

## STATEMENT OF FACTS

Your affiant, Cary Cahoon, is a Special Agent with the Federal Bureau of Investigation (FBI), assigned to the Las Vegas Division. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent, 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. This statement of facts is intended to show merely that there is sufficient probable cause for the issuance of a criminal complaint and does not set forth all my knowledge about this matter.

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 are 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.

## **IDENTIFICATION OF BRANDON DILLARD AND HIS INVOLVEMENT IN THE EVENTS OF JANUARY 6, 2021**

Following the riot at the United States Capitol, unlawful breach of the Capitol Building, and entry by numerous unauthorized individuals, law enforcement officers and citizen sleuths without personal knowledge of the rioters began the process of reviewing the significant amount of photographic and video imagery in order to identify individuals who violated the law on January 6, 2021.

In or about January of 2021, an online tipster without personal knowledge of the identity of the individuals pictured submitted a one hour and 25 minute recording of the events that occurred at the United States Capitol Building on January 6, 2021 to the FBI's digital media tip database. At approximately one hour and nine minutes into the video, the video captures an individual wearing a distinctive "Supreme" spider web-patterned hooded sweatshirt, black "Supreme" knit hat, and a black paisley print neck gaiter climbing down the wall from the Upper West Terrace area of the U.S. Capitol to the window frame of a Senate conference room, Senate Terrace Mezzanine Room 2 ("Room ST-2M") immediately to the north of a tunnel entrance to the U.S. Capitol Building. The tunnel entrance was then the scene of a prolonged attack by rioters against law enforcement officers who were protecting the U.S. Capitol Building. A static image from the video is shown below, with the individual identified by a red circle:



01:09:35

Many of the videos reviewed by law enforcement officers investigating criminal acts committed on January 6, 2021 are publicly available over the internet through video sharing websites and/or social media platforms. Multiple third-party entities without personal knowledge of the identity of the individuals pictured created websites which posted and categorized these videos and images in an effort to identify individuals who might have committed criminal acts. Certain unknown individuals were given a nickname for the logical categorization of their video

and images. The individual described and pictured above was given the hashtag name of “#SpiderNazi,” based upon the distinctive spiderweb design of his sweatshirt that was visible in many images captured on January 6, 2021.

In the video submitted to the FBI, the same individual can be seen crouching down and looking into a portion of the window to Room ST-2M that had been shattered and hollowed out by other rioters. Then, at 1:09.53 of the video, he can be seen climbing through the hollowed-out window and unlawfully entering the U.S. Capitol Building. A static image from the video is shown below, with the individual identified by a red circle:



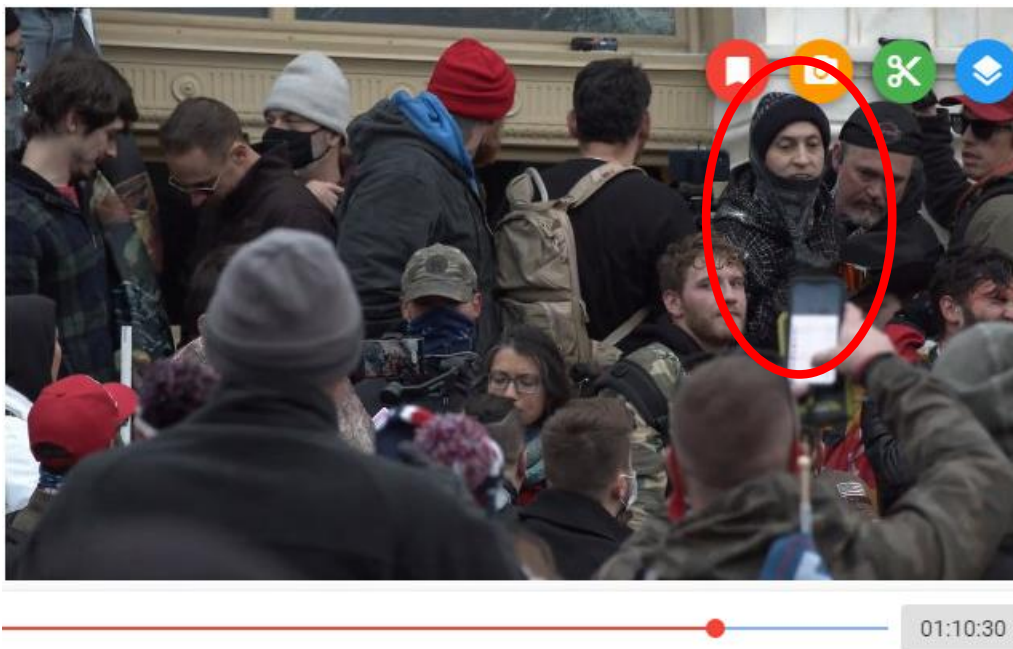
Approximately 30 seconds later, the individual can be seen climbing back out of the window and onto the staging area set up for the presidential inauguration. A static image from the video is shown below, with the individual identified by a red circle:



I subsequently reviewed an open-source video in which the same individual can be seen crawling out of Room ST-2M. A static image from the video is shown below:



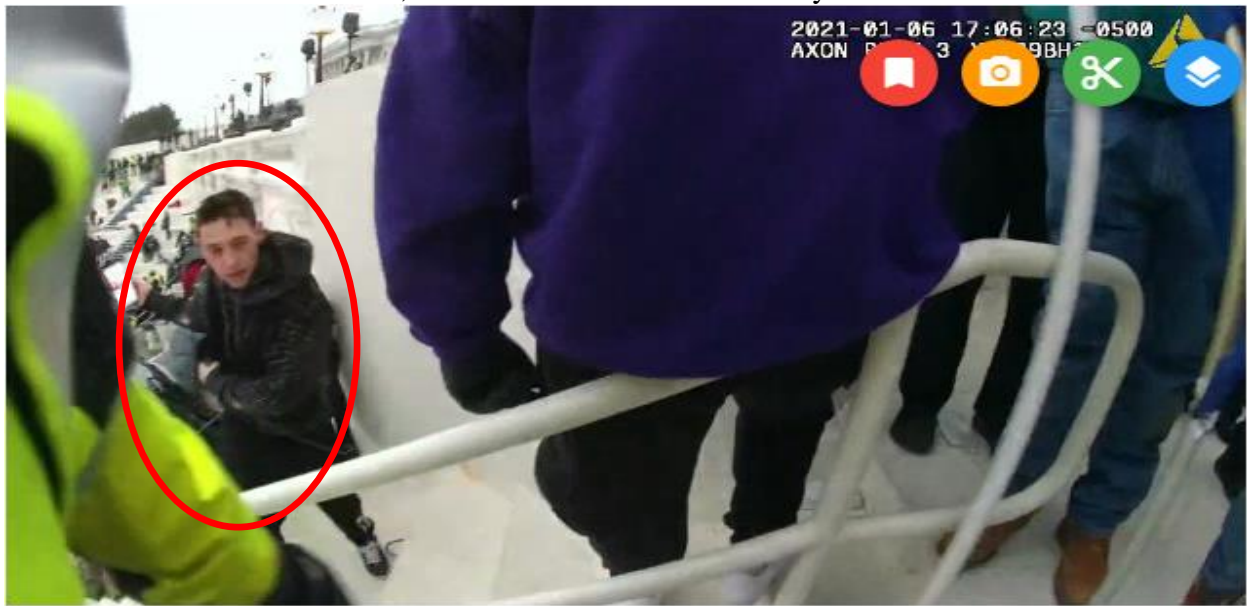
In the video provided to the FBI, the individual, once outside, pulled down his face mask, exposing most of his face. A static image from the video is shown below, with the individual identified by a red circle:



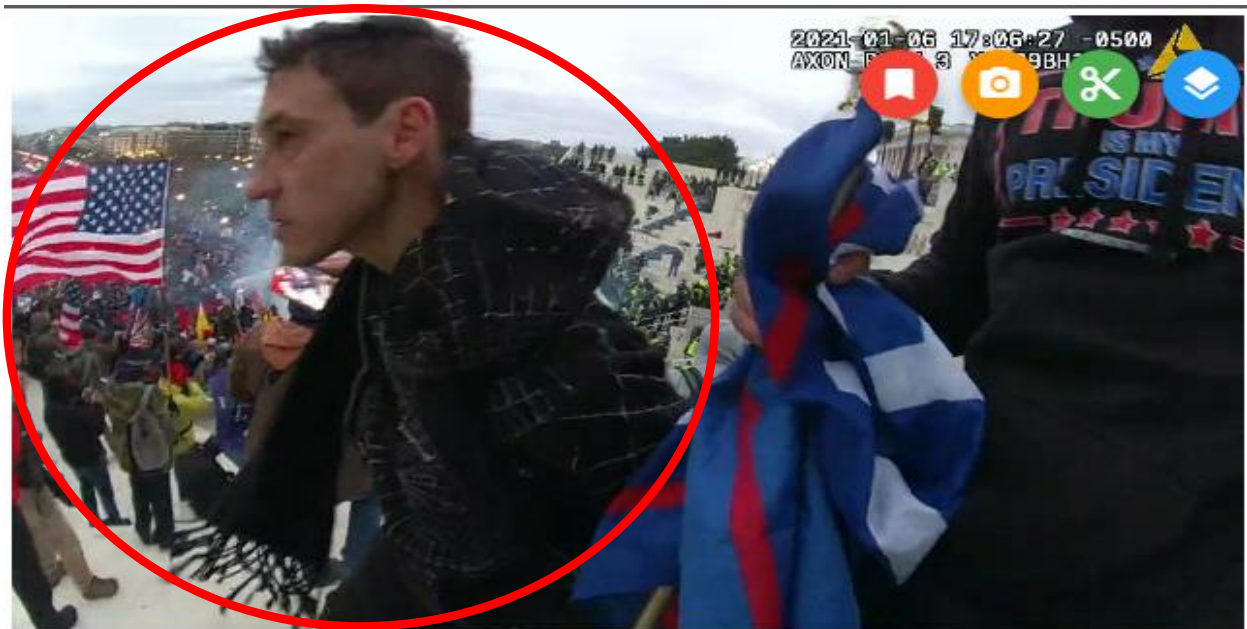
Law enforcement officers obtained a driver's license photo of Brandon Kelly Dillard ("Dillard") of Las Vegas, Nevada, for comparison to the video of the individual pictured above.

Comparison of the photos shows that Dillard bears a strong physical resemblance to the individual referred to as #SpiderNazi.

Law enforcement officers also obtained body worn camera from a Metropolitan Police Department Officer who was present near the inaugural stage area of the Lower West Terrace during the afternoon of January 6, 2021. In video footage timestamped 5:06 p.m., the face of the individual referred to as #SpiderNazi, can be clearly seen. Two static images from the body-worn camera video are shown below, with the individual identified by a red circle:



02:48:27



02:48:32

Through further investigation, the FBI learned that a cellphone associated with the number XXX-XXX-2625 is used by Dillard. According to an online database, the carrier for XXX-XXX-2625 is Verizon Wireless. Pursuant to legal process, Verizon Wireless provided subscriber information for the phone number showing that the account holder is D.S., who has been identified as Dillard's stepfather.

Pursuant to an authorized search warrant, law enforcement obtained records from Verizon for cell towers providing service to the United States Capitol. The records show that the device associated with XXX-XXX-2625 utilized a cell site consistent with providing service to the geographic area that includes the interior of the United States Capitol Building during and near the time of the attack on the Capitol on January 6, 2021.

Law enforcement officers also reviewed lawfully obtained travel records showing that an individual named Brandon Dillard traveled from what was then known as McCarran International Airport in Las Vegas, Nevada (LAS) to Dulles International Airport in Northern Virginia (IAD) on January 5, 2021, and returned from Dulles Airport to McCarran Airport on January 8, 2021.

During the investigation of Dillard, I reviewed the online version of an August 7, 2017 article in the Las Vegas Review-Journal that was entitled, "Vendors Build Shopper Base Through Las Vegas Swap Meet." A picture of two individuals accompanying that article is labeled with the description, "Susan Schneider and son Brandon Dillard at Vegas Girl Wigs. Schneider has been at the swap meet for 27 years." Comparison of the photos shows that Dillard bears a strong physical resemblance to the individual who unlawfully entered Room ST-2M on January 6, 2021 and is referred to as #SpiderNazi. That picture is shown below:



Susan Schneider and son Brandon Dillard at Vegas Girl Wigs. Schneider has been at the swap meet for 27 years. (Madelyn Reese/View) @MadelynGReese

On October 18, 2022, I met with an individual who identified himself as a former associate of Brandon Dillard. That individual was in close contact with Dillard for approximately two years, from 2010 to 2012, and has known Dillard for approximately 12 years. I showed him four separate images depicting the individual known as #SpiderNazi at the U.S. Capitol Building that were taken on January 6, 2021. The four images are included directly below. After being shown each of the four images, the individual positively identified #SpiderNazi as Brandon Dillard. When the individual was asked how certain he was that #SpiderNazi was Dillard using a scale of 1 to 10, 10 definitely being Dillard and 1 definitely not being Dillard, the individual responded by saying “a strong 9,” and “99%,” relative to the first two images below (labeled Image 1 and Image 2 respectively), and “7 or 8,” and “80%,” relative to the other two images below (labeled Image 3 and Image 4 respectively). The individual advised he was slightly less certain about Image 3 and Image 4 because #SpiderNazi’s face is partially covered with a face mask.



Image 1

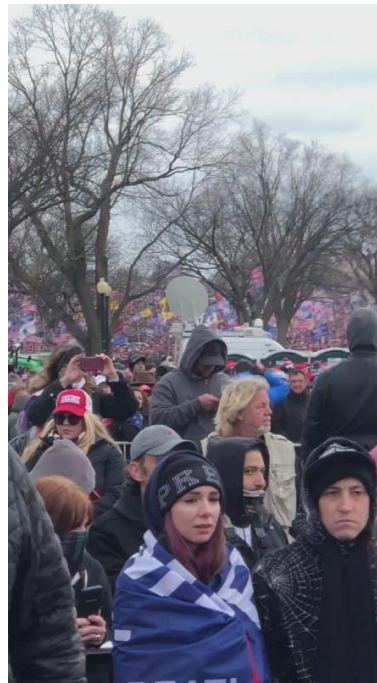


Image 2



Image 3



Image 4

Based on the foregoing, your affiant submits that there is probable cause to believe that Brandon Dillard 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 so; 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.

Finally, I submit that there is probable cause to believe that Brandon Dillard 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.



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CARY CAHOON  
Special Agent, FBI

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P.  
4.1 by telephone, this 16<sup>th</sup> day of December 2022.

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ROBIN MERIWEATHER  
U.S. MAGISTRATE JUDGE