

STATEMENT OF FACTS

Your affiant, Matthew Tarducci is a Special Agent with the Federal Bureau of Investigation (“FBI”), and have been so employed since December 2020. I am currently assigned as a Special Agent to the Los Angeles Field Office Joint Terrorism Task Force (“JTTF”) CT-3. In my duties as a Special Agent, I investigate violations of the laws of the United States, specifically investigations of domestic and foreign terrorism. As a Special Agent, I have received both formal and informal training from the FBI regarding criminal and domestic terrorism investigations. 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.

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.

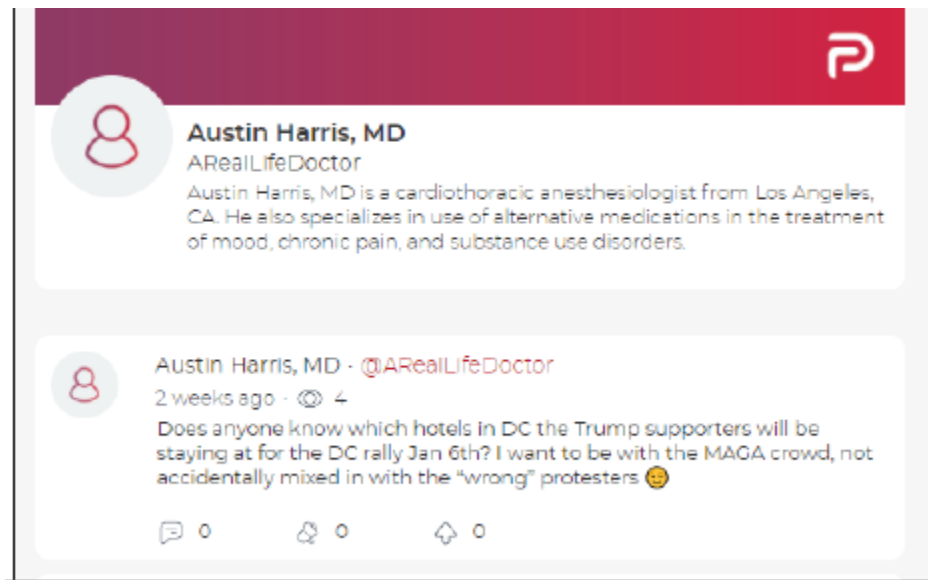
Following the January 6, 2021, Capitol siege, FBI's National Threat Operations Center (NTOC) received a tip identifying the tipster's former friend, Dr. Austin Harris, phone number XXX-XXX-0804, as having entered the U.S. Capitol building. According to the tipster (Tipster #1), Harris posted on his Facebook page about the Capitol riot, including video of Harris kneeling beside the woman shot inside. The FBI received a second tip where the tipster (Tipster #2) submitted a screenshot of a different post on Harris' Facebook page.



The post came from Facebook Austin.Harris.716195@facebook.com. The post included the statement, “Thank you all for your concern. I am safe here in DC. Was treating trauma patients at the capitol building.” Law enforcement also obtained information for the Facebook account confirming it was registered to Harris at the phone number ending in 0804.

Law enforcement conducted a follow-up investigation. It determined that the phone number ending in 0804 was in the vicinity of the Capitol on that day. A review of multiple sources, including open source information, revealed that the subscriber of the aforementioned phone number is Austin Brendlen Harris (DOB 1/XX/19XX) of Granada Hills, CA. The phone number is also registered to Austin Harris with the phone number ending in 0804 and gmail account [abharris\[XX\]@gmail.com](mailto:abharris[XX]@gmail.com). Harris is a board-certified cardiothoracic anesthesiologist and founder of NeuroRelief Ketamine and Infusion Therapy in Sherman Oaks, CA.

Harris also had a Parler account, @ARealLifeDoctor, that was registered to his email [abharris\[XX\]@gmail.com](mailto:abharris[XX]@gmail.com) and the phone number ending in 0804 according to open source information. On or about December 27, 2020, Harris posted on his Parler account a request for information regarding hotels in DC for January 6, 2021: “Does anyone know which hotels in DC the Trump supporters will be staying at for the DC rally Jan 6th? I want to be with the MAGA crowd, not accidentally mixed in with the ‘wrong’ protesters [wink emoji].”



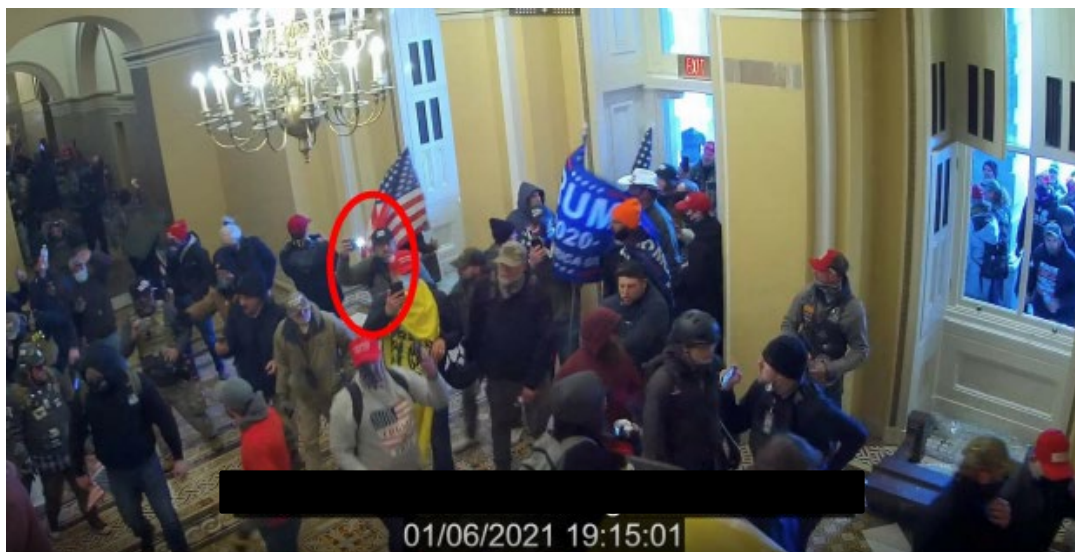
Law enforcement confirmed Harris as the individual observed in the surveillance videos through state driver's license and Facebook profile comparisons. Surveillance videos and body worn cameras confirm Harris was present at the U.S. Capitol and inside the U.S. Capitol building on January 6, 2021. At approximately 2:00 pm that day, Harris was in the Lower West Terrace of the Capitol Building next to the inauguration rafters. He can be overheard comparing the officers to Nazis.



Harris subsequently moved to the Upper West Terrace, overlooking a wall where rioters are climbing. In addition to filming with his phone, Harris can be seen briefly encouraging rioters to come up and join them.



At 2:15 p.m., Harris breached the U.S Capitol Building, entering through the center door of the Senate Wing door, appearing to capture video on his cell phone at the same time.

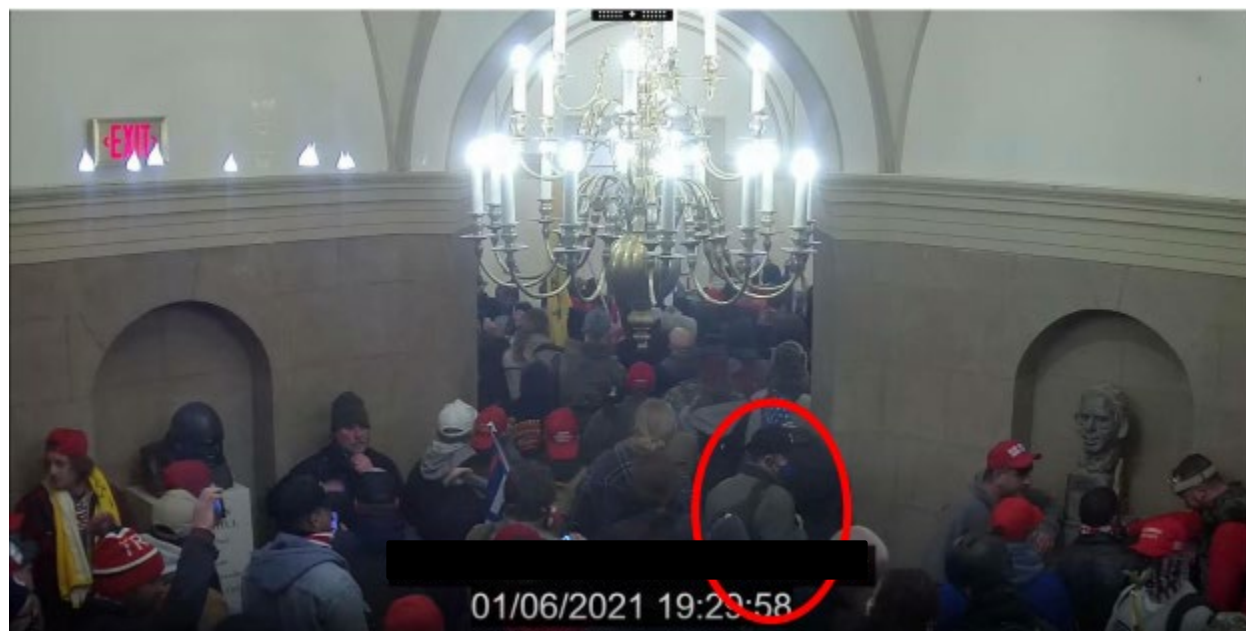


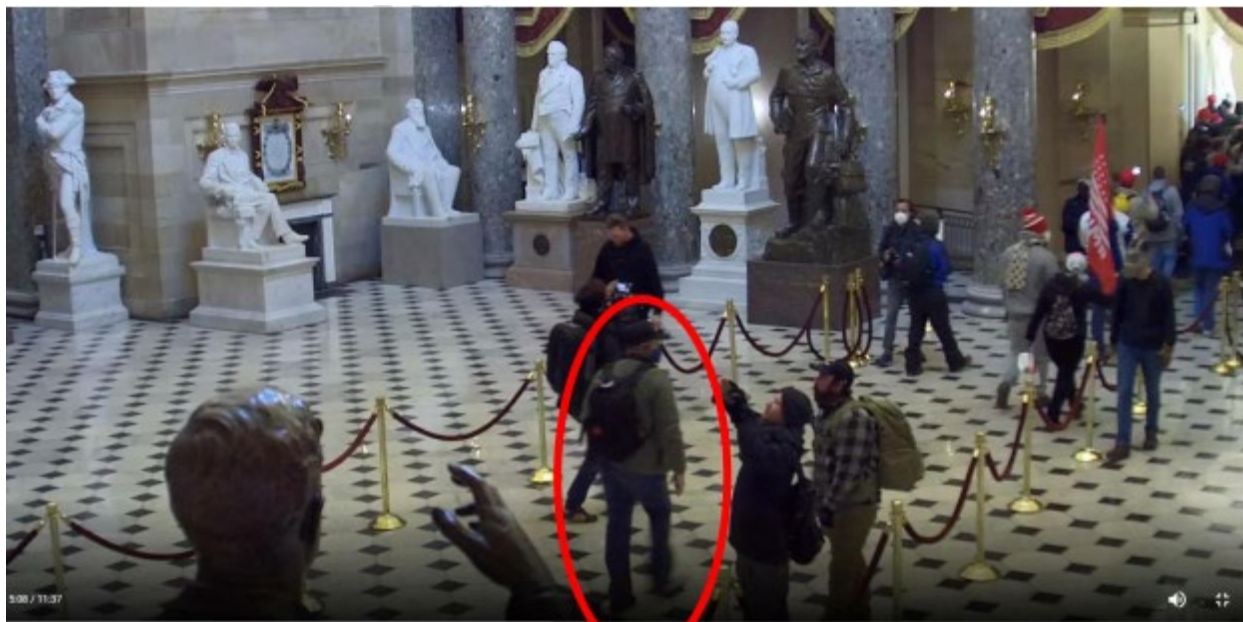
About thirty seconds later, Harris entered the hallway leading to the Crypt where he attempted to bypass the line of officers and appeared to engage in a verbal confrontation with officers.



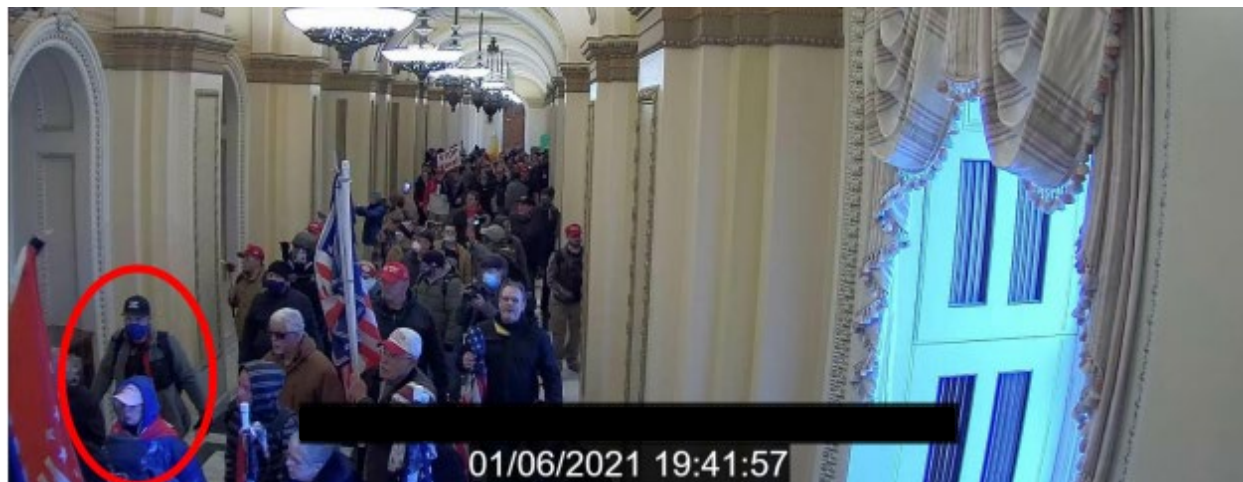


Harris then moved past the line of officers when the crowd overran them and headed up the stairs to the second floor and entered Statuary Hall.

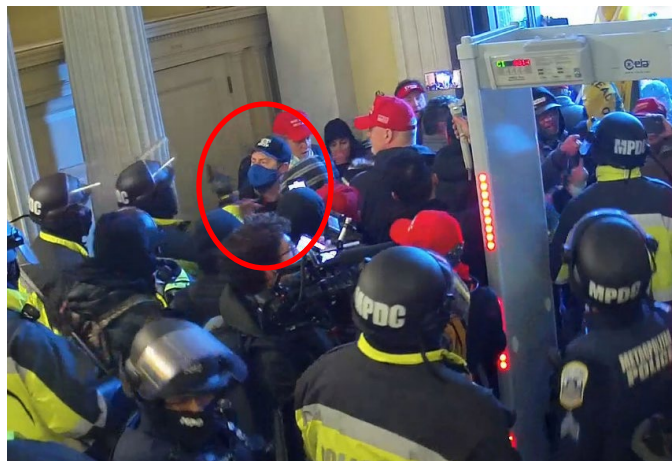
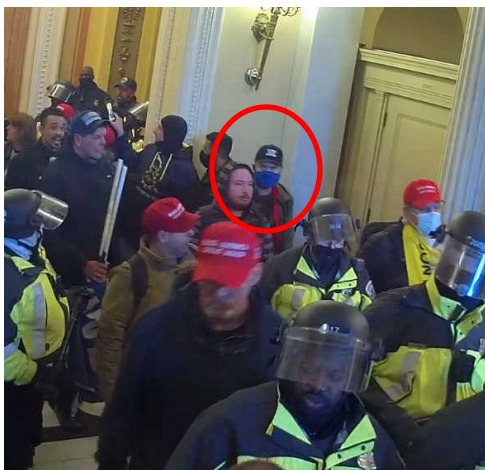




Harris eventually traveled down the hallways to the Speaker's Lobby,



Eventually, law enforcement directed Harris and others out of the U.S. Capitol Building at approximately 2:56 EST through the the Upper House Door.



Law enforcement also interviewed two people who personally knew Harris for many years. Both individuals were shown photographs of Harris at the U.S. Capitol on January 6, 2021. Two interviewees stated that photos of Harris in the U.S. Capitol building looked like Harris.

Law enforcement also determined that Harris traveled to Washington, D.C. On January 5, 2021, Harris flew from LAX to BWI via Spirit Airlines. He returned to Los Angeles on January 7, 2021 via Alaska Airlines.

Based on the foregoing, your affiant submits that there is probable cause to believe that Austin Brendlen Harris 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. 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 Harris 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.

MTarducci

Special Agent Matthew Tarducci
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 23rd day of January, 2023.

HONORABLE ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE