

STATEMENT OF FACTS

Your affiant, Dennis William Porter II, is a Task Force Officer (“TFO”) of the Federal Bureau of Investigation (the “FBI”), assigned to the Tampa Field Office. 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 violations of Federal criminal laws. Currently, I am assisting in the investigation of criminal activity in and around the United States Capitol on January 6, 2021.

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 January 6, 2021 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.

At approximately 4:15 p.m., rioters created a breach point through a window on the Lower West Terrace of the Capitol. As described below, investigation has determined that ANDREW PAUL JOHNSON (“JOHNSON”) unlawfully entered the Capitol through this broken window on January 6, 2021.

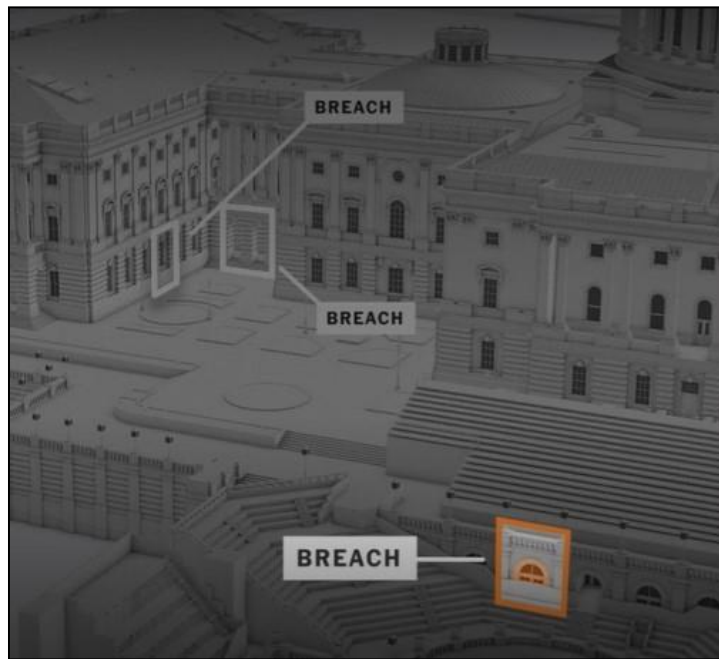


Figure 1 – Source: New York Times¹

Investigators from the FBI, including your Affiant, have identified JOHNSON through the review of photographs and videos derived from social media from the U.S. Capitol on January 6, 2021, body worn camera video from the D.C. Metropolitan Police Department (MPD), JOHNSON’s booking photos with MPD², and other investigative means.

JOHNSON, as he appeared in images on January 6, 2021, is described as wearing tan cargo pants, an olive drab jacket with a dark gray hoodie underneath displaying ‘HARVARD’ on

¹ Dmitriy Khavin et al., *Day of Rage: How Trump Supporters Took the U.S. Capitol*, N.Y. TIMES (Jun. 30, 2021) <https://www.nytimes.com/video/us/politics/100000007606996/capitol-riot-trump-supporters.html>.

² As discussed further below, after leaving the Capitol building on January 6, 2021, JOHNSON was later arrested by the D.C. Metropolitan Police Department for violating the city-wide curfew.

the front. A red and white scarf around his neck and a black baseball hat displaying an 'A' turned around backwards.³

Figures 2, 3, and 4 show JOHNSON with an 'A' baseball cap turned around backwards in an area assessed to be near the lower west terrace of the U.S. Capitol and in the vicinity of where JOHNSON is determined to have entered the building.



Figure 2 – JOHNSON with Mauricio Mendez outside the Capitol⁴ - Lower West Terrace



Figure 3 – JOHNSON outside the Capitol – Lower West Terrace

³ The referenced 'A' symbol appears to be the emblem for the Atlanta Braves, Major League Baseball team.

⁴ JOHNSON, as discussed below, was later arrested and charged with a violation of the city-wide curfew with a separately apprehended suspect, Mauricio Mendez, depicted in Figure 2.



Figure 4 – JOHNSON indicated by the red circle

Figures 5 and 6 depict JOHNSON entering the Capitol through a broken window.



Figures 5 and 6 – JOHNSON entering the U.S. Capitol

Figure 7 depicts JOHNSON inside an area of the U.S. Capitol believed to be “ST-2M”.



Figure 7 – JOHNSON inside of the U.S. Capitol



Figure 8 – JOHNSON inside the U.S. Capitol

Figures 9 and 10 are still frames from a recording located on a recovered device belonging to another subject present at the U.S. Capitol on January 6, 2021. The images depict JOHNSON exiting the Capitol building from the same broken window through which he entered.



Figures 9 and 10 – JOHNSON exiting the Capitol

At around 2:30 p.m., D.C. Mayor Muriel Bowser announced a 12-hour curfew would take effect starting at 6:00 p.m. At approximately 7:15 p.m., JOHNSON was arrested in vicinity of the U.S. Capitol by D.C. Metropolitan Police Department Officer J.F. and charged with violating the

city-wide curfew. Below are images of JOHNSON from his arrest and booking for the curfew violation.



Figure 11 – JOHNSON on ABC News outside the U.S. Capitol

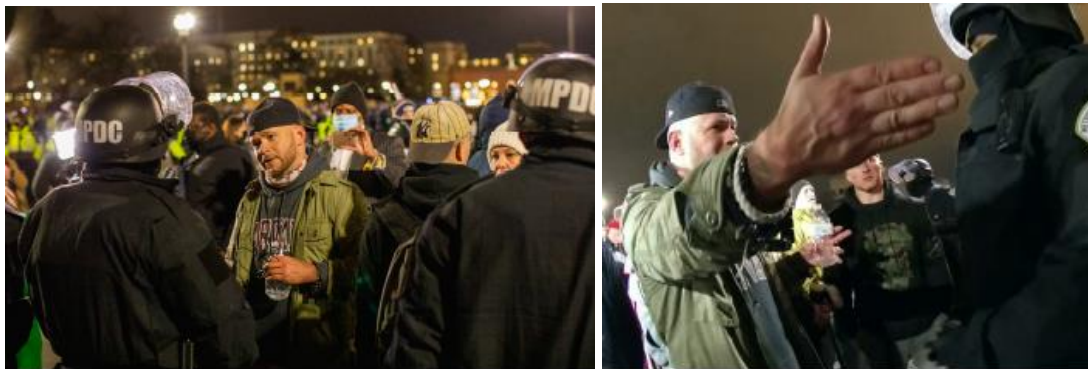


Figure 12 – JOHNSON confronting D.C. Metro Police



Figure 13 – Officer J.F. body-worn camera (BWC)

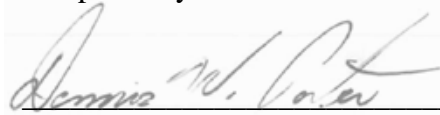


Figure 14 – JOHNSON Booking Photo from curfew violation arrest on January 6, 2021.

Based on the foregoing, your affiant submits that there is probable cause to believe that JOHNSON 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 JOHNSON 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 and (G) to willfully and knowingly parade, demonstrate, or picket in any of the Capitol Buildings.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Dennis W. Porter", is written over a horizontal line.

Dennis William Porter II
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 21 day of October 2022.

HONORABLE ROBIN M. MERIWEATHER
UNITED STATES MAGISTRATE JUDGE