

STATEMENT OF FACTS

Your affiant, LUCAS BAUERS, is a Special Agent with the Federal Bureau of Investigation (FBI) and has been in this position since 2009. I am assigned to a criminal investigative squad at the FBI's Washington Field Office. During my employment with the FBI, I have conducted and/or assisted in criminal investigations involving various criminal violations. As a federal agent, I am authorized to investigate violations of laws of the United States, and as a law enforcement officer I am authorized to execute warrants issued under the authority of the United States. I am currently tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021.

Unless otherwise stated, the information in this Affidavit is either personally known to me, has been provided to me by other individuals, or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause to support an application for an arrest warrant, it does not contain every fact known by me or the United States. The dates listed in this Affidavit should be read as "on or about" dates.

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 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 the 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 underway, and the exterior doors and windows of the U.S. Capitol Building were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the U.S. Capitol Building; however, shortly around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol Building by breaking windows and 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 evacuated 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 Building from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the 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.

Additionally, news coverage of January 6, 2021, documented numerous attacks on members of the news media who were present to cover the events at, around, and in the U.S. Capitol Building. These included reports of members of the news media being harassed, threatened, robbed, and assaulted based on their perceived roles as journalists, and equipment belonging to several news organizations was stolen, damaged, and/or destroyed.

As detailed below, while investigating the events of January 6, 2021, law enforcement learned that Jerry Daniel Braun (“BRAUN”), of California, traveled to Washington, D.C. to participate in the events on January 6, 2021.

Based on a civilian tip, on January 18, 2021, an FBI Special Agent telephonically interviewed a Washington, D.C.-area Uber driver, who had been on duty on January 6, 2021. A follow-up interview with the Uber driver was conducted on February 10, 2021 by your affiant. According to the driver, an Uber passenger, who was an individual identified by the Uber driver as Jerry Last Name Unknown (“LNU”), verbally acknowledged tearing down a barricade at the U.S. Capitol. Jerry LNU made the statement during an Uber ride on the evening of January 6, 2021, which began at approximately 7:05 p.m. EST in an Uber vehicle bearing license plate number 273 xxxx.

From the interviews with the Uber driver, I learned that Jerry LNU had a white beard, an injury near his right eye, and showed visible bleeding near the eye during the Uber ride, shown below.



Jerry LNU was picked up near the intersection of H and 6th Streets, NW in Washington, D.C., and he was ultimately dropped off at the Holiday Inn National Airport located at 2650 Richmond Highway, Arlington, Virginia 22202. I am aware that the intersection of H and 6th Streets, NW in Washington, D.C., and the grounds of the U.S. Capitol are approximately 1.10 miles walking distance apart.

A portion of Jerry LNU's Uber ride was captured on video by a video recording device located in the dashboard area of the Uber driver's vehicle. I have reviewed the video recording of Jerry LNU's Uber ride, which was received by the FBI's Washington Field Office from the Uber driver. The following conversation was captured on the video of Jerry LNU's Uber ride:

- a. Driver: "So, has it been violent all day?"
- b. Jerry LNU: "Well, it started around, right when I got there. I tore down the barricades."
- c. Driver: "You did? Why?"
- d. Jerry LNU: "Well, because, so we could get to the Capitol."
- e. Driver: "Well, how'd that work out for ya?"
- f. Jerry LNU: "Well, it looks like, uh, Biden's gonna be our president."

Based on my training and experience, I know that the area of the U.S. Capitol where barricades were posted was a restricted area on January 6, 2021. On January 6, 2021, permanent and temporary security barriers were in place to separate areas where lawful first amendment activity could be conducted from areas restricted both to prevent any adverse impact on the legislative process and to safeguard and prevent and property damage directed at the U.S. Capitol and West Front Inaugural Platform. These security barriers included bike racks that were positioned to the north of the U.S. Capitol along Constitution Avenue; to the south of the U.S. Capitol along Independence Avenue; to the west of the U.S. Capitol along First Street,

Northwest, on the eastern side of that street; and, on the east side of the U.S. Capitol, between the Capitol Plaza (East Front) and the grassy areas located between the Plaza and First Street, Northeast. This bounded area is hereinafter referred to as the “Restricted Grounds.” Within the West Front of the Restricted Grounds there were additional temporary barriers due to preparations and ongoing construction for the Inauguration including green snow fencing and signage stating, “Area Closed By order of the United States Capitol Police Board.” The exterior plaza of the U.S. Capitol was also closed to members of the public.

Reservation records and records of guest check-in and check-out information for the Holiday Inn National Airport show a customer named “JD Braun,” with telephone number 626-512-XXXX and address in South El Monte, California checked in to the Holiday Inn National Airport on January 5, 2021, and checked out on January 7, 2021.

A comparison of the California Department of Motor Vehicles (“DMV”) photo of BRAUN in South El Monte, CA and the image of the passenger in the Uber ride video appear to show a positive match for the same individual, i.e., the passenger in the Uber vehicle who stated, “I tore down the barricades.”

Having a clear photograph of BRAUN in the Uber car, as well as his admission that he tore down the barricades, FBI SAs accessed a publicly available internet webpage to find additional images of BRAUN and his conduct on January 6, 2021. Agents reviewed several images on the webpage, including one of the digital images that depicts an individual with a white beard, wearing a black face mask covering his nose and chin, black sunglasses, a black beanie hat, black gloves, and a dark colored jacket with a hood (the individual). The individual’s white beard is coming out from underneath the black mask, and a backpack shoulder strap is seen over the individual’s left shoulder. Also near the individual’s left shoulder is a pocket holding a pen and paper containing graphics.

Agents enlarged and reviewed the image to focus on the pocket holding the pen and paper. The paper in the pocket contained the following text: “23-359-4,” “Ask For JD,” and “www.shotgunshock.” Due to the position of the paper and the pen, other text printed on the paper was not visible.

I believe the text “www.shotgunshock,” if fully visible, would read www.shotgunshock.com. On April 5, 2021, agents accessed the Google web cache for webpage <http://www.shotgunshock.com/contact.html>. The web cache contained the following contact information: “Phone: X23.359.4XXX” and email “shotgunshock@yahoo.com.”

Records show the email address shotgunshock@yahoo.com is associated with the Uber account for Jerry Braun and with the AT&T Corporation account for a phone number with listed contact name of “Jerry Braun.”

AT&T Corporation customer account information records for phone number associated with BRAUN show the contact information related to the Financial Liabile Party for phone number to be Jerry Braun, contact work phone (X23) 359-4XXX, and contact home email shotgunshock@yahoo.com.

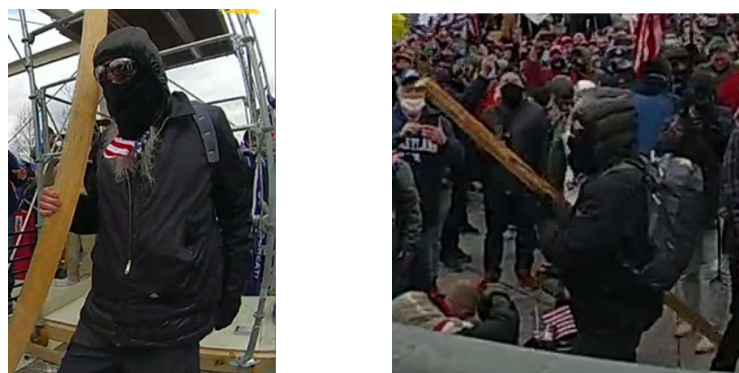
Based on the individual’s white beard and the text visible from paper in his pocket, I believe the individual to be BRAUN.

I reviewed officer body camera video from multiple Metropolitan Police Department (MPD) officers positioned on the west side of the U.S. Capitol grounds. The individual identified as BRAUN appears in the officer body camera videos, and shows BRAUN physically struggling with law-enforcement officers using a barricade. Screenshots from the officer body camera video from approximately 3:15 pm are below for reference:



Further, I know that BRAUN's location in the photographs is within the restricted area.

I reviewed officer body camera video from multiple MPD officers positioned on the west side of the U.S. Capitol grounds. The individual identified as BRAUN appears in the officer body camera videos, and BRAUN is in possession of a long wood plank that appears to be about eight feet in length. Screenshots from the officer body camera video are below for reference:



Further, I know that BRAUN's location in the photographs is within the lower West Terrace restricted area of the Capitol. The officer body camera videos show BRAUN in possession of the wood plank, controlling the wood plank and maneuvering the wood plank towards law enforcement officers in an aggressive manner.

In one instance captured on the officer body camera videos, BRAUN extends the wood plank and physically strikes an individual who is wearing a helmet with the text "PRESS" displayed across the front (the photographer) and appears to be taking photographs with a camera.

BRAUN and the photographer appear to exchange words. BRAUN then strikes the photographer with his left hand, and subsequently strikes the photographer once more with the wood plank. Screenshots from officer body camera video at approximately 3:31 pm are below for reference:



Further, I know that BRAUN's location in the photographs is within the restricted area.

On November 8, 2021, a search warrant was executed at BRAUN's residence in South El Monte, California. BRAUN was present at the residence during the execution of the search warrant. BRAUN voluntarily spoke with agents during the execution of the search warrant. BRAUN's statements were audio recorded, and I have listened to the audio recording of Braun's statement to agents on November 8, 2021. BRAUN confirmed he was in Washington, D.C. on January 6, 2021 and participated in the demonstrations that occurred on January 6, 2021 in Washington, D.C. BRAUN explained he was outside on the grounds of the U.S. Capitol Building on the "side facing the Washington Monument" which is the side "where the rafters were." BRAUN stated he had been analyzing politics his whole life, and went to Washington, D.C. to listen to a speech of the President.

After being asked by the agents if BRAUN had anything he wanted to tell them before he departed the search location, BRAUN responded, "Guilty." When asked what he was guilty of, BRAUN responded, "Everything." BRAUN stated he "flew out there, listened to the speech, walked toward the Capitol, made it to the edge of the crowd."

Agents inquired about injuries sustained by BRAUN on January 6, 2021, and BRAUN explained he tripped, fell, and "busted" his head as he walked through the city carrying pizza after confirming an Uber ride on the evening of January 6, 2021.

During the search warrant execution on November 8, 2021, BRAUN directed the agents' attention to two jackets stored in his closet. BRAUN told agents he wore the two jackets in Washington, D.C. on January 6, 2021. In addition, agents identified a pair of boots, a backpack, a t-shirt, a "beanie" hat, a business card and a bandana at the residence which resemble the boots, the backpack, the t-shirt, the "beanie" hat, and the bandana worn by BRAUN on January 6, 2021. All the items of clothing and accessories were digitally photographed by the search team. I have reviewed the digital photographs taken by the search team on November 8, 2021 and compared them to the images of BRAUN on January 6, 2021. Based upon the statements by BRAUN and the image comparison, I believe the items of clothing and accessories photographed by the search team are the same items of clothing and accessories worn by BRAUN on January 6, 2021. The business card also appeared to be the same business card that was partially observable on BRAUN's person while wielding the wooden plank inside the restricted area surrounding the Capitol Building.

An iPhone was seized by the search team during the search warrant execution at BRAUN's residence on November 8, 2021. BRAUN unlocked the iPhone using the face scan feature and provided the phone access passcode to agents. Data from the iPhone was copied and transferred to a USB flash drive. I reviewed the data from BRAUN's iPhone using the USB flash drive.

On 12/31/2020 at 9:55:34 AM(UTC-8) the following SMS was sent: "Good to hear.Im flying to DC, on 1/5/2021 for the stop the steal rally, gonna be wild. Shopped for some body armor to protect from stabbing and all backordered. You know where I can buy some body armor?" I believe this outgoing message was written by BRAUN, to show his intention to travel to Washington, D.C. in support of the "Stop the Steal" movement, in response to the 2020 U.S. Presidential election, and BRAUN's expectation that violent confrontations were anticipated. On 1/10/2021 at 8:39:42 PM(UTC-8) the following SMS was sent to 165724xxxxx, "Souvenir from DC." Along with the text message, a picture was sent of BRAUN's face with an injury above his right eye, consistent with the injury shown in the Uber video.



The next day (1/11/2021), the following exchange occurred on BRAUN's phone:

"Fuck man . antifa ?"

BRAUN: "Occupied the capitol" [video media attached]

BRAUN: [video media attached]

BRAUN: "Hand to hand combat"

The same video was sent twice in the above exchange. The video shared was two minutes and thirteen seconds long, and was shot in front of the steps leading up to the U.S.

Capitol Building, which was within the restricted area. The video shows unidentified people climbing up the stairs, using remnants of the barricades constructed to prevent people from coming near the U.S. Capitol Building, as ladders to climb higher up the side of the stairs. At the 1:46 mark of the video, the video pans to the left to show a large group of unidentified participants encircling and violently engaging with a group of law enforcement officers equipped in riot gear. I believe BRAUN shared the picture of his injury and video documenting the violent clashes between law enforcement officers and participants to show off some of his actions while on the U.S. Capitol grounds.

On 01/06/2021 at 9:00:57 PM (UTC-8) the following outgoing SMS message was sent to number 86184, "We tried to stop the steal but they wouldn't let us in, where were you, the writing your next speech, we are sick of all the talk." I believe the message was written by BRAUN and refers to BRAUN's participation in the protests at the U.S. Capitol on January 6, 2021 and the "Stop the Steal" movement.

Your affiant has fully identified the above described individual as Jerry Daniel Braun of South El Monte, CA as the individual who entered the U.S. Capitol Building Restricted area on January 6, 2021, physically struggled with law-enforcement using a metal barricade, menaced law-enforcement with a wooden plank, and assaulted an individual, who appeared to be a member of the news media, with the same wooden plank. I have reviewed BRAUN's identification, seen substantial video footage of BRAUN at the U.S. Capitol Building on January 6, 2021, listened to his audiotaped confession, and can identify BRAUN as the person depicted in the above referenced photographs.

Based on the foregoing, your affiant submits that there is probable cause to believe that BRAUN violated 18 U.S.C. §§ 1752(a)(1), (2) and (4), which make it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; (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; and (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds, or attempt or conspire to do so. For purposes of Section 1752, 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.

Based on the foregoing, your affiant also submits there is probable cause to believe that BRAUN 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 submits there is also probable cause to believe that BRAUN violated 40 U.S.C. §§ 5104(e)(2)(F), which makes it a crime to willfully and knowingly (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

A handwritten signature in black ink, appearing to read 'L L Bauers', written in a cursive style.

LUCAS BAUERS, 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 7th day of April 2022.

HONORABLE G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE