

## STATEMENT OF FACTS

Your affiant, Jason Novick, is a Special Agent assigned to the Federal Bureau of Investigation – Philadelphia Division South Jersey Resident Agency. In my duties as a Special Agent, I am responsible for investigating violations of federal law and threats to U.S. national security. 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, 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. Thousands of people made their way inside the perimeter of the Capitol grounds and approached the Capitol building. 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 in 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.

In March 2021, the FBI Washington Field Office initiated an investigation into an unidentified subject suspected of involvement in a violent encounter with law enforcement officers on the upper west terrace of the U.S. Capitol. As part of this investigation, the FBI posted the following photograph, labeled #276-AFO, on its website seeking the public's assistance in identifying the individual.<sup>1</sup>



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At the time that the FBI released the photograph of #276-AFO, the individual depicted in the photograph had already come to the attention of private citizens on social media and particularly on Twitter who shared the following photo, which appeared to show what appeared to be the same subject letting the air out of the tire of a U.S. Government vehicle.



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<sup>1</sup> The acronym "AFO" stands for Assault on a Federal Officer.

<sup>2</sup> <https://www.fbi.gov/wanted/capitol-violence-images/276.png/view>

<sup>3</sup> <http://www.truenorthreports.com/in-pictures-stop-the-steal-pro-trump-rally-in-washington-dc>

In the image of the subject letting the air out of the tire, #276-AFO's jacket appears to have a logo on the back that is associated with the Boilermakers Union Local 28 located in Eastampton, New Jersey.

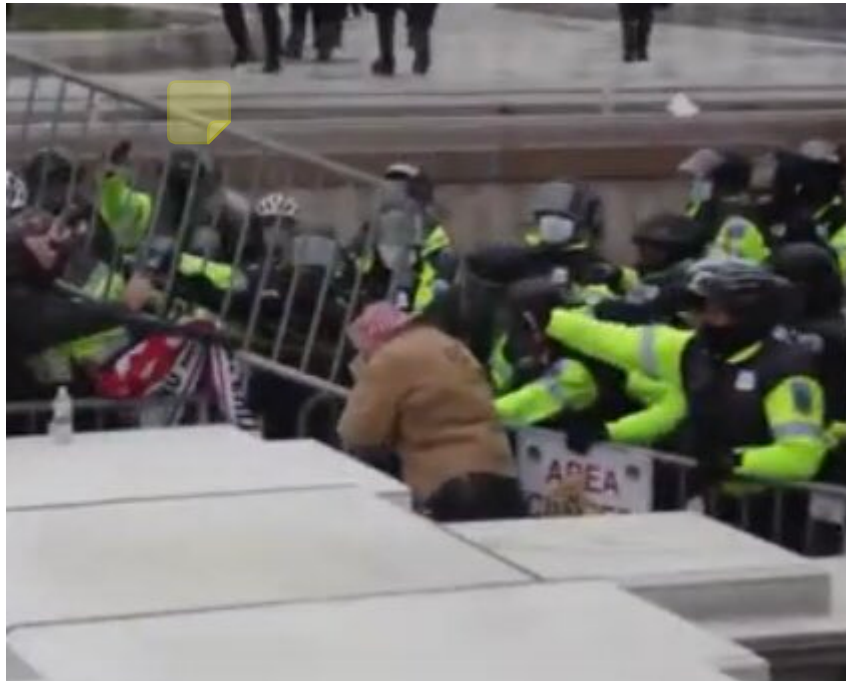


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Law enforcement has recovered further images of #276-AFO, including images of the unique jacket and bandanna/head covering depicted above, including the following image:



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In June 2021 and again in July 2021, two witnesses ("W1" and "W2") were interviewed together by the FBI. W1 and W2 were shown photos of #276-AFO and identified the individual

<sup>4</sup> Enlarged image of #276-AFO's jacket

<sup>5</sup> Boilermakers Union logo

<sup>6</sup> <https://twitter.com/Rayllen7/status/1370116839741743106/photo/2>

as PHILIP YOUNG (“YOUNG”). W1 and W2 stated that YOUNG was a retired member of the Boilermakers Union Local 28 chapter. W1 and W2 had interacted with YOUNG in person on numerous occasions. W1 and W2 provided YOUNG’s home address in Sewell, New Jersey, and his cell phone number as \*\*\*-\*\*\*-1770.<sup>7</sup> Records obtained from Verizon, the service provider for \*\*\*-\*\*\*-1770 revealed that the phone number is registered to YOUNG’s wife, with YOUNG listed as a point of contact. According to records obtained through a search warrant which was served on Verizon on January 6, 2021, in and around the time of the incident, the device associated with cellular telephone number \*\*\*-\*\*\*-1770 was identified as having utilized a cell site consistent with providing service to a geographic area that includes the interior of the U.S. Capitol building.

The FBI reviewed footage from the body worn cameras (“BWC”) of Metropolitan Police Department officers involved in the violent encounter on the upper west terrace and identified numerous videos which show YOUNG’s involvement in that violent encounter. Specifically, the videos show YOUNG and other protesters shouting at a line of officers standing behind a barricade on the south corner of the upper west terrace. At approximately 2:46 p.m., rioters can be heard shouting words to the effect of “1, 2, 3, go!” after which the rioters use their collective force to shove the barrier into the police officers. The group also lifts the barriers up in an apparent attempt to break through the police line by ducking under the barriers.

At the time the confrontation starts, YOUNG can be seen standing down the steps away from the barricades and the law enforcement officers. Once the clash starts, YOUNG runs up the steps and pushes another individual out of the way in order to engage the officers at the barricade line. YOUNG places his hands on the police barricade, picks up the barricade, and pushes it into the line of officers. In response to the crowd’s physical aggression, MPD officers took defensive postures and used chemical irritants to stop the group from breaking through the line of officers. YOUNG is briefly successful at getting past the barricades before being sprayed with a chemical irritant and pushed back behind the barricade. The following image is a snapshot of one of the BWC videos, which shows YOUNG approaching the barricade in an apparent attempt to push the officers back from their positions.

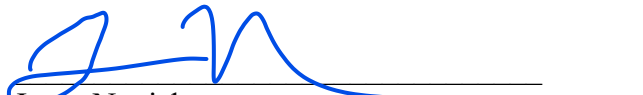


<sup>7</sup> The full street address and phone number were provided; however, only the partial address and last four digits of the phone number are included here due to the public nature of the filing.

Following the confrontation with law enforcement officers on the upper west terrace, YOUNG can be seen on BWC videos walking back down the steps away from the officers. At approximately 4:13 p.m. on January 6, 2021, YOUNG was captured on U.S. Capitol CCTV footage walking down the stairs of the east side of the Capitol building. Around the same time, video recovered by the FBI pursuant to a search warrant executed on the Facebook account of a separate Capitol riot subject showed YOUNG using a tool to let the air out of a black vehicle parked on the east plaza of the Capitol building at the base of the stairs to the Capitol Rotunda. Based on the vehicle's location and the presence of a USCP sticker in the windshield on the lower left corner I believe that the vehicle whose tire YOUNG deflated was a U.S. Government vehicle. A screenshot of YOUNG deflating the tire from the vehicle is depicted above.

Based on the foregoing, your affiant submits that there is probable cause to believe that YOUNG violated 18 U.S.C. § 231(a)(3), 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. Finally, your affiant understands that members of the D.C. Metropolitan Police Department had responded to the U.S. Capitol to assist the U.S. Capitol Police after rioters unlawfully entered the building.

There is probable cause to believe that YOUNG violated 18 U.S.C. 111(a)(1), which makes it a crime for anyone to forcibly assault, resist, oppose, impede, intimidate, or interfere with any United States law enforcement officer while that officer is engaged in the performance of their official duties.

  
Jason Novick  
Federal Bureau of Investigations

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

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ROBIN M. MERIWEATHER  
U.S. MAGISTRATE JUDGE