

## STATEMENT OF FACTS

Your affiant, Henry A. Mackey, is a Special Agent assigned to the Newark field office of the Federal Bureau of Investigation (“FBI”). In my duties as a Special Agent, I have received training and gained experience in a variety of criminal laws and procedures. 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, detection, 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.

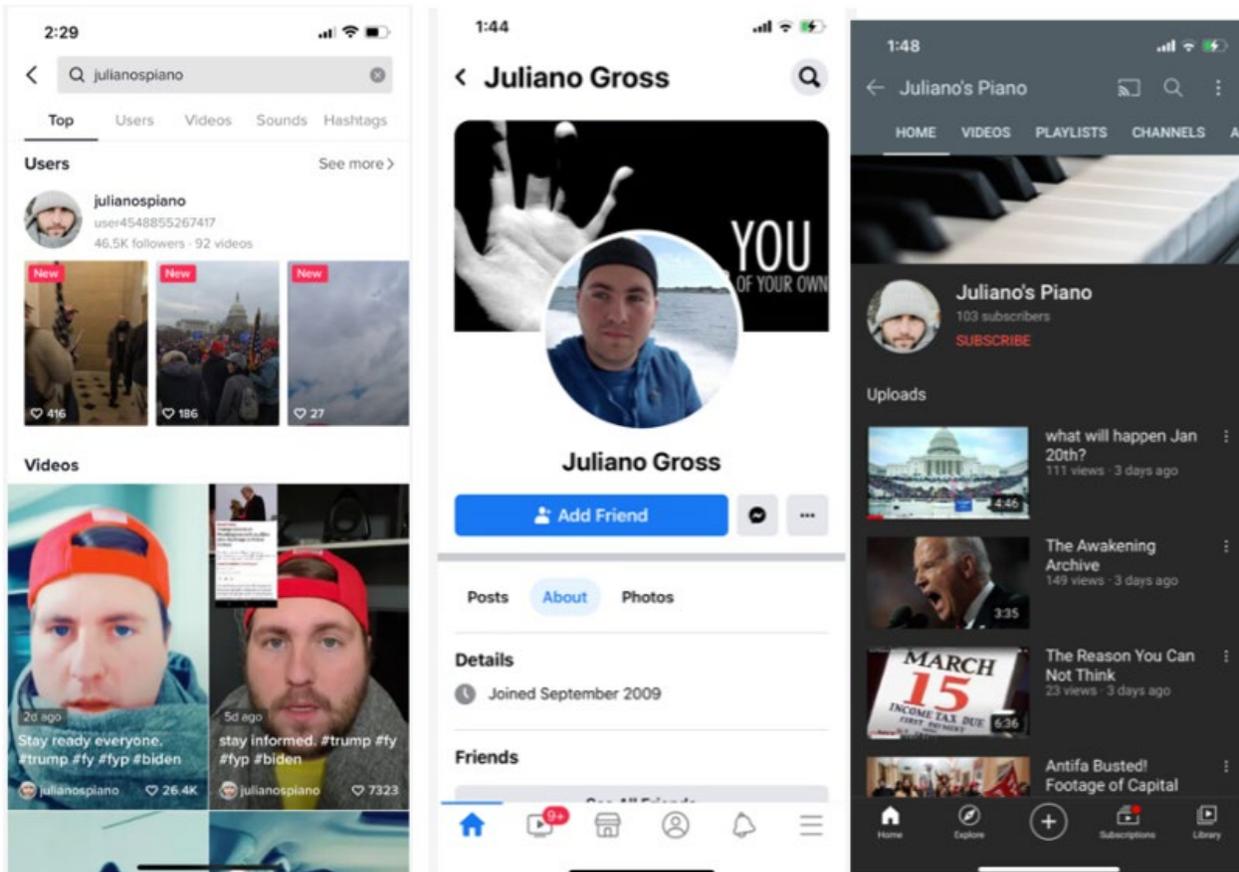
During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of

violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

**IDENTIFICATION OF JULIANO GROSS’S INVOLVEMENT  
IN THE EVENTS OF JANUARY 6, 2021**

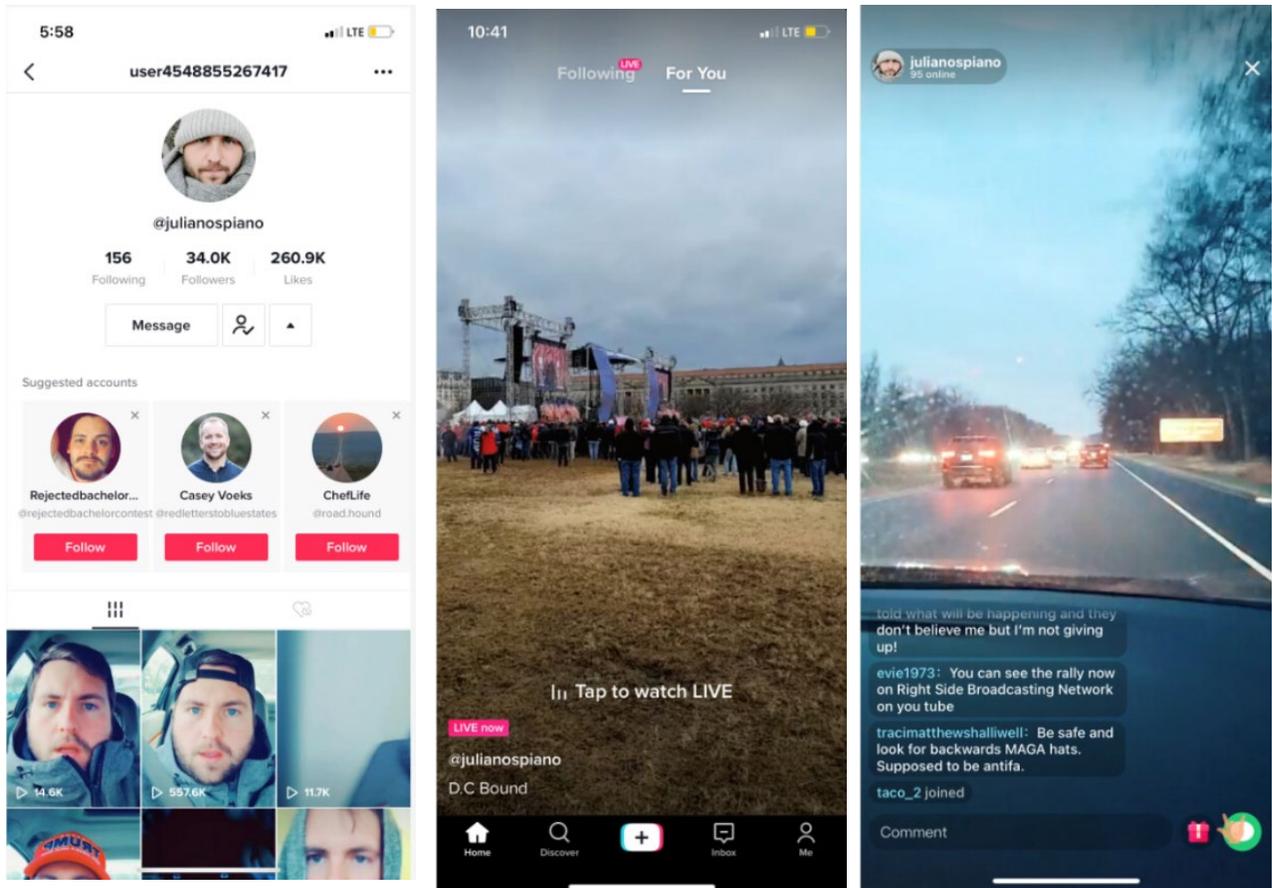
On or about January 7, 2021, an individual (“Tipster 1”) submitted an online tip to the FBI that someone using the screen name @julianospiano posted on TikTok live videos of himself unlawfully entering the U.S. Capitol Building on January 6, 2021. Tipster 1 reported that @julianospiano had since deleted his TikTok account. About twelve days later, Tipster 1 provided a screenshot that she had taken of the @julianospiano page that included images of his recorded videos, including an image of the inside of the U.S. Capitol building and two images of a man wearing a red baseball cap and a gray scarf. Tipster 1 does not have firsthand knowledge of the individual using the screen name @julianospiano, but passed along information that she had located through internet searches.

Tipster 1 also located additional information on the internet that appeared to capture the same individual from the @julianospiano TikTok page and attached screenshots of Facebook and YouTube pages she believed to be associated with the same individual. The YouTube page was under the name “Juliano’s Piano” and the Facebook page was under the name “Juliano Gross.” Included below are the screenshots taken by Tipster 1:



On or about January 8, 2021, another tipster (“Tipster 2”) submitted an online tip to the FBI. Tipster 2 stated that she viewed the @julianospiano TikTok page on January 6, 2021, and that the TikTok account showed videos from inside the U.S. Capitol Building. Tipster 2 stated that TikTok had removed the @julianospiano account since that date. Tipster 2 provided screenshots that she captured on January 6, 2021 from the @julianospiano TikTok account, but those images did not show the inside of the U.S. Capitol Building. Tipster 2 does not have personal knowledge of the individual using the @julianospiano TikTok page, but provided the information she located to law enforcement to assist in the investigation of the events of January 6, 2021.

Included below are the screenshots taken by Tipster 2:

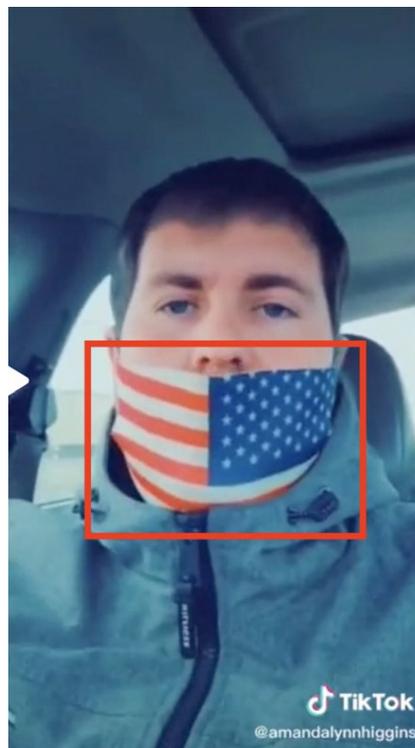


On January 28, 2021, your affiant and other law enforcement officers spoke with JULIANO GROSS (“GROSS”) at his home in Kearney, New Jersey. GROSS appeared to be the same person shown in the screenshots provided by Tipster 1 and Tipster 2. GROSS told us that he went to Washington, D.C. on January 5, 2021, in order to attend a rally on January 6, 2021. He stated that he intended to livestream the rally on the social media platform TikTok to raise money through donations. GROSS confirmed that he went to D.C. on January 5, 2021 with his mother, he attended the rally on January 6, 2021, and then walked over to the U.S. Capitol Building to continue to record the day’s events. GROSS admitted that on January 6, 2021, he walked around the U.S. Capitol grounds, entered the U.S. Capitol Building, and proceeded through a round room that contained red velvet ropes, artwork, and statues. GROSS stated that he livestreamed his January 6, 2021 entry and presence in the U.S. Capitol Building on his TikTok page, which had

the handle @julianospiano. GROSS said that viewers of his TikTok livestream donated approximately \$150 to \$200 that day, but that his TikTok account was “banned” and that he was not able to retrieve that money. During the interview, Gross told us that his cell phone number was XXX-XXX-8051.

On February 11, 2021, your affiant and other law enforcement officers spoke with GROSS’s mother, A.R. A.R. stated that she accompanied GROSS to Washington, D.C. on January 5, 2021, and that they attended the speech given by former President Donald Trump on January 6, 2021. A.R. told us that after the speeches concluded, she returned to her car to warm up. GROSS told her that he intended to walk towards the U.S. Capitol Building. A.R. stated that GROSS took videos at the Trump speech and went to the Capitol “to continue his videos.” She told us that she was “not sure” if GROSS entered the U.S. Capitol Building, but that he had told her that “people started going crazy there.”

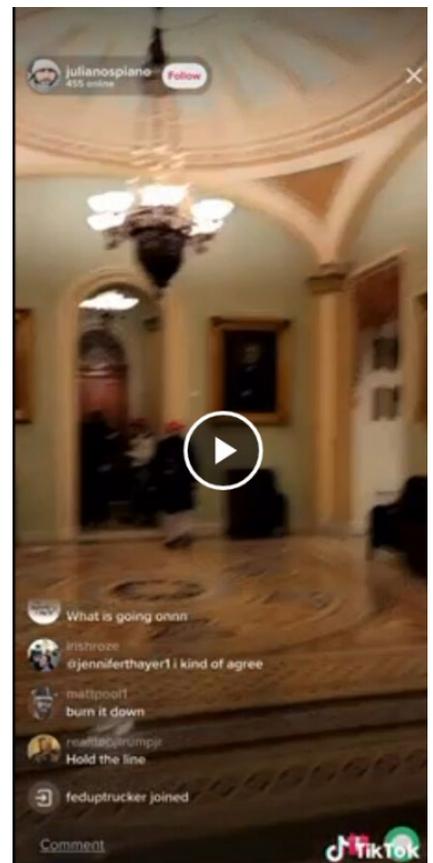
I have reviewed a number of TikTok videos that allegedly originated on the @julianospiano page and were preserved by other TikTok users or shared on Twitter. One individual, @ [REDACTED] higgins, posted a duet video with GROSS and her post included the following screenshot of an individual that I recognize to be GROSS (based on my in-person meetings with GROSS), wearing an American flag mask:



I also reviewed open-source videos that purport to be taken from the @julianospiano TikTok account that were posted to Twitter by a citizen sleuth. In one such video, the @julianospiano account shows what I recognize to be the Capitol Rotunda, on the afternoon of January 6, 2021. Audible in the video is an individual with a distinctive voice, whom I recognize

to be GROSS (based on having spoken with him), stating, “We are in the Capitol Building. Power back to America. We are in the Capitol Building. The Capitol Building has been overthrown. It has been overthrown.”

In another video, the @julianospiano account shows what I recognize to be the Senate Floor, on the afternoon of January 6, 2021, filmed from the Senate Gallery. Audible in the video is GROSS’s distinctive voice, exclaiming, “Open the door! Open the door!” Another video appears to show the inside of the U.S. Capitol Building as GROSS exits the Senate Gallery. GROSS can be heard making comments including, “Our Capitol! Our Capitol! We take back our country today!” Documenting his exit from the Capitol Building, GROSS states, “we are gonna to head out because we just got an emergency alert that they have mobilized the National Guard, so I’m heading out.” Below are screenshots from some of the TikTok videos described above:



I reviewed other media taken from inside the U.S. Capitol Building on January 6, 2021, including a video recorded by an individual who also was unlawfully inside the U.S. Capitol Building and a Getty Images photo. These images show an individual who appears to be GROSS, wearing a red Trump baseball cap, an American flag face mask, and a black pea coat. He appears to be holding a cell phone in each image. I recognize the red cap to be consistent with the one shown in a TikTok image provided by Tipster 1 and the face mask to be consistent with the face mask worn by GROSS in the TikTok duet video posted by @ [REDACTED] higgins.





I also reviewed Capitol security footage. In that footage, I observed an individual who appeared to be GROSS, wearing the same red ball cap, American flag face mask, and black pea coat, unlawfully enter the U.S. Capitol Building through the Upper West Terrace door at approximately 2:35 p.m. on January 6, 2021. GROSS can be seen holding a cell phone and appears to be livestreaming his entry into the Capitol Building.

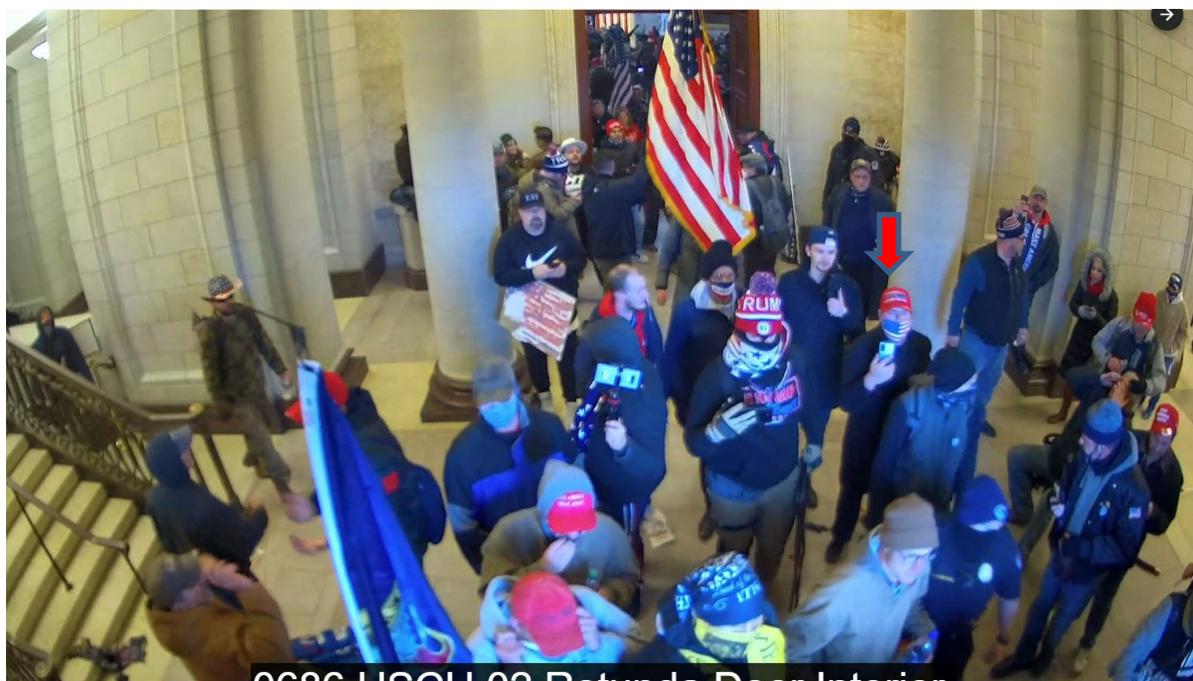


I also reviewed CCTV video of GROSS, still appearing to livestream his time in the U.S. Capitol Building, as he walks through the Rotunda at approximately 2:39 p.m.



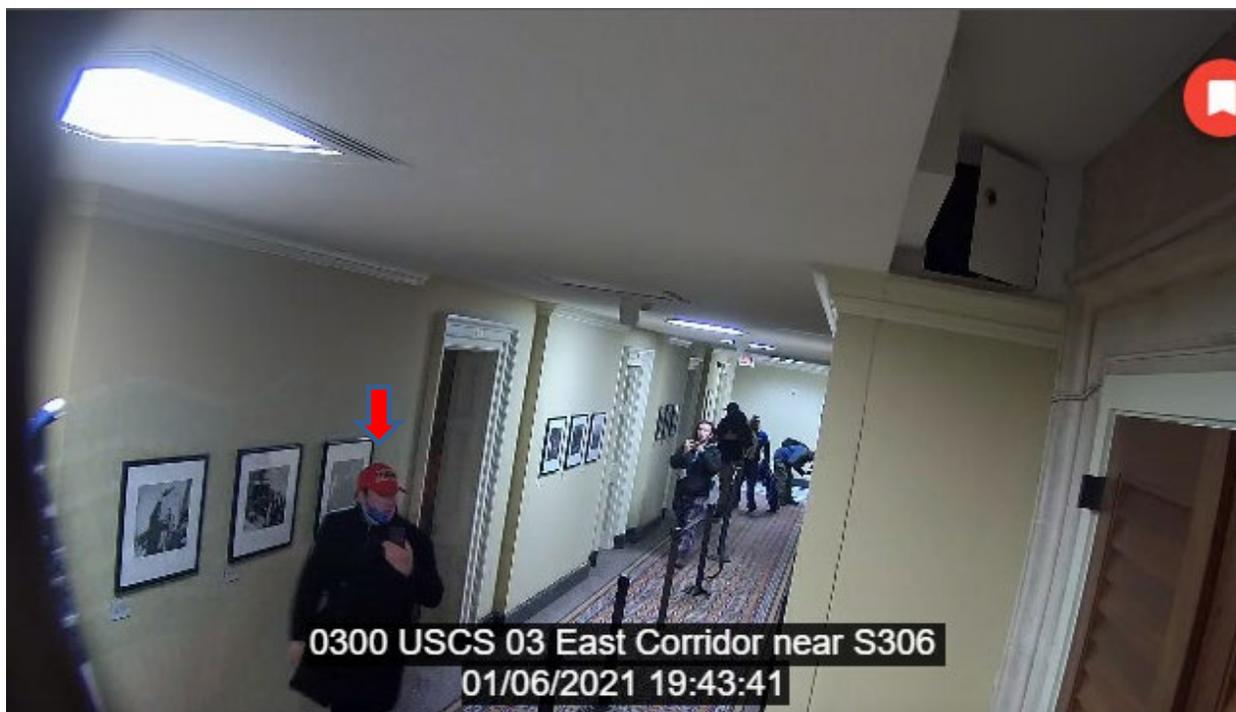
GROSS then can be seen near the Rotunda Door, still holding his cell phone, at between 2:41 p.m. and 2:42 p.m.





0686 USCH 02 Rotunda Door Interior  
01/06/2021 19:42:23

GROSS then traveled down the East Corridor toward the Senate Gallery:



0300 USCS 03 East Corridor near S306  
01/06/2021 19:43:41

GROSS then can be seen entering the Senate Gallery, exiting, entering again, and exiting between approximately 2:44 p.m. and 2:50 p.m. GROSS's initial entry and exit from the Senate Gallery also appears to be captured on one of the TikTok videos I reviewed.



Through further investigation, namely a review of the contact number provided by GROSS during his January 28, 2021 interview in New Jersey, the FBI learned that a cellphone associated with the number XXX-XXX-8051 is used by GROSS. According to an online database, the carrier for XXX-XXX-8051 is Sprint PCS, which was acquired by T-Mobile Wireless in 2020. Pursuant to legal process, T-Mobile provided subscriber information for the phone number showing that the account holder is A.R., who is GROSS's mother.

According to records obtained through a search warrant which was served on T-Mobile Wireless, the cellphone associated with the number XXX-XXX-8051 was not identified having utilized a cell site consistent with providing service to a geographic area that includes the interior of the U.S. Capitol Building and within its restricted grounds around the time of the breach of the U.S. Capitol Building on January 6, 2021. However, T-Mobile Wireless has previously cautioned the FBI that there are significantly fewer devices in the T-Mobile data than the company would expect.

Open source research indicates that the Facebook page using the name of Juliano Gross, pictured in the image provided by Tipster 1, is associated with the Facebook UID of XXXXXXXX900 and the username "juliano.gross.3." Pursuant to legal process, Facebook provided records showing that Facebook UID XXXXXXXX900 is associated with an account holder named Juliano Gross, who verified email accounts including juliano[REDACTED]@gmail.com and grossjuliano[REDACTED]@hotmail.com, and verified two phone numbers, including XXX-XXX-8051 (the same number provided by GROSS when I spoke to him on January 28, 2021). Credit cards associated with the Juliano Gross Facebook account include one in the name of A.R. An open-source review of that Facebook page reveals a picture in which GROSS is wearing the same red baseball cap he wore when he unlawfully entered the U.S. Capitol Building on January 6, 2021.

Instagram is owned by Facebook. Based on the same legal process submitted to Facebook, Instagram provided records showing that the Instagram account with the username Juliano\_Tok was associated with an individual who identified himself with the first name "Juliano Tok," and no last name, verified email accounts under the addresses juliano[REDACTED]@gmail.com and grossjuliano[REDACTED]@hotmail.com, and verified the phone number XXX-XXX-8051 (the same number provided by GROSS when I spoke to him on January 28, 2021).

Pursuant to legal process, TikTok provided records reflecting, among other things, that the @julianospiano account is associated with an individual using the email julianospiano@[REDACTED], that the account is associated with the phone number XXX-XXX-9342, and an IP address XXX.XX.XXX.105. I plugged the phone number into WhatsApp and found an account that showed the same profile picture of GROSS that is seen in the screengrabs of his TikTok and YouTube pages provided by Tipster 1. The IP address provided by TikTok was used from a device in Washington, D.C. on January 6, 2021.

On December 29, 2021, your affiant and another law enforcement officer conducted another consensual, noncustodial interview of GROSS. During that interview, GROSS described

his conduct livestreaming his entry into the U.S. Capitol Building on January 6, 2021, stated that his cell phone was on during the entire time of his presence in the Capitol Building, described his entry into the Senate Gallery, and identified himself in images of two CCTV videos captured during his unlawful entry into the U.S. Capitol Building on January 6, 2021, shown below:

#1

*Wynn Hall*  
12/29/2021

~~12/29/2021~~



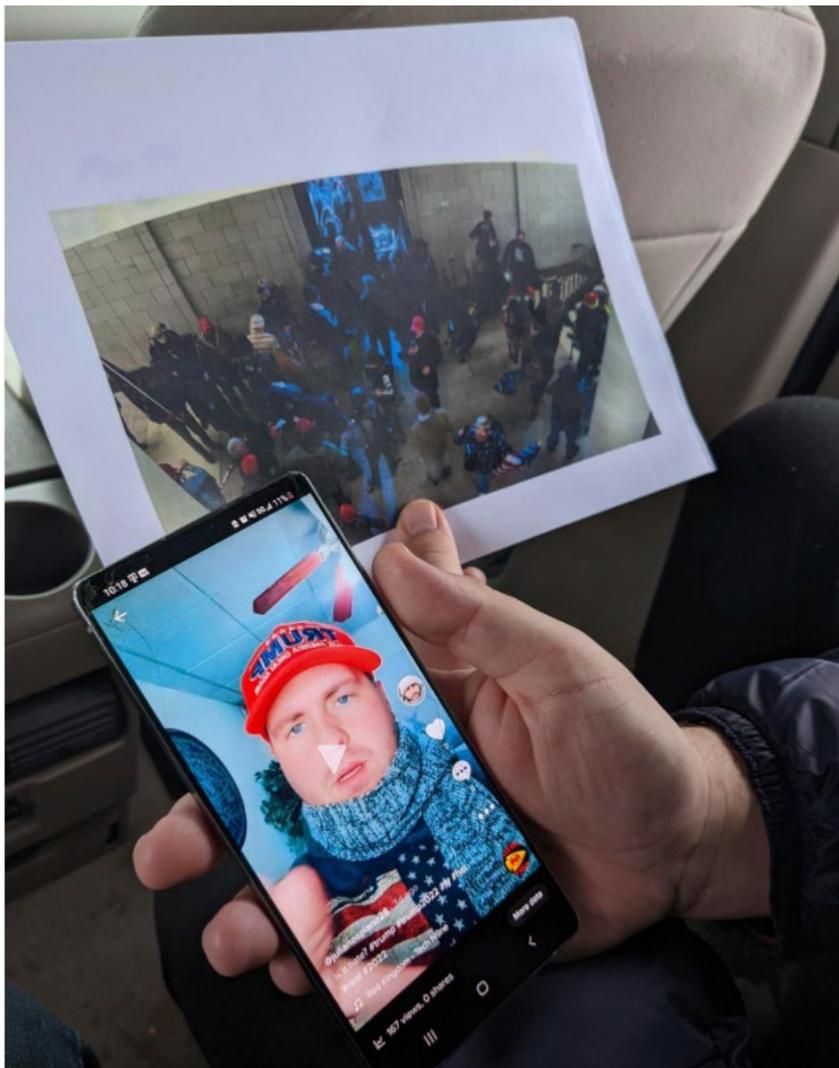
#2

*Wynn Hall*  
12/29/2021

~~12/29/2021~~



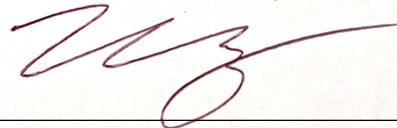
GROSS also confirmed that during his entry into the U.S. Capitol Building he was wearing a black pea coat, an American flag facemask, and a red baseball cap with the name “TRUMP” in large letters across the front. GROSS then showed us an image captured on his cell phone in which he was wearing the same red baseball cap that he wore during his January 6, 2021 entry into the U.S. Capitol Building:



Based on the foregoing, your affiant submits that there is probable cause to believe that GROSS 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 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 GROSS violated 40 U.S.C. § 5104(e)(2)(D) and (G), 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.



---

HENRY A. MACKEY  
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 11th day of January 2022.

---

G. Michael Harvey  
U.S. MAGISTRATE JUDGE