

STATEMENT OF FACTS

Your affiant, Jennifer L. Faumuina, is a Task Force Officer (TFO) assigned to FBI's Joint Terrorism Task Force (JTTF) in the Salt Lake City Division. I am currently tasked with assisting in the investigation and prosecution of events which occurred at the United States Capitol on January 6, 2021. As a TFO, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation 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 March 30, 2021, your affiant was reviewing footage from inside the U.S. Capitol building in connection with the investigation of Michael Lee Hardin, whom your affiant arrested on April 2, 2021.¹ During this review, your affiant identified an open source video depicting Hardin, wearing a navy blue beanie, a black puffer jacket, and a green backpack, standing alongside a woman, later identified as Janet West BUHLER, outside the Capitol Rotunda and inside the U.S. Capitol building. Screenshots from the video are provided below:



Figure 1



Figure 2

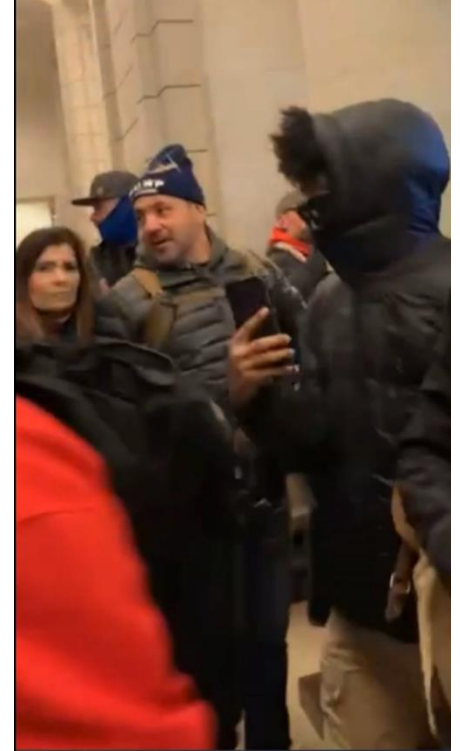


Figure 3

Your affiant has further reviewed surveillance footage from inside the U.S. Capitol building and observed Hardin and BUHLER enter the Senate gallery on January 6, 2021 at approximately 2:44 p.m. Hardin and BUHLER remained inside the Senate gallery for approximately one minute.

¹ Hardin was charged by complaint on April 1, 2021 with unlawfully entering the U.S. Capitol building on January 6, 2021, in violation of 18 U.S.C. § 1752(a)(1), (2) and 40 U.S.C. § 5104(e)(2)(D), (G). An information was filed on April 5, 2021. See *United States v. Michael Lee Hardin*, 21-CR-280 (D.D.C.).



Figure 4



Figure 5

On March 30, 2021, your affiant contacted a witness, T-2, who has known Hardin for over twenty years, and who previously provided accurate information regarding Hardin's unlawful entry into the U.S. Capitol.² Your affiant asked T-2 whether T-2 knew the identity of the woman

² This witness is the same "T-2" referenced in Hardin's complaint. See *United States v. Michael Lee Hardin*, 21-CR-280 (D.D.C.), Docket Entry 1 (Apr. 1, 2021).

seen standing next to Hardin inside the U.S. Capitol, as depicted in Figures 1-3, above. T-2 informed your affiant that T-2 had learned from Hardin's family members that BUHLER, who is Hardin's stepmother-in-law, had also traveled with HARDIN to Washington D.C. and entered the U.S. Capitol building on January 6, 2021.

On April 2, 2021, your affiant obtained the following photograph from the Facebook account <https://www.facebook.com/janet.buhler.3950>, with display name "Janet Buhler." Lawfully obtained records from Facebook confirm that this account is registered to "Janet Buhler" with a cell phone number ending in -4791. The phone number ending in -4791 is associated with BUHLER in law enforcement databases. Accordingly, your affiant reasonably believes the Facebook account with username "janetl.buhler.3950" to belong to BUHLER. Moreover, your affiant has compared this Facebook photograph (below) to the screenshots of BUHLER from inside the U.S. Capitol building on January 6, 2021, as well as BUHLER's Utah Department of Motor Vehicles identification photograph, and reasonably believes them to depict the same person.



On April 8, 2021 an individual, T-1, provided a tip to the FBI's National Threat Operations Center alleging that BUHLER was inside the U.S. Capitol on January 6, 2021. During a subsequent interview, T-1 claimed that he/she works with one of BUHLER's relatives, and that BUHLER's relative informed T-1 that BUHLER entered the U.S. Capitol on January 6. T-1 provided your affiant with an open source photograph of BUHLER obtained from a Utah news article.³ T-1 positively identified the woman circled in white in the photograph below as BUHLER.

³ See Dennis Romboy, "Third Utahn Arrested, Accused of Participating in US Capitol Insurrection," KSL.com (Apr. 7, 2021), available at <https://www.ksl.com/article/50142166/third-utahn-arrested-accused-of-participating-in-us-capitol-insurrection>.



Finally, according to records obtained through a search warrant which was served on AT&T, on January 6, 2021, in and around the time of the incident, the cellphone associated with the phone number ending in -4791, which is affiliated with BUHLER in law enforcement databases and with BUHLER's Facebook account, was identified as having utilized a cell site consistent with providing service to a geographic area that includes the interior of the United States Capitol building.

Based on the foregoing, your affiant submits that there is probable cause to believe that BUHLER 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 so; 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 BUHLER violated 40 U.S.C. § 5104(e)(2)(B), (D), and (G), which makes it a crime to willfully and knowingly: (B) enter or remain in the gallery of either House of Congress in violation of rules governing admission to the gallery adopted by that House or pursuant to an authorization given by that House; (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.



Jennifer L. Faumuina
Task Force Officer
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 28th day of July 2021.

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE