

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America)

v.)

Matthew Ryan Miller)

Case: 1:21-mj-00145

Assigned to: Judge Zia M. Faruqui

Assign Date: 1/21/2021

Description: COMPLAINT W/ ARREST WARRANT

Date of Birth: XXXXXXXX)

Defendant(s)

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. 1752(a)(1) and (b)(1)(A) (Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority, with a Dangerous Weapon);

18 U.S.C. 1752(a)(2) and (b)(1)(A) (Knowingly Engages in Disorderly or Disruptive Conduct in any Restricted Building or Grounds, with a Dangerous Weapon);

40 U.S.C. 5104(d) (Injuring Erection or Architectural Feature in the Capitol Grounds);

40 U.S.C. 5104(e)(2)(D) and (F) (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

Jared T. Horan, 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: 01/21/2021



2021.01.21

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Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

On January 6, 2021, your affiant, Special Agent Jared Horan, was on duty and performing my official duties as a Special Agent. Specifically, I am assigned to a squad that investigates criminal enterprises and violent gangs for the Washington Field Office, tasked with investigating criminal activity in and around the Capitol grounds. 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 are 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 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 without authority to be there.

One of the individuals that was captured in photos and videos published through individual social media accounts was later identified as Matthew Ryan MILLER (hereinafter “MILLER”). MILLER was dressed in a black cowboy hat, a Washington Capitals red, white and blue jersey, and a black backpack with blue trim on the shoulder straps and was captured discharging a fire extinguisher upon the steps leading to an entrance to the U.S. Capitol building. That photo, bearing the copyright of “Getty Images,” appears below as IMAGE-1 (MILLER circled within photo):



IMAGE-1

Following the civil unrest on January 6, 2021 at the U.S. Capitol, the FBI collected images obtained through open source media, to include online tips and complaints. One of the images obtained was a screen capture, or “screenshot” of a social media post to an Instagram account. The header accompanying this screenshot contained a profile picture of the user and the words “President’s Park (White House).” That screenshot (IMAGE-2, below) was provided by a cooperating witness, hereinafter “CW-1.” CW-1 is familiar with and has been familiar with MILLER for approximately seven years. CW-1 confirmed IMAGE-2 was obtained from the Instagram account and recognized it as belonging to MILLER.

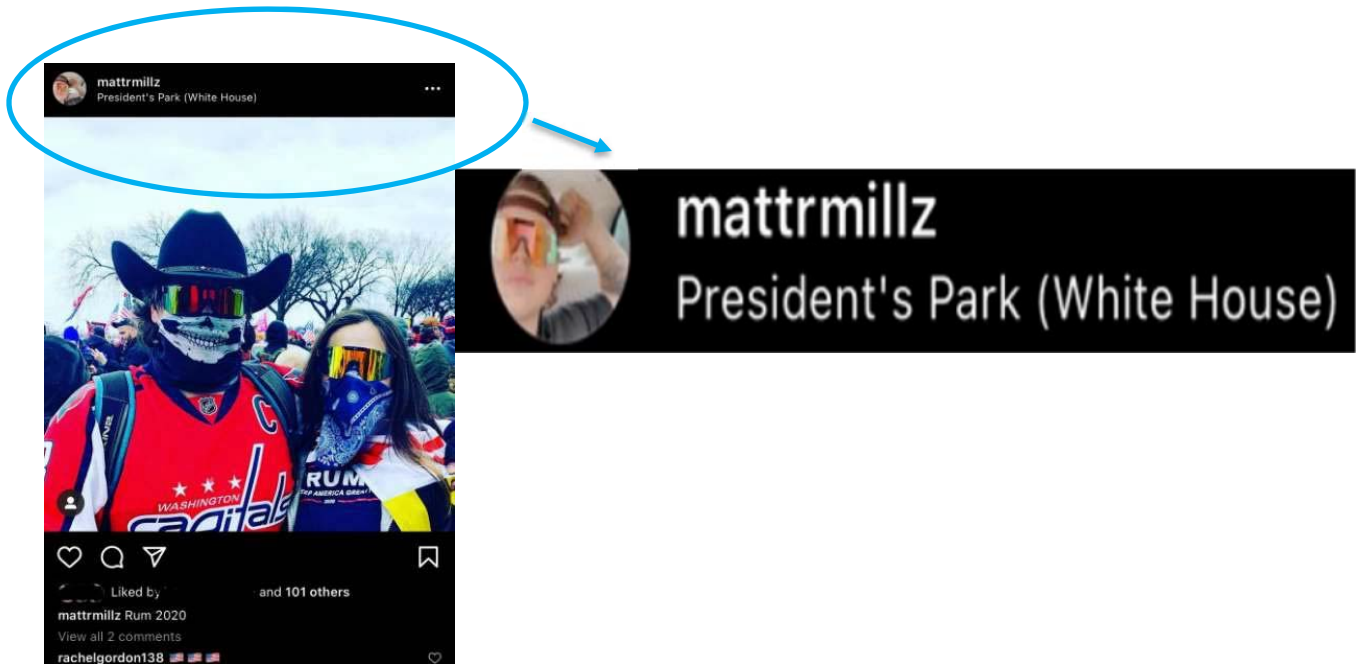


IMAGE-2

Although the male suspect's face in the Instagram screenshot (IMAGE-2) was obscured by large goggle-style sunglasses and a black bandana face mask with a skull design, CW-1 was confident identifying the male suspect in IMAGE-2 as MILLER, because MILLER has maintained the same hairstyle for approximately seven years, and because the male suspect in the screenshot captured is consistent with MILLER's appearance and physical characteristics.

Additionally, a second photo bearing the copyright of "Getty Images," appears below (IMAGE-3)(with MILLER circled with the photo):

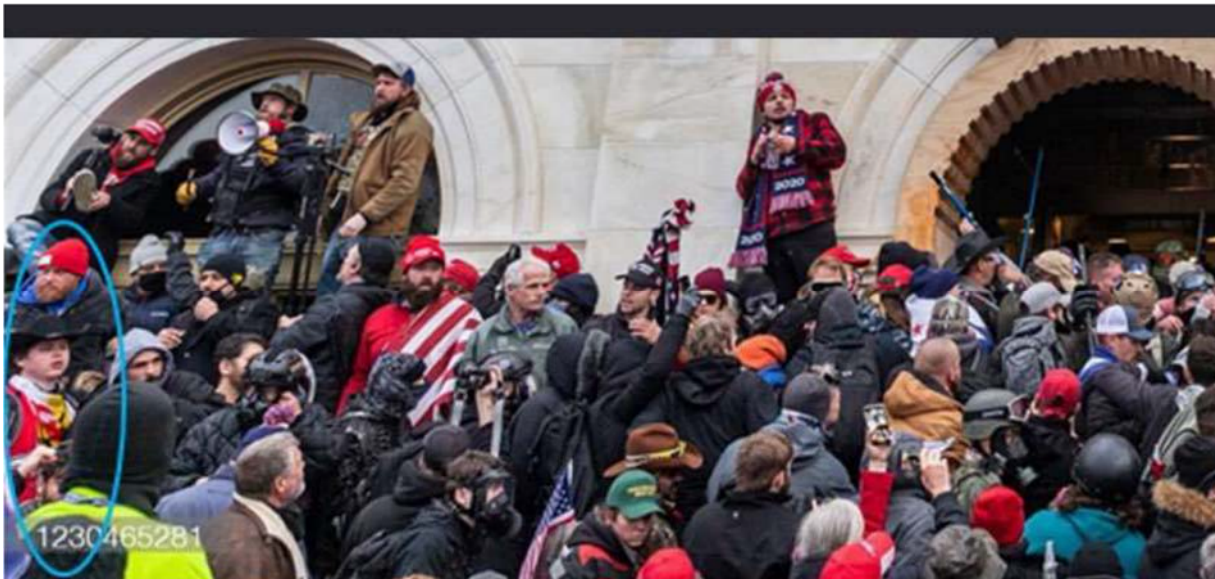


IMAGE-3

CW-1 was familiar with IMAGES-1 & 3, which were available on the internet, and CW-1 believed the unmasked suspect circled in IMAGE-3 to be MILLER based on the similarity and likeness of physical characteristics and matching clothing from the Instagram screenshot (IMAGE-2). For the same reason, CW-1 believed MILLER was both the suspect depicted deploying a fire extinguisher in IMAGE-1 and the unmasked suspect circled in IMAGE-3.

CW-1 further recognized MILLER depicted from behind in the below photograph (IMAGE-4) wearing the distinctive black cowboy hat, the Washington Capitals jersey, and both the Maryland State Flag and the Gadsden Flag¹ tied around his neck as a cape or scarf, which is consistent with the manner MILLER wore the flag in IMAGE-3 above.



IMAGE 4

Investigators located a Facebook account which contained several photos they believed to be of MILLER, including the below photograph (IMAGE-5) received through the FBI online tips, identified as coming from MILLER's Facebook account. The individual's appearance in the Facebook photograph is consistent with a photograph of MILLER obtained from the Maryland Motor Vehicle Administration. CW-1 was shown photographs from the Facebook account believed to be utilized by MILLER. In addition to positively identifying MILLER in those

¹ The Gadsden Flag, with its distinctive phrase "Don't Tread on Me," dates back to 1775. More recently, it has become a symbol for the Tea Party, Second Amendment advocates, and organizations opposing government overreach.

photographs, CW-1 also provided the names of MILLER's associates as depicted in the photos obtained from the Facebook account, further demonstrating CW-1's familiarity with MILLER.



IMAGE-5

The FBI conducted open source searches online for additional photos of the suspect unmasked, dressed in the distinctive clothing – a black cowboy hat, a Washington Capitals red, white and blue jersey, and a black backpack with blue trim on the shoulder straps, and located IMAGE-6 below:



IMAGE-6

In addition, the FBI also reviewed other images of the civil unrest described above which depict other activities of MILLER on the U.S. Capitol Grounds. IMAGE 7 & 8 below depict a suspect, believed to be MILLER, wearing the distinctive black cowboy hat, Washington Capitals jersey, backpack, Gadsden Flag, and Maryland State flag; utilizing a section of the temporary barriers for crowd control as a ladder to scale the walls of the west side of the Capitol plaza; and assisting other crowd members with scaling Capitol walls and other architectural obstacles on the U.S. Capitol grounds:



IMAGE-7



IMAGE-8

The FBI also reviewed the image below taken at the U.S. Capitol on January 6, 2021, which was obtained from various sources on Twitter, and believe, based again on his distinctive dress – including the black cowboy hat, Maryland State and Gadsden flag, and distinctive ski goggles/sunglasses -- that it depicts MILLER at what I believe to be U.S. Capitol Grounds. I have circled the individual in IMAGE-9 below:

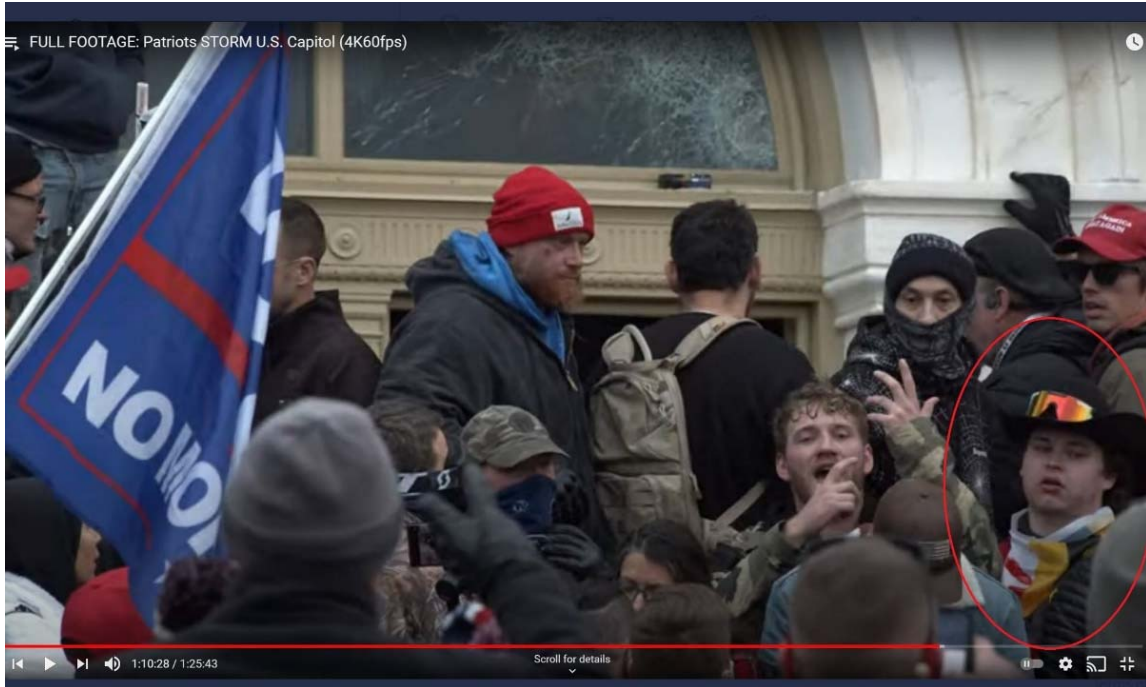



IMAGE-9

Based on the foregoing, your affiant submits that there is probable cause to believe that MILLER violated 18 U.S.C. § 1752(a)(1) and (2) and (b)(1)(A), 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; and (b)(1)(A) during and in relation to the offense, did use and carry a deadly and dangerous weapon, to wit: a fire extinguisher. 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 MILLER 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.

Finally, your affiant submits there is probable cause to believe that MILLER violated 40 U.S.C. § 5104(d), which makes it unlawful to step, climb, remove, or in any way injure a statue, seat, wall, fountain, or other erection or architectural feature...on the Capitol Grounds.”



Jared T. Horan, 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 21st day of January 2021.

  2021.01.21
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ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE