

## STATEMENT OF FACTS

Your affiant, [REDACTED] with the Federal Bureau of Investigation. I have been so employed since March 2016. I have been assigned to the Minneapolis Division, Fargo, North Dakota Resident Agency since August 2020. Previously, I was assigned to the Washington Field Office, Northern Virginia Violent Crimes Task Force between August 2016 and August 2020. Prior to being hired as a Special Agent with the FBI, I was a police officer with the Charlottesville, Virginia Police Department and was so employed from July 2011 to February 2016. I have received formal training in the investigation of violent crimes, including specialized training in forensic evidence collection. In my duties as a special agent, I investigate violent criminal activity and crimes against persons and property. Some of my responsibilities also include investigating Domestic Terrorism (which could include Racially Motivated Violent Extremism, Anti-Government Extremism, Anarchist Extremism, and Militia Extremism). Currently, I am 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, detection, investigation, or prosecution of a violation of Federal criminal laws.

The facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies 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, it does not contain every fact known by me or the FBI. The dates and times listed in this Affidavit should be read as “on or about”.

### **Background: Events at the U.S. Capitol on January 6, 2021**

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, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

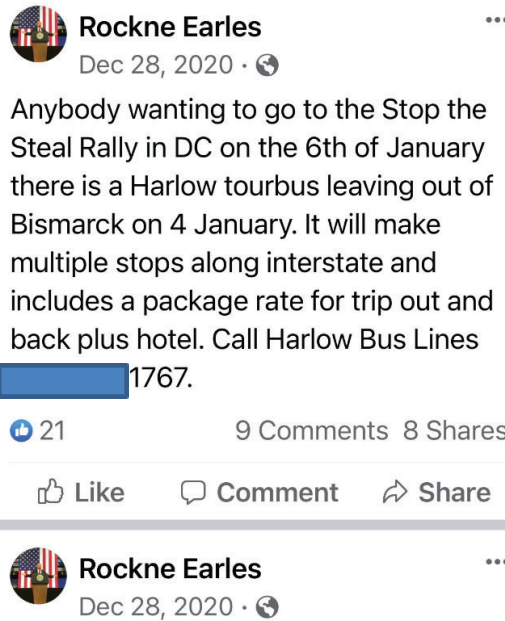
During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

### **Identification of Rockne Earles**

1. On January 16, 2021, the FBI National Threat Operations Center (NTOC) received an anonymous tip indicating that Rockne EARLES of North Dakota allegedly participated in the Capitol riots on January 6, 2021, and that EARLES posted information on his Facebook page about how to attend the event. The anonymous tip included a hyperlink to EARLES' Facebook page as part of the submission.

2. On February 19, 2021, the FBI NTOC received a second online tip stating that EARLES' Facebook account made a post on the Valley City, North Dakota "What's Happening" Facebook page regarding travel to Washington D.C. on January 6, 2021. The tipster later provided a screenshot of the Facebook post:

### Screenshot 1: Facebook Post



3. The FBI performed a database check and inquired with local law enforcement, which both identified EARLES as a resident of Oriska, North Dakota.

4. The FBI compared EARLES' North Dakota Driver's License photograph with surveillance video from the U.S. Capitol building, and found a potential match of EARLES located inside the U.S. Capitol on January 6, 2021, in the Hall of Columns, near the south door. In the video, EARLES wore a black knit hat, chrome-colored goggles with a black strap, a black bandanna with a white pattern around his neck, a black leather jacket with zippered breast pocket, black gloves, a green shirt, and blue jeans:

**Screenshot 2: 0177 USCH 01 US Capitol Hall of Columns South Door**



5. The U.S. Capitol surveillance video from January 6, 2021, was shown to a local law enforcement official in North Dakota who worked in the county where EARLES lived. The law enforcement official knew EARLES from meetings and local events and was familiar with what EARLES looked like. The local law enforcement recognized EARLES in the U.S. Capitol surveillance video and positively identified EARLES in the video.

6. According to legally obtained phone records, a cellular phone associated with EARLES, which ends in -8244, was identified as having utilized cell sites consistent with travel from North Dakota to Washington, D.C. between January 3, 2021, and January 6, 2021.

7. These cell phone records further show that the cellular phone associated with EARLES, which ends in -8244, was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the U.S. Capitol building for approximately 19 minutes on January 6, 2021, during a timeframe between approximately 2:21 PM and 2:40 PM EST.

8. The timeframe of the phone records is consistent with surveillance video obtained by the U.S. Capitol Police that shows the person identified as EARLES inside of the U.S. Capitol between approximately 2:17 PM and 2:44 PM EST on January 6, 2021.

## Assault of a Federal Officer by Rockne Earles

9. During the investigation, the FBI Washington Field Office (WFO) contacted the FBI's Fargo, North Dakota Resident Agency about Rockne EARLES and provided a video showing the individual identified as EARLES on the West Front of the U.S. Capitol. In the video, EARLES grabs and throws a U.S. Capitol Police Officer (Victim Officer 1) against the Northwest stairs underneath the West Front scaffolding outside the U.S. Capitol Building during the January 6, 2021 riot. The video clip of the incident is publicly available on Twitter (<https://twitter.com/twfisher1/status/1369284471141380115>) and also depicted at 17:10-17:15 in the video "Day of Rage: How Trump Supporters Took the U.S. Capitol, Visual Investigations" (<https://www.youtube.com/watch?v=jWJVMoe7OY0>).

10. In the video, EARLES grabs and throws Victim Officer 1 to the ground using what appears to be a significant amount of force (Screenshots 4-9). Two other rioters joined EARLES in shoving and assaulting Victim Officer 1 (Screenshots 6-7). Victim Officer 1 landed on the steps and then attempted to escape away from the rioters (Screenshots 8-9). Based on preceding and subsequent events, this assault is believed to have occurred between approximately 1:50 p.m. and 2:10 p.m. on January 6, 2021.

11. In the video of the assault, EARLES is wearing the same unique clothing worn in the U.S. Capitol surveillance video used for his identification: a black knit hat, chrome-colored goggles with a black strap, a black bandanna with a white pattern around his neck, a black leather jacket with zippered breast pocket, black gloves, a green shirt, and blue jeans.

**Screenshot 3 - <https://twitter.com/twfisher1/status/1369284471141380115> - Potential Original Source – RMG News**



Screenshot 4 - <https://twitter.com/twfisher1/status/1369284471141380115> - Potential Original Source  
- RMG News



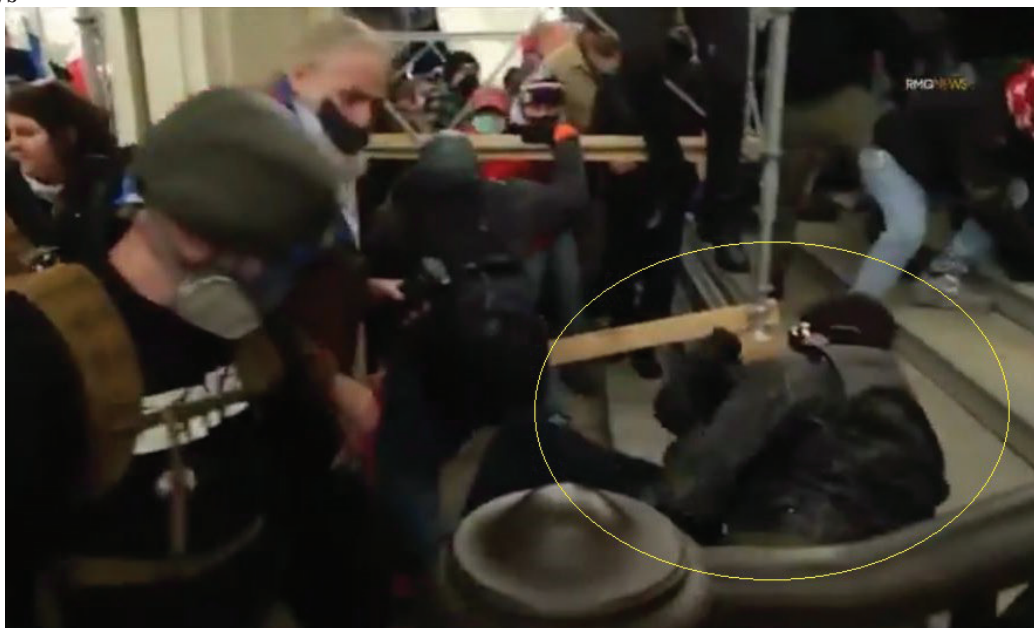
Screenshot 5 - <https://twitter.com/twfisher1/status/1369284471141380115> - Potential Original Source  
- RMG News



Screenshot 6 - <https://twitter.com/twfisher1/status/1369284471141380115> - Potential Original Source  
- RMG News



Screenshot 7 - <https://twitter.com/twfisher1/status/1369284471141380115> - Potential Original Source  
- RMG News



Screenshot 8 - <https://twitter.com/twfisher1/status/1369284471141380115> - Potential Original Source  
– RMG News



12. Victim Officer 1 was identified and interviewed by the FBI on August 27, 2021, and May 3, 2022. Victim Officer 1 recalled being assaulted numerous times on January 6, 2021, including being struck with a flagpole by an unidentified male, being knocked to the ground by three men, and being hit in the head. As result of the riots on January 6, 2021, including this incident, Victim Officer 1 was concussed, treated for medical injuries at the hospital, and out of work for 45 days.

#### **Review of Surveillance Video Inside the U.S. Capitol Relating to Rockne Earles**

13. Law enforcement reviewed numerous surveillance videos from the U.S. Capitol building which show EARLES physically inside the U.S. Capitol between approximately 2:17 PM and 2:44 PM EST on January 6, 2021.

14. In these surveillance videos, and as depicted in the screenshots from these videos below, EARLES is wearing the same items worn during the assault of Victim Officer 1 underneath the West Front scaffolding outside the U.S. Capitol Building: a black knit hat, chrome-colored goggles with a black strap, a black bandanna with a white pattern around his neck, a black leather jacket with zippered breast pocket, black gloves, a green shirt, and blue jeans.

15. Based on the surveillance video footage, EARLES appears to have remained in the U.S. Capitol building for approximately 27 minutes.



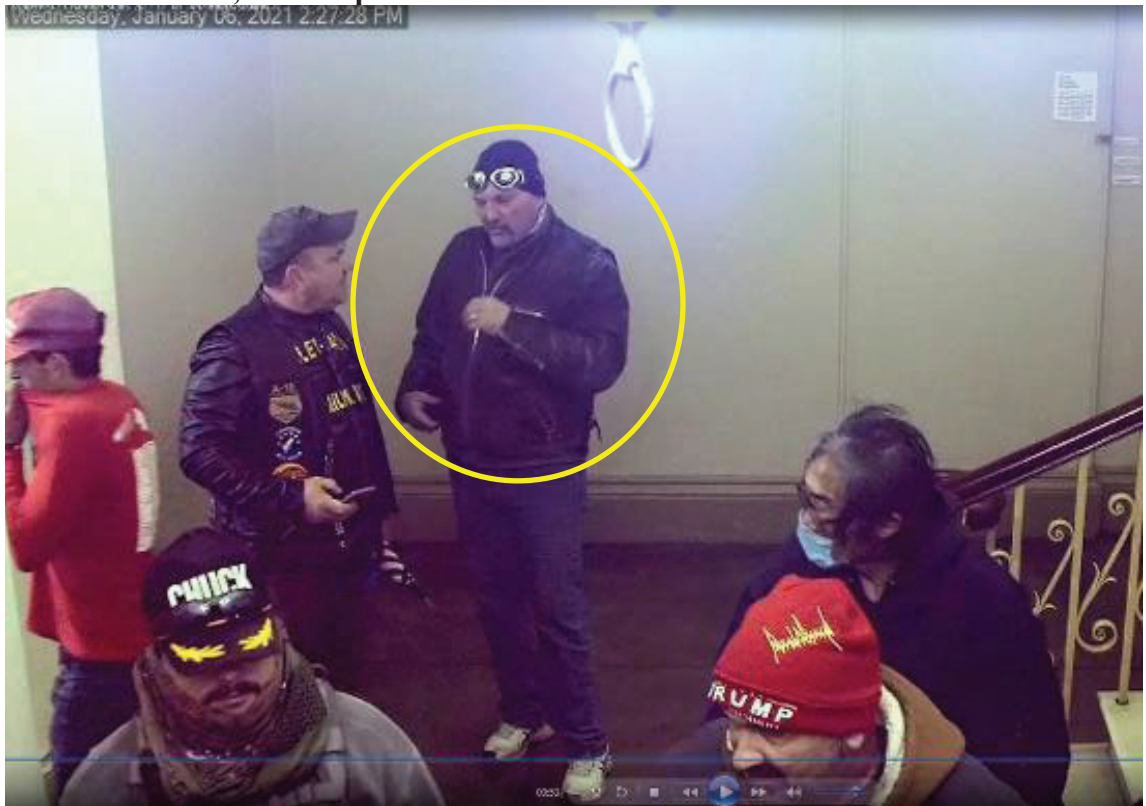
2:17:39 PM EST, Senate Wing door near S139, entering U.S. Capitol Building



2:24:54 PM EST, Senate Wing door near S139



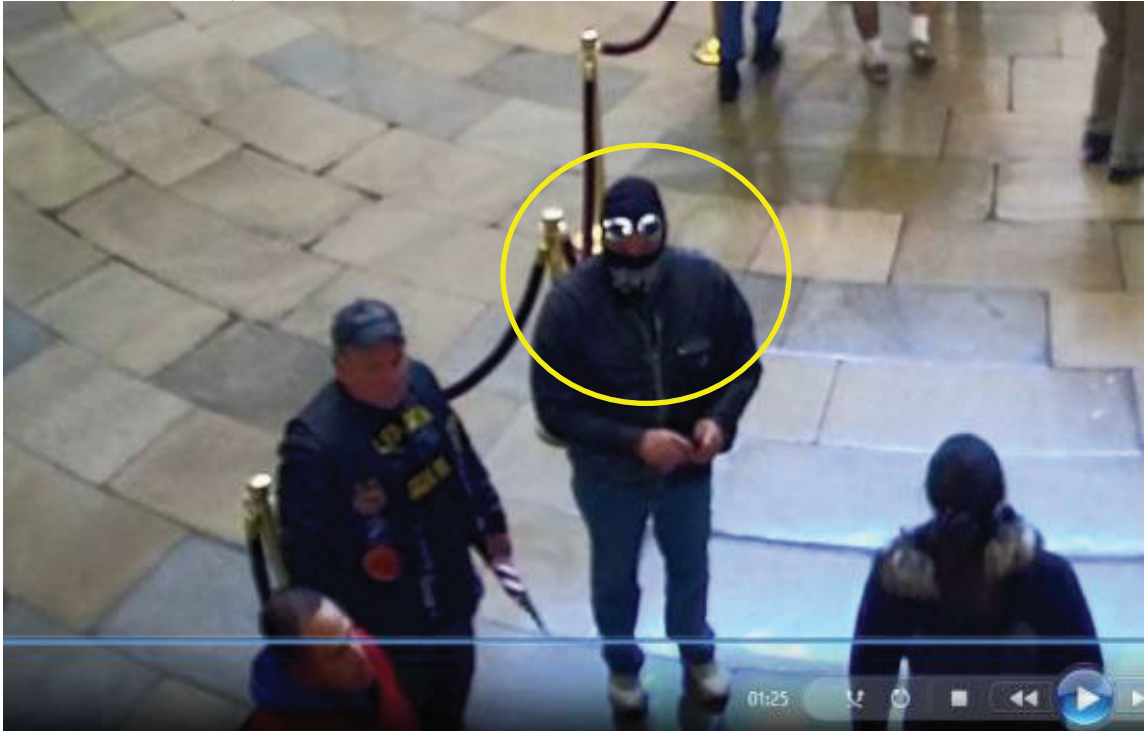
2:26:47 PM EST, near Supreme Court Chamber stairs



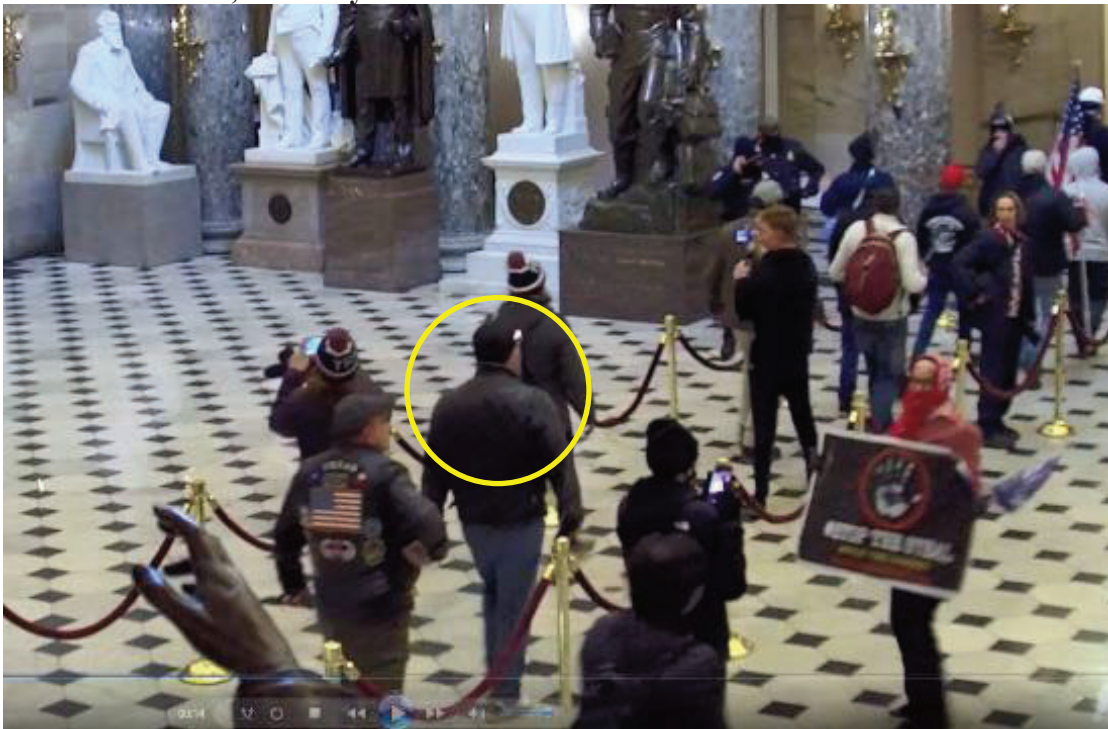
2:29:03 PM EST, Rotunda South



2:29:03 PM EST, Rotunda South



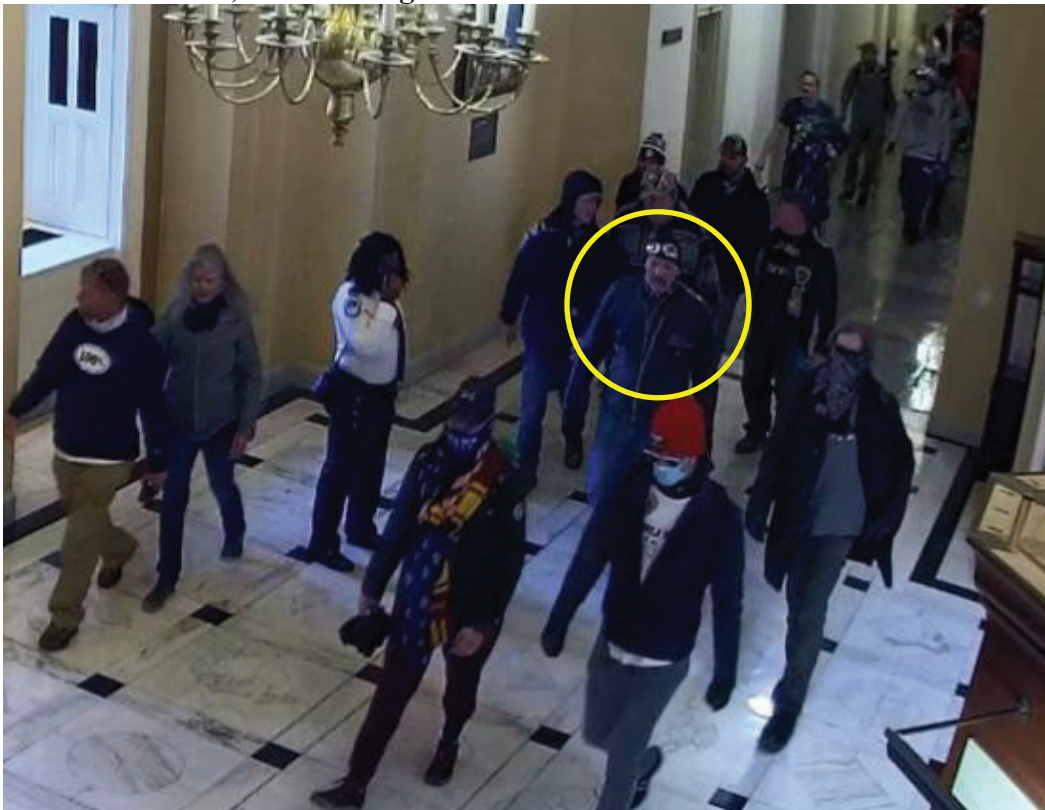
2:32:00 PM EST, Statuary Hall West



2:32:22 PM EST, Statuary Hall West Connector



2:43:13 PM EST, House Wing Door



2:41:00 PM EST, Memorial Door Interior



2:43:37 PM EST, Hall of Columns



2:44:03 PM EST, Hall of Columns South Door



2:44:11 PM EST, South Door Vestibule, exiting U.S. Capitol



## Probable Cause Conclusions

Based on the foregoing, your affiant submits that there is probable cause to believe that Rockne Gerard EARLES violated 18 U.S.C. §§ 111(a)(1) and 2, which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in section 1114 of title 18 while engaged in or on account of the performance of official duties, or to aid, abet, counsel, command, induce, or procure the commission of such offenses. Persons designated within section 1114 include any person assisting an officer or employee of the United States in the performance of their official duties.

Your affiant submits there is also probable cause to believe that Rockne Gerard EARLES violated 18 U.S.C. §§ 231(a)(3) and 2, 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 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.

Your affiant submits that there is also probable cause to believe that Rockne Gerard EARLES violated 18 U.S.C. §§ 1752(a)(1), (2) and (4), and 2, which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; (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; and (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds, or attempt or conspire to do so; or to aid, abet, counsel, command, induce, or procure the commission of such offenses. 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.

Finally, your affiant submits there is probable cause to believe that Rockne Gerard EARLES violated 40 U.S.C. §§ 5104(e)(2)(D), (F) and (G) which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1  
by telephone, this 7th day of April 2023.

2023.04.07



*Rob M. Meriweather*

12:53:34

-04'00'

---

ROBIN M. MERIWEATHER  
U.S. MAGISTRATE JUDGE