

STATEMENT OF FACTS

Your Affiant, Matthew L. Dunleavy, is a Special Agent with the Federal Bureau of Investigation (FBI) and is assigned to the Joint Terrorism Task Force (JTTF) with the FBI Pittsburgh Division in Pittsburgh, Pennsylvania (PA). Your Affiant is tasked with investigating criminal activity in and around the United States (U.S) Capitol (Capitol) grounds in Washington, D.C. on January 6, 2021. Your Affiant has served as a Special Agent with the FBI since 2018. Prior to that time, your affiant served as a Special Agent with U.S. Secret Service for 9 years. As a Special Agent with the FBI, your Affiant is authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of violations 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.

Conduct of ERIC CRAMER and COUNTRY CRAMER

On January 8, 2021, the FBI received an anonymous online tip from Tipster 1 concerning a Twitter post that a fellow classmate shared about her father, ERIC CRAMER. The post indicated CRAMER had been struck by a cop with a “battalion” and then proceeded to steal the “battalion” from the cop, claiming it as a trophy. Based upon review of the tip and the Twitter post made by Twitter display name “larissa”, username @cramerr_16, it appears Larissa Cramer tweeted a Facebook post made by her father, ERIC CRAMER, which included a picture of a tactical police baton. See Exhibits 1 and 2, below:

Exhibit 1

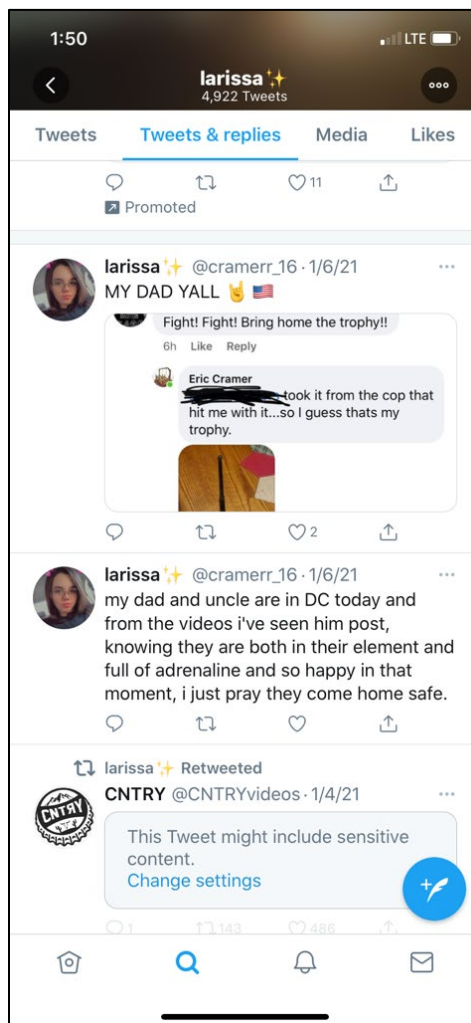


Exhibit 2

On January 18, 2021, the FBI conducted internal and external database checks which revealed ERIC CRAMER lived at a Romney, West Virginia address. Law enforcement was able to identify ERIC CRAMER's Facebook account.

First Interview of ERIC CRAMER

On January 19, 2021, law enforcement conducted a voluntary interview of ERIC CRAMER at his Romney, West Virginia residence. ERIC CRAMER stated that he and his brother, COUNTRY CRAMER, traveled by way of personal vehicle to Washington, D.C. on January 6, 2021, to witness the election-related events on that date. ERIC CRAMER advised that he brought a bullhorn from his truck, which COUNTRY CRAMER carried as they walked through D.C. towards the U.S. Capitol building. ERIC CRAMER stated that they did not bring any weapons, shields, or restraints with them to D.C. ERIC CRAMER and his brother then proceeded to walk towards the West side of the U.S. Capitol building where they believed a disturbance was occurring. ERIC CRAMER advised that he walked toward the stairs located on the Northwest quadrant of the building where he observed officers attempting to keep protesters from entering the building through a "tan, single door." ERIC CRAMER stated that, while standing in a crowd of people between the reflecting pool area and the barrier scaffolding, he was hit in the right side of his torso by a police officer with an ASP baton. Immediately after being struck, ERIC CRAMER said he bent over on the side that he was struck as the officer dropped the baton, and he picked up the officer's dropped baton. ERIC CRAMER advised that he was pushed into the U.S. Capitol building by the crowd of protesters. ERIC CRAMER advised that after an opportunity to exit the U.S. Capitol building presented itself, he exited the building to locate and reunite with his brother near the reflecting pool area on the West side of the U.S. Capitol building. ERIC CRAMER advised that he posted a photograph of the ASP baton on his Facebook page after returning to West Virginia on January 6, 2021.

First Interview of COUNTRY CRAMER

On January 19, 2021, COUNTRY CRAMER was telephonically interviewed by the FBI, via the cell phone number x0826, which his brother had provided in his previous interview. COUNTRY CRAMER confirmed that he had driven to Washington, D.C. with his brother, Eric, on the morning of January 6, 2021. COUNTRY CRAMER advised that he did not enter the US Capitol Building and was unaware that his brother had entered the building until they were reunited after a period of time. COUNTRY CRAMER stated that he waited near the reflecting pool area of the Capitol grounds and was reunited after an extended period of time with his brother near the reflecting pool.

Interview of Tipster #2

On January 29, 2021, the FBI telephonically interviewed an individual referred to as Tipster #2, who submitted an online tip to the FBI regarding ERIC CRAMER. Tipster #2 observed a conversation from Facebook between ERIC CRAMER and another individual (later interviewed and identified as Tipster #3). In the Facebook conversation, ERIC CRAMER admitted to being at the Capitol on January 6, 2021. Tipster #2 provided the FBI with screenshots of the Facebook conversation and contact information for Tipster #3.

Interview of Tipster #3

On February 1, 2021, an individual referred to as Tipster #3, was telephonically interviewed by the FBI. The following is a summary of Tipster #3's statement and does not contain all details of the interview. In summary, Tipster #3 personally knew ERIC CRAMER and his brother, COUNTRY CRAMER, from West Virginia. Tipster #3 had a Facebook conversation with ERIC CRAMER in the comments section of a Facebook article related to the Capitol protests. ERIC CRAMER discussed participating in the protests and posted a photo of himself and his brother outside of the U.S. Capitol on January 6, 2021, which is attached as Exhibit 3. Tipster #3 recognized the people in the photo as ERIC CRAMER (blue) and his brother, COUNTRY CRAMER (red).

Exhibit 3



Second Interview of ERIC CRAMER

On August 17, 2021, ERIC CRAMER was re-interviewed at his mother's residence in Augusta, West Virginia. ERIC CRAMER had previously told FBI Agents that his brother, COUNTRY CRAMER, had not gone inside the U.S. Capitol Building on January 6, 2021, and wanted to amend his original statement. ERIC CRAMER stated he and his brother were both inside the U.S. Capitol on January 6, 2021.

Second Interview of COUNTRY CRAMER

On August 17, 2021, COUNTRY CRAMER was re-interviewed at his mother's residence located in Augusta, West Virginia. COUNTRY CRAMER added the following details to his original statement: at some point on January 6, 2021, COUNTRY CRAMER and his brother, ERIC CRAMER, became separated at the U.S. Capitol. About ten minutes later, COUNTRY CRAMER went inside the U.S. Capitol to find ERIC CRAMER and found him standing just inside the doorway. They both exited the Capitol through a window beside the door they entered. COUNTRY CRAMER stated that he and his brother had helmets and bats when they went to D.C. because they had seen other rallies turn violent on television and they wanted to protect themselves.

Phone Location Evidence

On November 8, 2021, FBI-PG submitted legal process to Google for information related to a Google account associated with ERIC CRAMER's email address, ewcramer16@gmail.com. This Google account information was identified as having been in the geographic area that included the interior of the U.S. Capitol building on January 6, 2021. On November 11, 2021, Google produced and returned subscriber information for the Google account. The registered subscriber was ERIC CRAMER at his known address in Romney, West Virginia, and his phone known number x7510.

On November 8, 2021, FBI-PG submitted legal process to U.S. Cellular, for information related to ERIC CRAMER's known phone number x7510, which was linked to the previously stated Google account for ERIC CRAMER. On November 11, 2021, U.S. Cellular produced and returned subscriber information for the phone number. The registered subscriber was ERIC CRAMER at his known address in Romney, West Virginia.

On November 8, 2021, FBI-PG submitted legal process to AT&T, for information related to COUNTRY CRAMER's known phone number x0826 which was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the U.S. Capitol building on January 06, 2021. On November 9, 2021, AT&T produced and returned subscriber information for the phone number x0826. The registered subscriber was COUNTRY CRAMER at his Shanks, West Virginia address. Additionally, this phone number x0826 was the same phone number that FBI Agents contacted and interviewed COUNTRY CRAMER telephonically on January 19, 2021.

Video Evidence

Following the events at the U.S. Capitol on January 6, 2021, the FBI conducted a review of surveillance camera footage obtained from security cameras located inside and outside of the U.S. Capitol (CCTV), body-worn camera (BWC) footage from the Metropolitan Police Department, and open-source videos obtained via social media and the internet. Law enforcement officers were able to identify ERIC CRAMER and COUNTRY CRAMER in the videos based upon prior in-person interviews with them. ERIC CRAMER and COUNTRY CRAMER can be seen together and at times separately outside on U.S. Capitol grounds, as well as inside the U.S. Capitol building. ERIC CRAMER is dressed in a blue winter hat, an American flag neck/face covering, occasionally wearing a gas mask with pink filters, a dark grey jacket, grey cargo pants, a black hooded sweatshirt, blue gloves, and carrying a green backpack and blue baseball bat. COUNTRY CRAMER is dressed in a black helmet adorned with a black mohawk, a camouflage neck/face cover, black hooded sweatshirt, blue gloves, blue jeans, a Trump flag, and carrying a red and white megaphone, black backpack and a wooden miniature baseball bat. Screenshots of this video evidence is included in Exhibits 4–15. For reference, ERIC CRAMER is highlighted in blue and COUNTRY is highlighted in red.

In a video from MPD Officer P.K.'s BWC, ERIC CRAMER is seen amongst the crowd near the Capitol Building. As Officer P.K. swings his baton at individuals in the crowd, ERIC CRAMER can be seen catching the baton, grasping it, and refusing to relinquish his grip on the baton. Additionally, an unknown individual above ERIC CRAMER and to his left, was attempting to pull Officer P.K.'s baton away from P.K.. Neither ERIC CRAMER or the unknown individual released the baton, until another MPD Officer (Officer B.P.) intervened by swinging his baton at ERIC CRAMER and the other individual. ERIC CRAMER does appear to be attempting to disarm Officer P.K. of the baton. Screenshots from Officer P.K.'s BWC are included below as Exhibits 4-6. Open-source videos captured the same events. Screenshots from the BWC and open-source videos are included as Exhibits 4-6, below.

Exhibit 4



ERIC CRAMER grasping Officer P.K.'s baton – Outside of the Capitol

MPD Body Camera (Officer P.K.)
Approximately 2:02 pm EST

Exhibit 5



ERIC CRAMER (blue) and COUNTRY CRAMER (red) – Outside of the Capitol
MPD Body Camera (Officer P.K.)
Approximately 2:02 pm EST

Exhibit 6



ERIC CRAMER grasping Officer P.K.'s baton – Outside of the Capitol

YouTube (<https://youtu.be/F9Ru6wKDj-s?t=65>)
Approximately 2:02 pm EST

Other open-source videos show ERIC CRAMER grabbing Officer P.K.'s baton from a different angle. Later in the same video, ERIC CRAMER can be seen grabbing Capitol Police Officer S.C.'s arm as the officer is pushed back into the crowd by others in the crowd. A screenshot from an open-source video is included, below, as Exhibit 7.

Exhibit 7



ERIC CRAMER grabbing the arm of USCP Officer S.C. – Outside of the Capitol
YouTube (<https://youtu.be/f80ScBHnNRk&t=451?t=84>)
Unknown time, presumed to be approximately 2:03 pm EST

At approximately 2:41 pm EST, ERIC CRAMER is captured on U.S. Capitol CCTV footage at the front of a crowd attempting to enter the U.S. Capitol through the Senate Wing Door. Police officers can be seen on the other side of the entrance attempting to keep ERIC CRAMER and other protesters out of the U.S. Capitol building. At approximately 2:47 pm EST, ERIC CRAMER, along with a crowd of protesters, can be seen pushing their way past police officers through the Senate Wing Door. Once inside, ERIC CRAMER can be seen waiting for his brother, COUNTRY CRAMER near the entrance. COUNTRY CRAMER can be seen entering the U.S. Capitol building through the Senate Wing Door at 2:50 pm EST. ERIC CRAMER and COUNTRY CRAMER remain in the U.S. Capitol for a few minutes before exiting to the Northwest Upper Terrace, where they take pictures of the protest. Exhibits 8-15 are screenshots of the CCTV footage.

Exhibit 8



ERIC CRAMER – Opening the Senate Wing door
Capitol CCTV (0102 USCS 01 Senate Wing Door near S139)
Approximately 2:41 pm EST

Exhibit 9



ERIC CRAMER – Entering the Capitol
Capitol CCTV (0102 USCS 01 Senate Wing Door near S139)
Approximately 2:47 pm EST

Exhibit 10



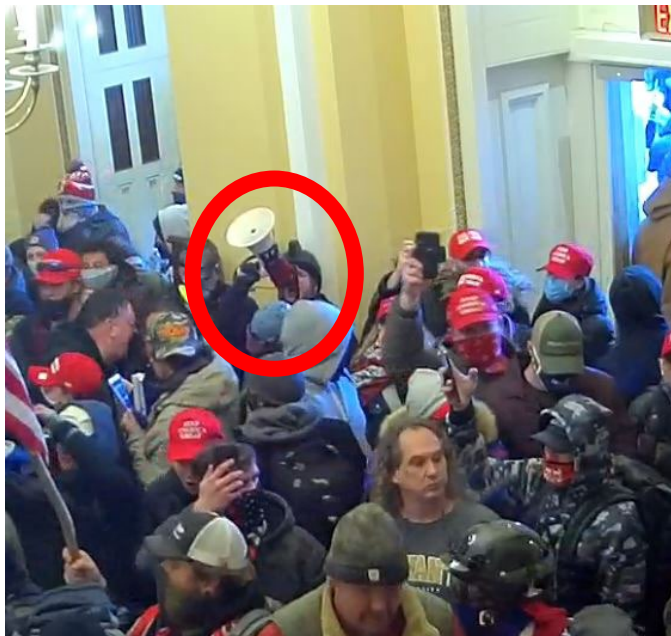
ERIC CRAMER – Inside of the Capitol
Capitol CCTV (0102 USCS 01 Senate Wing Door near S139)
Approximately 2:49 pm EST

Exhibit 11



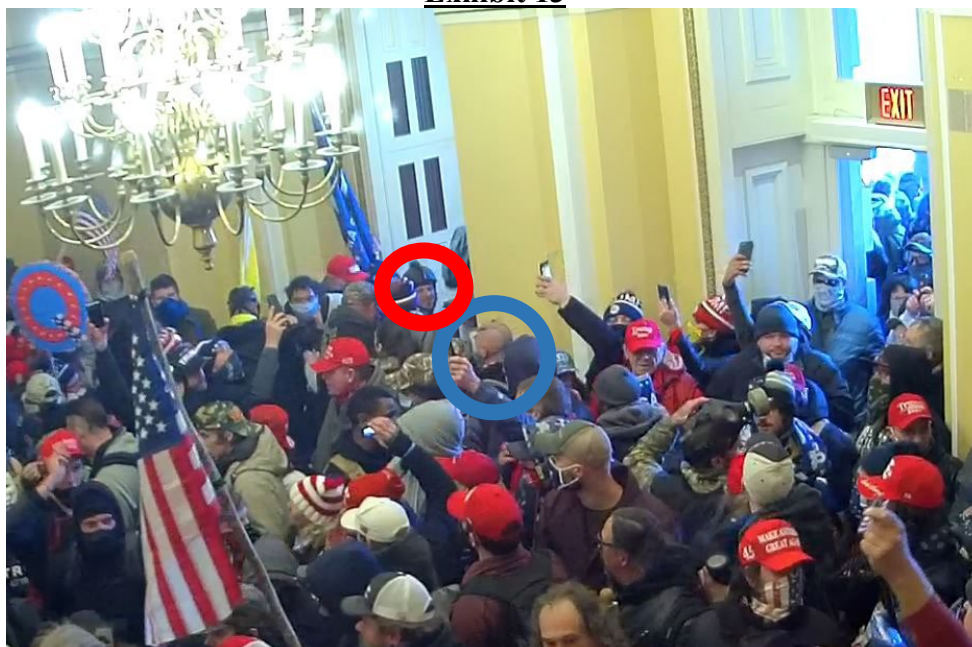
ERIC CRAMER (blue) & COUNTRY CRAMER (red) – Inside of the Capitol
Capitol CCTV (0102 USCS 01 Senate Wing Door near S139)
Approximately 2:50 pm EST

Exhibit 12



COUNTRY CRAMER using megaphone – Inside of the Capitol
Capitol CCTV (0102 USCS 01 Senate Wing Door near S139)
Approximately 2:51 pm EST

Exhibit 13



ERIC CRAMER (blue) and COUNTRYCRAMER (red) – Exiting the Capitol
Capitol CCTV (0102 USCS 01 Senate Wing Door near S139)
Approximately 2:52 pm EST

Exhibit 14



ERIC CRAMER (blue) & COUNTRY CRAMER (red) – Capitol Grounds Upper Terrace
Capitol CCTV (0927 USCG 00 Upper Terrace NW)
Approximately 3:05 pm EST

Exhibit 15



ERIC CRAMER (blue) & COUNTRY CRAMER (red) – Capitol Grounds Upper Terrace
Capitol CCTV (0927 USCG 00 Upper Terrace NW)
Approximately 3:06 pm EST

Charges

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



MATTHEW L. DUNLEAVY
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 1st day of July 2022.

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE