

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.

SCOTT KEVIN FAIRLAMB

) Case: 1:21-mj-00140
) Assigned to: Judge Robin M. Meriweather
) Assign Date: 1/21/2021
) Description: COMPLAINT W/ ARREST WARRANT

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 District of Columbia, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. 231(a)(3), 18 U.S.C. 111(a)(1), 18 U.S.C. 1752(a)(1)-(4), 18 U.S.C. 1752(b)(1)(A), and 40 U.S.C. 5104(e)(2).

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Handwritten signature of Benjamin R. Spinale

Benjamin R. Spinale, Special Agent, FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by Telephone (specify reliable electronic means).

Date: 01/21/2021

Handwritten signature of Robin M. Meriweather

Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

Your affiant is a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since 2011. I am assisting in the investigation and prosecution of events which occurred at the United States Capitol on January 6, 2021.

The U.S. Capitol, which is located at First Street, SE, in Washington, D.C., 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 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 approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the U.S. Capitol Police, and the crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by U.S. Capitol Police Officers or other authorized security officials.

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.

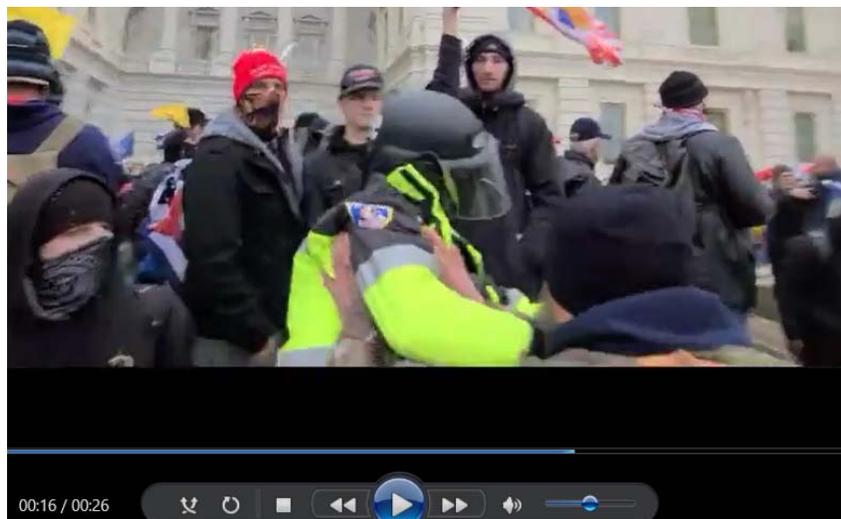
Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, all proceedings of the United States Congress, including the joint session, were effectively suspended until shortly after 8:00 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol

without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 pm after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session 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.

During the insurrection, and to assist the U.S. Capitol Police in restoring order, uniformed members of the Washington, D.C. Metropolitan Police Department arrived at the Capitol, including Officer 1.

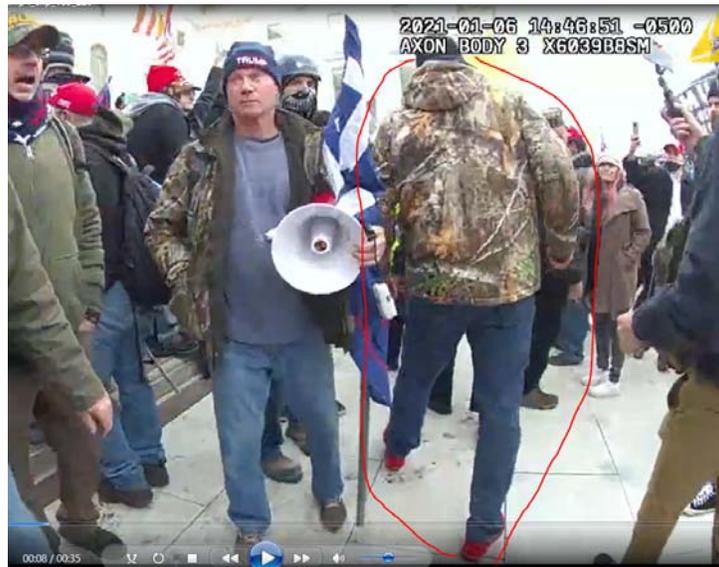
A concerned citizen (“C-1”) submitted a video to the FBI (Video 1), which captured a white male in a brown camouflage jacket, later identified as SCOTT KEVIN FAIRLAMB (FAIRLAMB), shove and punch Officer 1 on the West Front of the Capitol. At :16s in Video 1, FAIRLAMB shoves Officer 1.



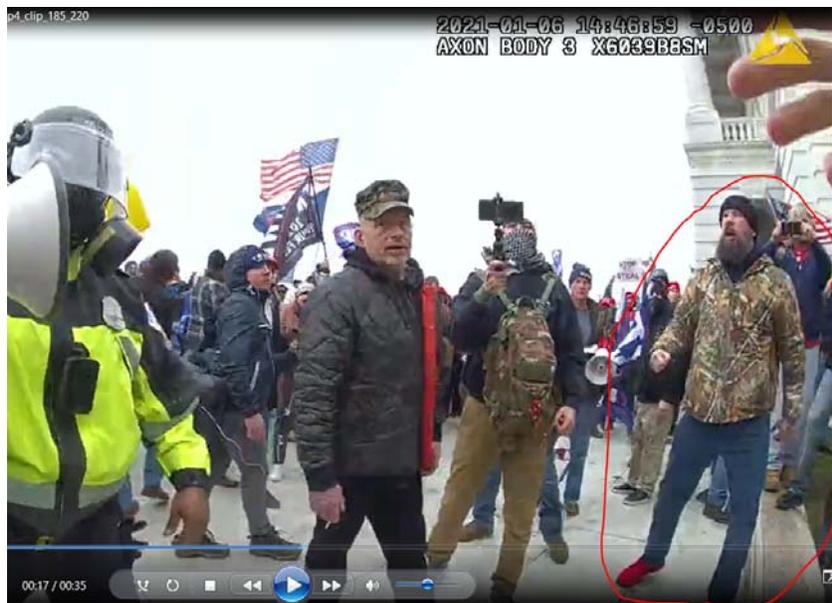
At :20s in Video 1, FAIRLAMB punches Officer 1 in the head.



Your affiant reviewed a clip from Officer 1's Body Worn Camera (BWC) footage. At :08s the BWC depicts FAIRLAMB wearing a brown camouflage jacket, black knit hat, blue jeans and bright red shoes (circled in red below):



FAIRLAMB (circled in red below) is recorded from the front on Officer 1's BWC at :17s.



Your affiant interviewed MPD Officer 1 on January 18, 2021. Officer 1 described the person who assaulted him as a white male with a beard and a brown camouflage jacket.

A second concerned citizen (“C-2”) submitted a video to the FBI (“Video 2”), which was a Facebook post from FAIRLAMB’s account. In the video, FAIRLAMB is carrying a collapsible baton and says: “What Patriots do? We fuckin’ disarm them and then we storm fuckin’ the Capitol.” C-2 identified the man in Video 2 as SCOTT FAIRLAMB from New Jersey. C-2 stated FAIRLAMB recently deleted the videos he took entering and inside the Capitol and that Video 2 below was the only one that remained on FAIRLAMB’s Facebook account:



A third concerned citizen (“C-3”) submitted a video to the FBI (“Video 3”), which depicted FAIRLAMB (circled in red below) standing on the scaffolding erected on Capitol grounds. The scaffolding was located at the western front face of the Capitol building. The following is a still image from Video 3:



Another concerned citizen (“C-4”) identified the man (circled in red above) on the scaffolding as SCOTT FAIRLAMB. C-4 stated he/she grew up with FAIRLAMB, and that FAIRLAMB lives in Butler, NJ, and has Instagram account “fairlambfit” and Facebook account “Scott Fairlamb.” C-4 stated FAIRLAMB made a video of himself saying they are going to disarm them and then storm the capital (a reference to Video 2).

A clip from later in Video 3 depicted FAIRLAMB picking up a baton from the ground just after the skirmish line on the Capitol West Terrace was breached and putting it under his arm. The following are still images from Video 3:

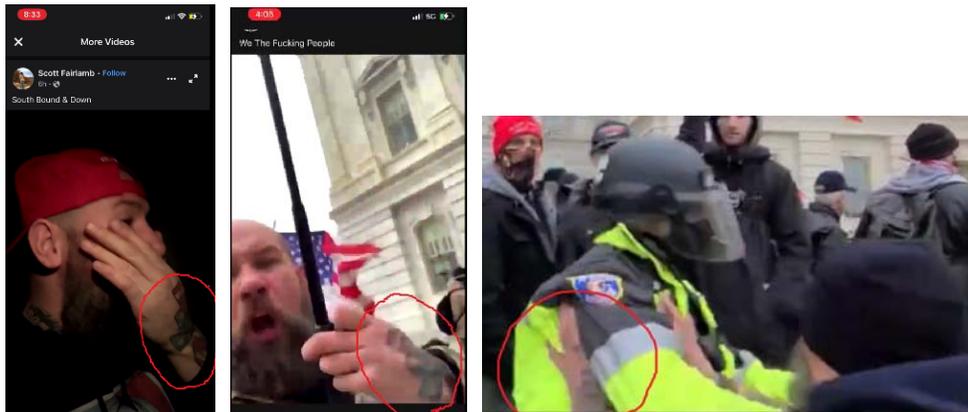


Another clip from later in Video 3 depicted FAIRLAMB (circled in red below) exiting the Capitol building and coughing after chemical agents were deployed inside. The following is a still image from Video 3:



Utilizing various investigative methods, including law enforcement database searches, FBI personnel confirmed that FAIRLAMB has a registered driver's license with the New Jersey Department of Motor Vehicles ("DMV"). The residential address listed on the driver's license is Stockholm, New Jersey. Your affiant reviewed images of FAIRLAMB in Videos 1-3 and MPD Officer 1's BWC, and compared those photographs with FAIRLAMB's DMV photo. Your affiant believes that FAIRLAMB's facial features in his DMV photo match those of the individual in Videos 1-3 and MPD Officer 1's BWC, and that they are the same person.

In addition, your affiant compared the tattoo on FAIRLAMB's left hand from a video posted to his Facebook account with Videos 1 and 2 (all circled in red below) and believes they are the same person.



Based on the foregoing, your affiant submits that there is probable cause to believe that SCOTT KEVIN FAIRLAMB 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, ... 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. A civil disorder means a public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of another individual.

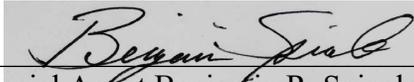
Your affiant submits that there is also probable cause to believe that SCOTT KEVIN FAIRLAMB violated 18 U.S.C. 111(a)(1), which makes it a crime for anyone to forcibly assault, resist, oppose, impede, intimidate, or interfere with any United States law enforcement officer while that officer is engaged in the performance of their official duties, or any person assisting such an officer or employee in the performance of such duties or on account of that assistance.

Your affiant submits that there is also probable cause to believe that SCOTT KEVIN FAIRLAMB 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; (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; (3) knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions, obstruct or impede ingress or egress to or from any restricted building or grounds; or (4) knowingly engage 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 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 that there is also probable cause to believe that SCOTT KEVIN FAIRLAMB violated 18 U.S.C. § 1752(b)(1)(A) which makes a violation of 18 U.S.C. § 1752(a) a crime punishable by up to 10 years imprisonment where the person, during and in relation to the offense, uses or carries a deadly or dangerous weapon or firearm. 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 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 that there is also probable cause to believe that SCOTT KEVIN FAIRLAMB violated 40 U.S.C. §§ 5104(e), which make 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; (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; or (G) parade, demonstrate, or picket in any of the Capitol Buildings.


Special Agent Benjamin R. Spinale
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.


ROBIN M. MERIWEATHER
UNITED STATES MAGISTRATE JUDGE