

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent with the Federal Bureau of Investigation (“FBI”) assigned to the Washington Field Office Joint Terrorism Task Force (JTTF) squad CT-4, specializing in domestic terrorism. In my duties as a Special Agent, I have gained training and experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, the exploitation of lawfully obtained evidence and data, and various other procedures. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a FBI TFO, 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.

Background Relating to 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 ROBERT WILLIAM DEGREGORIS

Following the events of January 6, 2021, the FBI Public Tips Line received information about an individual who was present at the attack on the U.S. Capitol. Specifically, the tip line received the below screenshot from a twitter account with the name “Sovereign Patriot (@dadbodbob).” As depicted below, the twitter post includes a caption that reads, “Took some pepper spray & tear gas breaching the front doors.....Worth it.”



Law enforcement obtained records from Twitter pursuant to legal process for the “Sovereign Patriot” account which indicated the account had an associated email address of

robdegreg@XXXXX.com and an associated phone number of (XXX) XXX-9154 (“DeGregoris Phone 1”). Law enforcement later obtained information from Verizon Wireless pursuant to legal process for DeGregoris Phone 1. Verizon records indicate the subscriber of DeGregoris Phone 1 is ROBERT DEGREGORIS with an address in Aldie, Virginia. Law enforcement compared the number for DeGregoris Phone 1 with data received from Google LLC pursuant to a warrant for geofence information as part of the investigation into the attack on the U.S. Capitol on January 6, 2021. DeGregoris Phone 1 was not one of the phone numbers provided as part of the geofence warrant return.

During the investigation, law enforcement obtained information from the Washington Metropolitan Area Transit Authority (“WMATA”) indicating that a transit card associated with DeGregoris Phone 1 and email address robdegreg@XXXXX.com was used on January 6, 2021. Specifically, the records indicate that the card was purchased on January 5, 2021, at approximately 3:20 p.m. EST. The card was used on January 6, 2021, to enter the WMATA Wiehle-Reston station at approximately 6:24 a.m. on January 6, 2021. According to the WMATA website, the Wiehle-Reston WMATA station is located in Wiehle-Reston, Virginia.¹ The card was used to exit the Farragut West WMATA station at 7:15 a.m. that morning. The Farragut West WMATA station is located in Washington, D.C. at approximately the intersection of 18th Street and I Street.² The card was used again later that day at approximately 4:37 p.m. to enter the WMATA Archives station which is located in Washington, D.C. at approximately the intersection of 7th Street and Pennsylvania Avenue.³ According to Google Maps, the Archives WMATA station is approximately .7 miles from the U.S. Capitol building.⁴ The card was used to exit the WMATA Wiehle-Reston station again at 5:34 p.m. EST.

WMATA also provided law enforcement with photographs of the individual who utilized the transit card. As discussed further below, based on my interview of DEGREGORIS, I believe the individual depicted in the photographs provided by WMATA is DEGREGORIS. Below is one of the photographs provided by WMATA:

¹ <https://www.wmata.com/rider-guide/stations/wiehle-reston.cfm>

² <https://www.wmata.com/rider-guide/stations/farragut-west.cfm>

³ <https://www.wmata.com/rider-guide/stations/archives.cfm>

⁴ <https://www.google.com/maps/dir/U.S.+Capitol+Building,+First+Street+Southeast,+Washington,+DC/Archives-Navy+Memorial-Penn+Quarter,+Washington,+DC+20004/@38.8907341,-77.0246336,15z/data=!3m1!4b1!4m13!4m12!1m5!1m1!1s0x89b7b82921a2cf17:0x482a3f7c10cf8c4!2m2!1d-77.0090505!2d38.8899389!1m5!1m1!1s0x89b7b78553cd7377:0x25efd5a9d8ac97d9!2m2!1d-77.0222241!2d38.8938998>



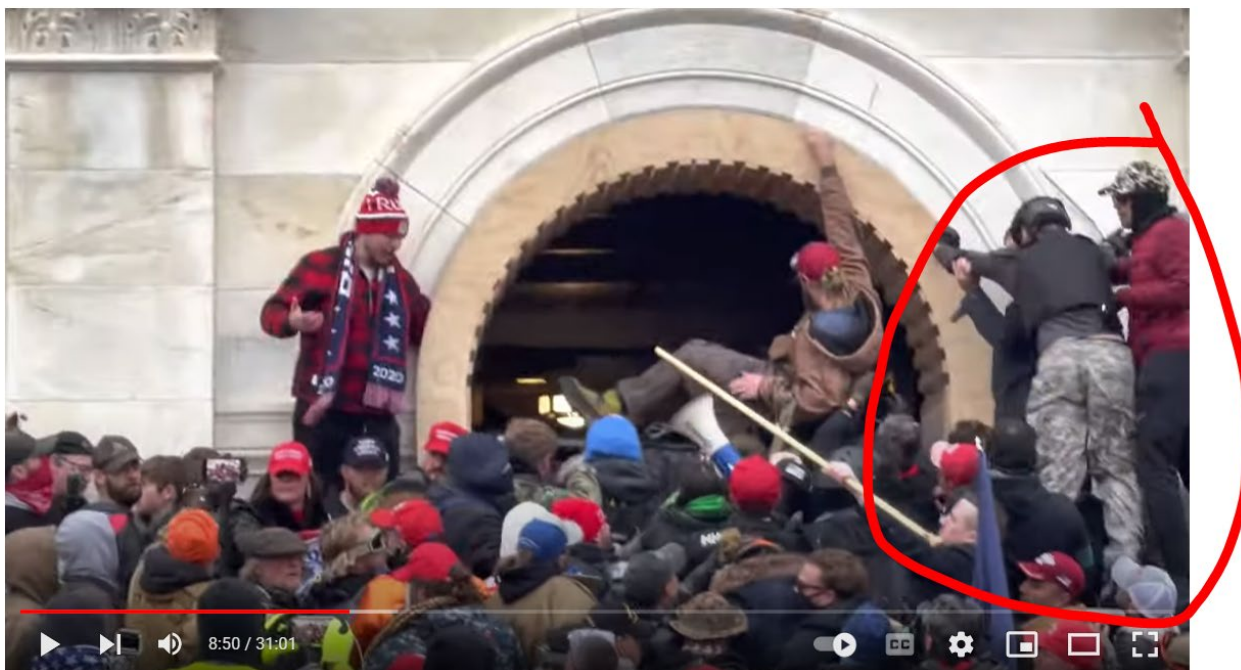
As depicted above, on January 6, 2021, DEGREGORIS was wearing a red jacket or red vest with a red long sleeved shirt. He also wore a gray hood, sunglasses and a camouflage colored baseball hat. He was also wearing black gloves.

Law enforcement also reviewed publicly available or open-source images and videos of DEGREGORIS. Specifically, law enforcement reviewed photographs and public videos depicting DEGREGORIS at or near an entrance to the U.S. Capitol building on the Lower West Terrace, referred to as “the tunnel.” For example, law enforcement identified a public YouTube video (“Public Video 1”)⁵ that depicts DEGREGORIS in the area of the tunnel. Below is a still image from Public Video 1 depicting DEGREGORIS, who is wearing the same red jacket, gray hood and camouflage hat as depicted in the WMATA images, pushing his way to the entrance of the tunnel:

⁵ The video is available at <https://www.youtube.com/watch?v=oyVoqMsC0AM> (last viewed on November 9, 2022).



Later in Public Video 1, DEGREGORIS can be seen climbing on the side of the entrance to the tunnel. In this image it is clear that DEGREGORIS is also wearing a black neck and head gaiter:



Another public image obtained by law enforcement during the investigation derives from body-worn camera of a Metropolitan Police Department (“MPD”) officer and depicts DEGREGORIS at the entrance to the tunnel at timestamp 16:09 on January 6, 2021. Below is the image from body-worn camera:



Law enforcement then reviewed closed circuit television (“CTTV”) footage from the U.S. Capitol during the same time period and in the same location as the above still image. According to that footage, DEGREGORIS appears on the south side of the tunnel near the front line of MPD officers at approximately 4:01 p.m. Below is a still image of CCTV footage depicting DEGREGORIS at this time. DEGREGORIS is seen wearing the same camouflage baseball hat and sunglasses as he wore in the photographs provided by WMATA:



Approximately five seconds after arriving at the tunnel, DEGREGORIS can be seen on CCTV footage reaching into the tunnel toward the nearest MPD officer. Below is a still image from CCTV depicting DEGREGORIS, as well as a zoomed image of the same:





At approximately 4:01 p.m., CCTV footage depicts DEGREGORIS possibly striking the helmet of the nearest officer:



A few seconds later, DEGREGORIS is sprayed with Oleoresin Capsicum (“OC”) spray by an officer in the tunnel. DEGREGORIS turned his head away from the spray and the back of his camouflage baseball hat can be seen on the south side of the tunnel:



Despite being sprayed with OC spray, DEGREGORIS remained in the area near the tunnel and, as depicted in CCTV footage, continued to push with other rioters against the MPD front line for several more minutes. For example, at approximately 4:06 p.m. EST, DEGREGORIS is seen holding his hat up in front of his face in an apparent effort to shield himself from OC spray:



At approximately 4:07 p.m., DEGREGORIS was turned with his back toward the front line of MPD officers as he pushed against the MPD line and a rioter next to him sprayed officers with pepper spray:



Approximately 20 seconds later, DEGREGORIS assisted other rioters by helping to push a ladder toward MPD officers:



At approximately 4:09 p.m., DEGREGORIS remained near the frontline of MPD officers at the tunnel:



On or about April 26, 2022, I, along with other members of law enforcement, interviewed DEGREGORIS at his residence in Aldie, Virginia. I showed DEGREGORIS the Twitter post from

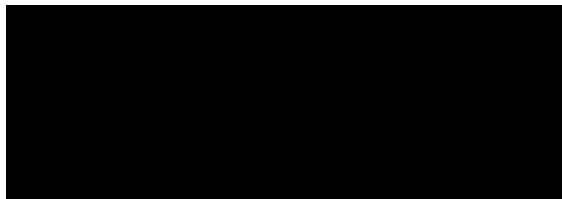
the account “Sovereign Patriot” depicted above. DEGREGORIS stated, “I don’t know what that is” and otherwise denied recognizing the post. Based on my observations of DEGREGORIS’s physical appearance during this interview, I believe that DEGREGORIS is the individual depicted in the videos described above.

Conclusion

Based on the foregoing, your affiant submits there is probable cause to believe that ROBERT DEGREGORIS also violated 18 U.S.C. 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

Your affiant submits that there is also probable cause to believe that DEGREGORIS violated 18 U.S.C. § 1752(a)(1), (2), and (4) 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; and (4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds; 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 DEGREGORIS violated 40 U.S.C. § 5104(e)(2)(E) which makes it a crime to willfully and knowingly obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings.



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.

JUDGE ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE