

STATEMENT OF FACTS

Your affiant, Marc Esposito, is a Special Agent for the Federal Bureau of Investigation (“FBI”) assigned to the Washington Field Office’s Joint Terrorism Task Force (“JTTF”) tasked with investigating criminal activity pertaining to international and domestic terrorism. 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 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.¹ 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.

¹ All times in this document are Eastern Standard Time (“EST”).

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 or about March 17, 2021, the United States Attorney's Office – District of Columbia ("USAO-DC") requested assistance from the FBI in identifying individuals in the vicinity of the Speaker's Lobby of the United States Capitol on January 6, 2021. One of the individuals identified by the USAO-DC was wearing a gray hat, black facemask, a black and gray Northface jacket, blue jeans, a backpack, and black gloves. The black facemask had a symbol on the front left side of the mask in the shape of a white circle with three white lines converging at the center of the white circle. This individual was listed as "BOLO 301" on the FBI's Capitol Violence website (<https://www.fbi.gov/wanted/capitol-violence-images>). Image 1 depicts BOLO 301 in the vicinity of the Speaker's Lobby immediately after Ms. Ashli Babbitt was shot.



Image 1: BOLO 301 in vicinity of Speaker's Lobby

BOLO 301 was observed on security footage entering the United States Capitol through the Rotunda Door at approximately 2:26 p.m. (Image 2). BOLO 301 is circled in red in Image 2 below. BOLO 301 entered wearing a black and gray Northface jacket, blue jeans, and a backpack. BOLO 301 held a gray hat in BOLO 301's left hand. Upon entry, BOLO 301 was not wearing a facemask, however, security footage shows BOLO 301 pulling a black facemask over his face after entry into the Capitol Building. An open-source video published by RMG News, shows another angle of BOLO 301 entering the Capitol, a screenshot of which is provided below at Image 3.

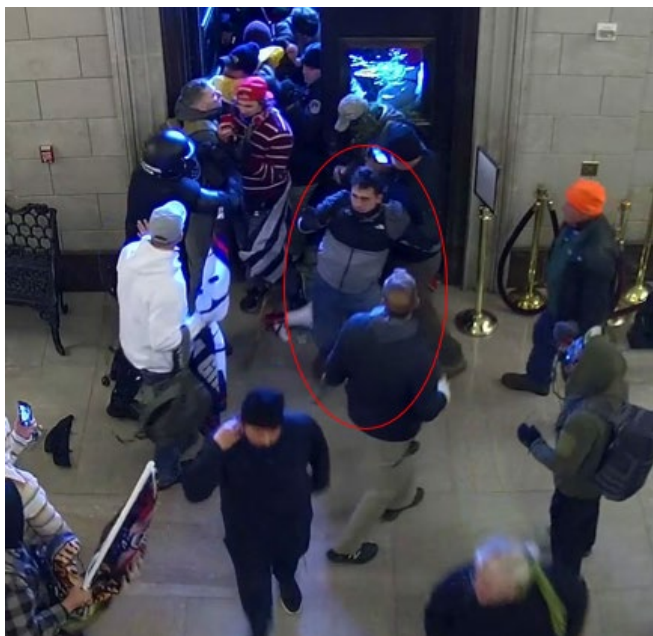


Image 2: BOLO 301 entering the USCB

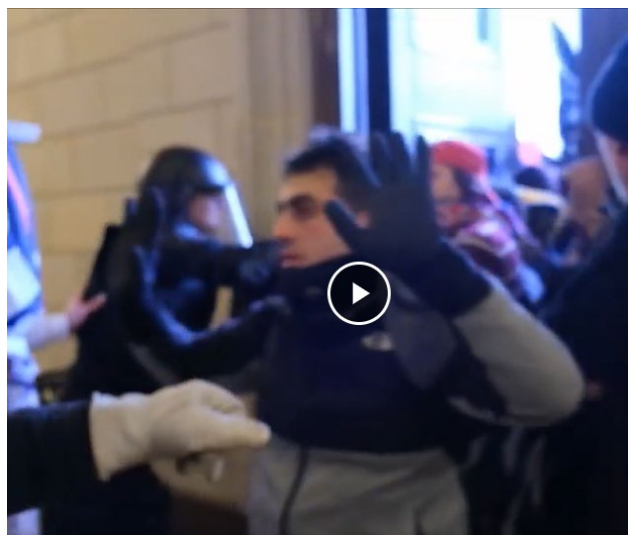


Image 3: Still taken from RMG News video

At approximately 2:27 p.m., BOLO 301 was observed on surveillance footage talking with a member of the USCP in the Rotunda, a screenshot of which is presented below as Image 4, and at about 2:28 p.m., BOLO 301 was observed walking from the Rotunda towards Statuary Hall, as seen in Image 5 below. In Images 4 and 5, BOLO 301 is seen wearing the same black and gray Northface jacket, blue jeans, and backpack as depicted in Images 1, 2, and 3 above as well as the gray hat and black facemask. BOLO 301 is circled in red below in Images 4 and 5.

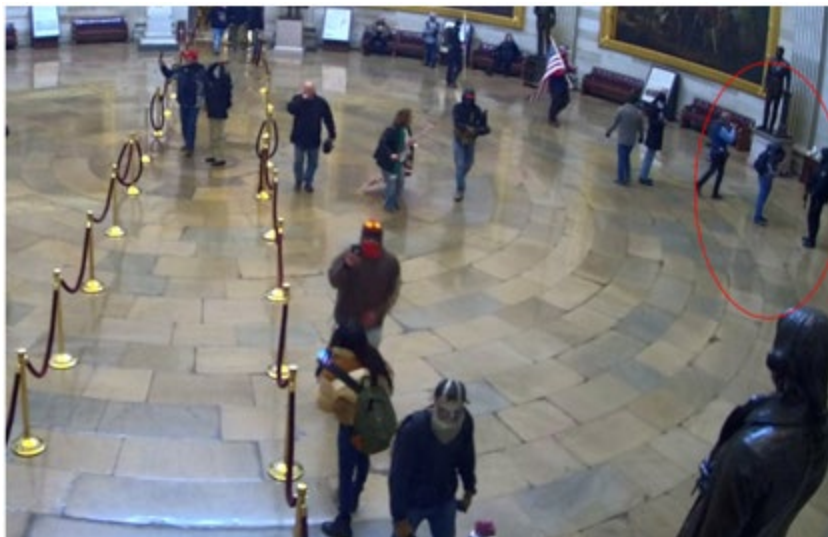


Image 4: BOLO 301 inside Rotunda



Image 5: BOLO 301 walking towards Statuary Hall

Around 2:29 p.m. and as presented in Images 6 and 7 below, BOLO 301 was observed on surveillance footage walking in Statuary Hall towards the House of Representatives Chamber, wearing the same clothing as depicted in Images 4 and 5. BOLO 301 is circled in red below in Images 6 and 7.



Image 6: BOLO 301 in Statuary Hall



Image 7: BOLO 301 walking in Statuary Hall

At approximately 2:41 p.m., BOLO 301 was captured on surveillance footage walking towards room H208 and then walking in the direction of the Speaker's Lobby, as presented below in Images 8 and 9. BOLO 301 is circled in red below in Images 8 and 9, wearing the same clothing as depicted in Images 4 through 7.



Image 8: BOLO 301 walking towards H208



Image 9: BOLO 301 walking towards the Speaker's Lobby

BOLO 301 was observed on publicly available videos standing adjacent to the doorway leading into the Speaker's Lobby. BOLO 301 was standing near Ms. Ashli Babbitt when she was shot, as presented below in Images 10 and 11. BOLO 301 is circled in red below in Image 10. In Images 10 and 11 below, BOLO 301 is depicted wearing the same clothing as seen in Images 4 through 9.



Image 10: RMG News video showing BOLO 301 right after Ms. Ashli Babbitt was shot



Image 11: JaydenX video showing BOLO 301 crouching in vicinity of Speaker's Lobby

Around 2:54 p.m., BOLO 301 was observed on surveillance footage exiting the United States Capitol through the Upper House Door, as presented in Image 12 below. BOLO 301 is circled in red below in Image 12, wearing the same clothing as seen in Images 4 through 9.

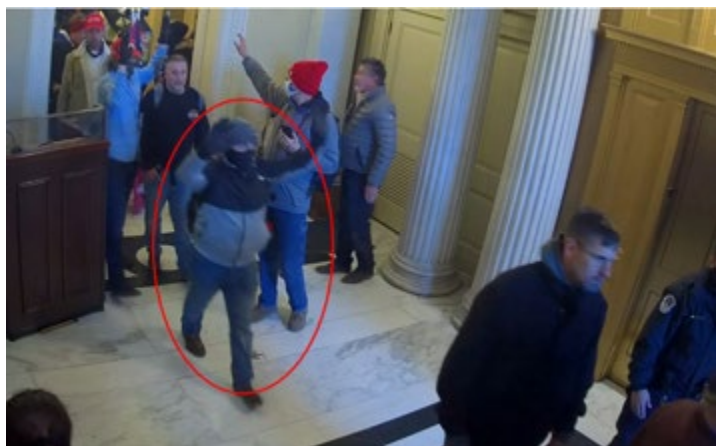


Image 12: BOLO 301 exiting the USCB

On or about September 22, 2021, the FBI received information from a cooperating individual (“CI”) identifying BOLO 301 as IRAJ JAVID (hereinafter the “SUBJECT”). The CI provided a collage, presented below as Image 13, of photographs created by the Sedition Hunters²,

² According to their website, the “Sedition Hunters” are an independent community of individuals who utilize open-source information to identify participants who allegedly committed crimes during the Capitol riot on January 6, 2021. Sedition Hunters available at <https://seditionhunters.org> (last visited December 22, 2021). Sedition Hunters publish their work at <https://seditionhunters.org> and on Twitter at <https://twitter.com/SeditionHunters>.

a screen shot of an individual resembling BOLO 301, identified as Image 14 below, and the SUBJECT's name. Your affiant has consulted with federal law enforcement officials regularly working with the CI and is unaware of any statements or evidence that would tend to undermine the credibility of the CI. The CI is not working off charges related to a criminal prosecution. Rather, the CI's motivation for providing information is from his/her sense of outrage regarding the attacks on law enforcement during the events of January 6, 2021. The CI requested his/her identity be protected to the extent possible, but he/she is willing to testify. The CI does not know the SUBJECT.



Image 13: Collage created by Sedition Hunters of BOLO 301



Image 14: Photograph taken on January 6, 2021 of individual wearing similar clothing and facemask to BOLO 301

Based on a comparison between Image 14, a Virginia driver's license photograph of the SUBJECT, and Images 2 and 3 above, your affiant concluded that BOLO 301 is the SUBJECT. Your affiant also believes based on the clothing and facial features the SUBJECT wears in Image 14, that the man depicted in Images 1 through 12 all depict the SUBJECT. Law enforcement began reviewing databases and publicly available information about the SUBJECT, discovering a phone number ending in -8274³ and three others associated with the SUBJECT.

A publicly available search of the SUBJECT's name on LinkedIn indicated that the SUBJECT was employed at the Washington Metropolitan Area Transit Authority ("WMATA"). On or about October 14, 2021, personnel with WMATA confirmed the SUBJECT's employment and provided an employment photo, which is identified as Image 15 below. Your affiant compared Image 14, the SUBJECT's driver's license photograph, Images 2 and 3 above, and the SUBJECT's employment photograph (Image 15) and confirmed these images depict the same person.



Image 15: Employment photo

On or about November 3, 2021, your affiant interviewed W-1, an employee in management at WMATA, who directly engaged with and is familiar with the SUBJECT. Your affiant showed W-1 Image 14 and W-1 identified the SUBJECT as the man depicted. On or about November 16, 2021, W-1 advised that the SUBJECT's phone number was the same telephone number ending in -8274, which the SUBJECT used to communicate with W-1.

On or about November 20, 2021, during an interview with an agent of the FBI, W-2, a person who knows the SUBJECT, identified the individual pictured in Image 14 as the SUBJECT. W-2 last saw the SUBJECT in either 2017 or 2018 and the two were acquainted through church. W-2 was unable to identify the individual pictured in Image 1.

In a subsequent interview on or about February 1, 2022, W-2 identified the person in Images 2 and 3 as the SUBJECT. W-2 also reviewed the RMG News footage, a screenshot of which appears above as Image 3, and identified the individual entering the U.S. Capitol wearing the black and gray Northface jacket as the SUBJECT.

³ The FBI is in possession of the complete telephone number associated with the SUBJECT.

On or about November 21, 2021, a third witness, who knows the SUBJECT, identified the individual pictured in Image 14 as the SUBJECT. W-3 also provided the same phone number for the SUBJECT as the phone number ending in -8274. W-3 considers the SUBJECT a close friend. The two previously lived in close proximity for three years and are still in contact. W-3 was unable to identify the individual pictured in Image 1.

According to records provided by Verizon, the phone number ending in -8274 is associated with an account where the subject and two other individuals have “Full Access.” The SUBJECT is listed as the contact for the phone number ending in -8274 and an individual assumed to be either a relative or spouse is listed as the account holder. Moreover, the address on the account is the same residence in which agents have observed the SUBJECT through physical surveillance. These records further indicate that the telephone number ending in -8274 was associated with an Apple iPhone X until February 14, 2021, when the telephone number ending in -8274 was then associated with an Apple iPhone 12 Mini.

According to records obtained through a search warrant served on Verizon, the FBI Cellular Analysis Survey Team (“CAST”) conducted an analysis of the call detail records (“CDR”) of the telephone number ending in -8274. In addition to using cell phone towers in the vicinity of the US Capitol Building, the telephone number ending in -8274 utilized an antenna physically located in the Capitol Visitor Center, which is located inside the US Capitol Building, between 2:17 p.m. and 2:51 p.m. for data transactions on January 6, 2021.

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



Marc Esposito
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 2 day of March 2022.

HONORABLE ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE