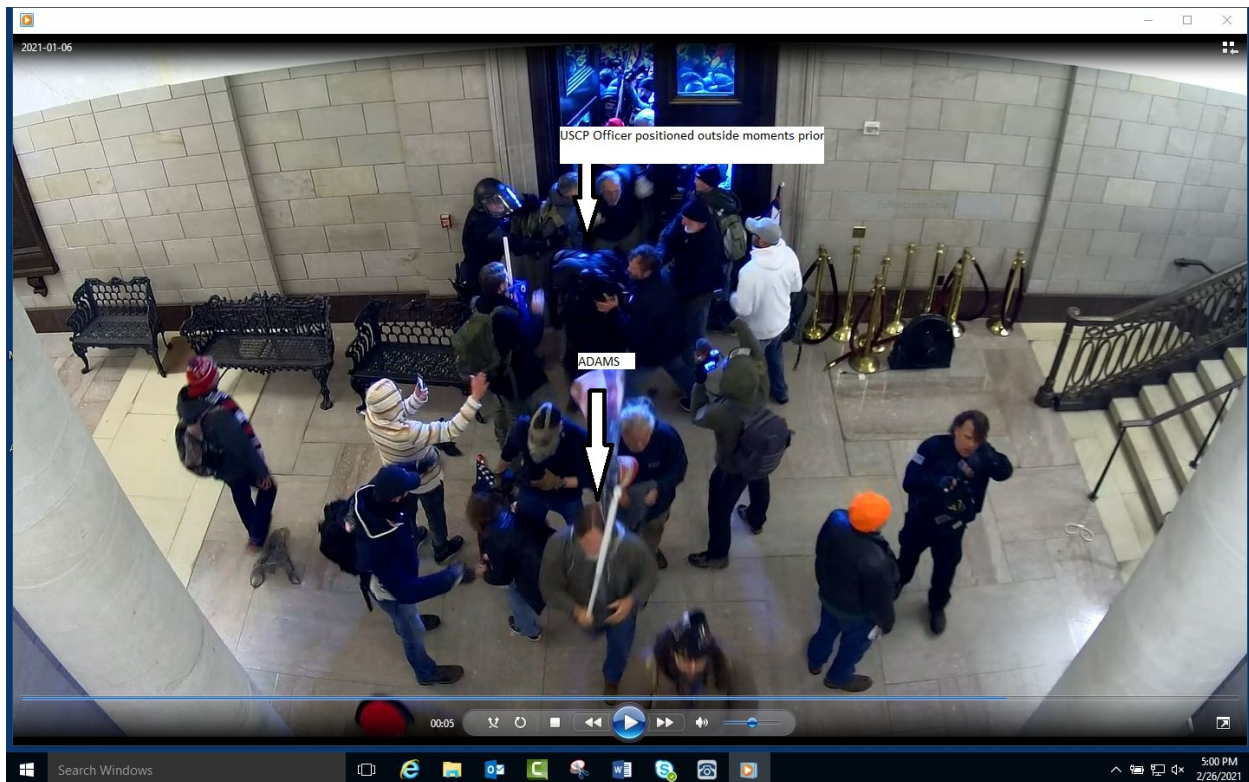
The USCP video, which does not have audio, shows HOWARD BERTON ADAMS forcibly entering a doorway that leads to the Capitol Rotunda. The video shows ADAMS holding a flagpole in his right hand as he enters. There is a U.S. flag attached to the flagpole. Significantly, a USCP officer who was attempting to block the doorway from the outside, moments before ADAMS enters, is violently pushed through the door by other rioters moments after ADAMS enters, as shown in the below series of still images from that video.



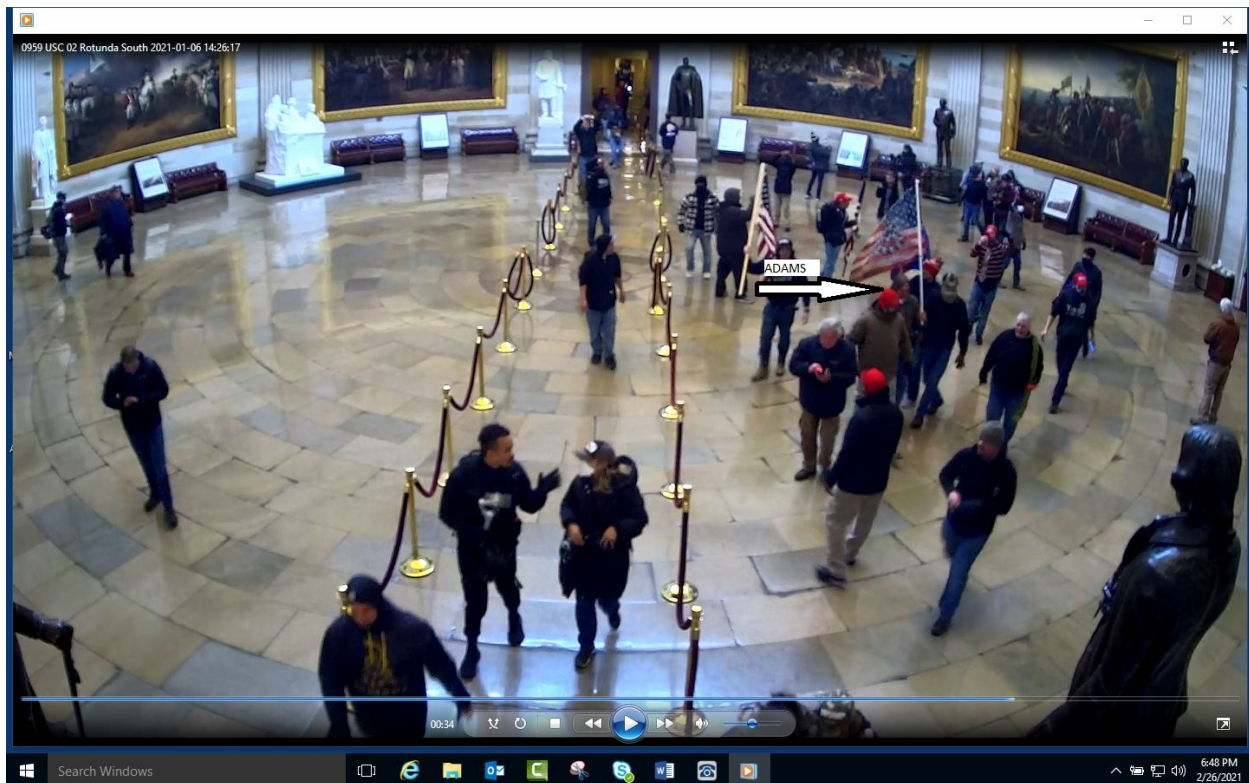
Based on the angle of the image in the Inside Edition video, the person who recorded that video can be identified in the USCP video.



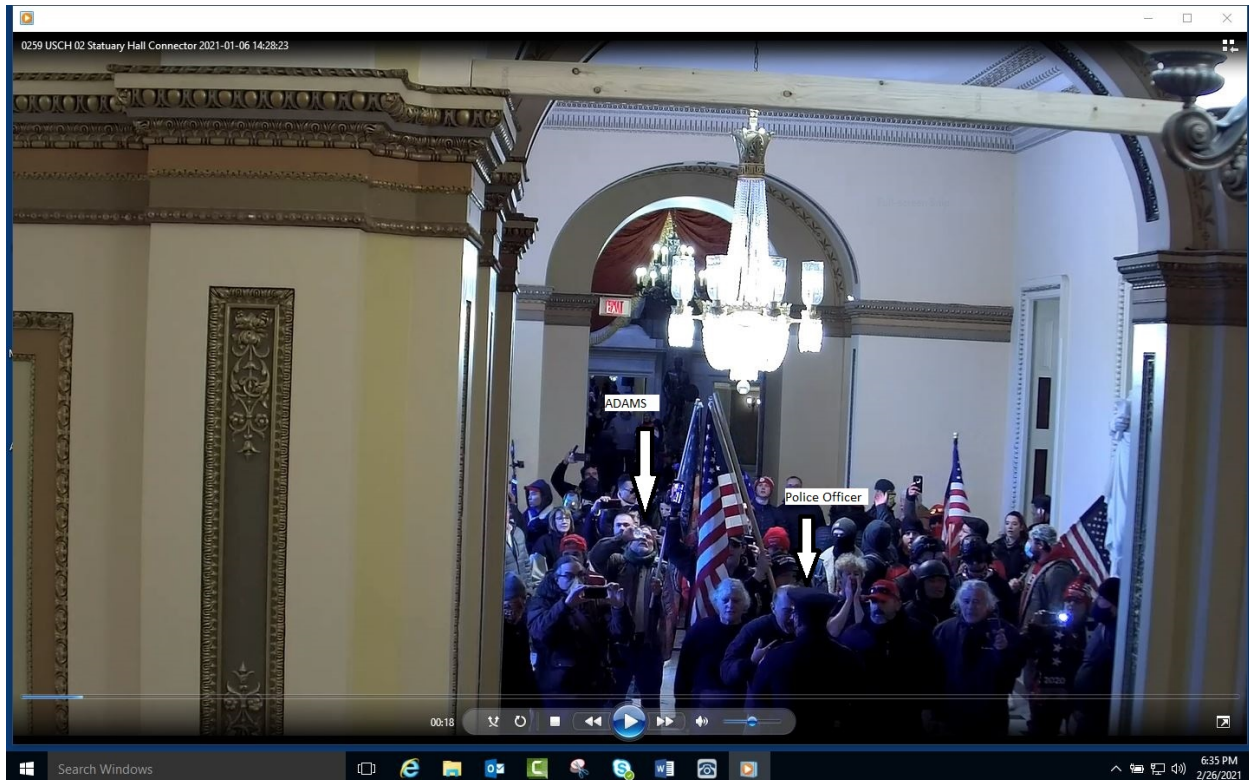
The image above indicates that the Inside Edition video is incorrect in indicating that ADAMS came through the doorway at 1:33 p.m. Based on the USCP camera video, the actual time was approximately 2:26 p.m.



ADAMS is captured on additional fixed USCP cameras thereafter, first in the interior of the Capitol Rotunda (still at 2:26 p.m.). In the Rotunda video it can be seen that the U.S. flag ADAMS is holding has a curled snake depicted on it, as shown in the still below.



Another USCP camera covering the Statuary Hall “connector” picks up ADAMS and other rioters approximately two minutes later, as they converge in a narrow hallway and are blocked from proceeding further by several police officers. In video-only footage from this camera, ADAMS appears to be chanting, “U-S-A, U-S-A,” before pouring water from a water bottle onto his eyes, as can be seen in the still from that video that appears below.



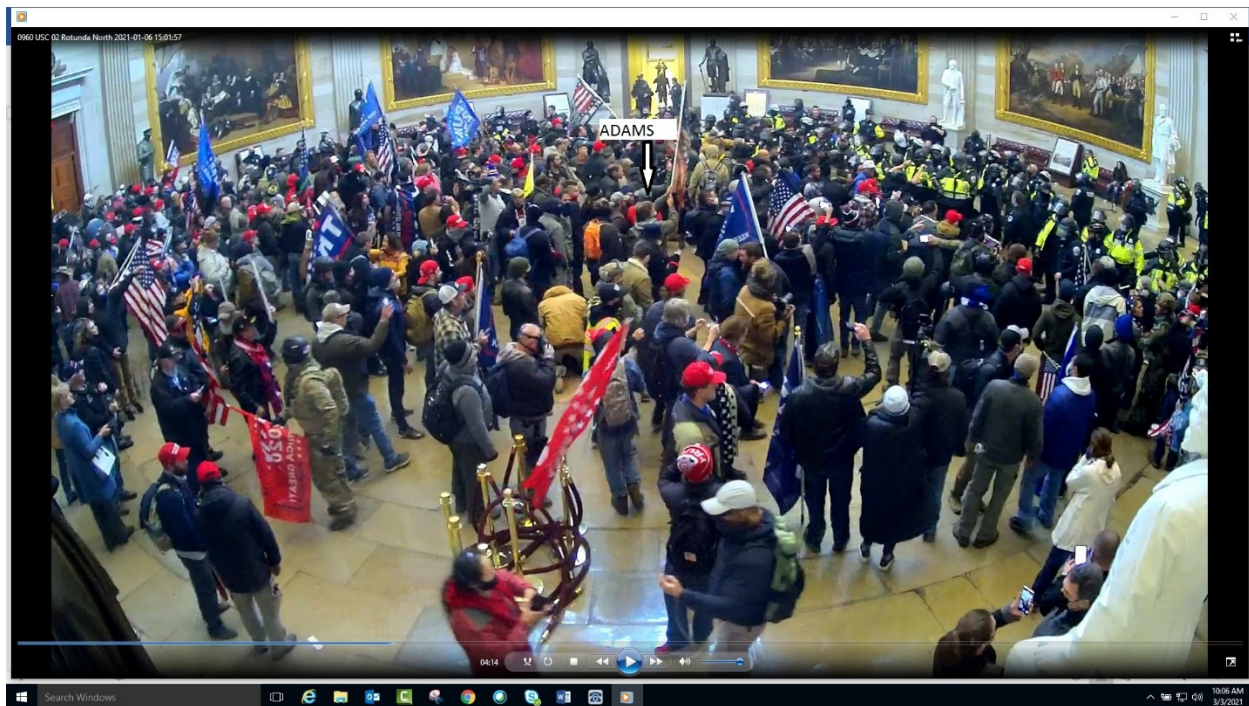
Approximately a minute later, ADAMS wipes his eyes first with his hands and then with a piece of clothing around his neck, as shown below.

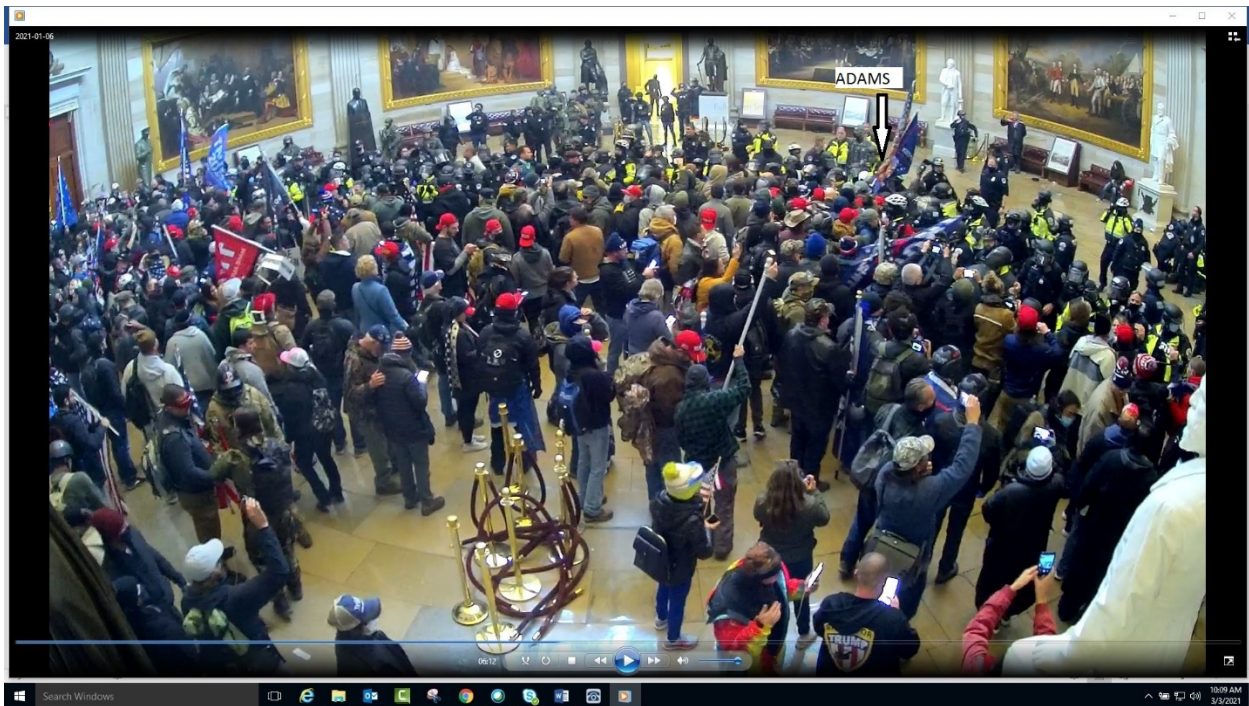
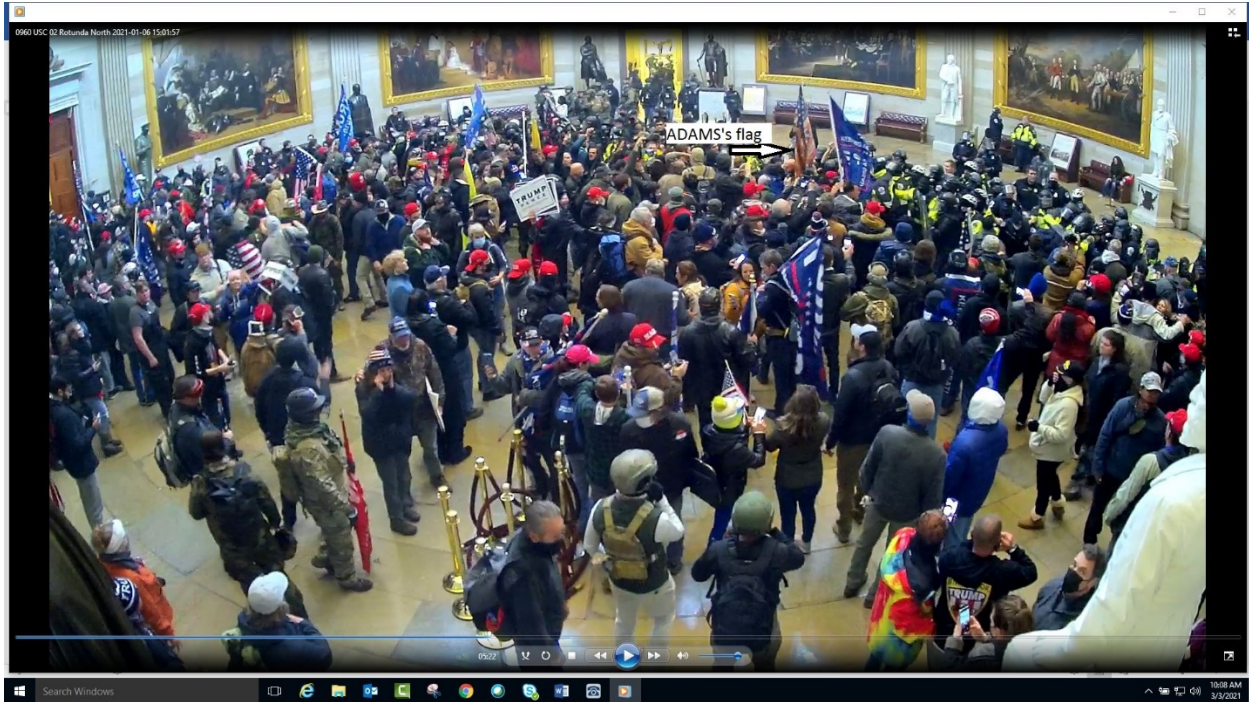


Over the next few minutes, more officers arrive and the area fills with more rioters. At approximately 2:36 p.m., the rioters, including ADAMS, push through the line established by the police, as shown in the still below.

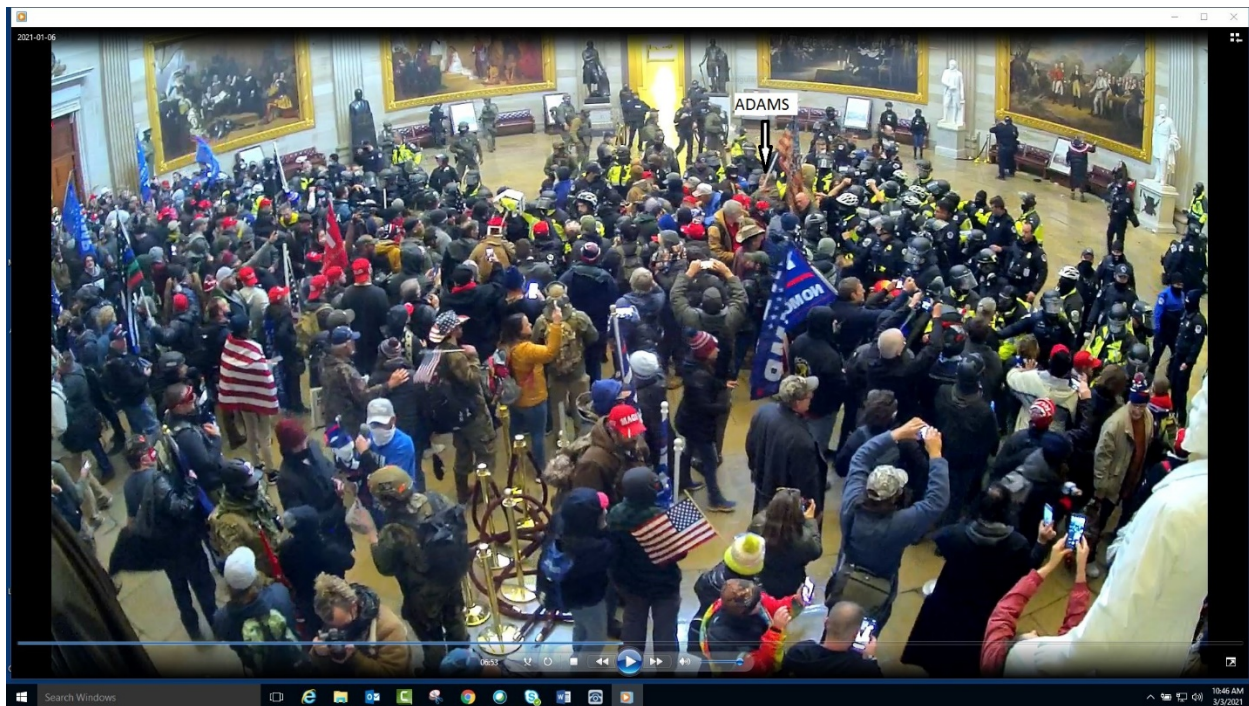
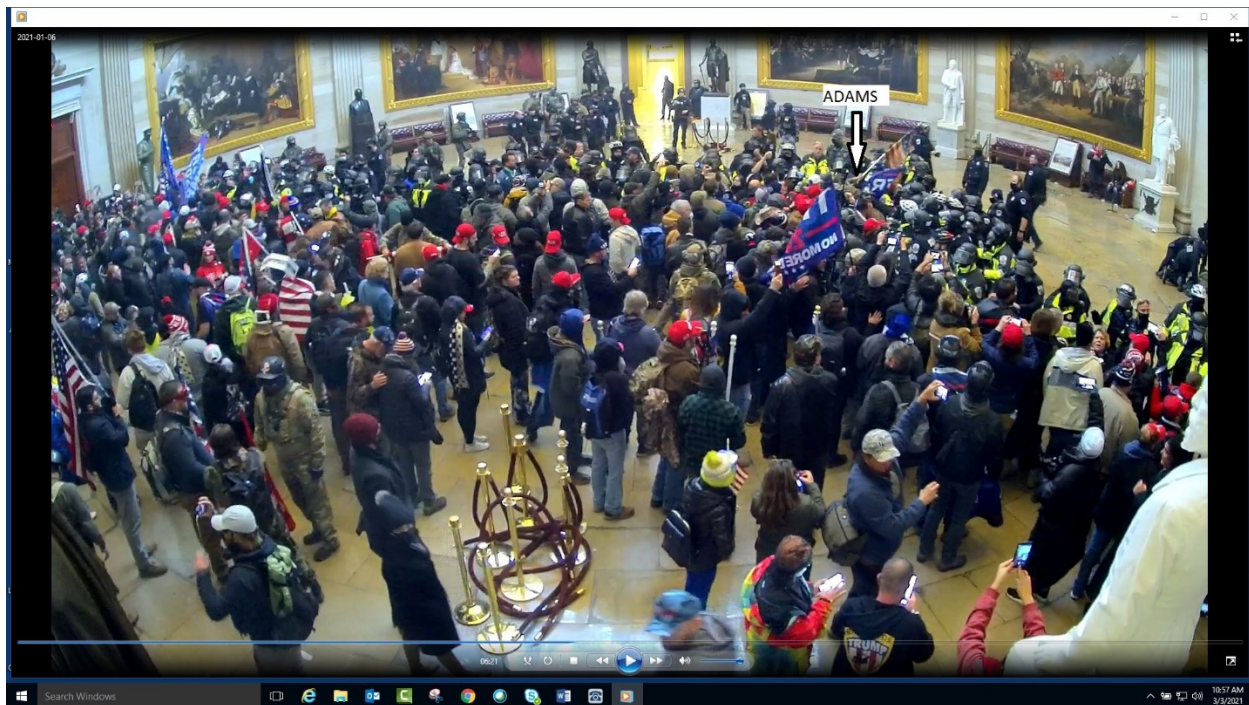


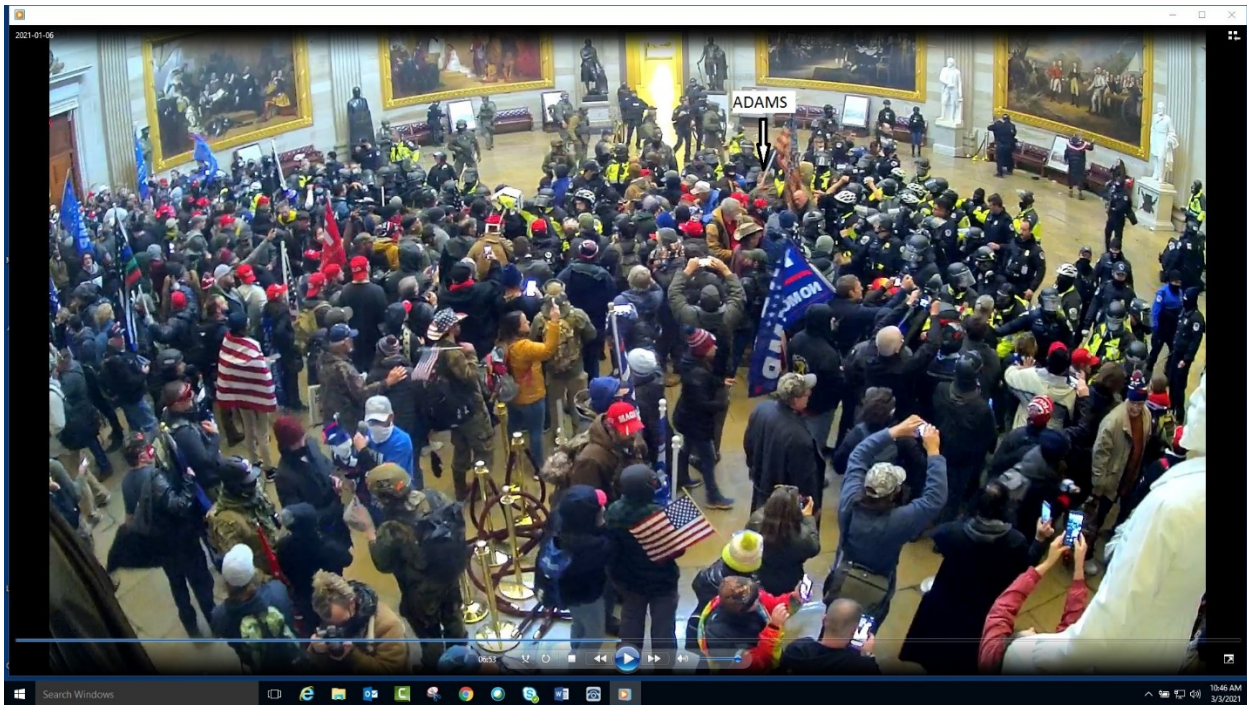
ADAMS confronts the police yet again approximately 40 minutes later, back in the Rotunda. On video footage covering that area, at approximately 3:06 p.m., a group of police officers starts moving from the right of the frame toward the center of the frame, in an effort to get the rioters to leave the Rotunda through a doorway to the left. Instead of complying, ADAMS raises his flag and moves to the right, toward the officers, until he is directly in front of an officer, as shown in the series of still images below.





Over approximately the next 40 seconds, ADAMS attempts to maintain his position as the officers push him toward the left, until he finally proceeds in that direction, as the series of stills below shows.





Interview of ADAMS

On January 22, 2021, FBI agents interviewed ADAMS and his wife together at their home in Florida. The interview was electronically recorded. The agents fully identified themselves to ADAMS. ADAMS identified himself by first and last name and verbally provided his date of birth, which was the same date of birth indicated in the Florida drivers' license records for ADAMS.

The agents immediately recognized ADAMS as the person depicted in the "1:33 PM" still from the Inside Edition video. The agents told ADAMS and his wife they wanted to talk to them about the "rally at the Capitol Building."

At the beginning of the interview, the agents showed ADAMS the "1:33 PM" still from the Inside Edition video. Referring to the person in the center of the image, ADAMS asked the agents, "Who is that?" One of the agents then replied, "It looks just like you; that's why we're here."

ADAMS thereafter stated:

This was not anything I had planned at all. I went for a, to go hang out with the rest of the crowd, got up too close to the front, and wound up just, just getting caught up. I'll be honest. I would never, I was actually even praying for some of the cops when I was in there. Um, so you already have the picture.

Subsequently, ADAMS's wife asked to see the picture. The agent showed it to her, prompting her to remark, in ADAMS's presence, "Oh my gosh, you look angry." ADAMS then responded affirmatively, "Hmm-mm."

Shortly thereafter, the agents and ADAMS had the following exchange:

AGENT: So, were the doors [to the Capitol building] already opened?

ADAMS: When I got up there, yeah.

AGENT: When you got up there. You didn't break anything?

ADAMS: Oh, no sir.

AGENT: Open anything?

ADAMS: No.

AGENT: Were you close enough to the front that you were seeing as the doors were being opened, or that people were first making entry? I mean, that close to the front?

ADAMS: Yes, I probably-- Yeah.

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AGENT: So the door that you came in, did you, was that door open, or did someone forcefully make their way through that door, by breaking a window and then opening it?

ADAMS: I believe they did break--

AGENT: So that door was something that someone else--

ADAMS: Oh, yeah.

AGENT: --forcefully--

ADAMS: Right.

AGENT: --opened?

ADAMS: Yes. I could see the top. It was kind of like, bronze-looking door, and I could see the top of it come back and out.

AGENT: OK.

A few moments later, ADAMS told the agents, “I’m sorry I said, ‘Who is that in the picture.’”

The following exchange followed later in the interview:

ADAMS: A few minutes later . . . , a line of police with oran--, yellow vests on come in and bam!, just-- I’m standing there.

I had one hand kind of up most of the time, trying to make sure, you know-- As I am not, I am not a threat. I’m not gonna hurt nothing. I’m just trying to make a point here. At what point, at that point, I don’t know.

AGENT: You’re holding a flag with that hand?

ADAMS: Yeah. I had a flag here. Part of the time I had a, my phone in my hand. And then part of the time I was just kind of like this, going--

And the guy-- I mean, I don’t blame him either--[I was] where I wasn’t supposed to be. He sprays across my eyes. And I was done. Yeah, and I kind of found a wall and I sat on the edge. And shortly after that I was ushered out in the direction of the door.

In the passage immediately above, ADAMS seems to be referring to his interaction with police in the Rotunda that occurred at approximately 3:06 p.m. Significantly, in his statement ADAMS suggests that he was just “standing there” when he was sprayed with pepper spray in his eyes, even though the video evidence indicates he intentionally moved toward the officers moments before.

Moreover, ADAMS’s statement seems to suggest that this was the first and only time he encountered pepper spray while in the Capitol on January 6. The video evidence from the Statuary Hall connector, however, suggests ADAMS’s eyes were already irritated from pepper spray by 2:28 p.m., when he doused his eyes with water.

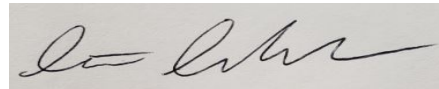
Based on the foregoing, your affiant submits that there is probable cause to believe that ADAMS violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to 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. 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 ADAMS violated 40 U.S.C. § 5104(e)(2), which makes it a crime to willfully and knowingly, in subdivision (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 in subdivision (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Moreover, your affiant submits there is probable cause to believe that ADAMS 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 Joint Session of Congress where the Senate and House count Electoral College votes.

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



Scott T. Schumacher, Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 8th day of March, 2021.



Digitally signed by G. Michael
Harvey
Date: 2021.03.08 14:26:44
-05'00'

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE