

STATEMENT OF FACTS

Your Affiant, Jessica Salo, is a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been so employed since November 2014. I am currently assigned to the Orange County Joint Terrorism Task Force. My duties include investigating violations of the laws of the United States, specifically investigations related to domestic and foreign terrorism. As a Special Agent, I have received both formal and informal training from the FBI regarding domestic and foreign terrorism investigations. Through my training and experience with the FBI, I am familiar with the methods of operation that individuals associated with domestic and foreign terrorist organizations employ – including their use of social media and online platforms such as Facebook, Instagram, and YouTube – to communicate with associates regarding their ideology, to organize actions on behalf of their organizations, and to bring attention to their political and social agendas. As an FBI Special Agent, I have also participated in the execution of multiple search warrants, including federal search warrants executed at physical residences in cases involving domestic terrorism.

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, shortly 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.

FACTS RELATED TO BRANDON SCOTT CAVANAUGH

1. Identification of CAVANAUGH

On October 22, 2021, the FBI identified a private Telegram chat called “We Who Nose.” on the phone of a different capitol riot suspect pursuant to a judicially authorized search warrant. In March and July 2021, a Telegram user with UID 1560453572 expressed a desire to kill black people. The Telegram user with UID 1560453572 was saved in the contact list as “Brandon HB Groyper.” On March 7, 2021, “Brandon HB Groyper” wrote, “I honestly want to kill all nigger lovers / Ruthlessly cut their chest open / Rip out their hearts / And eat it.” On July 30, 2021, “Brandon HB Groyper” wrote, “I am done with words I want blood hahah man only in my dreams would I ever get this much satisfaction. Maybe that’s why I like it so much.”

I know based on my training and experience that the term “Groyper” refers to being a member of the America First movement. Groyperers believe they are defending against the demographic and cultural changes that are destroying the “true America,” a white, Christian nation. Groyperers attempt to normalize their ideology by aligning themselves with “Christianity” and “traditional” values, such as marriage and family. Groyperers identify themselves as American Nationalists who are a part of the “America First” movement.

Further review of the contact list found “Brandon HB Groyper” and Telegram UID 1560453572 were used with telephone number 562-746-9981. According to open sources, 9981 is used by Brandon Cavanaugh (CAVANAUGH), DOB x/xx/1991 with an address in Huntington Beach, CA, 92647.

“Brandon HB Groyper” also provided the below photograph of himself in the private Telegram chat. According to CAVANAUGH’s LinkedIn profile, he worked as a Chemical Propulsion and Fluid Flight Systems Engineering Intern at NASA’s Jet Propulsion Laboratory from April 2019 to September 2019.



2. Confirmation of Trespass into the Capitol Building

Law enforcement investigated the matter and discovered that CAVANAUGH traveled with another person to Washington, D.C. on American Airlines on January 4, 2021, returning on January 7, 2021. Records confirmed they flew to Washington, DC (BWI) from Los Angeles, CA (LAX) via Charlotte, NC (CLT) on January 4, 2021, and departed via the same route on January 7, 2021. They stayed at a hotel in Virginia while preparing to go to the Capitol on January 6, 2021.

As described further below, video surveillance, witness interviews, and other investigative steps established that on January 6, 2021, CAVANAUGH was inside of the U.S. Capitol between approximately 14:54 hours and 15:07 hours. Capitol surveillance video captured CAVANAUGH wearing a black leather jacket, blue plaid shirt, red beanie, and a large blue "AF [America First]" flag that he carried.

A Capitol security camera located above the West Stairs Door captured CAVANAUGH entering the building on the first floor, at approximately 14:54 hours, holding what appeared to be a cellular phone. CAVANAUGH paused to record or photograph before proceeding up the hallway and out of view.



At approximately 15:02 hours, CAVANAUGH climbed the stairs with a group of individuals. He appeared to record the contents and occupants of a security guard desk just outside the doors before moving to the camera's left and out of view.

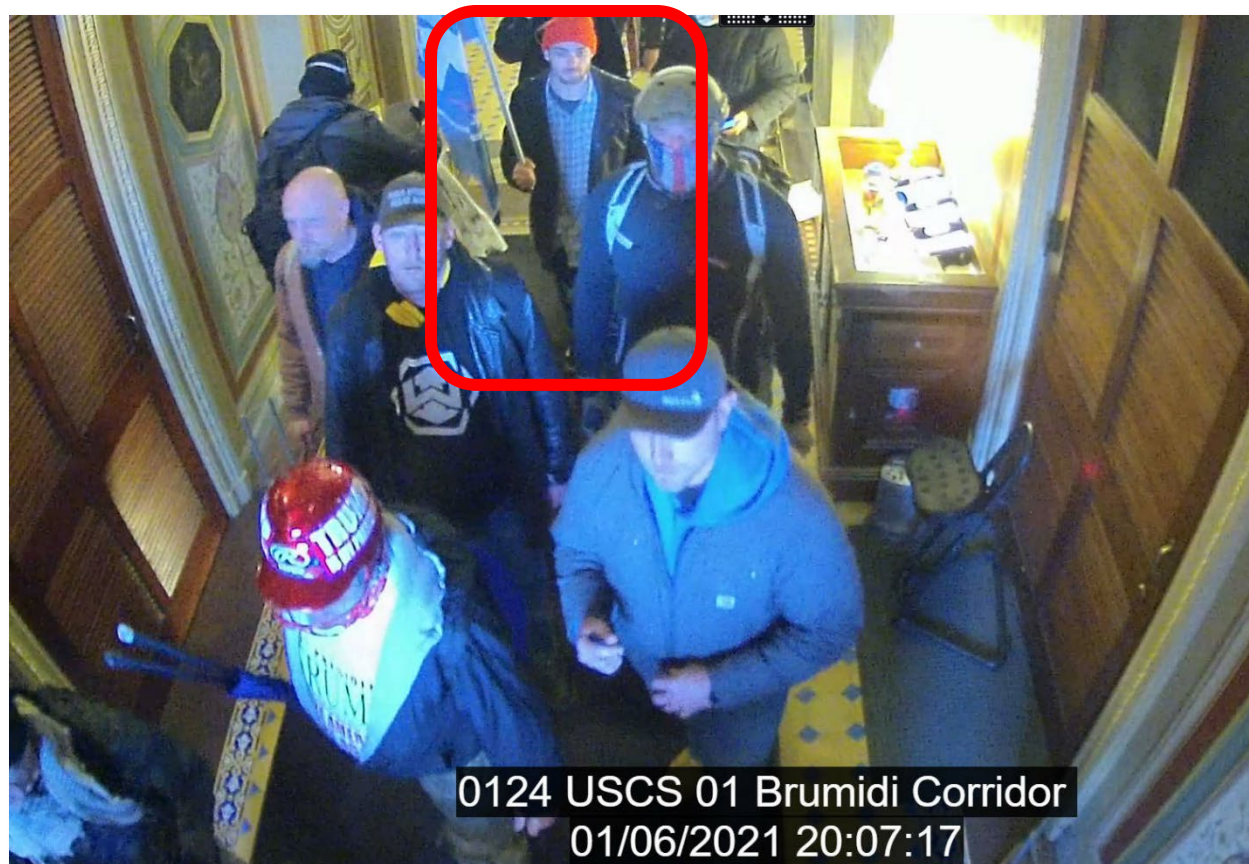


At approximately 15:04 hours, CAVANAUGH turned a corner from an opposing archway before going down the stairs to the first floor before leaving out of view.¹

¹ U.S. Capitol Security cameras inside the Capitol record on UTC time with a time stamp reflecting five hours ahead of EST on January 6, 2021.



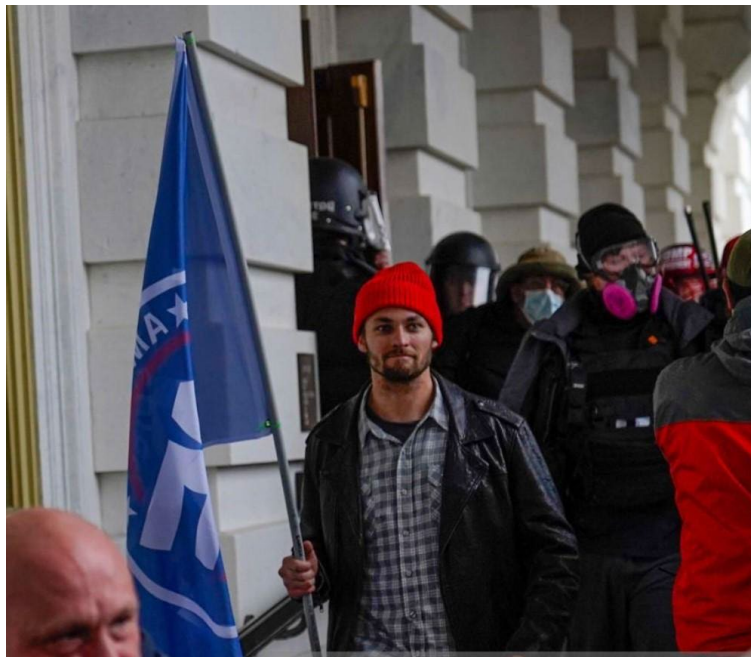
CAVANAUGH proceeded to turn the corner from the camera left, walk down the hallway with a group of individuals, and walk out of camera view where he exited the Capitol building at approximately 15:07 hours.



In Parler video XBDMuKJHZYGP.mp4, CAVANAUGH can be seen at the approximately 21 second mark exiting the U.S. Capitol through the North Door via the Brumidi Corridor. Below is a screenshot from this video.



CAVANAUGH was also captured in the below Getty Image just outside the U.S. Capitol on January 6, 2021.



3. Confirmation of CAVANAUGH in the Capitol Building

“Brandon HB Groyper” also provided his email address in the private Telegram chat as bscavy1@gmail.com. According to Google, bscavy1@gmail.com is subscribed to by


CAVANAUGH. According to records received from DLive, email address, bscavy1@gmail.com is used with a DLive account “thehandofgod.” On January 7, 2021, DLive account “thehandofgod” wrote, “Hey HB groyper here I just got back from the capitol!! I got inside!!” then “was epic” on the CultureWarCriminal DLive channel. Earlier, on January 6, 2021, DLive account “thehandofgod” wrote, “HB local in DC right now!!” and “Wish you could make it we need to be out in force.” “HB” is a common abbreviation for Huntington Beach, where CAVANAUGH currently resides.

On May 23, 2022, I interviewed WITNESS 1 and WITNESS 2. WITNESS 1 has known CAVANAUGH since approximately 2019; WITNESS 2 has known CAVANAUGH since approximately 2020. Both WITNESS 1 and WITNESS 2 separately identified CAVANAUGH as the individual in the red beanie appearing in Parler video XBDMuKJHZYGP.mp4 at the approximately 21 second mark. Additionally, both WITNESS 1 and WITNESS 2 separately identified CAVANAUGH as the individual in the red beanie in the Getty Image.

Based on the foregoing, your affiant submits that there is probable cause to believe that CAVANAUGH violated 18 U.S.C. §§ 1752(a)(1) and (2), which make 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 18 U.S.C. § 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.

Your affiant further submits there is also probable cause to believe that CAVANAUGH 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.

Further your Affiant sayeth not,



Jessica Salo
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 16th day of August 2022.

HONORABLE ROBIN M. MERIWEATHER
UNITED STATES MAGISTRATE JUDGE