

STATEMENT OF FACTS

I, Tyler Novak, being duly sworn, declare and state as follows: I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been since January 2021. I am currently assigned to a Domestic Terrorism Squad of the Los Angeles Field Office, where I primarily investigate people who commit violent criminal acts in furtherance of their political or social ideology, and investigate threats associated with the nefarious use of chemical, biological, radiological, nuclear, and explosive materials. In this capacity, I investigate federal crimes pertaining to terrorism and have gained experience in cyber-based matters including those involving dark web markets. As a result, I am familiar with the methods used by criminals in furtherance of their criminal activities in both the virtual and physical worlds, and I have received both formal and informal training from the FBI and other institutions regarding cyber and computer crime investigations and review of digital devices. As a Special Agent, I completed the FBI Academy in Quantico, Virginia, and received training to include the fundamentals of law, ethics, interviewing, report writing, firearms, surveillance, defensive tactics, and case management.

Background – The U.S. 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 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 Specific to Vincent James ARDOLINO

According to records obtained through a search warrant served on Google, a mobile device associated with a Google account in the name of “Vincent Ardolino,” email address v***@gmail.com, and associated with a phone number ending in 2222 (x2222)¹ was present at or around the U.S. Capitol on January 6, 2021. Google estimates device location using sources including GPS data and information about nearby Wi-Fi access points and Bluetooth beacons. This location data varies in its accuracy, depending on the source(s) of the data. As a result, Google assigns a “maps display radius” for each location data point. Thus, where Google estimates that its location data is accurate to within 10 meters, Google assigns a “maps display radius” of 10 meters to the location data point. Finally, Google reports that its “maps display radius” reflects the actual location of the covered device approximately 68% of the time. In this case, Google location data shows that a device associated with v***@gmail.com was likely within the U.S. Capitol building located at First St. SE, Washington, D.C. 20004. According to the location data provided by Google, this device was likely in or around the U.S. Capitol building on January 6, 2021 from approximately 2:59 p.m. to 3:58 p.m. Eastern time on January 6, 2021.

A law enforcement database attributed the phone number x2222 to Vincent Ardolino and records obtained from Verizon confirmed the phone number x2222 was subscribed to Vincent James Ardolino (“ARDOLINO”). The address associated with the Verizon account was an address in Fountain Valley, CA, which is the same address listed on ARDOLINO’s California driver’s license.

Further records obtained from the Google account in the name of “Vincent Ardolino” include photographs and videos that also indicate that ARDOLINO entered the Capitol grounds on January 6, 2021, as described below.

Among those photos is a selfie-styled photo of an adult male wearing a black jacket and a blue “Make America Great Again” baseball hat, believed to be ARDOLINO, depicted below in Figure 1.

¹ The full email address and phone number are known to the affiant but omitted here due to the public nature of the filing.

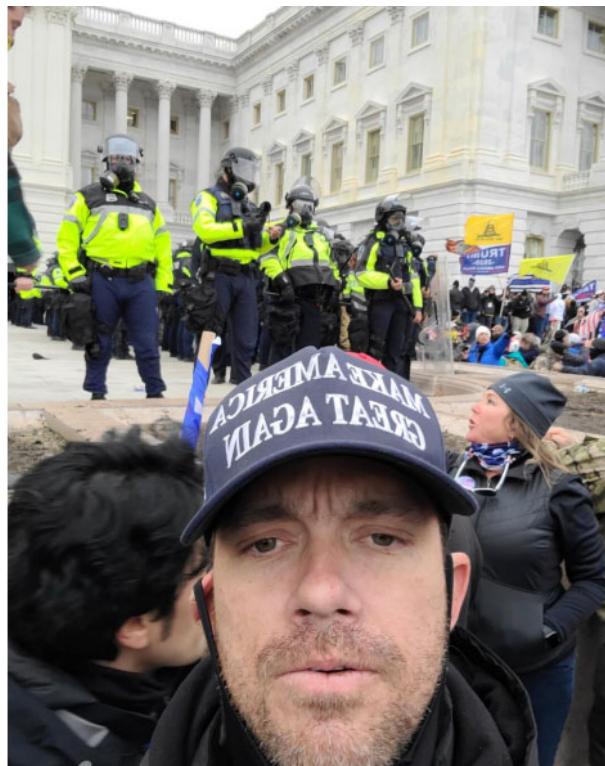


Figure 1

Additional photographs from the same Google account appear to have been taken inside the United States Capitol Building, including those depicted below in Figures 2, 3, and 4.

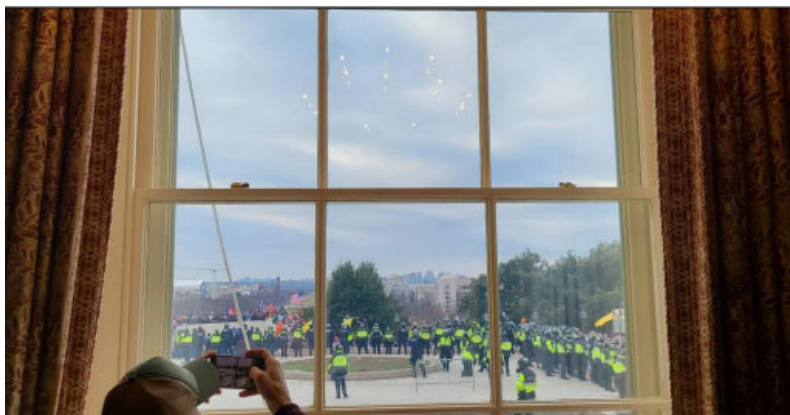


Figure 2



Figure 3



Figure 4

The above Google account also provided GPS coordinates associated with specific photographs and video stills in the account. The location data of those photos and videos is consistent with the geolocation of the Google account in the following areas of the Capitol Building: the West Terrace, the western side of the Senate portion, the Senate wing door, the Crypt, and outside on the southern end.

Based on records obtained from Facebook, the FBI determined that ARDOLINO was the subscriber of Facebook account “vincent.ardolino.” The records also included a Facebook post that detailed travel to events in Washington, D.C. prior to January 6, 2021. As depicted below in Figure 5, ARDOLINO made a Facebook post stating, in part, “Almost to DC to help stop the coup taking place. Turns out this plane is loaded with fellow patriots going to fight the political corruption that has infected our Government like the CCP virus.” The post also included a photograph of an in-flight seat monitor for United Airlines 2064 from Los Angeles International Airport (LAX) to Dulles International Airport (IAD).

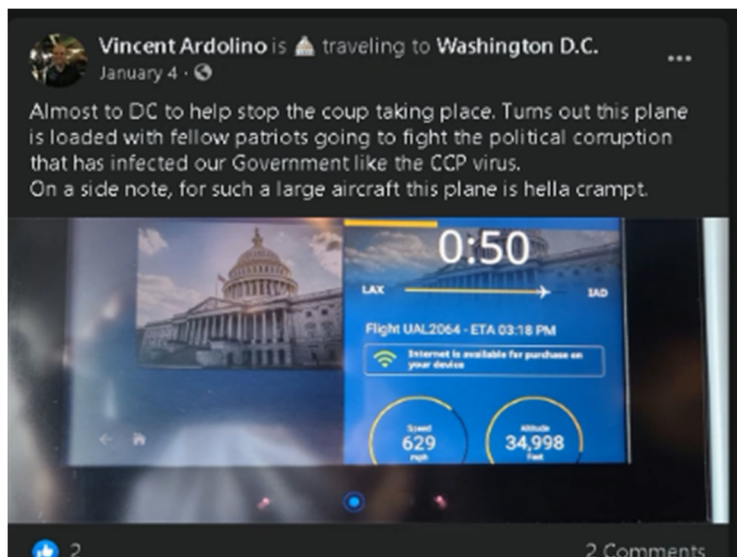


Figure 5

To confirm that ARDOLINO was a passenger on United Airlines, your affiant reviewed records provided by United Airlines. The records revealed ARDOLINO traveled to Washington, D.C. on January 4, 2021, on United Airlines Flight 2064 from LAX. Further review of information from United also revealed that ARDOLINO used email address v***@gmail.com and the phone number x2222 to book the flight.

On or about February 10, 2022, the FBI interviewed ARDOLINO regarding his presence and activity in Washington D.C. on January 6, 2021. During the interview, ARDOLINO was shown a photo copy of Figure 1. When asked if he recognized the individual depicted in Figure 1, ARDOLINO stated, "That looks like me." When asked if it was a picture of him that he took of himself, ARDOLINO responded, "Could be, yeah." ARDOLINO also confirmed his phone number was x2222. After confirming his phone number ARDOLINO was asked if he lends his phone to anyone else. ARDOLINO responded "no." ARDOLINO was again asked if he is the only person that carries the phone that uses that phone number. ARDOLINO responded "I guess."

During that same interview, ARDOLINO initially denied going to the Capitol, but later admitted that he was inside the Capitol for approximately 10 minutes. ARDOLINO advised he entered the Capitol through a doorway. He then proceeded to walk with the crowd down a hallway into to the Crypt, then he went by the Rotunda, then he exited the Capitol using the same path he used to enter the building. The path that ARDOLINO claimed to take inside the Capitol is consistent with the geofence map discussed above.

One of the law enforcement officers present at the interview was shown a picture of ARDOLINO'S most recent driver's license photograph. That officer was asked if the driver's license photograph matches the person from the January 6, 2021 photographs, and whether the person they spoke to who identified himself as ARDOLINO matches the appearance of the person in the January 6, 2021 photographs. That officer confirmed that the individual in the driver's license photograph, the individual he spoke to, and the individual seen in the January 6, 2021 photographs were ARDOLINO.

According to closed circuit video footage from inside the Capitol building from the U.S. Capitol Police, on January 6, 2021, a man in a blue baseball hat, black jacket and black face mask matching the individual depicted in Figure 1 and believed to be ARDOLINO entered the Capitol at approximately 3:16 PM EST, as depicted in Figure 6 in red circle. In the video, ARDOLINO entered the Capitol then proceeded to walk with the crowd toward the Crypt.

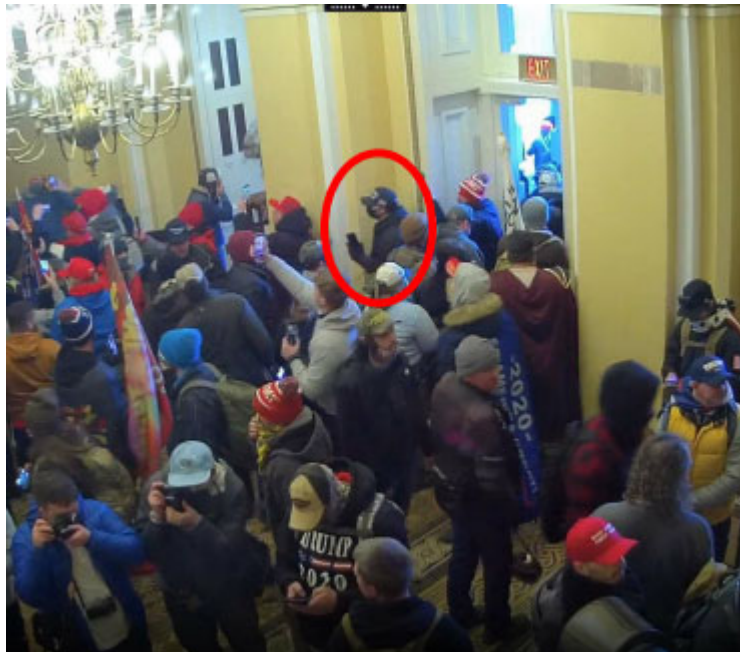


Figure 6

At approximately 3:18 PM, a man believed to be ARDOLINO entered the Crypt and appeared to use his cell phone, as depicted below in Figures 7 and 8.



Figure 7

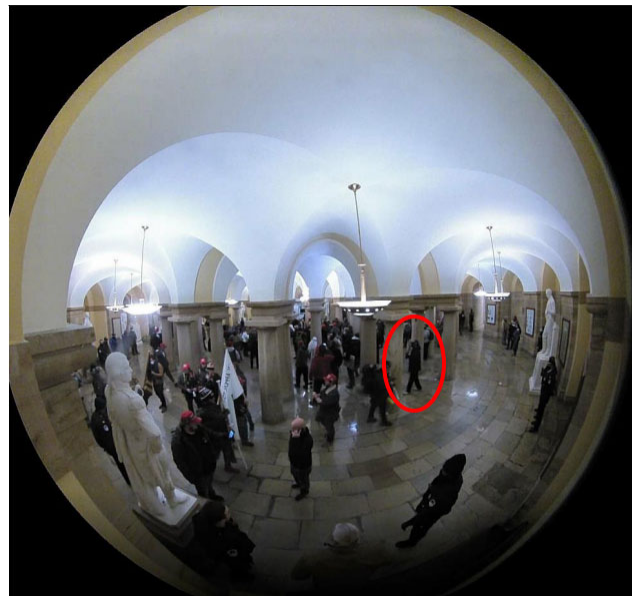


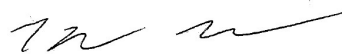
Figure 8

Additional images from CCTV and BWC place ARDOLINO in locations in and around the U.S. Capitol that are consistent with the photos that ARDOLINO appeared to have taken in Figures 2, 3, and 4. For example, in Figure 3 of this affidavit, an individual is observable with a red striped beanie wearing a cloak inside the Crypt. In Figure 7 of this affidavit, the same individual can be seen in the same location of the Crypt a few seconds later.

Charges

Based on the foregoing, your affiant submits that there is probable cause to believe that VINCENT JAMES ARDOLINO 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 VINCENT JAMES ARDOLINO 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.



Tyler Novak, FBI

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 21st day of November, 2022.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE