



PRESS RELEASE

California Man Arrested for Assaulting Law Enforcement and Other Charges During Jan. 6 Capitol Breach

Wednesday, October 9, 2024

For Immediate Release

U.S. Attorney's Office, District of
Columbia

USADC.Media@usdoj.gov

WASHINGTON — A California man has been arrested for allegedly assaulting law enforcement and other charges related to his alleged conduct during the Jan. 6, 2021, breach of the U.S. Capitol. His alleged actions and the actions of others disrupted a joint session of the U.S. Congress convened to ascertain and count the electoral votes related to the 2020 presidential election.

Michael Fagundes, 49, of Costa Mesa, California, is charged in an indictment filed in the District of Columbia with three felony offenses, including two counts of assaulting, resisting, or impeding certain officers and one count of obstruction of law enforcement during a civil disorder.

In addition to the felonies, Fagundes is charged with misdemeanor offenses of entering and remaining in a restricted building or grounds, disorderly and disruptive conduct in a restricted building or grounds, engaging in physical violence in a restricted building or grounds, disorderly conduct in a Capitol building, act of physical violence in the Capitol grounds or buildings, and parading demonstrating or picketing in a Capitol building.

The FBI arrested Fagundes on Oct. 8, 2024, in Costa Mesa, and he made his initial appearance in the Central District of California.

According to court documents, Fagundes attempted to attend the former President's "Stop the Steal" rally on Jan. 6, 2021, in Washington, D.C., but was refused entry. He then made his way toward the U.S. Capitol building and eventually arrived at the Lower West Terrace Tunnel, the site of some of the most violent attacks against law enforcement on that day.

It is alleged that Fagundes reached the Tunnel entrance at about 2:42 p.m. and donned a gas mask. He then made his way inside the Tunnel and shortly exited before returning and approaching a group of rioters who were attempting to take control of a police riot shield. It is alleged that Fagundes himself took possession of the riot shield from the group and emerged from the Tunnel proudly displaying it over his head. He then tossed the shield onto the ground before making his way back into the Tunnel and toward the police line. Shortly thereafter, the rioters inside the Tunnel began a heave-ho movement against the police line but were quickly forced out of the Tunnel by police.

As the rioters were forced out, at approximately 3:18 p.m., a Metropolitan Police Department (MPD) officer was forcibly dragged from the police line at the entrance to the Tunnel and into the crowd of rioters. As the rioters attacked the officer, Fagundes shouted and moved in their direction. The crowd then surrounded the officer, and Fagundes allegedly reached toward the officer a few times before grabbing ahold of the officer's chest and neck and dragging the officer further into the crowd.

Around 3:50 p.m., it is alleged that Fagundes placed his hand on the handle of an Oleoresin Capsicum (OC) dispenser held up by another rioter and appeared to try and manipulate the trigger or safety mechanism. Immediately after, another rioter took possession of the dispenser and sprayed it into the Tunnel towards the police line. Court documents say that rioters on the Lower West Terrace continued to assault police officers both inside and at the mouth of the Tunnel. Shortly after the OC spray was deployed, the crowd, including Fagundes, pushed their body weight back and forth into the police line in a "heave-ho" motion.

By about 4:09 p.m., Fagundes picked up a police riot shield near the entrance to the Tunnel and used it to push against other rioters who were pushing against the police line. Approximately two minutes later, at around 4:11 p.m., Fagundes once again made his way towards the front of the mob and reached the police line. There, Fagundes allegedly picked up a police riot shield from the ground, raised his green backpack and the shield directly over his head, stepped toward the police line, and then rapidly dropped the backpack and the shield down in a striking motion in the direction of the officers. The shield and the backpack appeared to make contact with at least one officer.

Sometime in the afternoon, Fagundes appeared to be on a video call with another individual while he was adjacent to the continued violence against police and immediately next to a broken window that led to the inside of the U.S. Capitol building. Fagundes then appeared to gesture toward the crowd, waving them toward the broken window, and he entered the Capitol.

The U.S. Attorney's Office for the District of Columbia and the Department of Justice National Security Division's Counterterrorism Section prosecuted this case. The U.S. Attorney's Office for the Central District of California provided valuable assistance.

This case is being investigated by the FBI's Los Angeles and Washington Field Offices. Fagundes was identified on the FBI's seeking information images as AFO (Assault on Federal Officer) #527. Valuable assistance was provided by the U.S. Capitol Police and the Metropolitan Police Department.

In the 45 months since Jan. 6, 2021, more than 1,532 individuals have been charged in nearly all 50 states for crimes related to the breach of the U.S. Capitol, including more than 571 individuals charged with assaulting or impeding law enforcement, a felony. The investigation remains ongoing.

Anyone with tips can call 1-800-CALL-FBI (800-225-5324) or visit tips.fbi.gov.

An indictment is merely an allegation, and all defendants are presumed innocent until proven guilty beyond a reasonable doubt in a court of law.

Contact

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Attachment

[fagundes_sof.pdf](#) [PDF, 15 MB]

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