

STATEMENT OF FACTS

Your affiant, Garrett Drew, is a Special Agent with the Federal Bureau of Investigation (FBI) assigned to the Maine Joint Terrorism Task Force (JTTF). 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. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, 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.

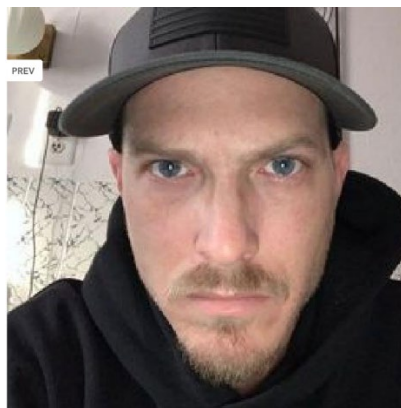
Relevant Conduct of David A. Ball

On February 11, 2021, an anonymous tipster provided that an individual named David A. Ball, Jr. (“Ball”) had been seen at the United States Capitol on January 6, 2021. Open-source information indicated that Ball resided in Wells, Maine, where he operated a local business, Broken Glass Company. Publicly available information also showed both Ball and Broken Glass Company to be associated with the phone number xxx-xxx-4379. On February 12, 2021, an individual working at Broken Glass Company confirmed Ball was the business’s owner and agreed to provide the affiant’s phone number to Ball. Ball later called the affiant and stated that he would not be making any statements to law enforcement at the advice of his attorney.

On April 14, 2021, a second tipster provided two photographs of a subject identified as Ball outside the U.S. Capitol building on Jan. 6, 2021. In the photographs provided, only a small portion of the side of Ball’s face can be seen and verification was not possible at that time. Ball was wearing a black sweatshirt with “Broken Glass Company” printed on the back.

On March 15, 2022, a confidential informant (“CHS”) who has been deemed credible and reliable through previous reporting provided images of an individual reported to be Ball inside the U.S. Capitol building on Jan. 6, 2021. This individual appeared to be the same person from the April 14, 2021 tip wearing a black “Broken Glass Company” sweatshirt. The CHS used publicly available photographs of Ball posted on social media (such as *Image 1* below) to compare with images from in and around the U.S. Capitol on Jan. 6, 2021.

Image 1.



The CHS supplied the following photographs of an individual later identified as Ball in and around the U.S. Capitol building on Jan. 6, 2021:

Image 2.



Image 3.



Image 4.



Image 5.



Image 6.



The affiant then independently reviewed video footage from U.S. Capitol closed-circuit video (“CCV”) and identified Ball inside the U.S. Capitol building from approximately 2:20 to 2:38 p.m. EST on Jan. 6, 2021. Specifically, CCV captures Ball walking into the first floor of the U.S. Capitol building at 2:20 p.m. through the Senate Wing Door entrance, which was kicked open by other rioters at approximately 2:13 p.m.. After entering, Ball turned right and continued down a hallway leaning toward the “Crypt” area of the Capitol.

Image 7.

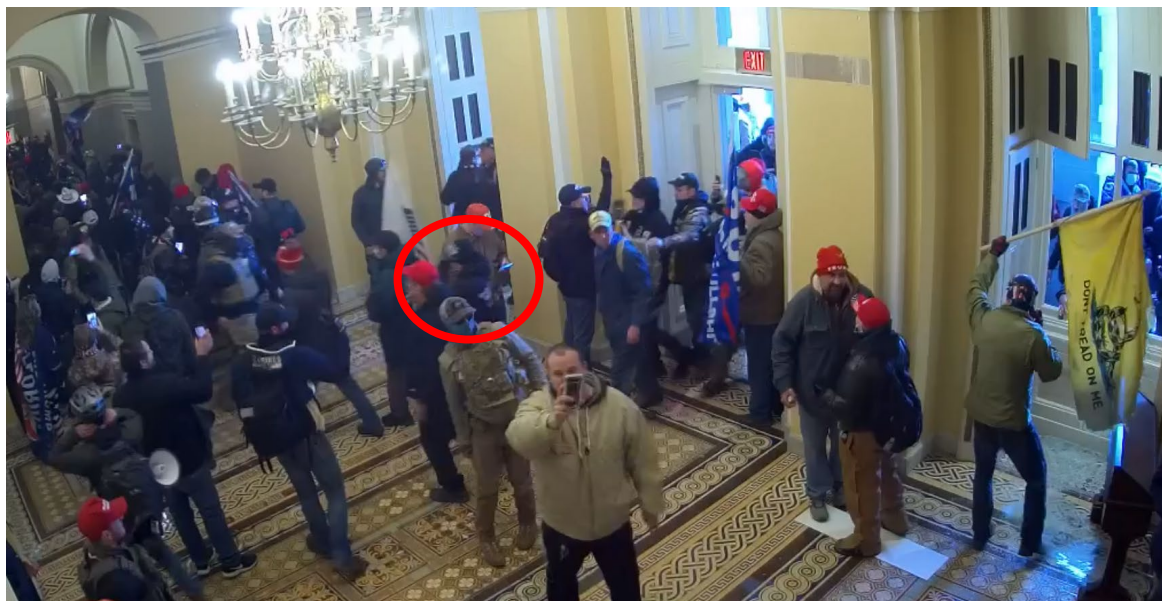


Image 8.



The affiant also reviewed open-source video and has identified an individual appearing to be Ball entering the Crypt from the direction of the Senate Wing Door.

Image 9.



Additional open-source video taken by an individual present in the U.S. Capitol shows Ball in the Crypt near the entrance closest to the Senate Wing Door area, as Ball appears to be recording on his phone:

Image 10.



A third open-source video shows Ball in the Crypt near the front of a crowd being held back by law enforcement officers. Ball can be seen 16 minutes and 51 seconds into this video pumping his fist in sync with the crowd chanting as he stands near the front of the crowd near the police line. Ball appears to be holding a bunched-up, unidentified black-and-white piece of cloth in his hand as he chants.

Image 11.



This video captures the crowd moving against the line of officers approximately three minutes after Image 11. This crowd movement is shown from a different angle in Image 12 taken from additional open-source video.

Image 12.



From 2:24 to 2:37 p.m., Ball is visible intermittently on CCV in the Crypt. He appears to be walking alone around the room and briefly into adjacent hallways while using a smartphone.

Image 13.



Image 14.



In open-source video reported to be taken at 2:30 p.m.,¹ Ball can be seen walking through the Crypt holding a black-and-white piece of cloth in his hands.

Image 15.



¹ <https://projects.propublica.org/parler-capitol-videos>.

Image 16.



At 2:35 p.m., Ball is captured on CCV in a small room immediately south of the Crypt, in the direction of the House chamber. Ball entered the frame from the lower left-hand corner, in front of a bust of Winston Churchill, turned and looks directly into the camera, then walked back out of the frame from the direction he entered. Ball can then be seen on CCV reentering the Crypt:

Image 17.

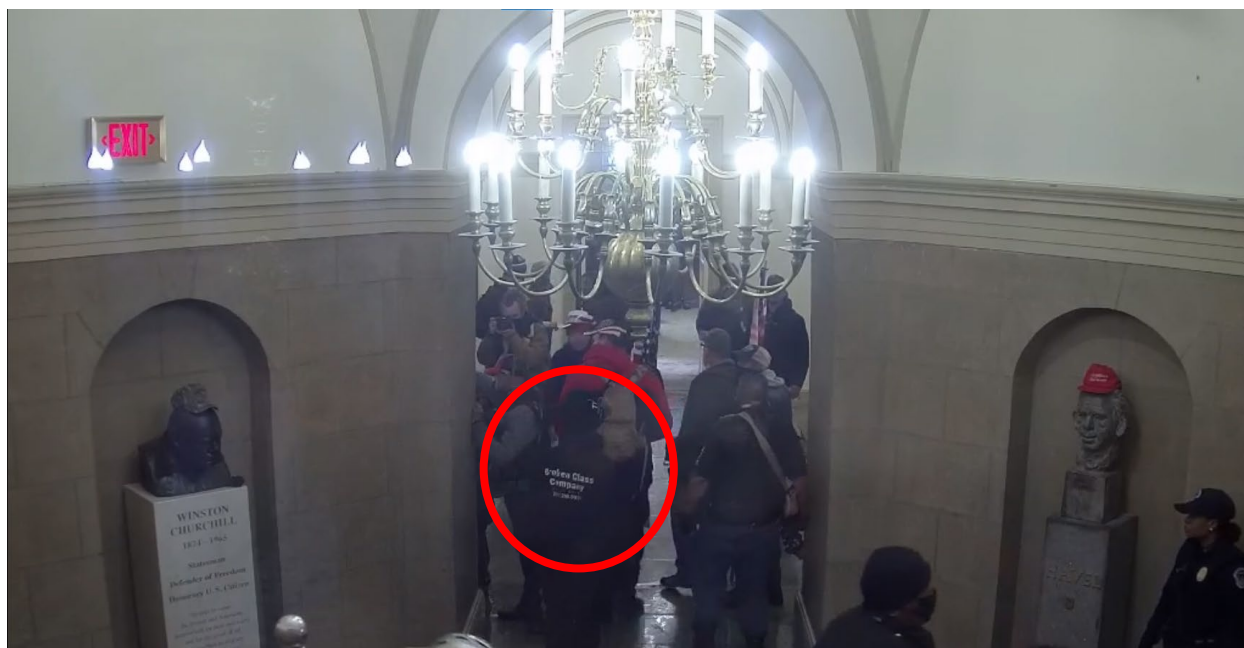


Image 18.



At approximately 2:37 p.m., Ball reentered the same spot in the frame, walking through the room and down the hall south in the direction of the House chamber.

Image 19.



CCV then shows Ball leaving the Capitol building at approximately 2:38 p.m. through the “Memorial Door” entrance on the east side of the building on the first floor.

Image 20.

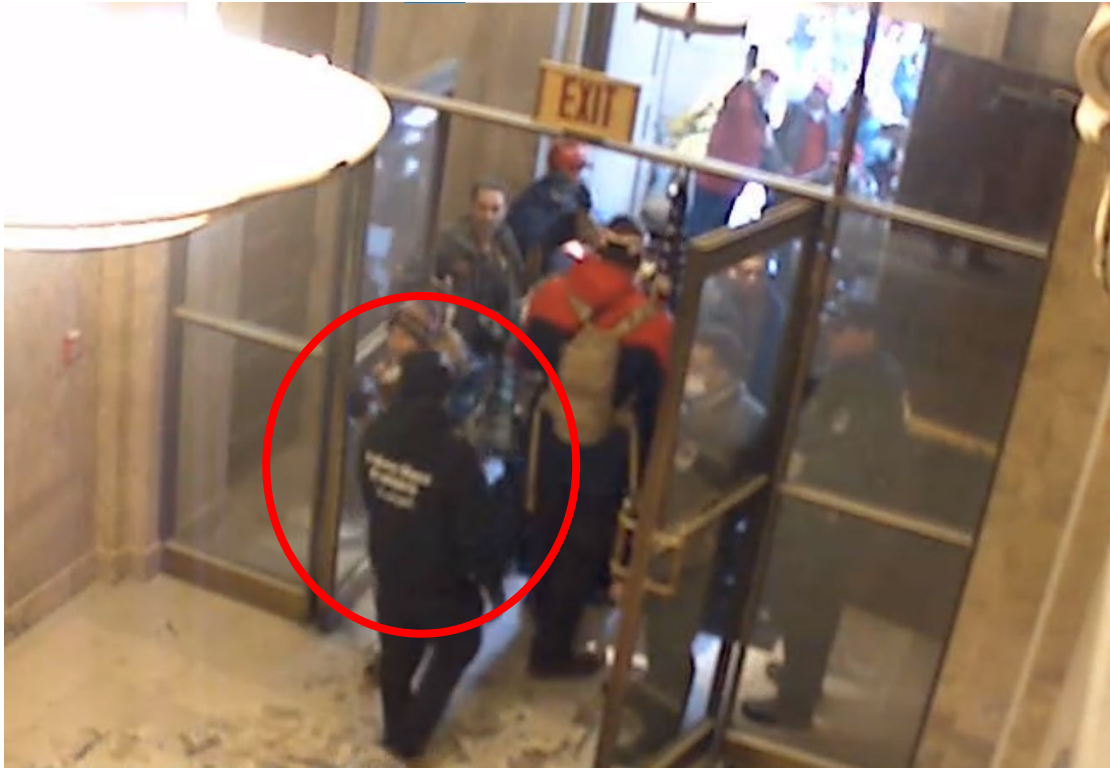


Image 21.

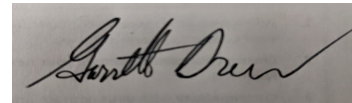


On May 12, 2022, the affiant met with two individuals who knew Ball professionally and had worked with him in person on construction sites. The affiant showed them Images 11 and 14 above of individuals inside the U.S. Capitol Building on Jan. 6, 2021, as well as video footage associated with Image 14. Both individuals identified the subject in the images and video as Ball.

According to records obtained through a search warrant served on Verizon, on January 6, 2021, in and around the time of the incident, a cellphone associated with xxx-xxx-4379—the phone number associated with Ball and Broken Glass Company—was identified as having utilized a cell site consistent with providing service to a geographic area that includes the interior of the United States Capitol building.

Based on the foregoing, the affiant submits that there is probable cause to believe that Ball 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.

Your affiant submits there is also probable cause to believe that Ball 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.



Special Agent Garrett Drew
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 21st day of March, 2023.