AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.
Andrew Michael Cavanaugh
(AKA: Andrew Cavanaugh)
OB: 11/01/1984

Defendant(s)

Case: 1:21-mj-00306
Assigned To : Faruqui, Zia M.
Assign. Date : 3/15/2021
Description: Complaint w/ Arrest Warrant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the _____ in the District of Columbia, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. § 1752(a)(1)	Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority,
40 U.S.C. § 5104(e)(2)	Violent Entry and Disorderly Conduct on Capitol Grounds.

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.

Complainant's signature

Special Agent Matthew J. Deurmeier, Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 03/15/2021

Zia M. Faruqui
2021.03.15 16:42:23 -04'00'

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge
Printed name and title

Case: 1:21-mj-00306
Assigned To : Faruqui, Zia M.
Assign. Date : 3/15/2021
Description: Complaint w/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, Matthew J. Deurmeier, is a Special Agent with the Federal Bureau of Investigation (FBI) assigned to the Bozeman Resident Agency in Bozeman, Montana. Currently, I am a 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 violations of Federal criminal laws.

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 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.

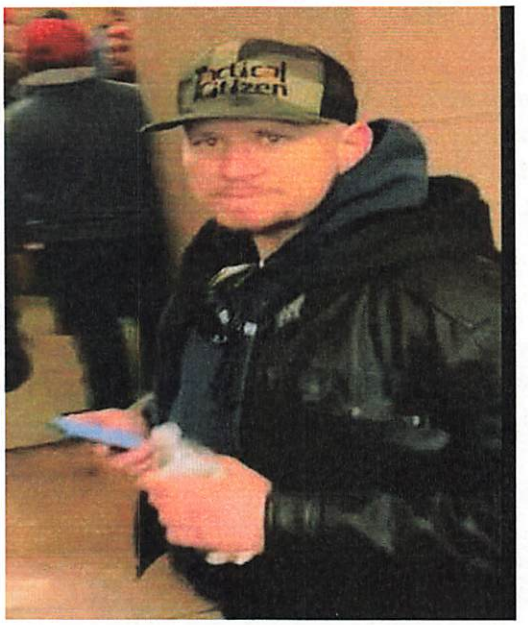
During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of

violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

On January 17, 2021, ProPublica, a self-proclaimed non-profit news organization, posted an article online titled "What Parler Saw During the Attack on the Capitol" at https://projects.propublica.org/parler-capitol-videos/. The website contained multiple videos obtained from the social media application Parler that were posted by users in and around the U.S. Capitol on January 6, 2021. Those videos were categorized by location and time. As a result of the videos posted on that website, law enforcement obtained investigative leads regarding a white male in one of the videos wearing a camouflage-colored baseball cap that read "Tactical Citizen."

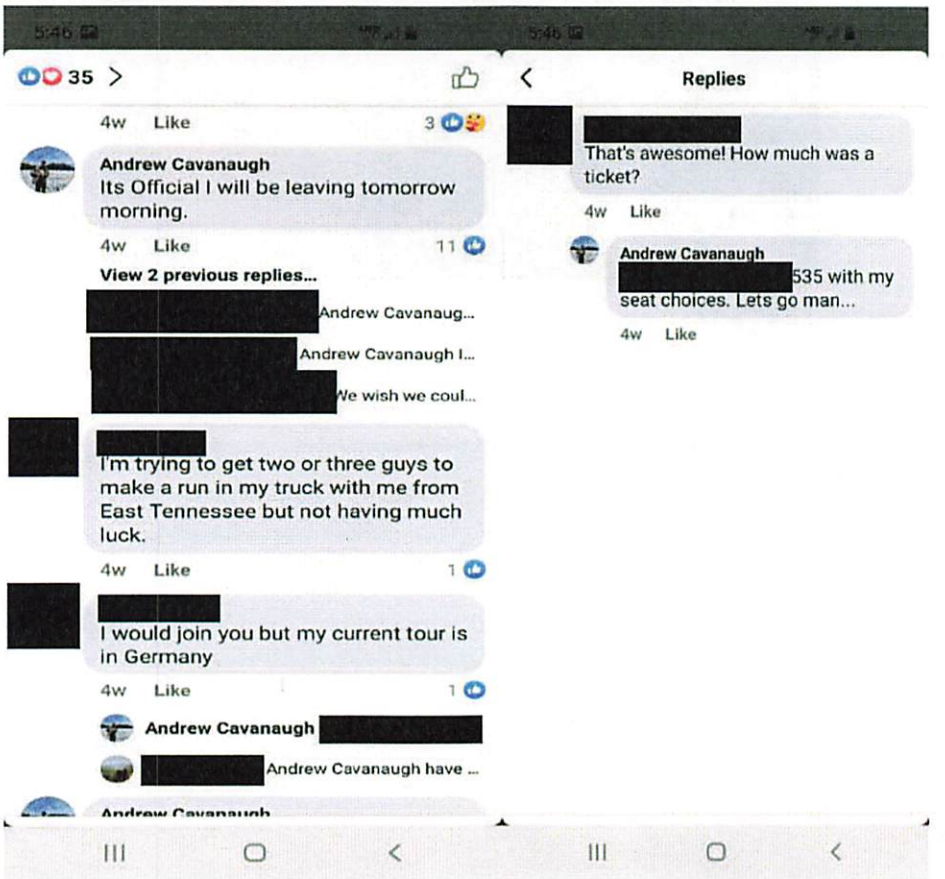
Due to the unique name on the baseball cap, open source searches revealed that "Tactical Citizen" appears to be a company based in Belgrade, Montana. According to the company's social media accounts, the company was founded and owned by Andrew Cavanaugh. The company's Instagram account features images of a white male, wearing a hat similar to the one in the ProPublica video, identified himself as "Andrew" and stated he was at the Tactical Citizen headquarters in Belgrade.

After receiving the investigative lead regarding the individual wearing the Tactical Citizen baseball cap, your affiant reviewed the Parler video in which it was alleged Cavanaugh appeared and observed that the person taking the video from their mobile device was walking in the direction of the Small House Rotunda on the first floor of the U.S Capitol. As the person is walking, he pans across the people in front of him while yelling loudly "Where are the fucking traitors at? Drag them out by their fucking hair!" As he speaks, the white male wearing the Tactical Citizen baseball cap, replies off camera, "Yeah!" The individual in the Tactical Citizen hat is also wearing a dark-colored hooded sweatshirt with white printing on the front, a black leather jacket, and is holding a bottle of water and a cell phone. A screen capture of the Parler video showing the individual in the Tactical Citizen hat is below:

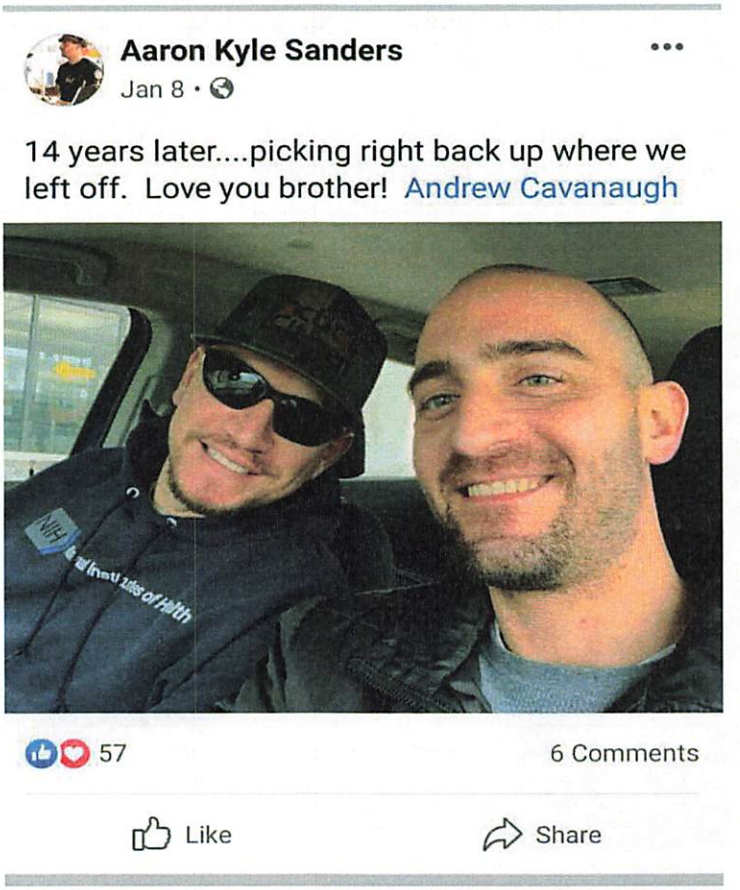


Your affiant conducted database queries for Cavanaugh to include obtaining a copy of his Montana driver's license photograph. The photograph bears a strong resemblance to the individual with the Tactical Citizen hat in the video. Those queries further revealed that Cavanaugh resides at an address in Bozeman, Montana, and that a 2015 white Toyota Tundra, Montana plate XXXXXX, registered to him. On February 4, 2021, your affiant drove by the listed residence at approximately 7:35 a.m. MST. I observed the white Toyota Tundra with Montana plate XXXXXX parked in the driveway. On the afternoon of February 5, 2021, your affiant drove by the business address for Tactical Citizen, which is located in Belgrade, Montana. Your affiant observed the same white Toyota Tundra parked in front of the building. On the back window of the vehicle was a large decal for Tactical Citizen.

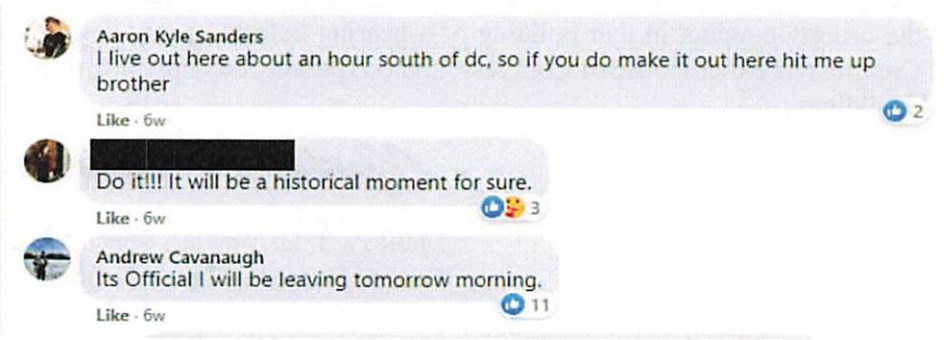
Your affiant identified Cavanaugh's Facebook account through a general internet search and observed that the account was open to the public. A review of his account history revealed that Cavanaugh lives in Bozeman and identifies himself as the Founder and Managing Director at Tactical Citizen since November 2019. On January 3, 2021, a post to that account stated "Anyone going to Washington DC on Jan 6th? Does anyone want to go? I am heavily considering buying a plane ticket right now." In replies to that comment, Cavanaugh stated: "Its Official I will be leaving tomorrow morning" and that he had purchased plane tickets. Screen captures of those messages are below:



A review of Cavanaugh's Facebook account further revealed that Cavanaugh was "tagged" in a photograph posted by Aaron Kyle Sanders on January 8. The photograph shows Cavanaugh and the person believed to be Sanders in the same vehicle. Cavanaugh is wearing the Tactical Citizen baseball cap and a dark blue-hooded sweatshirt with a logo in white letters on the front for the National Institutes of Health. The background of the photograph, outside of the vehicle, appears to be an entrance to an airport. A screen capture of Sanders's post is below:



Your affiant observed that Sanders had previously replied to Cavanaugh's Facebook post about traveling to Washington DC stating that Sanders lived in Fredericksburg, Virginia and asked him to contact him when Cavanaugh was in the area. A screen capture of that exchange is below:



One of the individuals who contacted the FBI intake line, identified as Reporting Party 1 (RP1), reported viewing several Facebook Live videos on Cavanaugh's Facebook account on January 6, 2021. Those videos were deleted that day. However, before they were deleted, RP1 stated that one video appeared to show the crowd at the rally in the vicinity of the Washington Monument. According to RP1, a second video appeared to show a crowd in the vicinity of the National Museum of African American History. I am aware that Facebook Live is a feature on the Facebook application that uses the camera on a user's mobile device to broadcast videos in real time.

Your affiant reviewed surveillance footage of the Bozeman Yellowstone International Airport provided by the Gallatin Airport Authority. That footage identified what appeared to be Cavanaugh exiting the jetway from United Flight 671 from Denver, Colorado arriving in Bozeman on January 9, 2021 at approximately 1:56 p.m. In the footage, Cavanaugh appears to be wearing the Tactical Citizen cap and the same hooded sweatshirt from the photograph with Sanders posted the previous day.

Based on the foregoing, your affiant submits that there is probable cause to believe that ANDREW MICHAEL CAVANAUGH violated 18 U.S.C. § 1752(a)(1) and (2), which makes 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 attempts or conspires to do so. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, 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 ANDREW MICHAEL CAVANAUGH violated 40 U.S.C. § 5104(e)(2)(D) 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; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Matthew J. Deurmeier, 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 15th day of March 2021.

Zia M. Faruqui
2021.03.15 16:41:40
-04'00'

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.
Andrew Michael Cavanaugh
(AKA: Andrew Cavanaugh)

Defendant

Case: 1:21-mj-00306
Assigned To : Faruqui, Zia M.
Assign. Date : 3/15/2021
Description: Complaint w/ Arrest Warrant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) Andrew Michael Cavanaugh ,

who is accused of an offense or violation based on the following document filed with the court:

❒ Indictment ❒ Superseding Indictment ❒ Information ❒ Superseding Information ☒ Complaint

❒ Probation Violation Petition ❒ Supervised Release Violation Petition ❒ Violation Notice ❒ Order of the Court

This offense is briefly described as follows:

18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority;
40 U.S.C. § 5104(e)(2) - Violent Entry and Disorderly Conduct on Capitol Grounds.

Date: 03/15/2021

Zia M. Faruqui
2021.03.15 16:41:13
-04'00'

Issuing officer's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge
Printed name and title

Return

This warrant was received on *(date)* _____, and the person was arrested on *(date)* _____
at *(city and state)* _____.

Date: _____

Arresting officer's signature

Printed name and title