

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Alexis Brown, a Special Agent with the Federal Bureau of Investigation, Washington, D.C., being duly sworn, depose and state as follows:

AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”). As such, I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a Government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request and execute search warrants pursuant to Title 18 U.S.C. §§3052 and 3107; and Department of Justice (“DOJ”) Regulations set forth at Title 28 C.F.R. §§ 0.85 and 60.2(a).

2. I have been employed by the FBI for approximately six years. During my tenure with the FBI, I have investigated and participated in the investigations of a variety of criminal matters and, among other things, have conducted or participated in surveillances, investigative interviews, the service of Administrative and Grand Jury subpoenas, reviews of records, and the execution of search warrants, involving both physical and electronic evidence. From these experiences, and from training, I have become familiar with the ways in which persons use technology to evade and conceal their criminal activity, to include but not limited to, the efforts persons involved in such activity take to disguise operations and avoid detection by law enforcement.

PURPOSE OF AFFIDAVIT

3. This affidavit is being submitted for the limited purpose of establishing probable cause to believe that BRYAN BETANCUR, also known as Bryan Clooney, also known as Maximo Clooney (hereinafter referred to as “BETANCUR”) has violated Title 18 U.S.C. § 1752, Restricted

Buildings or Grounds; Title 40 U.S.C. § 5104(e)(2)(A) and (D), Unlawful Activities on Capitol Grounds; Disorderly Conduct; and Title 40 U.S.C. § 5104(f), Unlawful Activities on Capitol Grounds, Parades, Assemblages and Display of Flags, as set forth below:

- a. Title 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;
- b. Title 40 U.S.C. § 5104(e)(2): Unlawful Activities on Capitol Grounds; An individual or group of individuals may not willfully and knowingly (A) enter or remain on the floor of either House of Congress or in any cloakroom or lobby adjacent to that floor, in the Rayburn Room of the House of Representatives, or in the Marble Room of the Senate, unless authorized to do so pursuant to rules adopted, or an authorization give, by that House; or (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

- c. Title 40 U.S.C. § 5104(f)(2): Unlawful Activities on Capitol Grounds; A person may not display in the Grounds a flag, banner, or device designed or adapted to bring into public notice a party, organization or movement.

4. 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 an FBI 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

5. 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 Title 18 U.S.C. § 1752, Restricted Buildings or Grounds; Title 40 U.S.C. § 5104(e)(2)(A) and (D), Unlawful Activities on Capitol Grounds. Disorderly Conduct; and Title 40 U.S.C. § 5104(f), Unlawful Activities on Capitol Grounds, Parades, Assemblages and Display of Flags. The conduct at issue includes an overt act in the

District of Columbia, in the form of entering a restricted area around the Capitol 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

6. 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.

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

8. 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. Specifically, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the 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. Vice President Mike Pence was present and presiding in the Senate chamber.

9. With the joint session underway and with Vice President Pence presiding, a large crowd gathered outside the U.S. Capitol. Temporary and permanent barricades surround 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.

10. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades and officers of the U.S. Capitol Police, and the crowd

advanced to the exterior façade of the building. At such time, the joint session was 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, at approximately 2:15 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows. Shortly thereafter, 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, all proceedings of the United States Congress, including the joint session, were effectively suspended until shortly after 8:00 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 pm after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

11. 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 outside and inside the U.S. Capitol building without authority to be there.

12. BETANCUR is a self-professed white supremacist who has made statements to law enforcement officers that he is a member of several white supremacy organizations. BETANCUR has voiced homicidal ideations, made comments about conducting a school shooting, and has researched mass shootings. BETANCUR voiced support for James Fields, the individual convicted

for killing an individual with his car during protests in Charlottesville, Virginia. BETANCUR has stated he wanted to run people over with a vehicle and kill people in a church. BETANCUR subsequently stated that he had changed his mind about hurting people.

13. After being released following a conviction for fourth degree burglary, BETANCUR continued to engage racially motivated violent extremist groups on the internet. BETANCUR also made increased verbalizations about his desire to be a “lone wolf killer.” BETANCUR has repeatedly violated the terms of his parole and probation.

14. On January 8, 2021, your affiant received a telephone call from W-1, who is an employee of the Maryland Department of Public Safety and Correctional Services, Division of Parole and Probation. W-1 is BETANCUR’s probation officer. W-1 informed your affiant that he or she had spoken with BETANCUR following the events of January 6th. W-1 relayed that BETANCUR claimed to have been inside the U.S. Capitol Building with rioters. BETANCUR also claimed to have been tear gassed during these events. BETANCUR told W-1 that he was paranoid about photographs people had taken of him. BETANCUR believed the FBI was watching him. BETANCUR later recanted his statement to W-1 that he was inside the Capitol, but maintained that he had been tear gassed.

15. Preceding the events on January 6, 2021, BETANCUR resided in Silver Spring, Maryland. BETANCUR lived with his mother following BETANCUR’s release from custody in November 2020 for a previous violation of his probation. BETANCUR received permission to leave the state of Maryland on January 6, 2021, in order to distribute Bibles with an organization called Gideon International. BETANCUR previously received similar permission to go to Washington, D.C. with this group.

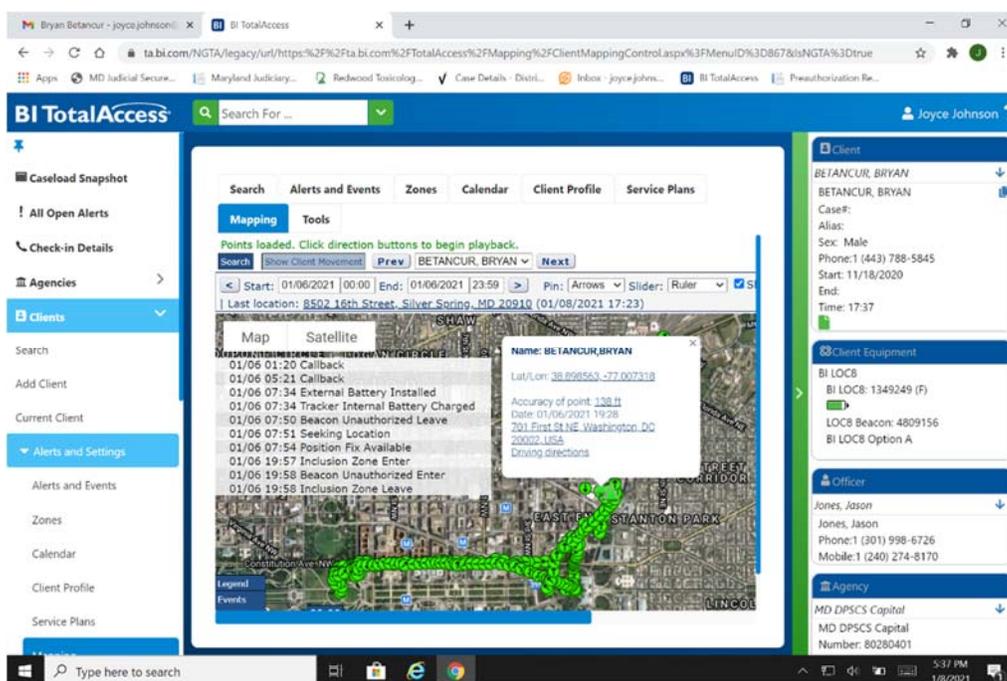
16. W-1 stated that BETANCUR originally requested permission to go to Washington, D.C. at an unknown date in December 2020. W-1 provided your affiant with a screenshot of a text message on January 4, 2021, in which BETANCUR reiterated his request to travel to Washington, D.C. on January 6, 2021.

17. BETANCUR traveled to the Parole and Probation office in person on January 5, 2021 and made a formal request to travel to Washington, D.C. to W-1's supervisor. The supervisor approved BETANCUR's request.

18. BETANCUR wears a Global Positioning System ("GPS") enabled monitoring device under the terms of his probation. Maryland Department of Public Safety and Correctional Services, Division of Parole and Probation agents use an online software to monitor their clients travel and adherence to court ordered curfews.

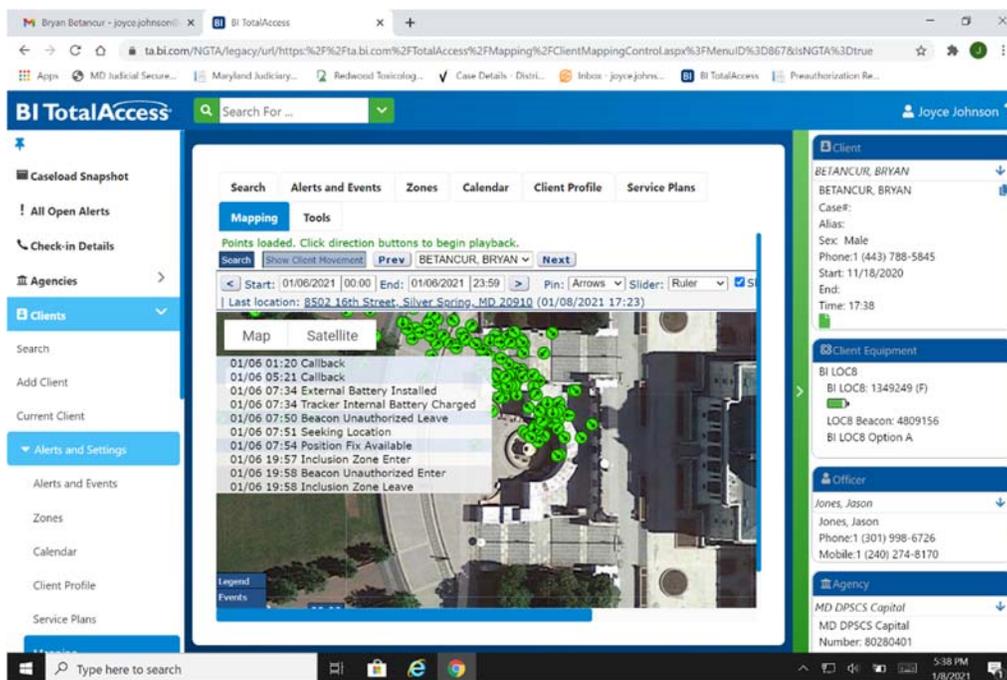
19. Based on a screenshot of the software used to monitor BETANCUR's location under the terms of his probation, your affiant believes BETANCUR traveled from the Silver Spring, Maryland area to Washington, D.C. on January 6, 2021. BETANCUR appears to have

traveled in the direction of the White House Ellipse before moving East, to the area around the west front of the U.S. Capitol Building.



Screenshot showing an overview of BETANCUR's activity on January 6, 2021 as logged by court ordered monitoring device.

20. Based on GPS data and conversations with Maryland Department of Public Safety and Correctional Services, Division of Parole and Probation agents, your affiant believes BETANCUR was in the vicinity of the U.S. Capitol from approximately 2:00 pm to approximately 5:00 pm on January 6, 2021. Based on your affiant's review of videos and photographs of the events of that day, BETANCUR's location appears to be inside the initial position of U.S. Capitol Police barricades, and inside the area restricted on that day.



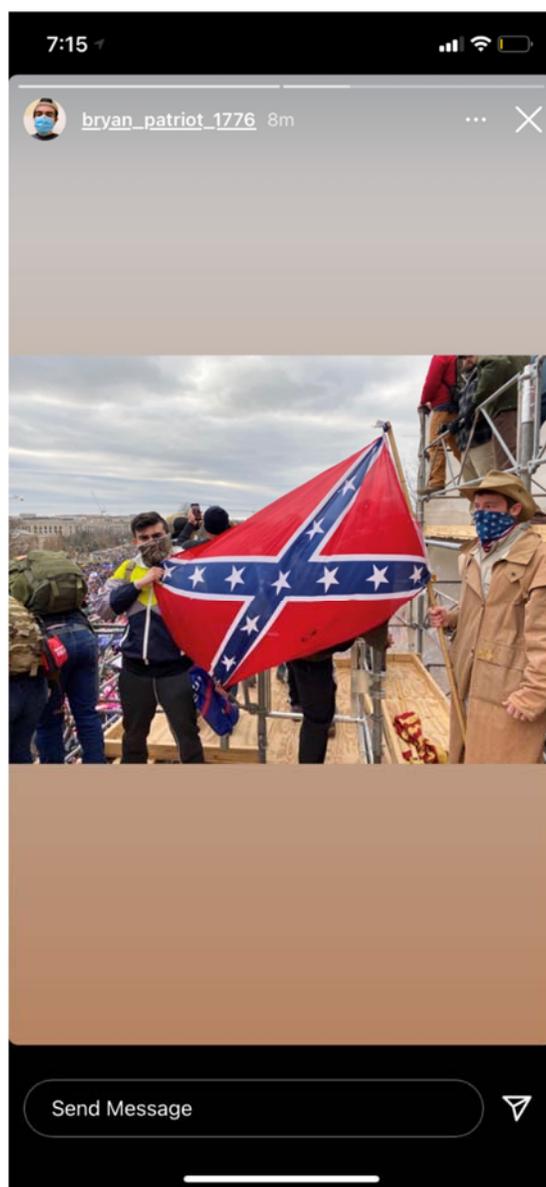
Screenshot of BETANCUR's location on the afternoon of January 6, 2021, logged by court

ordered monitoring device

21. For example, this shows that at approximately 4:10 pm, on January 6, 2021, BETANCUR's monitoring device logged the latitude/longitude coordinates 38.889908/-77.009973. Your affiant has reviewed these coordinates plotted using mapping software. The coordinates resolve to a point near the western steps of the U.S. Capitol Building.

22. Your affiant has also reviewed screenshots of accounts believed to belong to BETANCUR, provided by a cooperating witness (hereafter "CW1"). CW1 submitted an image to the tip-line established in the aftermath of the events of January 6, 2021. CW1 provided comments with this image stating that the individual in the screenshot had participated in the events at the U.S. Capitol on January 6, 2021 and posted numerous images using social media accounts with the names Bryan Clooney and Maximo Clooney. In the image CW1 submitted to the tip-line, a

social media user with the user name “bryan_patriot_1776” appears to stand on scaffolding erected on the western side of the U.S. Capitol Building holding the corner of a confederate battle flag. Your affiant has reviewed a Maryland Motor Vehicle Administration photograph of BETANCUR and recognizes the individual on the left side of the image as BETANCUR. A FBI Task Force Officer who has interviewed BETANCUR multiple times throughout the FBI’s investigation of BETANCUR also believes the individual on the left side of the image to be BETANCUR.



Screenshot of post by social media user “bryan_patriot_1776” provided via tip-line



Maryland Motor Vehicle Administration photograph of Bryan BETANCUR

23. A review of additional images obtained from CW1 show accounts believed to belong to BETANCUR. Your affiant has reviewed those images and an Instagram profile for a user with the name of Bryan Clooney (@bryanspartan1776). Three posts are publicly available on the @bryanspartan1776 account. Two posts are photos of BETANCUR, including one image of BETANCUR which appears in a Google image search for “Bryan Betancur.” The third publicly available post is a video which appears to show BETANCUR wearing a mask. In the video the individual, believed to be BETANCUR, looks at the camera and flashes the “ok” hand signal which your affiant knows to be commonly used among white supremacy groups, and which BETANCUR has displayed in other photographs which appear in a Google image search for “Bryan Betancur”.

24. Additional images of posts made by “bryan_patriot_1776” provided by CW1 indicate BETANCUR was in the immediate vicinity of the U.S. Capitol Building on January 6, 2021. The “bryan_patriot_1776” account also posted an image of an individual your affiant

believes to be BETANCUR, wearing the same distinctive jacket and mask as the earlier image, and a Proud Boys¹ t-shirt. BETANCUR is also pictured here flashing the “ok” hand signal.

¹ Proud Boys is a nationalist organization with multiple US chapters and potential activity in other Western countries. The group describes itself as a “pro-Western fraternal organization for men who refuse to apologize for creating the modern world; aka Western Chauvinists.” Proud Boys members routinely attend rallies, protests, and other First Amendment-protected events, where they sometimes engage in violence against individuals whom they perceive as threats to their values. The group has an initiation process for new members, who often wear yellow and black polo shirts or other apparel adorned with the Proud Boys logo to events.

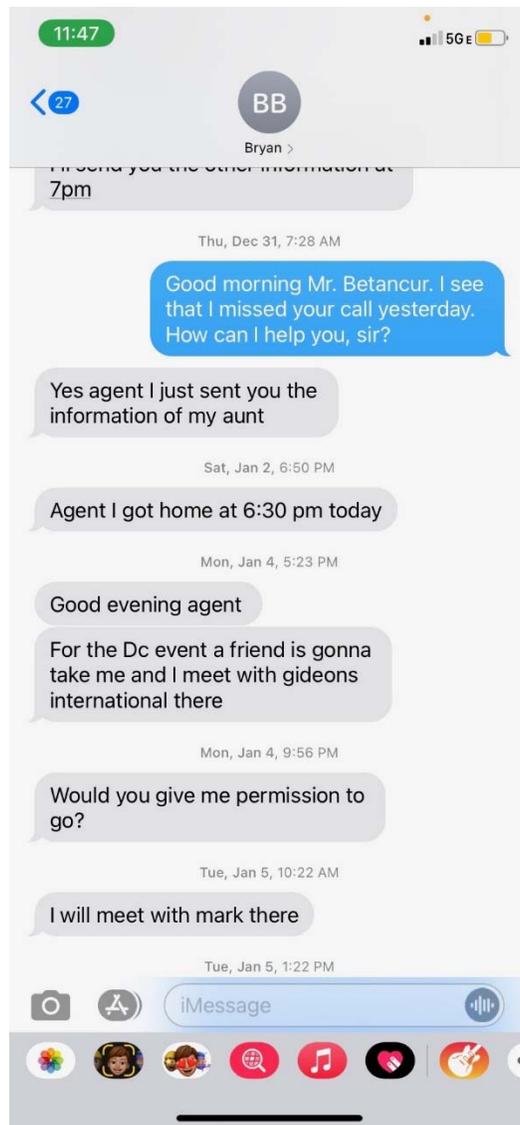


Screenshot of social media user “bryan_patriot_1776” showing individual believed to be

BETANCUR

25. From a search of open source resources and conversations with BETANCUR’s Probation Officer, I learned BETANCUR’s email account is maximoclooney@icloud.com. Based

on open source research, your affiant knows email accounts using the domain @icloud.com are maintained and provided by Apple. This is consistent with the information received from the CW1, who stated that one of the Instagram user names that I have associated to BETANCUR, Maximo Clooney, was responsible for posting several images of his participation in the civil unrest described above.



Screenshot of messages from BETANCUR to Probation Officer

26. Based on my training and experience, and my knowledge of the facts uncovered in this investigation to date, I believe that at no time on or before January 6, 2021, was BRYAN

BETANCUR granted permission or authorized by rule to enter restricted grounds around the Capitol, nor did he, at any time, have authorization to assemble, display flags, or parade on the Grounds or in the Capitol Building.

CONCLUSION

27. Based on the above factual allegations, I submit that probable cause exists to believe that BRYAN BETANCUR, has violated Title 18 U.S.C. § 1752, Restricted Buildings or Grounds; Title 40 U.S.C. § 5104(e)(2)(A) and (D), Unlawful Activities on Capitol Grounds; Disorderly Conduct; and Title 40 U.S.C. § 5104(f), Unlawful Activities on Capitol Grounds, Parades, Assemblages and Display of Flags.

Respectfully submitted,



ALEXIS BROWN
Special Agent, Federal Bureau of Investigation

Sworn to via telephone after submission by reliable electronic means, Fed. R. Crim. P. 3, 4(d), and 4.1, on this 15th day of January 2021.

UNITED STATES MAGISTRATE JUDGE