

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent with the Federal Bureau of Investigation (FBI). I am assigned to the Louisville Field Office. In my duties as a Special Agent, I am currently tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws.

Unless otherwise stated, the information in this Affidavit is either personally known to me, has been provided to me by other individuals, or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause to support an application for an arrest warrant, it does not contain every fact known by me or the United States. The dates listed in this Affidavit should be read as “on or about” dates.

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 breaking windows and 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.

As detailed below, during the course of the investigation into the events of January 6, 2021, law enforcement learned that **ERIC DOUGLAS CLARK (CLARK)** of Louisville, Kentucky traveled to the District of Columbia to participate in a rally and protest at the U.S. Capitol and gained entry inside the U.S. Capitol on January 6, 2021.

On or about February 22, 2021, the FBI received an anonymous tip which included screenshots of **CLARK**'s Facebook page where **CLARK** posted several pictures of his attendance at the U.S. Capitol. The screenshots contained two photos, one of **CLARK** taking a self-portrait while in the Capitol building and another of text messages sent to the tipster explaining how he has “tons of footage” and how it was “ridiculously easy to get in and they did not try to stop us like they should have.” See Figures One and Two below.

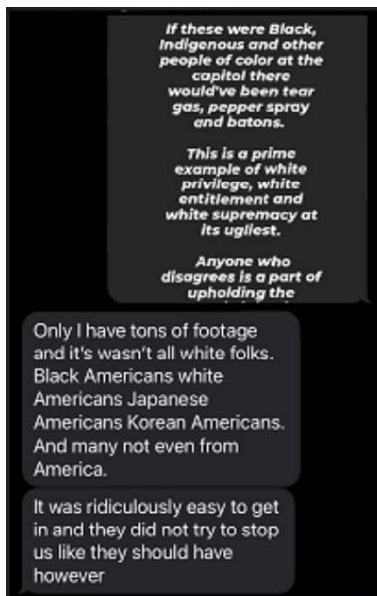


Figure One



Figure Two

CLARK posted to Facebook, which your affiant acquired from a separate anonymous online tip to the FBI, of photos revealing that he was on the Grounds of the U.S. Capitol during the January 6, 2021 insurrection. See Figures Three, Four, and Five.



Figure Three



Figure Four

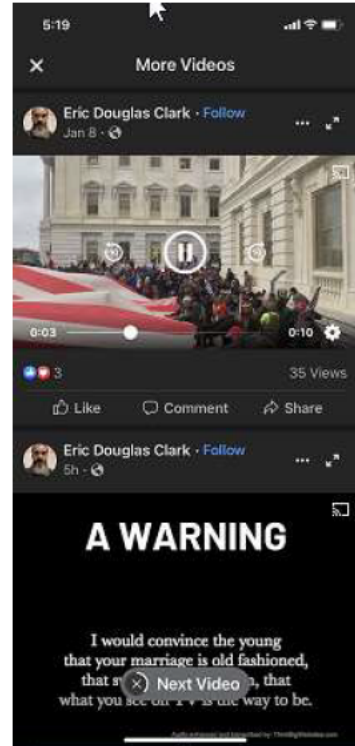


Figure Five

FBI agents were able to review footage from the Capitol that shows **CLARK** near the Senate Wing Door area of the U.S. Capitol building. The footage shows **CLARK** walking around inside the Capitol. See Figure Six (outlined in red).



Figure Six

Shortly before **CLARK** is observed walking around inside the Capitol, **CLARK** can be seen joining the group of people forcibly pushing their way into the Capitol. **CLARK** was initially disguised wearing a Guy Fawkes mask. See Figure Seven and Eight (outlined in red).



Figure Seven



Figure Eight

I have fully identified the man wearing the Guy Fawkes mask as **CLARK** of Louisville, Kentucky. Your affiant was able to view the video from the Capitol as well as the screen shots from **CLARK's** Facebook posts. A screen shot from **CLARK's** Viber account shows **CLARK**

in the same Guy Fawkes Mask standing next to The George Washington University Statue in Washington D.C. See Figure Nine.



Figure Nine

On March 31, 2021, your affiant interviewed a witness from **CLARK**'s previous employer, NHK Spring Precision of America. The witness was provided a picture of the subject, the same picture sent as an anonymous tip (*see Figure Two*) through the Louisville Metro Police Department. The witness identified the man as **ERIC DOUGLAS CLARK** and confirmed **CLARK** was a previous employee of NHK. **CLARK**'s last day of employment at NHK was on January 5, 2021. He was not fired or let go, he never showed up after the aforementioned date. **CLARK** requested his paid time off (PTO) up front before he left NHK. **CLARK** wanted to be paid out for the remainder of his PTO time. NHK policy requires two weeks prior notice before PTO can be paid out. The witness claimed **CLARK** was very vocal about where he was going prior to the January 6, 2021 Capitol Hill riots. The witness claimed she saw pictures on **CLARK**'s Facebook of the insurrection at the U.S. Capitol.

Based on the foregoing, your affiant submits that there is probable cause to believe that **ERIC DOUGLAS CLARK** 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 so; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in

fact, impedes or disrupts the orderly conduct of Government business or official functions or attempts or conspires to do so. For purposes of Section 1752, 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 **ERIC DOUGLAS CLARK** violated 40 U.S.C. §§ 5104(e)(2)(D) and (G), which make it a crime to willfully and knowingly (D) engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress, and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

[REDACTED]

[REDACTED]
SPECIAL AGENT, FBI

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 26th day of April 2021.

Rob M. Meriweather

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE