

STATEMENT OF FACTS

Your affiant, Miriam Marcais, is a Task Force Officer assigned to FBI San Diego's Joint Terrorism Task Force. In my duties as a Task Force Officer, I investigate crimes of International and Domestic Terrorism. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Task Force Officer, 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.

Following the events on January 6, 2021, the FBI received tips at the FBI National Threat Operations Center (NTOC) from an individual who reported that JOSIAH PABLO HUESO (“HUESO”) was involved in the events at the Capitol on January 6, 2021. On January 7, 2021, one individual (“Witness-1”) who identified himself/herself, and who has known HUESO for an extended period of time, heard HUESO brag about being at the Capitol building during the events of January 6, 2021. HUESO told Witness-1 that he (HUESO) walked up and down the hallways of the Capitol. Witness-1 stated that HUESO had travelled to Washington D.C. on January 5, 2021, and returned on January 7, 2021.

Delta Airlines records confirm that on January 5, 2021, HUESO flew from Los Angeles through Atlanta, and arrived at Baltimore/Washington International Thurgood Marshall Airport on the morning of January 6, 2021. Delta Airlines records also confirm that on January 7, 2021, HUESO flew from Baltimore/Washington International Thurgood Marshall Airport through Minneapolis St-Paul and arrived in Los Angeles.

Witness-1 provide agents with a link to a YouTube (<https://youtu.be/ulvBH8ccd2g>), which shows news footage from CNN which was recorded during January 6, 2021. In the video, at approximately 2:52 minutes into the 3:56 minute video, HUESO is identified as “Josiah Trump Supporter” (see below screenshot). During that video, HUESO states, “a huge group of us stormed inside and as we started—we were basically shouting at the cops. And there were people arguing with them, trying to get them on our side, basically.”



A police officer who was on duty at the Capitol on January 6, 2021 recorded HUESO on Capitol grounds beyond the barricade. The following is a still photo from the officer’s body-worn camera.



Your affiant has reviewed security camera footage from the Capitol building from January 6, 2021. During security camera footage, an individual matching HUESO's likeness and matching the clothing he was wearing on January 6, 2021 can be seen entering the U.S. Capitol on the Senate side of the building.



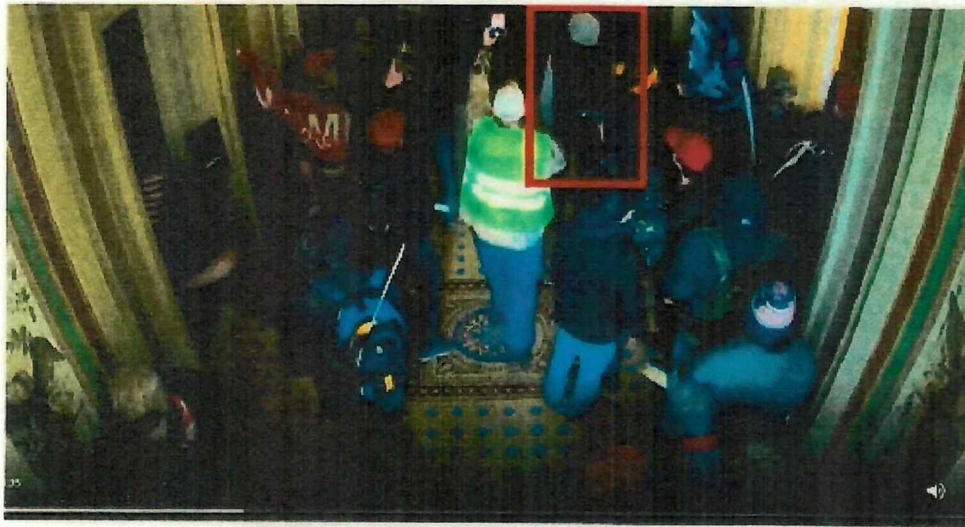
At one point, HUESO picked up a brass sign next to the Parliamentarian office that had been on the floor. HUESO then entered the Parliamentarian office for a few seconds then exited heading further into the building. Approximately five minutes later, HUESO exited the Capitol building, which corresponds with the time that HUESO was captured on Metropolitan Police body camera footage. The clothing and backpack seen on CNN and on the police body camera footage were seized during a search of his residence pursuant to a warrant.



On July 9, 2021, HUESO was interviewed by members of the FBI. HUESO stated that when he arrived at the U.S. Capitol, there were already thousands of people there and the

barricades were on the ground. HUESO stepped over the barricades on the ground as he continued towards the U.S. Capitol. As HUESO got closer to the U.S. Capitol, he saw people getting sprayed with tear gas and retreating. HUESO admitted to taking multiple pictures and videos on his cell phone but deleted everything before the FBI executed a search warrant at his residence.

HUESO stated that he observed a male individual grab a crowbar, break the window of a side door, and reach his hand in and open the door. Once the door was opened, a crowd of people rushed over. HUESO stated that he then entered the U.S. Capitol through the side door. HUESO said that there were a couple people picking up items inside the office and HUESO told them not to steal anything. HUESO positively identified himself in the below camera stills from inside the U.S. Capitol.

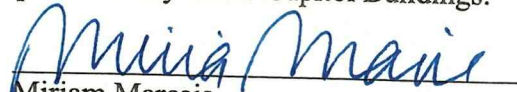




Based on the foregoing, your affiant submits that there is probable cause to believe that Josiah Pablo HUESO violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with 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 Josiah Pablo HUESO 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.


Miriam Marcais
Task Force Officer
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 17th day of May 2022.

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE