

STATEMENT OF FACTS

Your affiant, Sean McDermott, is a Special Agent assigned to the Jefferson City Resident Agency of the Kansas City Division of the Federal Bureau of Investigation (FBI). As a Special Agent, I am authorized to investigate violations of laws of the United States. Currently, I am tasked with investigating criminal activity in and around the United States (U.S.) Capitol grounds on January 6, 2021. The statements contained in this affidavit are based on information I learned through my personal knowledge, reviewing affidavits pertaining to similar U.S. Capitol investigations sworn to by other investigators, and conversations with investigators familiar with this investigation. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that violations of Title 18, United States Code, § 1752(a)(1), that is, knowingly entering or remaining in any restricted building or grounds without lawful authority to do so, and Title 40, United States Code, § 5104(e)(2)(G), that is, willfully and knowingly parading, demonstrating, or picketing in any of the U.S. Capitol buildings, were committed by LLOYD CASIMIRO CRUZ, JR.

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 are 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 U.S. Congress convened at approximately 1:00 p.m. at the U.S. Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the U.S. House of Representatives and the U.S. Senate were meeting in separate chambers of the U.S. 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 U.S. 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. During the days and weeks after January 6, 2021, a host of photos were publicly shared via open source sites and social media.

Evidence Linking LLOYD CASIMIRO CRUZ, JR. to the U.S. Capitol on January 6, 2021

According to records obtained through a search warrant for records in the possession of Google, a mobile device associated with *****@g****.com was present at the U.S. Capitol on January 6, 2021. Google estimates device location using sources including GPS data and information about nearby Wi-Fi access points and Bluetooth beacons. This location data varies in its accuracy, depending on the source(s) of the data. As a result, Google assigns a “maps display radius” for each location data point. Thus, where Google estimates that its location data is accurate to within 10 meters, Google assigns a “maps display radius” of 10 meters to the location data point. Finally, Google reports that its “maps display radius” reflects the actual location of the covered device approximately 68% of the time. In this case, Google location data showed that a device associated with *****@g****.com was within the U.S. Capitol Crypt at 2:17:27 p.m. on January 6, 2021. Google records showed that the “maps display radius” for this location data was less than 100 feet, which encompasses an area that is partially within the U.S. Capitol building. Google reported a recovery telephone number ending in 5584 for *****@g****.com.

According to records obtained through a search warrant for records in the possession of AT&T, on January 6, 2021, in and around the time of the incident, the cellphone associated with a telephone number ending in 5584 was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the United States Capitol building.

Login Internet Protocol (IP) address information provided by Google, and research in public records, were used to identify LLOYD CASIMIRO CRUZ, JR., residing in Polo, Missouri, as the subscriber of telephone number ending in 5584. I was requested to conduct logical investigation to identify the individual in possession of the referenced device within the U.S. Capitol building, and to conduct investigation to identify potential criminal offenses that were committed, on January 6, 2021.

I interviewed CRUZ on May 19, 2021 at the Caldwell County Courthouse in Kingston, Missouri. CRUZ agreed to speak with me voluntarily. CRUZ stated he drove with friends to Washington D.C. on January 3, 2021 to attend a rally supporting President Donald Trump. CRUZ

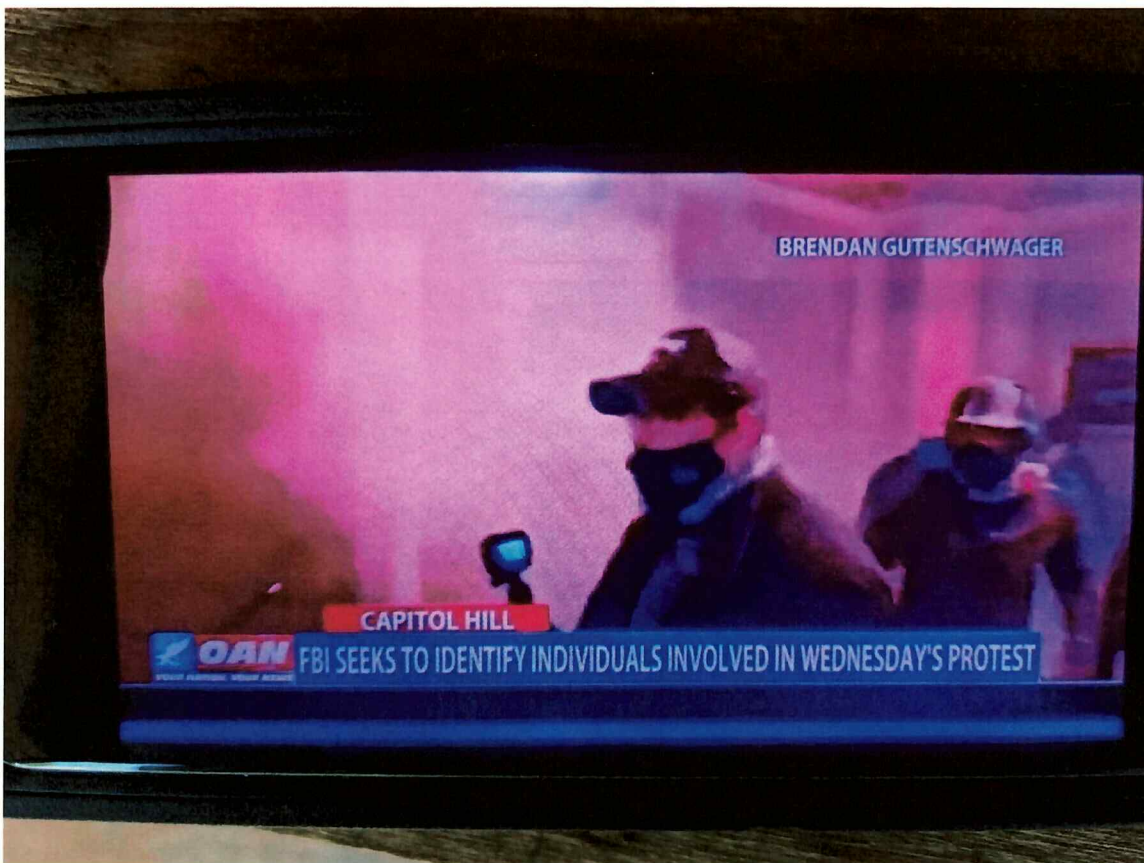
stated he witnessed President Donald Trump's speech on January 6, 2021, during which President Trump encouraged the crowd to march to the U.S. Capitol building. CRUZ stated he participated in the march down Pennsylvania Avenue to the west side of the U.S. Capitol, arriving approximately 15 minutes after President Trump's speech was finished. CRUZ stated he observed U.S. Capitol personnel removing the lower barriers to allow people to walk closer to the building. CRUZ stated he observed the upper barriers being pushed over and moved out of the way by people who, from their dark clothing and behavior, CRUZ assumed were affiliated with Antifa. CRUZ stated he observed police on the U.S. Capitol steps in riot gear.

CRUZ stated he watched the gathering crowd for a while, then walked towards food trucks parked near the U.S. Capitol to get lunch. CRUZ stated he observed tear gas and rubber bullets being deployed on the people pushing through the upper barriers. CRUZ stated he went onto the U.S. Capitol grounds with the intent of helping anyone who was injured. CRUZ stated he walked up the northwest exterior steps of the U.S. Capitol. CRUZ stated he stayed on the landing outside the U.S. Capitol and did not enter the building.

CRUZ stated he observed a window break on the northwest side of the building. CRUZ stated he assessed the situation was deteriorating and attempted to leave by walking north towards Northwest Drive. CRUZ stated when law enforcement prevented him from going that way, he turned around and departed the area southbound. CRUZ stated he recorded approximately 15 minutes of footage at the U.S. Capitol with his GoPro camera. CRUZ agreed to look for this video, and, if found, contact the FBI to acquire it.

I interviewed CRUZ on June 1, 2021 at his residence. CRUZ again agreed to speak with me voluntarily. CRUZ gave me a thumb drive containing photographs and videos of his January 3-8, 2021 trip to Washington D.C. CRUZ signed a Consent to Search form giving the FBI permission to examine its contents. CRUZ stated that reviewing these videos prior to the FBI's arrival reminded him that he entered the U.S. Capitol building on January 6, 2021.

CRUZ stated the activity he recorded with his GoPro camera included a man attempting to break a U.S. Capitol window, and CRUZ walking near the Capitol Rotunda. CRUZ stated he wore a green coat, a camouflage Trump hat, and a black facemask when he entered the U.S. Capitol. CRUZ stated he observed himself on surveillance footage from inside the U.S. Capitol building posted on One America News Network's website. CRUZ took a screen shot of his image on this website with his cell phone. I took the following photograph of this screen shot:



I interviewed CRUZ telephonically on July 23, 2021. CRUZ again agreed to speak with me voluntarily. CRUZ stated when he marched to the U.S. Capitol on January 6, 2021, he was under the impression Congress was in recess, and that the vote to certify the presidential election results was to be later in the day.

The following image is from video CRUZ recorded with his GoPro camera while outside the U.S. Capitol building. While CRUZ was at this location, people in the crowd can be heard on the video chanting "USA":

504



The following image is depicted later in the same GoPro video taken by CRUZ as he walked towards the U.S. Capitol building. A man is shown trying to break a window near the West Stair Doors:

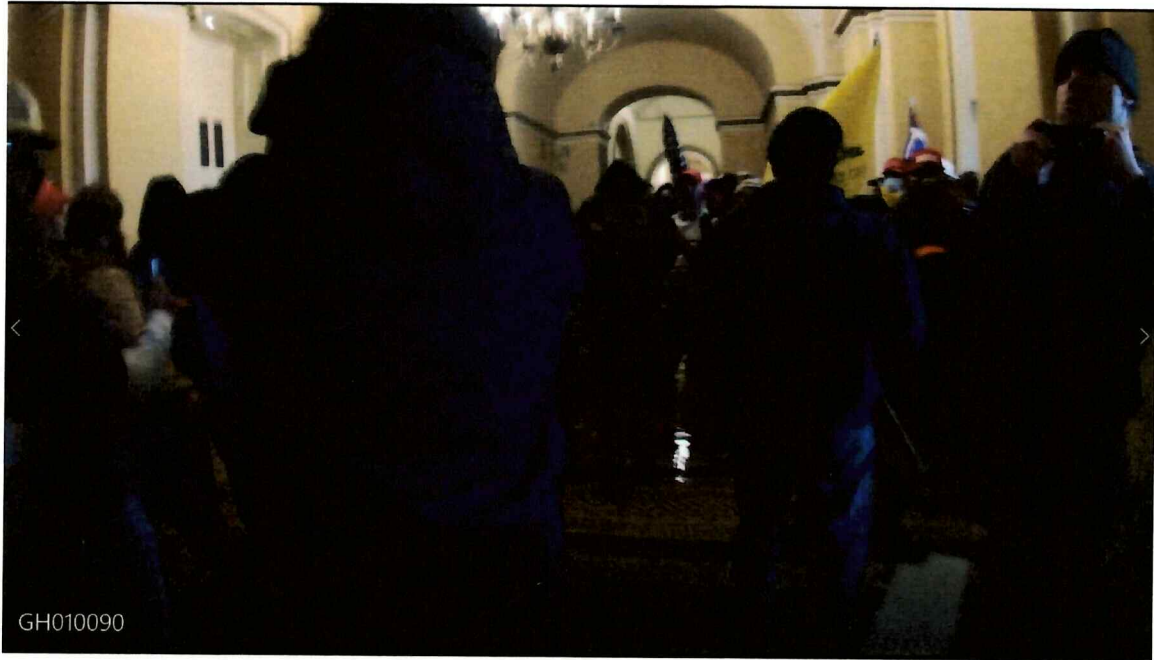


4/1

The following image is depicted later in the same GoPro video taken by CRUZ in front of the U.S. Capitol building. A person is shown entering the building through a broken window. As CRUZ approached the building, people in the crowd can be heard on the video chanting “Our house”:

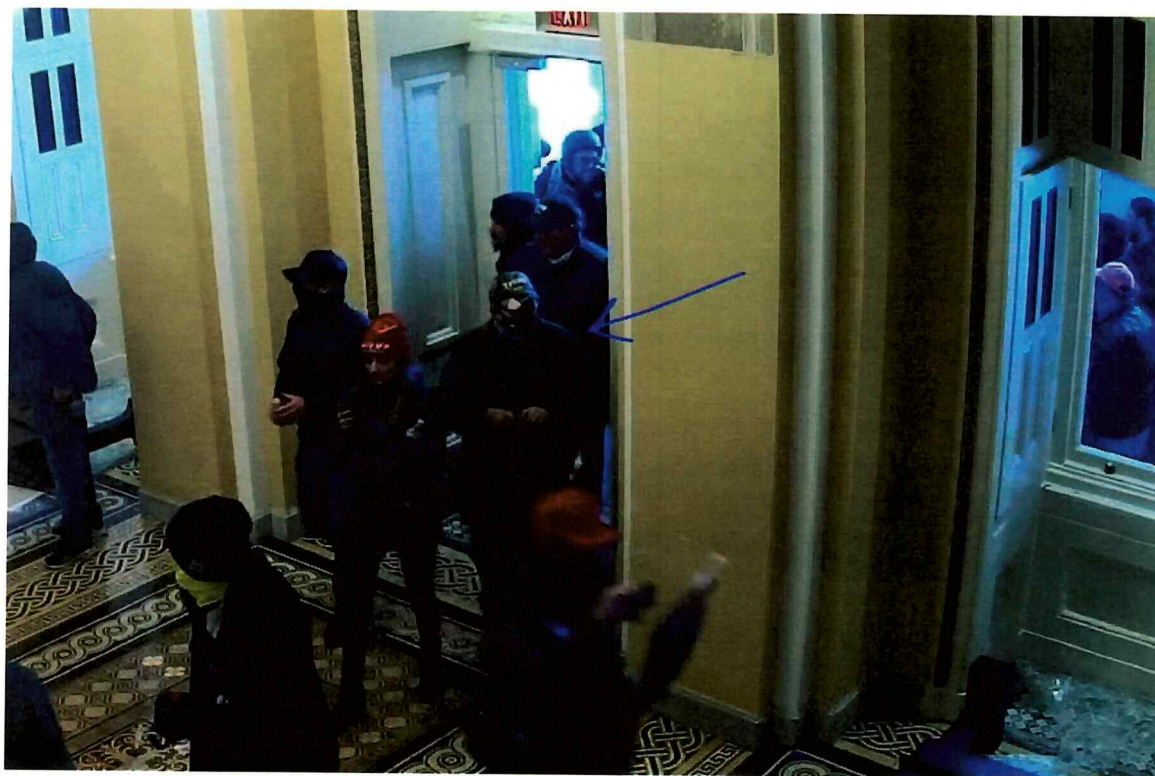


The following images are from videos CRUZ recorded with his GoPro camera while inside the U.S. Capitol building. While CRUZ was inside the Crypt, people in the crowd can be heard on the video chanting “Stop the steal,” and “Whose house? Our house”:



A staff operations specialist with the FBI reviewed U.S. Capitol closed captioned television (CCTV) video surveillance from January 6, 2021 for footage of CRUZ. The staff operations specialist observed an individual believed to be CRUZ located inside the U.S. Capitol building. CRUZ was holding a GoPro type camera while wearing jeans, a camouflage shirt under a green jacket, a camouflage baseball hat, and a black face mask. CCTV video recorded CRUZ enter the

U.S. Capitol building at approximately 2:14:37 p.m. through the Senate Wing Doors on the northwest side of the U.S. Capitol building:



The staff operations specialist observed CRUZ walk to the Crypt amongst a large crowd, then proceed behind a pillar and out of camera view:



The staff operations specialist next observed CRUZ walk back towards the Senate Wing Doors on the northwest side of the building through which he entered the U.S. Capitol, and exit the building at approximately 2:21:02 p.m.:

SM



I interviewed CRUZ at his residence on August 26, 2021. CRUZ again agreed to speak with me voluntarily. I showed CRUZ the above image capturing him entering the U.S. Capitol building. CRUZ stated he recognized the camouflage Trump hat he was wearing in this image. CRUZ retrieved this hat from inside his residence, and I took the following photograph of it:

GM



Based on the foregoing, I submit there is probable cause to believe that LLOYD CASIMIRO CRUZ, JR. violated 18 U.S.C. § 1752(a)(1), which makes it a crime to knowingly enter or remain in any restricted building or grounds without lawful authority to do so. For purposes of Section 1752 of Title 18, the term “restricted building or grounds” includes any 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 of a building or grounds so restricted in conjunction with an event designated as a special event of national significance.

I also submit there is probable cause to believe that LLOYD CASIMIRO CRUZ, JR. violated 40 U.S.C. § 5104(e)(2)(G), which makes it a crime for an individual or group of individuals to willfully and knowingly parade, demonstrate, or picket in any of the U.S. Capitol buildings.



Sean McDermott
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 25th day of February 2022.

HONORABLE ROBIN M. MERIWEATHER
UNITED STATES MAGISTRATE JUDGE