

STATEMENT OF FACTS

Your affiant, Clarke Burns, is a Special Agent assigned to the Federal Bureau of Investigation Washington Field Office Joint Terrorism Task Force. In my duties as a Special Agent, I investigate criminal activity pertaining to international and domestic terrorism. Currently, I am tasked with investigating criminal activity in and around the United States Capitol and its 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, detection, investigation, or prosecution of a violation of Federal criminal laws.

The Capitol is secured twenty-four hours a day by United States Capitol Police. Restrictions around the Capitol include permanent and temporary security barriers and posts manned by USCP. Only authorized people with appropriate identification were allowed access inside the Capitol. On January 6, 2021, the exterior plaza of the Capitol was closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the Capitol, 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 Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on Tuesday, 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 Michael R. Pence present and presiding over the Senate, a large crowd gathered outside the Capitol. As noted above, temporary barricades and permanent barricades were in place around the exterior of the Capitol. USCP officers were present and attempting to keep the crowd away from the Capitol and the certification proceedings underway inside.

While the certification proceedings were underway, the exterior doors and windows of the Capitol were locked or otherwise secured. USCP officers attempted to maintain order and keep the crowd from entering the Capitol. Around 2:00 p.m., however, individuals in the crowd forced entry into the Capitol, including by breaking windows and by assaulting USCP officers. Others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m., members of the House of Representatives and Senate, including the President of the Senate, Vice President Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the Capitol from the time he was evacuated from the Senate Chamber to the time 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 Capitol without authority to be there.

B SQUAD

Organization

The FBI is investigating a group of individuals that self-identify as B SQUAD. referred to collectively herein as B SQUAD. The following interchange occurred on social media on December 2, 2020, between an individual whose identity is known to the FBI and another individual who acts as one of the leaders of B SQUAD—subsequently referred to herein as B Leader.

Individual 1: Now, I think it would be hysterical if you got morale patches that said “plan B” or “B squad” because I think it’s one of the top 3 funniest things I’ve personally ever heard from politicians as they try to dance around the M word lmao

Obviously

B Leader: Hahahahaha

I am going to name DC operation plan B¹

The individuals of B Squad that are being charged via Criminal Complaint to include this affidavit are the following—[1] BENJAMIN COLE, [2] BRIAN PRELLER, [3] JOHN EDWARD CROWLEY, [4] JONATHAN ROCKHOLT, and [5] TYLER QUINTIN BENSCH. The facts included below are intended to show that on January 6, 2021, these five individuals engaged in criminal behavior in connection with the riot at the U.S. Capitol on January 6, 2021. Specifically, the first four named individuals (Cole, Preller, Crowley, Rockholt) are each alleged to have knowingly committed an act or attempted to commit an act with the intended purpose of obstructing, impeding, or interfering with one or more law enforcement officers while the law enforcement officers were engaged in the lawful performance of their official duties incident to and during a civil disorder, and that this civil disorder in any way or degree obstructed, delayed, or adversely affected either commerce or the movement of any article or commodity in commerce.

The five individuals, including Bensch, are also alleged to have knowingly entered or remained in a restricted building or on restricted grounds without lawful authority to do so. The five individuals are further alleged to have engaged in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds at a time that such conduct, in fact, impeded or disrupted the orderly conduct of Government business or official functions; and did so

¹ Based on information gained through the course of this investigation, I believe that when Individual 1 referred to the “M word,” they are referring to militias. I further believe that when they discuss a plan B/B Squad, they are referring to an alternate plan to be in place if they do not get the desired electoral outcome (i.e., the former president remaining in power).

knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions.

The individuals named herein self-identify as “three percenters” (AKA “3%ers”, “III%ers”, or “Threepers”) based on their adherence to the sub-ideology or common belief known as Three Percenterism. Many of the individual militia-style organizations have local chapters and names, such as the Georgia Security Force, the Michigan United Patriots Three Percent, the California Patriots—DC Brigade, and—in this case—the Guardians of Freedom. As explained below, Cole, Preller, Crowley, Rockholt, and Bensch are also self-identified members of a Guardians of Freedom subgroup called B SQUAD.² Below is how the Guardians of Freedom logo appeared on and prior to January 6 (*left*) and how it appears now.



² Three Percenters Militia violent extremists sometimes self-identify as three percenters (“III%ers” or “threepers”) based on the myth that only three percent of American colonists took up arms against the British during the American Revolution. Some III%ers regard the present-day U.S. Government as analogous to British authorities during the Revolution in terms of infringements on civil liberties. While many independent or multi-state militia groups incorporate III% in their unit names, the term is less indicative of membership in a single overarching group than it is representative of a common belief in the notion that a small force (three percent of the population) that is armed and prepared, and with a just cause, can overthrow a perceived tyrannical government.

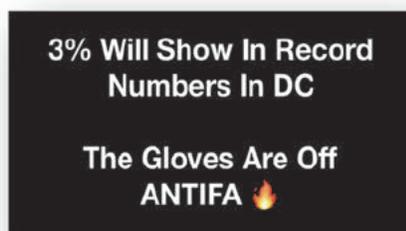
See also <https://www.splcenter.org/fighting-hate/extremist-files/group/three-percenters>,
<https://www.adl.org/resources/backgrounders/three-percenters>.

Pursuant to a search warrant that was executed on the account of a known B SQUAD member, the following image or flyer was sent to a B SQUAD distribution list on or about December 24, 2020.



An individual whose identity is known to the FBI and who is referenced to as “B Leader” for purposes of this affidavit, coordinated the group’s travel from Florida to Washington, D.C., and their lodging in Washington, D.C. B Leader reserved a block of rooms at a hotel that is near to the U.S. Capitol, and he, the five individuals named in this Statement of Facts, and approximately forty other members of B SQUAD stayed on the same floor of that hotel on January 5, 2021.

The government sought and obtained a search warrant for B Leader's Facebook account. On or about December 30, 2021, B Leader posted the following graphic on his Facebook account.



In Facebook communications on or about January 3 and 4, 2021, B Leader discussed meeting with one or more other individuals at an event in Freedom Plaza in Washington, D.C., on January 5, 2021. B Leader spoke at a rally in Freedom Plaza on January 5, 2021.

On January 3, 2021, B Leader published a video on his Facebook account intended for those traveling to Washington, D.C. The video was accompanied by the following written comment: "Quick safety video for your trip to DC! [...] See you all January 6th #patriotsriseup."

In the January 3 video, B Leader wore a black tactical vest displaying the words "B SQUAD" and a patch associated with the "Three Percenters" movement (i.e., "III") on the front. During the video, B Leader:

1. Advised that the video was for "all of you Patriots out there that are going to Washington, D.C., [. . .] to support Trump, to have your voices heard" and that "we are going to have four more years of Trump, we all know that";
2. Warned that "we all know in D.C., once the sun goes down, things get a little bit violent and the reason why things get a little bit violent is because you have socialist, leftist, Marxist, communist agitators like Black Lives Matter and Antifa [...]";
3. Described so-called "defensive tools" to take to Washington, D.C., including "the strongest pepper spray commercially available to use," an ASP baton (i.e., an expandable metal baton), knives with blades that were 3 inches or less, a walking cane, and a taser, all items that B Leader incorrectly claimed were legal in Washington, D.C.; and
4. Said that he was "super excited about DC on the 6th of January," and he advised "patriots [to] keep up the fight."

Throughout the video, B Leader stands in front of a group of individuals wearing military-style gear and face coverings, many of whom appeared to possess assault rifles.



Below are images of B Leader in the January 3 video displaying some of the “defensive tools” he suggested others bring to Washington, D.C., including an expandable metal baton, a walking cane, and a folding knife.





On January 6, 2021, on the restricted grounds of the U.S. Capitol, a group of B SQUAD members, including [1] BENJAMIN COLE, [2] BRIAN PRELLER, [3] JOHN EDWARD CROWLEY, [4] JONATHAN ROCKHOLT, and [5] TYLER QUINTIN BENSCH:

1. displayed various indicia of membership in the III%-ers, Guardians of Freedom, or B SQUAD on their clothing while committing criminal acts; and
2. wore riot gear—including tactical vests and helmets—and possessed expandable metal batons, chemical irritants, knives, and walking sticks. Those with walking sticks appeared to intend to use them as impact weapons, as opposed to being mere walking aids. None of the individuals who carried the long wooden poles are known to have a condition that requires the use of a walking stick.

The Inaugural Stage

During each presidential inauguration, the Architect of the Capitol (AOC) coordinates with the Joint Congressional Committee on Inaugural Ceremonies, Secret Service, the military, Department of Homeland Security, Presidential Inaugural Committee, District Government, and all of the AOC's Congressional partners to prepare the Capitol for the Inauguration. One such task is the creation from scratch of the 10,000 square foot Inaugural platform. One part of that process includes turning a west entrance to the Capitol, into a smaller, tighter, tunnel-like area that has commonly been referred to as "The Tunnel" in investigations and prosecutions surrounding January 6, 2021. The two photos below show the West Side of the Capitol as set up for Inauguration Day (*top*) and a closer view of The Tunnel (*bottom*).



At 12:53 p.m., rioters breached their first barricade at the Peace Circle onto Pennsylvania Walkway. Just under two hours later, at approximately 2:41 p.m., the rioters made their way past several additional lines of police officers and barricades to The Tunnel, which provides direct access into the Capitol. The siege on The Tunnel lasted for over two hours, until approximately 5:00 p.m.



Rioters attempted on multiple occasions to forcibly enter the Capitol through the line of USCP and Metropolitan Police Department (MPD) officers who gathered in The Tunnel and successfully repelled the attack. During the two plus hours, rioters assaulted the officers with blunt objects, including poles and crutches, and they used chemical irritants against the officers. Rioters also attempted to use their numbers and collective mass in a heave-ho effort to push the officers back. At times, the rioters forcibly pressed the officers' bodies against each other and against the doorway, crushing them. Subgroup B members [1] Benjamin James Cole, [2] John Edward Crowley, [3] Brian Michael Preller, and [4] Jonathan Alan Rockholt participated in at least one attempt by rioters to force their way through into the Capitol through the line of police officers. [5] Tyler Quintin Bensch moved with the other four B SQUAD members and was present when one of the heave-ho pushes against the officers occurred.

[1] Benjamin James Cole

On January 6, 2021, a 38-year-old white male named Benjamin James Cole had a full beard and a mustache. Cole was wearing the following items:

1. a red flannel-type shirt and tan/brownish pants;
2. sunglasses and a green knit hat under a green baseball cap bearing a patch with the words “pedophile hunter” and a rifle graphic in orange;
3. tactical vest and a drab colored scarf with a distinct pattern; and
4. a backpack with the word “THREE PERCENTER.”

Cole also possessed, what appears to be, a black expandable metal baton in his back pocket.

The following are images of Cole obtained from open-source videos or images taken from within the restricted Capitol Grounds on January 6, 2021:

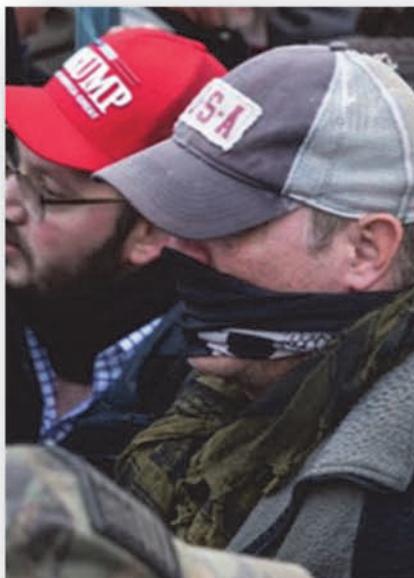


[2] John Edward Crowley

On January 6, 2021, a 50-year-old white male named John Edward Crowley was pictured wearing the following items while on restricted Capitol grounds:

1. a black and gray jacket;
2. a grayish and white baseball cap with the letters “USA” in red on the front;
3. a black scarf or neck gaiter; and
4. a large drab scarf with a distinct design.

The following are images of Crowley obtained from U.S. Capitol surveillance and open-source videos or images taken from within the restricted Capitol Grounds:



[3] Brian Michael Preller

On January 6, 2021, a 32-year-old white male named Brian Michael Preller was pictured wearing the following items while on restricted Capitol grounds:

1. a blue shirt with the words “WATERBOARDING INSTRUCTOR,” blue jeans, black gloves, a black belt, and a black neck gaiter or turtleneck shirt (under his blue shirt);
2. large goggles and a green helmet with the word “monster” on the back in white; and
3. green tactical vest with a chemical irritant spray attached to the front.

Preller also possessed a long black walking stick. Preller had the phrase “B SQUAD” on the back of his tactical vest armor. The following are images of Preller obtained from open-source videos and/or images taken from within the restricted Capitol Grounds:



[4] Jonathan Alan Rockholt

On January 6, 2021, a 37-year-old white male named Johnathan Alan Rockholt was pictured wearing the following items while on restricted Capitol grounds:

1. an olive-green quilted jacket, blue jeans, and black gloves;
2. a tactical vest with a patch associated with the “Three Percenters” movement (i.e., “III”);
3. a drab neck gaiter and sunglasses;
4. a grayish baseball helmet with a red, white, and blue skull on the back, yellow Gadsden flag³ symbols on the sides, what appears to be, the logo for “GoF” (described below) and a U.S. flag on the front; and
5. what appears to be a knife in his front right pocket.

The following are images of Rockholt obtained from open-source videos and/or images taken from within the restricted Capitol Grounds:



³ The Gadsden flag is a historical American flag with a yellow background. Depicted on the flag is a coiled rattlesnake and the words “Dont [or, Don’t] Tread on Me.”

[5] Tyler Quintin Bensch

On January 6, 2021, a 20-year-old white male named Tyler Quintin Bensch was pictured wearing the following items while on restricted Capitol grounds:

1. green military fatigues and tan gloves;
2. a military-type helmet and goggles with the brand name “SMITH” in white on a black strap;
3. a tactical vest with a patch associated with the “Three Percenters” movement (i.e., “III”);
4. a black gas mask with a green filter; and
5. a drab colored scarf with a distinct pattern.

Bensch also possessed:

1. one or more chemical irritant canisters on the front of his tactical vest;
2. a black radio and antennae on his left side; and
3. a GoPro style camera mounted on his right shoulder.

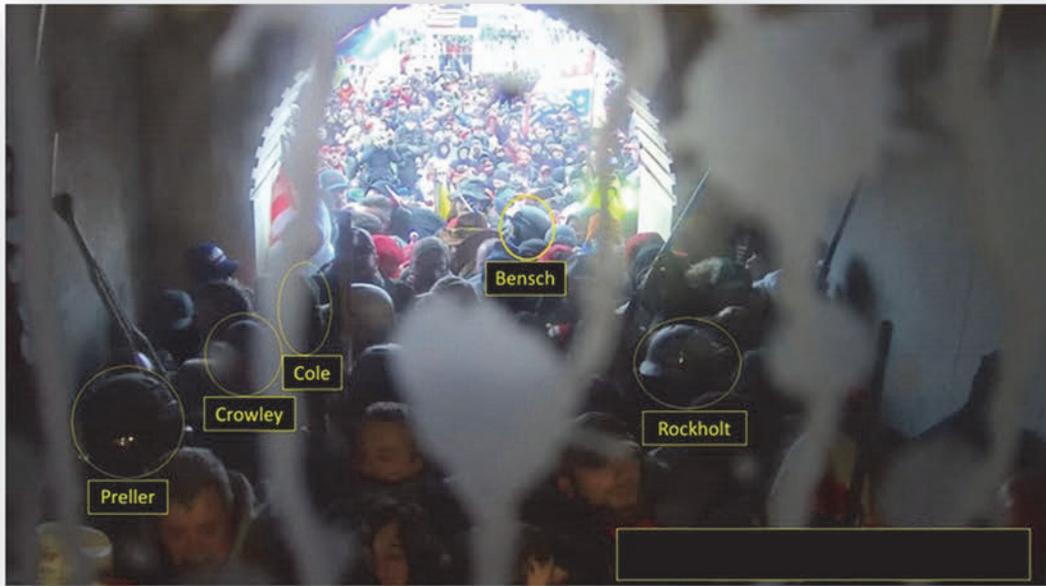
The following are images of Bensch obtained from open-source videos or images taken within the restricted Capitol Grounds:



Actions of Subgroup B at The Tunnel

Cole, Preller, Crowley, Rockholt, and Bensch were present on the Lower West Terrace and in The Tunnel on January 6, 2021. Each of the individuals joined the group of rioters who were attempting to force their way past the officers responsible for securing The Tunnel, an entry to the Capitol that provides immediate and unobstructed access to sensitive areas and offices used by Members of Congress. The following images depict B SQUAD members Cole, Preller, Crowley, and Rockholt preparing to enter and then entering The Tunnel. In the top left image below, Bensch is using a digital device in a manner consistent with taking pictures or recording video of the area, of the crowd, and of The Tunnel.





During the siege of The Tunnel that stretched from 2:41 p.m. for more than two hours, rioters pushed into The Tunnel and were repelled in a constant back-and-forth of heave-ho efforts by the rioters and resistance by the officers. Some members of Congress were sheltering in place near that entrance. The effort ultimately failed.

A full review of the applicable surveillance footage, including video of such individuals approaching the entrance to the tunnel, shows that Cole, Preller, Crowley, and Rockholt went into The Tunnel while Bensch remained only just outside. While inside The Tunnel, Cole, Preller, Crowley, and Rockholt confronted and assisted the crowd in confronting the police officers that were preventing The Tunnel and the Capitol from being breached. Specifically, while inside The Tunnel, Cole, Preller, Crowley, and Rockholt added their force, momentum, bodies, and efforts to the other rioters in a “heave-ho” effort. This put intense aggregate pressure on the police line in front of the rioters.

On the south side of The Tunnel, Preller was the closest in proximity to police, pushing his way forward to a point where Preller was essentially the person behind the person who was directly against police officers. Also, on the south side of The Tunnel, Crowley and Cole were in what is roughly equivalent to the third and fourth rows of rioters behind the police line. On the north side of The Tunnel, Rockholt was similarly in the third or fourth row, joining the rioters in pushing against the police line. Due to the tightly packed nature of the rioters in The Tunnel, Cole, Preller, Crowley, and Rockholt were all within a matter of feet of the police line when they lent their bodies to the rioters’ collective “heave-ho” efforts to breach the line of police officers and force their way into the Capitol.

As a direct result of the combined actions of Cole, Preller, Crowley, Rockholt, and the other rioters in The Tunnel at that time, the rioters penetrated deeper into The Tunnel, the police

line in was pushed farther back, and the rioters came closer to breaching that entry into the Capitol than at any other point on January 6, 2021.

After the officers succeeded in repelling Cole, Preller, Crowley, Rockholt, and other rioters out of The Tunnel, Rockholt picked up a clear riot shield with a USCP seal that appears to have been taken from officers by other rioters. The five made their way from The Tunnel to the west side of the Lower West Terrace where Bensch rinsed out Rockholt's eyes.

The following images show Cole, Preller, Crowley, Rockholt, and Bensch leaving The Tunnel, Rockholt picking up the USCP riot shield, and Bensch member rinsing out Rockholt's eyes following deployment of chemical irritants in the area.





While on the Lower West Terrace, Bensch used one of his chemical irritants to spray the face of an individual who an unknown member of the crowd claimed was “Antifa.” Based on a review of a video of this incident, it does not appear that the individual who was sprayed by Bensch posed any type of threat to Bensch or others. The following images show Bensch spraying the other individual, the victim appearing to be in pain after being sprayed, and Bensch looking in the direction of the victim.



Video from various sources shows Crowley and Rockholt heading west, towards First Street, NW. In the surveillance video, it appears that Bensch carried the riot shield Rockholt took from the Lower West Terrace.



The Identification of Certain B Squad Members

According to records and information obtained from Hilton Corporation employees, including those employed at the Hampton Inn Washington-Downtown-Convention Center located in Washington, D.C.:

1. Between on or about December 23 to 25, 2021, a client called the “Black Group” reserved fifteen hotel rooms for January 5 to 7, 2021, at the Hampton Inn Washington-Downtown Convention Center. The “Client Representative” for the group was B Leader (whose identity is known to the FBI). A credit card in B Leader’s name was used to reserve the rooms.
2. Between on or about January 4 and 5, 2021, approximately forty individuals associated with the group’s reservation checked into the hotel and were given approximately twenty rooms on the hotel’s third floor, including B Leader, Cole, Crowley, Rockholt, and Bensch. The group checked out on January 7, 2021.
3. According to Witness 1, a hotel employee, the group used white and gray Chrysler minivans, and, on January 6, 2021, group members were wearing tactical gear such as military style vests, zip ties, pepper spray, and clip-on knives, and had police-type batons, helmets, and masks.⁴

Benjamin Cole

Cole has been identified as engaging in the conduct attributed to him above based on, among other things, the following:

1. In or around March and May 2021, Cole was interviewed by the FBI regarding the events of January 6. During the initial interview (in-person), Cole admitted being in Washington, D.C., on January 6, 2021. Cole denied that he or anyone that he was with was close to the Capitol. Cole believed that the closest he got was a road in front of the Capitol. During a second interview, Cole admitted that he was within a “courtyard area” and saw ten to twelve riot shields on the ground. Cole denied picking up or taking any of the riot shields. Based on the context of Cole’s statement, as well as open source and other video of police riot shields within the restricted Capitol Grounds, it appears Cole’s admission to being within a “courtyard area” and seeing riot shields on the ground was a reference to being within the restricted Capitol Grounds.

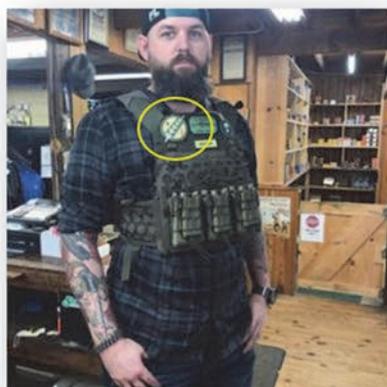
⁴ Another hotel employee, who said he/she had a medical condition that caused memory problems, advised agents that a couple members of the group were wearing clothing that resembled armor, but the group did not have weapons. This employee also believed that the group was driving a white SUV displaying a window decal of former President Trump.

2. Based on a comparison of Cole's Florida driver's license image and the video and images of Cole's exposed face with sunglasses, it appears that Cole is the person identified as Cole above.
3. Hotels records reflect Cole as one of the guests associated with the Black Group reservation. Cole was in the same room as Crowley.
4. An FBI agent interviewed Cole in person on March 18, 2021, and May 11, 2021. That same agent viewed photographs of Cole on January 6, 2021, showing Cole leaving The Tunnel and at other times on that same date. The agent identifies that Cole, the person he interviewed, is the same individual in the photos from January 6, 2021.
5. On January 15, 2022, Your Affiant interviewed a tipster. This tipster had interacted with Cole in a friendly, social setting (a bar) numerous times. When I showed the tipster photos of Cole on January 6, 2021, the tipster responded, "Yes, that looks like him."
6. According to Verizon records, telephone number (352) 360-XXXX was subscribed to Benjamin Cole ("Cole Phone") between approximately August 2017 and April 2021. The address listed for Cole in the Verizon records is the same as Cole's address according to Florida driver's license records. According to information obtained pursuant to a search warrant, Cole Phone was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the United States Capitol building on January 6, 2021.

7. Based on a review of public images on Cole Instagram, there is an image of Cole in which a tattoo of small yellow rectangles is visible on Cole's right wrist. A similar tattoo is visible on the right wrist of the individual identified above as Cole on January 6. The image on the left below is from Cole Instagram. The image on the right is an image from a video of Cole at the entrance of the tunnel on the Capitol's west side.



8. Another image from Cole Instagram appears to depict Cole wearing body armor with a unique patch on the upper right portion of Cole's chest (left image below). Cole wore similar body armor with what appears to be the same unique patch on the upper right portion of his chest at the Capitol on January 6 (right image below).



9. According to Facebook records, Cole Instagram is registered to an individual with the first name of "Ben" (i.e., Cole's first name) and no last name was provided. The account's vanity name and account identifier is "i_am_zombenji" and Cole Phone is listed as the accounts verified phone number. In addition, as referenced above, public postings on the account appear to contain images of Cole.

10. On or about January 2022, the following message was posted on Cole's Facebook account apparently regarding his conduct on January 6 and the instant investigation. The message states:

This isn't really a post I want to make, but I will make it because it's funny to me

I just want the FBI agent that's still investing [sic] me know most anyone you call knows absolutely nothing about what I did in January of 2021. I also did nothing wrong while I was where I was. I would further like to add that you are wasting tax payer dollars by continuing to investigate something that will lead you to absolutely nothing.

My closing arguments are will forever include that, you are a joke and you're [sic] bureau is a joke. Why don't you do something productive with your time and investigate the members of Congress for insider trading? Because I really want to know how someone who's [sic] salary is \$174,000 a year, was able to increase their net worth into the millions in less than a decade.

Thank you for your time. I'm glad it was wasted on me 😏



Brian Preller

Preller has been identified as engaging in the conduct attributed to him above based on, among other things, the following:

1. As part of this investigation, Witness 3, an individual whose identity is known to the FBI, who has known Preller for more than a decade, and who is familiar with Preller's appearance, was shown one or more images of the individual identified above as Preller at the Capitol on January 6. Witness 3 identified the individual in the photos as Preller.
2. According to records obtained from Enterprise Rent-a-Car, Preller rented a gray 2020 Chrysler Pacifica in Leesburg, Florida, from January 5-8, 2021. The vehicle's mileage when returned was approximately 1,728 more than when it was provided to Preller. Of note, the distance between Leesburg, Florida, and Washington, D.C., is approximately 845 miles. Preller's phone number associated with the reservation was (352) 551-XXXX ("Preller Phone 1").
3. According to Witness 3, Preller Phone 1 was a phone number previously used by Preller in early 2021. According to T-Mobile records, Preller Phone 1 was subscribed to Corporate Resources Investments from approximately May 2018 until September 2021. As described above, according to Florida Department of State, Division of Corporations' online records, Corporate Resources Investments, Inc., is an inactive Florida corporation who registered agent and only officer/director is the individual named herein as B Leader.
4. According to cell site location information, Preller Phone 1 was in the vicinity of the U.S. Capitol during the afternoon on January 6.
5. According to Facebook records, an account with the vanity name and account identifier of "brian.preller.37" is registered to "Brian Preller" ("Preller Facebook"), and associated with a telephone number that was at that time subscribed to Preller's ex-wife, according to T-Mobile records ("Preller Phone 2"). Public postings on this account appear to reflect Preller's connection to events at the Capitol on January 6, 2021, including:
 - a. A picture from April 9, 2021, showing Preller on a bed, underneath an American flag, and holding an object that appears to be the same type of walking stick Preller carried at the Capitol on January 6th. The image on the left below is from Preller Facebook. The image on the right below is from open-source video of Preller at the Capitol on January 6. During an interview of Witness 3, Witness 3 identified both individuals pictured as Preller.



- b. In December 2021, Preller sent the image above of him laying underneath a U.S. flag to a female acquaintance. In the related messages, Preller wrote, “Washington DC January 6th [...] I was one of the ones in the capital.”
- c. A posting from June 7, 2021, shows an image of Preller with what appears to be a black flag on a black flagpole. The black flag appears to be the same as the one B Leader and other members of B SQUAD carried on January 6. During an interview of Witness 3, Witness 3 identified Preller as the individual in this image.



- d. Accompanying the image of Preller with the black flag and flagpole was the following comment from Preller, which appears to contain a reference to Preller, the flag, and others being at the Capitol in coded language: “Still got the flag my dude. The one that we carried together, at that one place when we followed our oaths.”

- e. In November 2021, Preller messaged another female acquaintance that his divorce was being finalized and “Yeah that tends to happen when the FBI shows up at your door.” When the female asked, “What dumb shit did you do now,” Preller responded, “January 6 2021 [...] Yeah...lol fun ride [...] Still got the shield.” [This is likely a reference to the riot shield Rockholt picked up on the Lower West Terrace.]
- f. In June 2021, Preller messaged with a male acquaintance that he was “building an army of 3% patriots that I’m commanding officer for also connect to the CIA DHS and Q anon.” When the other individual asked what the army did, Preller responded, “‘community outreach’ [...] Invade the capital building [...] You know Stuff.”
- g. In July 2021, when a male acquaintance asked what Preller was “doing these days anyway,” Preller responded that he was working at a “Gunshop” and “[c]ontinuing to build my 3% army so I can overthrow the federal government.”
- h. In September 2021, Preller wrote to another individual, “I had the room flooded with 3% Patriots right before I made that little statement. . . . Lvl 4s deep concealment trained by yours truly under very specific orders that no one, no one goes to jail at all cost.” The individual responded, “Fuck that man let em arrest you for doin nothing wrong. Lawsuit + makes them look bad.” Preller wrote back, “Flagler county sherrifs is on our side 80/20. But I’m not ever seeing the inside of a cell brother. Ever.”
- i. According to records obtained from the social media company TikTok, the account assigned username “odinsmonster” is subscribed to Preller Phone 2 (“Preller TikTok”). A review of publicly available portions of the Preller TikTok appears to contain multiple videos and images of Preller, including a video July 25, 2021 that appears to depict Preller inside of the Preller Vehicle. The video appears to have been created or edited using a mirror effect (i.e., the images in the video are reversed). Visible in the video is a patch attached to the interior headliner of the vehicle that appears very similar to the “B SQUAD” patch Preller wore on his back on January 6, 2021, at the Capitol. Below for comparison are a cropped image of the patch from the vehicle (which is reversed due to the mirror effect) and an image of the patch on Preller’s back on January 6.



John Edward Crowley

Crowley has been identified as engaging in the conduct attributed to him above based on, among other things, the following:

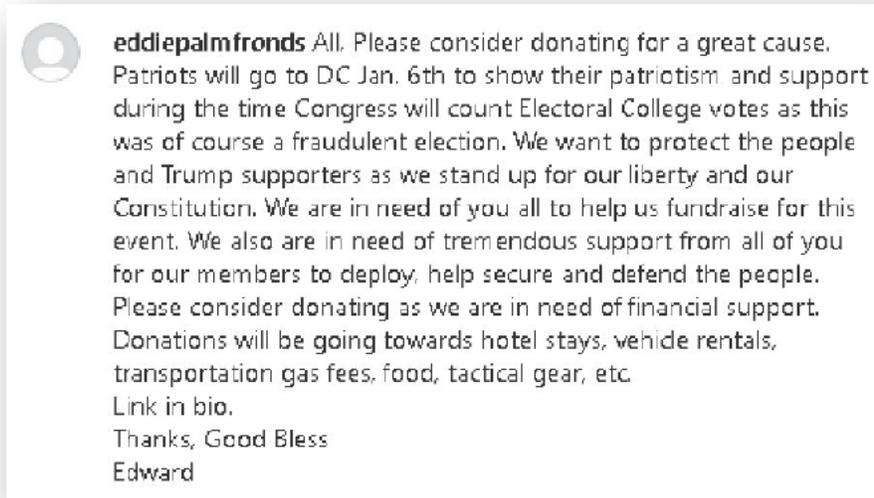
1. Hotel records reflect that Crowley was one of the guests associated with the Black Group reservation and was in the same room as Cole.
2. According to AT&T records, telephone number (352) 494-XXXX (“Crowley Phone”) was subscribed to “Edward Crowley” from at least July 2011 to April 2022. The address associated with Crowley Phone is the same address associated with Crowley’s Florida driver’s license.
3. According to information obtained pursuant to a search warrant, Crowley Phone was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the United States Capitol building on January 6, 2021.
4. The image of Crowley associated with his Florida driver’s license is consistent with the partially obstructed facial images of the individual identified above as Crowley above from January 6, 2021.
5. Witness 4, an individual whose identity is known to the FBI and a former member of the Guardians of Freedom, is listed in the hotel records as having been part of the Black Group reservation. Witness 4 is also familiar with members of Subgroup B. During an interview with Witness 4, they identified a Florida driver’s license image of Crowley as an individual they know. When shown an image of Crowley on January 6, Witness 4 identified the pictured individual known to them as “Ed” or Eddie or the nickname “Palm Fronds.” Witness 4 identified Ed Palm Fronds as one of the members of Guardians of Freedom.
6. In February 2022, an FBI Task Force Officer surveilled and interacted with Crowley. When I showed the TFO photographs of Crowley from January 6, 2021, the TFO stated that the individual in the pictures is the same as the individual that he surveilled and with whom he interacted.
7. Agents have identified an Instagram account with the display name of “eddiepalmfronds.” The @eddiepalmfronds account was used pre-January 6, 2021, to post information regarding the belief that the results of the 2020 presidential election were fraudulent and that action needed to be taken. Specifically, in or around December 24, 2020, @eddiepalmfronds posted the following comment in relation to an advertisement for a Guardians of Freedom fundraiser purportedly intended to “assist with our next critical mission on January 6th, 2021”:

All, Please consider donating for a great cause. Patriots will go to DC Jan. 6th to show their patriotism and support during the time Congress will count Electoral College votes as this was of course a fraudulent election. We want to protect the people and Trump supporters as we stand up for our liberty and our Constitution. We are in need of you all to help us fundraise for this event. We are also in need of tremendous support from all of you for our members to deploy, help secure and

defend the people. Please consider donating as we are in need of financial support. Donations will be going towards hotel stays, vehicle rentals, transportation gas fees, food, tactical gear, etc. Link in bio.

Thanks, Good Bless

Edward



8. @eddiepalmfronds posted comments reflecting the accountholder's belief that the results of the 2020 presidential election were fraudulent. For example, approximately 3 weeks after the posting above, when another poster commented that President Biden was "elected democratically," @eddiepalmfronds responded, "elected hahaha, fraud." In another posting, the account referred to President Biden as "pedophile China Joe, fraud election."
9. According to Facebook records, the "eddiepalmfronds" Instagram account is registered to "Eddie Palm Fronds" and the account's vanity name and account identifier is "eddiepalmfronds" ("Crowley Instagram"). As noted above, Crowley's middle name is Edward and Witness 4 identified Crowley's Guardians of Freedom nickname as "Palm Fronds."⁵ In addition, according to Facebook records, the registered email address for the account is edward@edwardcrowley.com and the verified phone number is Crowley Phone.

⁵ In the affidavits in support of the search warrants referenced in paragraph 56 above, Crowley's first name was erroneously identified as "Edward," which is Crowley's middle name.

Jonathan Rockholt

Rockholt has been identified as engaging in the conduct attributed to him above based on, among other things, the following:

1. Hotel records reflect that Rockholt was one of the guests associated with the Black Group reservation.
2. Investigators have reviewed images of Rockholt from his Florida driver's license, booking photos from a 2016 arrest in Flagler County, Florida, and images that appear to be of Rockholt from the publicly available portions of the Rockholt Facebook account. Investigators have also compared open-source images and videos of the individual believed to be Rockholt on January 6 (as described above) and images and video that appear to be Rockholt at other events. While no individual image or video was dispositive as to Rockholt's identity as the member of Subgroup B attributed to him above, the cumulative result of such comparisons and the information described below indicates that there is at least probable cause to believe that Rockholt is such person.
3. For example, investigators reviewed an image from a Facebook website of a group of individuals at an unidentified event. On the right side of the group is an individual who appears to be Rockholt based on a comparison of the known/suspected images of Rockholt. In the picture, Rockholt and the others appear to be standing in front of a III% related flag and Rockholt appears to be wearing a shirt with a skull like the skull logo associated with the Marvel character the Punisher. In addition, Rockholt is standing in front of a Gadsden flag based on another image from the Facebook website that shows the flag unobstructed. As described above, the tactical vest believed to be worn by Rockholt on January 6 contained a III% logo on the front, and his helmet had a Gadsden flag on the side and a skull like the skull logo associated with the Punisher on the back. Cropped portions of the referenced Facebook images are below.



4. An open-source video posted on August 2, 2021, which appears to be of an anti-vaccine protest in Orlando, Florida, appears to depict Rockholt wearing shoes like the ones worn by the individual believed to be Rockholt at the Capitol on January 6. Specifically, in the video, Rockholt appears to be wearing black gym shoes with a white sole, black bottom, and a logo consistent with an “S.” On the left below is an image of Rockholt at the Orlando protest. The images to the right depict Rockholt’s shoes on January 6 at the Capitol.



5. Investigators reviewed an image from a Facebook page that appears to depict a group of individuals, including Rockholt, exhibiting support for former President Trump on a bridge, on or before July 22, 2020. In such image, Rockholt appears to be wearing the same or similar sunglasses to those he wore at the Capitol on January 6. On the left below is an image of Rockholt on the bridge. The image on the right depicts Rockholt’s sunglasses on January 6 at the Capitol. The nose and the profile of Rockholt as seen in the Facebook page are also the same as the nose and profile of the individual seen at the Capitol on January 6, 2021.



6. Investigators reviewed open-source video that appears to depict Rockholt walking in Washington, D.C., on January 6, 2021, prior to the attack on the Capitol. In such video, Rockholt appears to be wearing sunglasses like those referenced in the subparagraph above and a thick red wristwatch. Images depicting Rockholt at the Capitol on January 6 appear to show him wearing the same or a similar red wristwatch. On the left below is an image that appears to be Rockholt walking in Washington, D.C., on January 6. The image on the right depicts Rockholt's wristwatch on January 6 at the Capitol. The image below is taken from Rockholt Facebook.



7. Investigators compared open-source video and images that appear to depict Rockholt at the Capitol riot to images obtained from the search warrant executed upon the Rockholt Facebook. In the former, the individual believed to be Rockholt wears a green gaiter with a vertical seam on the front:



8. Investigators compared this image with one taken from the Rockholt Facebook, which is an apparent selfie. The image below was sent by Rockholt to an associate on January 5, 2021, accompanying a statement indicating he was enroute to Washington D.C.



9. A video recovered from the Rockholt Instagram account⁶ appeared to show Rockholt wearing a green puffy jacket identifiable with that from January 6 shown in paragraph (7) above. Rockholt sent this video on or about February 1, 2021. A screenshot from this video is below:



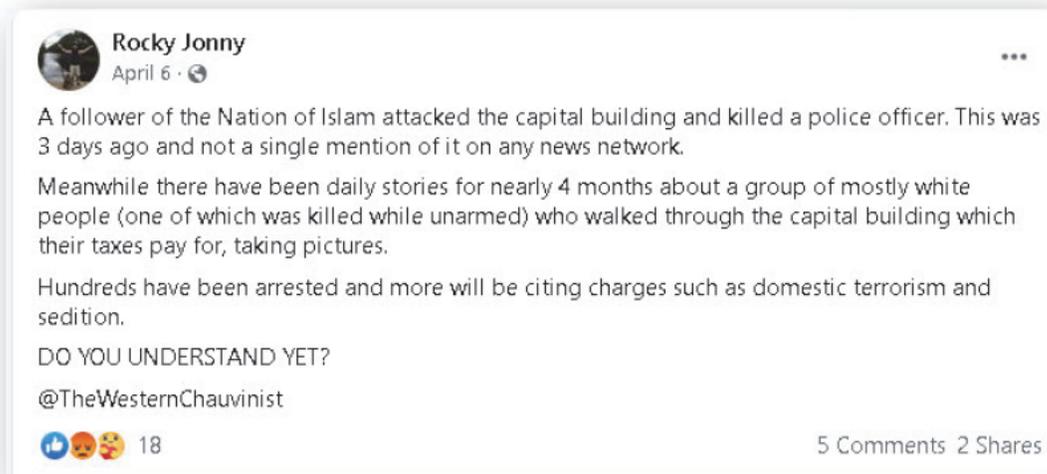
10. According to Verizon records, Rockholt Phone is currently subscribed to an individual who shares Rockholt's last name and appears to be a relative of Rockholt. The billing address for the account is the same as the address listed for Rockholt in connection with his Florida driver's license. The records also indicate that "Johnathan Rockholt" and two others with the Rockholt last name are authorized users and/or account managers with "FULL ACCESS" on the Rockholt Phone account. As described below, Rockholt Phone had contact with other members of B SQUAD in December 2020 and January 2021.
- a. According to Verizon records, Network Element records for Rockholt Phone show:
 - b. The Network Elements associated with 3G wireless calls between November 1, 2020, and January 4, 2021, consistently appear to have been in Florida (e.g., "Orlando 2" and "Jacksonville2").
 - c. The Network Elements associated with 3G wireless calls between January 5, 2021, and January 7, 2021, appear to be consistent with the phone traveling from Florida to Washington, D.C., and back to Florida, namely: (1) the use of Network Elements on January 5, 2021, that appear to be located in Florida ("Orlando2"), Georgia ("Macon_MTX01"), South Carolina ("Charleston_MTX4"), North Carolina ("Raleigh") and ("Raleigh_MTX08"), Virginia ("Richmond"), and Washington, D.C. ("Washington"); (2) the use of Network Elements on January 6, 2021, that appear to be located in Washington, D.C. ("Washington"); and (3) the use of

⁶ On or about July 6, 2022, Magistrate Judge Harvey of the District of Columbia signed a search warrant numbered 22sc1789 for an Instagram account used by Jonathan Rockholt (*Rockholt Instagram*).

Network Elements on January 7, 2021, that appear to be located in Washington, D.C. (“Washington”), North Carolina (“Raleigh_MTX08”) and (“Raleigh”), South Carolina (“Charleston_MTX4”), and Florida (“Jacksonville2”).

- d. According to Facebook records, Rockholt Facebook (i.e., “jonny.rockholt”) is subscribed to an individual using the name “Jonny Rocky,” whose registered email addresses are “jonnyrockholt@[...].com” and “jonny.rockholt@facebook.com.” A review of public portions of Rockholt Facebook identified, among other things: (1) a November 3, 2020 posting (i.e., on the day of the 2020 presidential election) of an image of a Gadsden flag flying at, what appears to be the residence associated with Rockholt’s address, based on open source images of the residence (see below); (2) an April 6, 2021 posting relating to and critical of the investigation and prosecution of those involved in the attack on the Capitol (see below); and (3) images of Rockholt’s unconcealed face.





11. A search of the Rockholt Facebook account identified, among other things, items relating to the Guardians of Freedom, an image with the text “Hampton Inn Washington Convention Center in Downtown DC – Hilton,” and image that appears to be Rockholt in front of the Washington Monument, which appears to be from a Trump rally in Washington, D.C., and a Florida security officer license bearing Rockholt’s name and date of birth.

Tyler Bensch

Bensch has been identified as engaging in the conduct attributed to him above based on, among other things, the following:

1. Hotel records reflect that Bensch was one of the guests associated with the Black Group reservation.
2. As part of this investigation, Witness 2—an individual whose identity is known to the FBI and who previously had an online relationship with Bensch—informed agents that they previously communicated with Bensch via different social media. According to Witness 2, on January 6, 2021, Bensch posted videos on his Snapchat account – “yoitztylerr”⁷ – which appeared to show Bensch, with his face concealed, at the Capitol with a gas mask, body armor vest, all black or camouflage attire, and an AR-style rifle.⁸ On January 6, 2021, Bensch also posted to Snapchat that his location was in Washington, D.C.
3. Witness 2 informed agents that Bensch used a photo of himself posing in front of the Capitol building with what appeared to be an AR-style rifle as his Facebook profile photo. Witness 2 also provided agents with a copy of the following image which was posted on Bensch’s Facebook account on or about December 15, 2020. The image depicts two individuals pointing at the camera in the middle of a street with the Capitol in the background. The individual on the right is wearing or possessing the same or a very similar helmet, goggles, body armor, military fatigues, and gas mask as Bensch was did the images from January 6.⁹



⁷ Witness 2 initially identified Bensch’s Snapchat account as “yoitztylerr” (with two ‘r’s) but through legal process, I confirmed that Bensch’s actual Snapchat account is “yoitztylerrr” (with three ‘r’s).

⁸ Your affiant notes there has been no other information obtained in this investigation which indicates Bensch was armed while at the Capitol. However, in the January 3rd Video, an individual believed to be Bensch appears to be holding an assault rifle.

⁹ Near the conclusion of the interview, Witness 2 asked whether they could receive a \$1,000 reward for providing this information. The witness was advised that no reward would be provided.

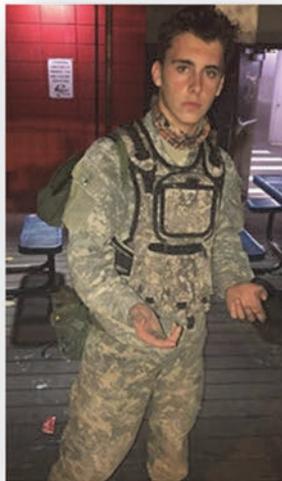
4. On or about December 12, 2020, three days before the image above was posted to Bensch's Facebook account, a pro-Trump rally was held in Washington, D.C., which resulted in violent clashes between Trump supporters and counter protesters. Open-source videos associated with the event contain images of Bensch—based on that individuals' helmet, goggles, body armor, military fatigues, drab scarf, and right shoulder camera as the individual identified as Bensch in the images above. The two bottom photos are Bench on January 6, 2021.



5. In addition, at least one video from December 12, 2020, appears to depict this individual wearing a ring on his right forefinger. The ring matches the ring Bensch is wearing in images from Bensch Facebook. The image on the left below is from one such video. The two images on the right were taken from public postings on Bensch Facebook. Although the video is from December 12, 2020, the helmet, goggles, and scarf match the items that Bensch wore at the Capitol on January 6, 2021.



6. According to a search of the website www.backstage.com, which is used to, among other things, find professional acting roles, Bensch has a public profile on which it appears that he has posted images of himself wearing, what appear to be the same or very similar military fatigues and drab scarf as those he wore on January 6, 2021.



- Using legal process, I have identified a Snapchat account that is owned and operated by Bensch. Bensch's Snapchat account contains videos and images Bensch in the gear he wore at the Capitol on January 6, as well as video and images of Bensch in such gear.



- The following flyer was posted around Washington, D.C. The flyer includes a screen capture from B Leader's January 3rd Video. In the one of Bensch's Snapchat videos, a voice believed to Bensch is heard saying, "Hey, that looks familiar!" The video then zooms in on an individual believed to be Bensch in the January 3rd Video. From left to right, the photos below show the flyer of which Bensch recorded a video, a cropped closeup from the flyer, a screenshot from the video that B Leader recorded and posted to the internet on January 3, 2021, and a photo of Bensch on restricted Capitol grounds on January 6, 2021.



- Bensch's Snapchat account also has an image of a patch that appears to be sewn to the type of camouflage worn by Bensch. The patch displays a III% logo, the year "1776", and the phrase "When Tyranny Becomes Law Rebellion Becomes Duty." The account also contains an audio file in which Bensch's voice says, in sum and substance, that he joined a militia instead of the Marines because he wanted to be in the infantry and would have been assigned to be a mailman in the Marines.

Probable Cause for Criminal Offenses

18 U.S.C. § 231

Based on the foregoing, your affiant submits there is probable cause to believe that **[1] Benjamin Cole, [2] Brian Preller, [3] John Edward Crowley, and [4] Jonathan Rockholt** 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 18 U.S.C. § 231, 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.

18 U.S.C. § 1752

Based on the foregoing, your affiant submits that there is probable cause to believe that **[1] Benjamin Cole, [2] Brian Preller, [3] John Edward Crowley, [4] Jonathan Rockholt, and [5] Tyler Bensch** violated 18 U.S.C. § 1752(a)(1) and (2), which make 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, or attempt or conspire to do so.

For purposes of 18 U.S.C. § 1752, 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.



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 August 2022.


ROBIN MERIWEATHER
U.S. MAGISTRATE JUDGE