

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, [REDACTED] a Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn, depose and state as follows:

AGENT BACKGROUND

1. I am an investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7); that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, the offenses enumerated in 18 U.S.C § 2516.

2. I am a Special Agent with the FBI, and as such, am an investigative or law enforcement officer of the United States within the meaning of Rule 41(a)(2)(C) of the Federal Rules of Criminal Procedure. I am engaged in the enforcement of criminal laws and am within the category of officers authorized by the Attorney General to request and execute search warrants pursuant to Title 18 U .S.C. §§3052 and 3107; and DOJ Regulations set forth at Title 28 C.F.R. §§ 0.85 and 60.2(a).

3. I have been a Special Agent since September 2015. I have successfully completed training at the FBI in Quantico, Virginia. I also have conducted numerous federal criminal investigations and assisted in numerous prosecutions. Over the course of my employment as an FBI Special Agent, I have conducted and participated in multiple criminal investigations that have resulted in arrests for criminal offenses. These crimes have resulted in subsequent convictions in Federal Courts.

PURPOSE OF AFFIDAVIT

4. This affidavit is being submitted for the limited purpose of establishing probable cause to believe that NOLAN B. COOKE has violated 18 U.S.C. § 231(a)(3) (Acts during civil disorder); 18 U.S.C. §§ 1752(a)(1) & (a)(2) (Entering/remaining on restricted buildings or grounds

& Disorderly/disruptive conduct in or near restricted building or grounds); and 40 U.S.C. § 5104(e)(2)(D) (Unlawful activities on Capitol grounds), as set forth below:

- a. 18 U.S.C. § 231(a)(3): Acts During Civil Disorder: Whoever commits or attempts 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;
- b. 18 U.S.C. § 1752(a)(1): Restricted Building or Grounds; Whoever knowingly enters or remains in any restricted building or grounds without lawful authority to do so;
- c. 18 U.S.C. § 1752(a)(2): Restricted Building or Grounds; Whoever knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engages 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;¹
- d. 40 U.S.C. § 5104(e)(2)(D): Unlawful Activities on Capitol Grounds; An individual or group of individuals may not willfully and knowingly utter loud,

¹ 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.

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.

5. The statements contained in this affidavit are based in part on: information provided by FBI Special Agents, Task Force Officers and FBI Analysts, written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents, information gathered from the results of physical surveillance conducted by law enforcement agents, reporting by eye witnesses, independent investigation and analysis by FBI agents/analysts and computer forensic professionals, and my experience, training and background as a Special Agent. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish the necessary foundation for the requested complaint.

JURISDICTION

6. This Court has jurisdiction to issue the requested warrant because it is a “court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), and (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i). As discussed more fully below, the U.S. Attorney’s Office for the District of Columbia is investigating this case, which, among other things, involves possible violations of 18 U.S.C. § 231(a)(3) (Acts during civil disorder); 18 U.S.C. §§ 1752(a)(1) & (a)(2) (Entering/remaining on restricted buildings or grounds &

Disorderly/disruptive conduct in or near restricted building or grounds); and 40 U.S.C. § 5104(e)(2)(D) (Unlawful activities on Capitol grounds). The conduct at issue includes an overt act in the District of Columbia, in the form of entering into Congress on January 6, 2021, as part of a mob that disrupted the proceedings of Congress, engaged in property damage and theft, and caused physical injury.

BASIS FOR PROBABLE CAUSE

Facts Surrounding the Events at the Capitol on January 6, 2021

7. 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.

8. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.

9. 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.

10. As the proceedings continued in both the House and the Senate, and with Vice President 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.

11. 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.

12. 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 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.

13. 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.

Facts Specific to the Defendant

14. Beginning on or about January 7, 2021, investigative agencies began receiving tips from the public related to the civil unrest and breach of the Capitol. The FBI has received at least three tips identifying COOKE as having been involved in the breach of the Capitol. An unknown individual (hereinafter referred to as Tipster 1) reported the following information:²

On January 6, 2020 I opened my snapchat around the end of the day to catch up and I noticed a guy I once knew participated in the riots around the capital on January 6th. The guys name is Nolan Cooke, he is 22 and from Savoy, Texas. Nolan was in the front lines of the riot and helped lead the charge of rioters breaking through the police gates. On his Snapchat story, Nolan posted video of him at the capital steps banging on the large brown doors with the end of the American flag he was carrying. There is also video of him shoving through a police encounter. He filmed the entire footage of the charges on a GoPro he had hanging from his neck. He then proceeded to post the picture attached to his Snapchat story. Nolan is about 56 with long brown curly hair down to his shoulder. He was wearing a Make America Great Again hat and was carrying a large American Flag through the entire protest. He is of medium skin tone. I do believe he had part of breaking in to the US Capitol, but I did not save any of his Snapchat stories to my phone. I looked the picture attached below and found it in a US media source after I saw it on Nolans story. He did not say in his story if this was him, but the similarities are uncanny.

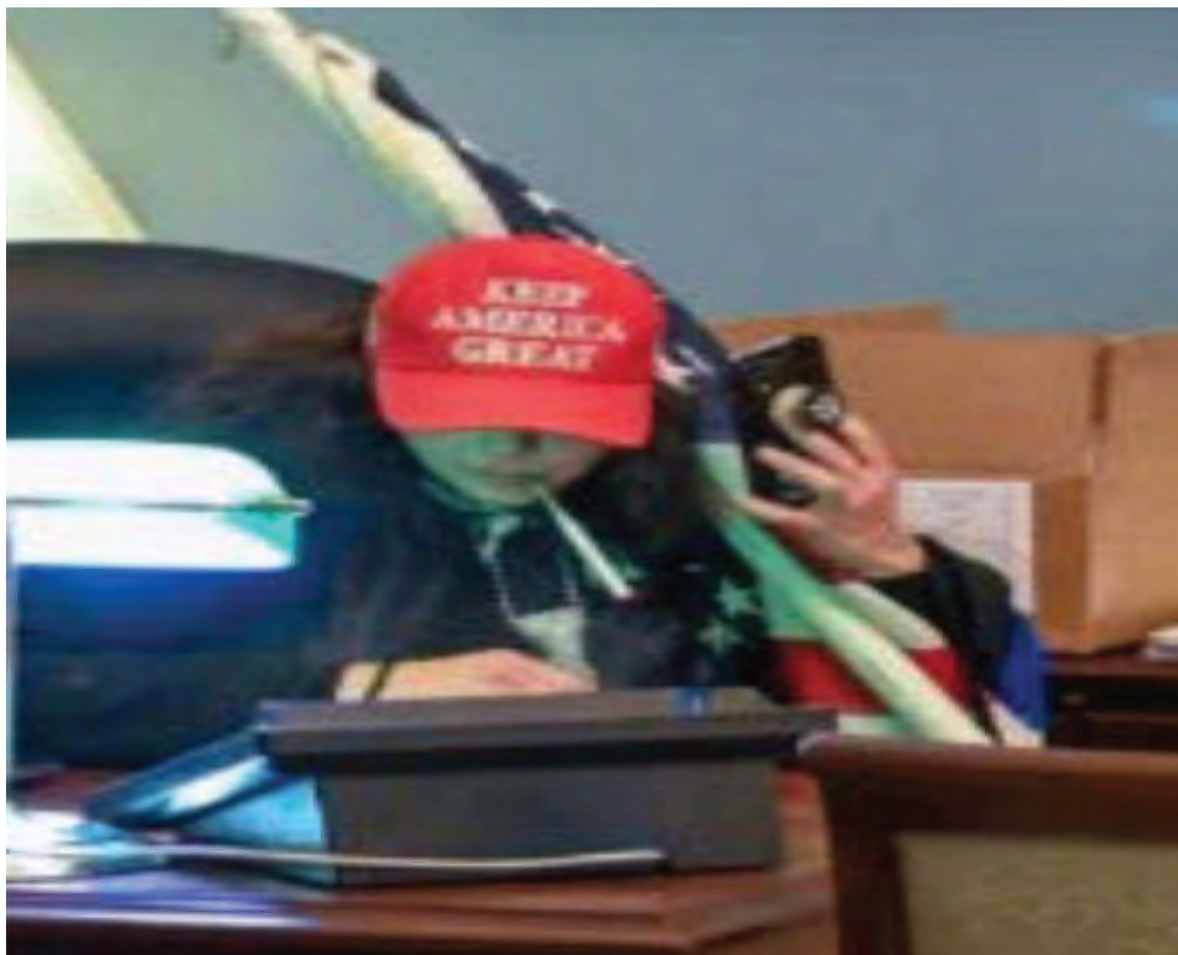
15. A contact name and number were provided for Tipster 1. However, when the FBI attempted to contact this individual for more information, the individual stated that he or she had not reported anything to the FBI.

16. A second tipster (hereinafter Tipster 2), whose identity is known by the FBI, was interviewed and provided the following information regarding COOKE:

- a. Tipster 2 was familiar with an individual named NOLAN BERNARD COOKE who went to Savoy high school in Savoy, Texas, and used to work at Walmart.

² Errors in original.

- b. COOKE posted on his Snapchat account a video of himself driving to Washington, DC, prior to the rally on January 6, 2021. COOKE also posted on his Snapchat account videos of himself inside of the Capitol on January 6, 2021.
- c. At one point, COOKE said on Snapchat that he was wearing a GoPro inside the Capitol and would upload the video to YouTube, but Tipster 2 had not seen that specific video.
- d. COOKE posted pictures on Snapchat saying that he had been pepper sprayed and his eyes were visibly red.
- e. COOKE posted a video from a news source, which Tipster 2 believed was CNN, that showed COOKE inside the Capitol, and COOKE stated, "I made the news."
- f. COOKE posted something on his Snapchat account on the drive back from Washington, DC, to Texas, stating that he was staying in a hotel somewhere in Tennessee.
- g. COOKE has since deleted all the Snapchat videos and photos referenced above.
- h. Tipster 2 provided a Snapchat username, email account, and phone number for COOKE. [The FBI was able to confirm that the phone number belongs to COOKE and that the phone number is affiliated with his Snapchat account]. Tipster 2 believed the individual pictured below and which was also known as photograph #9 on the FBI's website, was COOKE.



17. However, the FBI has confirmed that the person in the above photograph, also known as Photograph #9, is not COOKE.

18. On or about January 19, 2021, the FBI received a third (anonymous) tip about COOKE's activities at the Capitol on January 6, 2021. This person (hereinafter Tipster 3) stated, in pertinent part:³

Reporting on [COOKE's presumed girlfriend (Person A)] and Nolan Cooke a couple from Sherman, Texas. They were both at the capitol that day and from the video Person A posted to Instagram they at the very least made their way up the steps. Nolan has a friend [Person B] whose [relative] works with my friend. The [relative] said Nolan was wearing a go-pro the whole day recording everything that happened and that he sent the video to [Person B].

³ Errors in original.

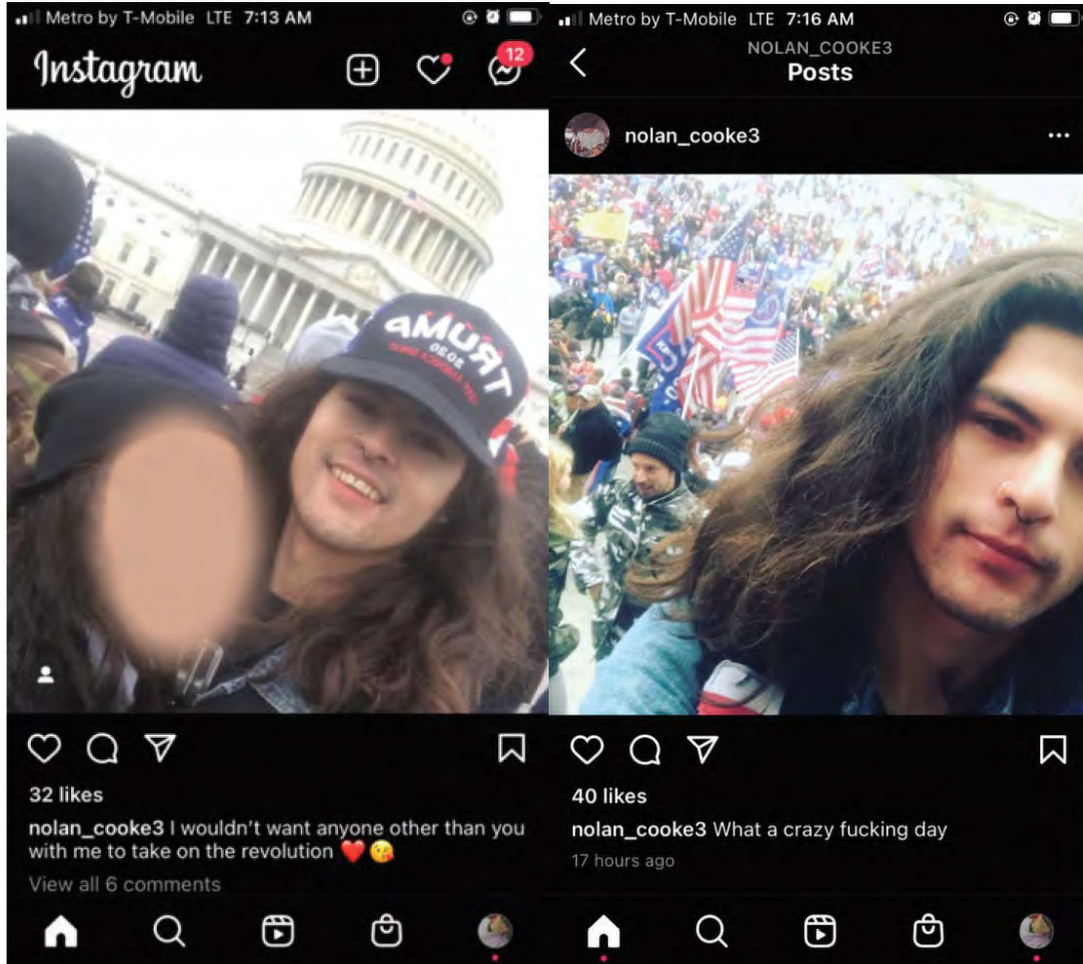
19. The FBI has conducted open source research of COOKE'S social media. Your affiant reviewed an approximately 28-second video that was uploaded on January 13, 2021, at around 2:00PM Eastern Time, to a TikTok account under the username of @nolan.cooke98/amos:cookie03121998. The video appears to show a crowd of individuals shoving their way through a group of police officers (likely U.S. Capitol Police) in front of the Capitol (believed to be the East side of the Capitol). This video appears to have been taken from a "GoPro" style camera. While reviewing the video, your affiant observed long brown hair dangle in front of the camera lens similar to the long brown hair depicted in COOKE's driver's license photo and images of himself on Instagram account "nolan_cooke3."

20. In the above-described TikTok video, your affiant can see the sleeve of what appears to be a denim jacket or shirt. Your affiant has observed two photos of COOKE that were posted on Instagram account "nolan_cooke3" on January 6, 2020. In both photos, COOKE appears to be wearing a denim shirt or jacket. According to open source information, the first photograph of COOKE (with a female believed to be COOKE's girlfriend) included a caption that noted, "I wouldn't want anyone other than you with me to take on the revolution." The second photo had the caption, "What a fucking day."

21. Four screenshots from the TikTok video are below showing the long brown hair and denim shirt or jacket, followed by the two Instagram pictures of COOKE wearing a denim shirt or jacket. In the fourth screenshot from the TikTok video depicted below, it appears that the individual wearing the GoPro style camera and with denim sleeves is grabbing the arm of a police officer and interfering with a law enforcement officer lawfully engaged in the lawful performance of the officer's official duties incident to and during the commission of a civil disorder.







22. Law enforcement agents have retrieved a driver's license photograph of COOKE, a resident of TEXAS, and confirmed COOKE bears a resemblance to the pictures above.

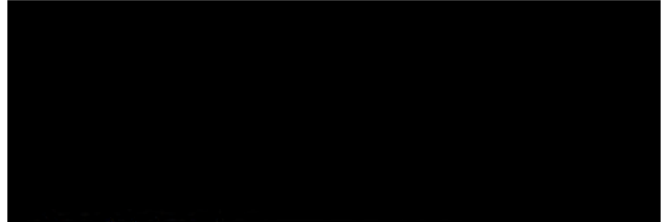
23. On January 20, 2021, the Honorable Christine A. Nowak, U.S. Magistrate Judge for the Eastern District of Texas, authorized a search of COOKE's premises and vehicle for evidence related to the violations described below. On January 21, 2021, law enforcement agents executed the search warrant. COOKE agreed to be interviewed voluntarily; he was not under arrest at this time and was not given *Miranda* warnings.

24. During the interview, COOKE made the following statements and admissions:

- a. A few days before January 6, 2021, COOKE saw a posting on Twitter from former President Donald T. Trump about the rally in Washington, D.C., scheduled for January 6, 2021.
- b. On or about January 5, 2021, COOKE drove to Washington, D.C., with his girlfriend and a relative. On arrival to the city, COOKE's relative dropped COOKE and his girlfriend off at the Capitol Building.
- c. COOKE brought one or more firearms with him on the trip, but he left those weapons in the relative's vehicle and did not bring them onto the Capitol Grounds.
- d. COOKE came to the Capitol because he wanted to be heard.
- e. COOKE was at the front of the crowd pushing against the officers who were enforcing the restricted access to the Capitol Building and Grounds.
- f. COOKE pushed past police officers to get to one of the doors of the Capitol Building. He used a flag pole to bang on a window.
- g. COOKE denied entering the Capitol Building at any time.
- h. COOKE confirmed that he filmed the video containing the four still photographs included above and that his hair and arm are depicted in those photographs.
- i. COOKE further confirmed that he is the male individual in the fifth photo included above.

25. Based on the foregoing, your affiant submits that there is probable cause to believe that COOKE has violated 18 U.S.C. § 231(a)(3) (Acts during civil disorder); 18 U.S.C. §§ 1752(a)(1) & (a)(2) (Entering/remaining on restricted buildings or grounds & Disorderly/

disruptive conduct in or near restricted building or grounds); and 40 U.S.C. § 5104(e)(2)(D)
(Unlawful activities on Capitol grounds).



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.

A handwritten signature in cursive script, appearing to read "Rob M. Meriweather", written over a circular official seal of the U.S. District Court for the District of Columbia.

2021.01.21

15:25:11 -05'00'

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE