

STATEMENT OF FACTS

Your affiant, Joshua Powers, is a Special Agent with the Federal Bureau of Investigation (“FBI”) and is assigned to the Louisville Division, Joint Terrorism Task Force, 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 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, 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.

After these events on January 6, the FBI received many tips from members of the public concerning the individuals who unlawfully entered the restricted grounds and Capitol building.

Your affiant was assigned to investigate a tip indicating Joseph IRWIN had unlawfully entered the Capitol. The individual who submitted the tip, whose identity is unknown to the FBI, provided the following description and picture:

“The man in the red circle is Joseph Irwin of the Elizabethtown, KY area. Retired Army and retired Hardin County Police Officer. I dont know him well enough to have contact information, but I do recognize him in the photo.”



On Friday, April 16, 2021, I contacted Hardin County Sheriff's Office to determine whether IRWIN had been employed there. Sheriff John Ward confirmed that IRWIN was a former employee.

Hardin County Sheriff John Ward and Hardin County Lieutenant Taylor Miller, both of whom worked with IRWIN, identified the man circled in the photograph as IRWIN. Sheriff Ward told me that IRWIN worked at the Sheriff's Office for a couple of years and left the department on May 20, 2016. Sheriff Ward also showed me photographs of IRWIN from IRWIN's wife's

Facebook account. The photographs provided by Sheriff Ward from Facebook match the photograph of IRWIN in the picture above, provided by the tipster.

Lieutenant Miller also advised that he spoke with IRWIN briefly before January 6, 2021. IRWIN told Lieutenant Miller that he was on his way to meet up with friends at a march.

Your affiant obtained video footage from security cameras inside the United States Capitol on January 6, 2021 showing IRWIN as he enters the building at approximately 2:43 p.m.. The following are screen shots of the video with IRWIN circled in red:



Based on the foregoing, your affiant submits that there is probable cause to believe that Joseph IRWIN 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 attempt or conspire to do so.

Your affiant submits that there is also probable cause to believe that IRWIN violated 40 U.S.C. § 5104(e)(2), 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.



Joshua Powers
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 12th day of August 2021.

G. MICHAEL HARVEY
UNITED STATES MAGISTRATE JUDGE