

STATEMENT OF FACTS

Your affiant, Frank Nero, is a Special Agent assigned to the Philadelphia Field Office Allentown Resident Agency. As a Special Agent, I investigate violations of the laws of the United States and collect evidence in cases in which the United States is or may be a party in interest. Currently, I am tasked with investigating criminal activity in and around the United States 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 violations 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. On January 6, 2021, 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, by breaking windows and doors 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.

On or about August 10, 2021, Agents from the FBI Philadelphia office interviewed Witness 1 (“W-1”), an acquaintance of Christopher Pearce (“PEARCE”). W-1 was told by Witness 2 (“W-2”), a relative of W-1 and an acquaintance of PEARCE, that PEARCE went to Washington, D.C. on January 6, 2021, and posted photos and video of himself at the U.S. Capitol on Facebook to include a video of himself inside the Capitol.

On or about November 16, 2021, Agents interviewed W-2 who stated they viewed a video on Facebook posted by PEARCE. W-2 described PEARCE’s face as covered and could not recall if the video was inside or outside the U.S. Capitol building.

On or about March 16, 2022, Agents interviewed PEARCE and he stated that he was inside the U.S. Capitol on January 6, 2021. PEARCE stated that he was pushed into the Capitol building and then he walked through a hallway to an open round part of the building where there were benches. PEARCE stated that he walked around the area until the gas began to burn his eyes and throat and then left the building. PEARCE stated that he walked outside for about an hour until he went back to his hotel. PEARCE stated that he posted photos on Facebook but was unable to retrieve the photos.

On or about March 17, 2022, Agents conducted a follow-up interview of PEARCE over the telephone. PEARCE described the attire he wore on January 6, 2021, as grey pants, a green camouflage hoodie, goggles and a respirator. Pearce stated that his respirator had white filters and explained that he wore the respirator because he knew there would be tear gas.

Your affiant conducted a review of U.S. Capitol security camera footage from January 6, 2021. At approximately 2:25 PM on January 6, 2021, a person believed to be PEARCE appeared to enter through the Senate Wing door area. After he entered, this person walked down the hallway towards the Crypt. That person is circled in green on the screenshots from the U.S. Capitol security camera footage below (Images 1 and 2):



Image 1

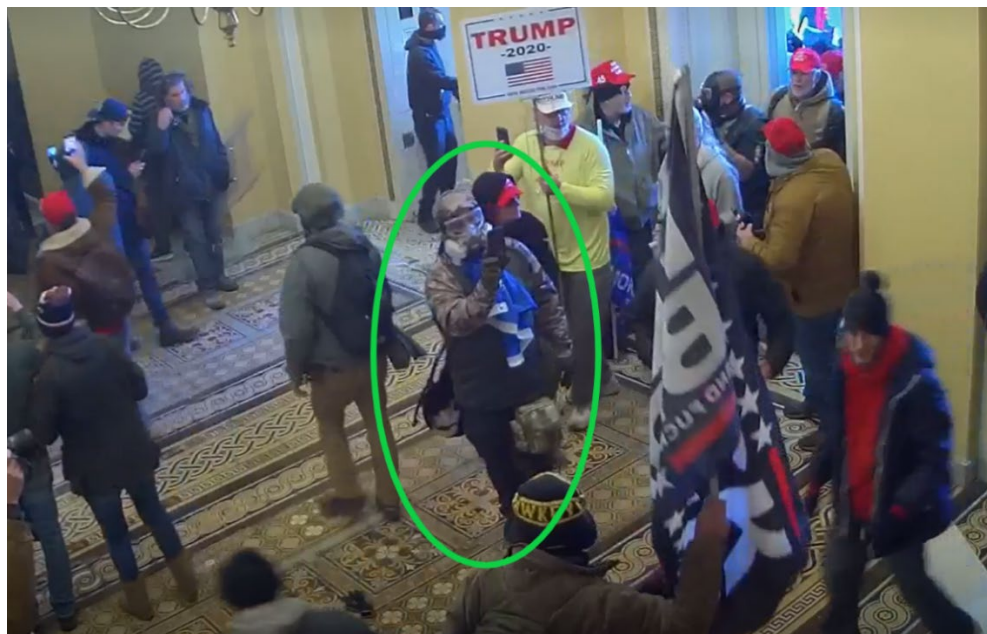


Image 2

At approximately 2:26 PM, this same individual is seen on security footage inside the Crypt (Image 3). This person remains in the area for approximately 2 minutes and 33 seconds before heading back towards the direction from which they first came.



Image 3

At approximately 2:31 PM, this individual exited the U.S. Capitol through the Senate Wing doors as depicted below (Image 4):

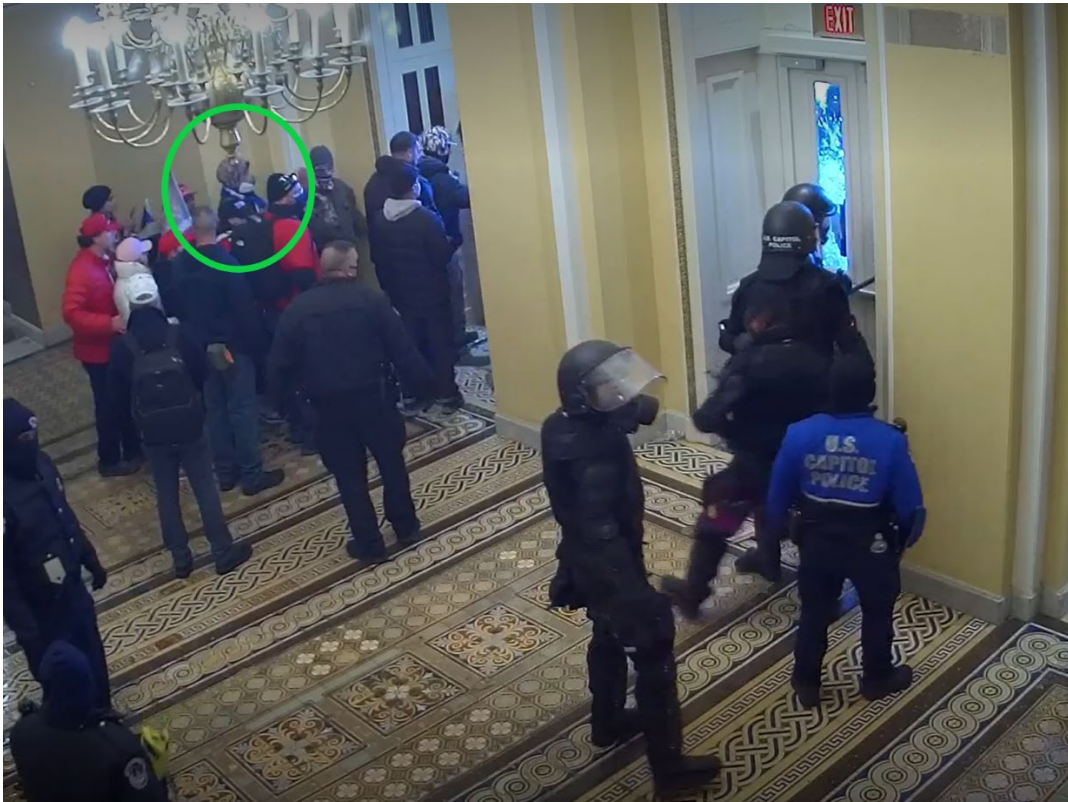


Image 4

On or about March 17, 2022, Agents conducted a follow-up interview of PEARCE in person. Agents showed PEARCE the below screen shot (Image 5) taken from U.S Capitol security footage near the Senate Wing Doors. PEARCE identified himself as the person in the middle of the photo wearing an Under Armor hooded sweatshirt, goggles, a respirator with white filters on his face and a blue “Trump Flag” wrapped around his neck. PEARCE stated that he entered the U.S. Capitol through a doorway and later, he was directed by the police to exit through a window.

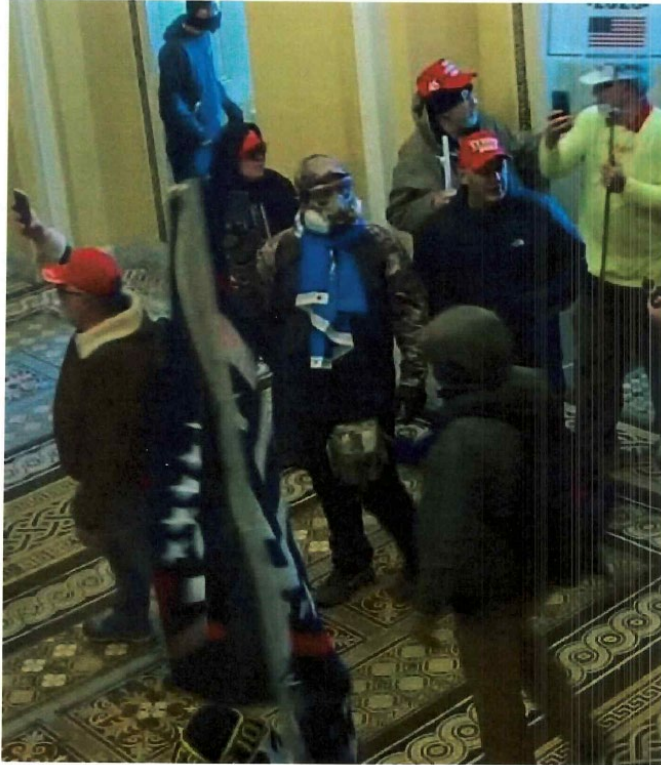


Image 5

On or about April 28, 2022, pursuant to a search warrant, Facebook provided PEARCE's account data.

On or about May 23, 2022, your Affiant conducted a review of the data provided by Facebook and discovered a video that appeared to have been recorded by PEARCE, as he entered the U.S. Capitol. The video captures two unknown individuals, one of whom wore a red hat with a black hooded sweatshirt with the hood over the head and dark glasses and the other individual wore a yellow long-sleeved shirt, red collared shirt, a white visor while holding a "Trump 2020" sign. Both these unknown individuals are seen in U.S. Capitol security footage next to PEARCE as he entered the building. Still photos from the video are captured in Images 6, 7 and 8.

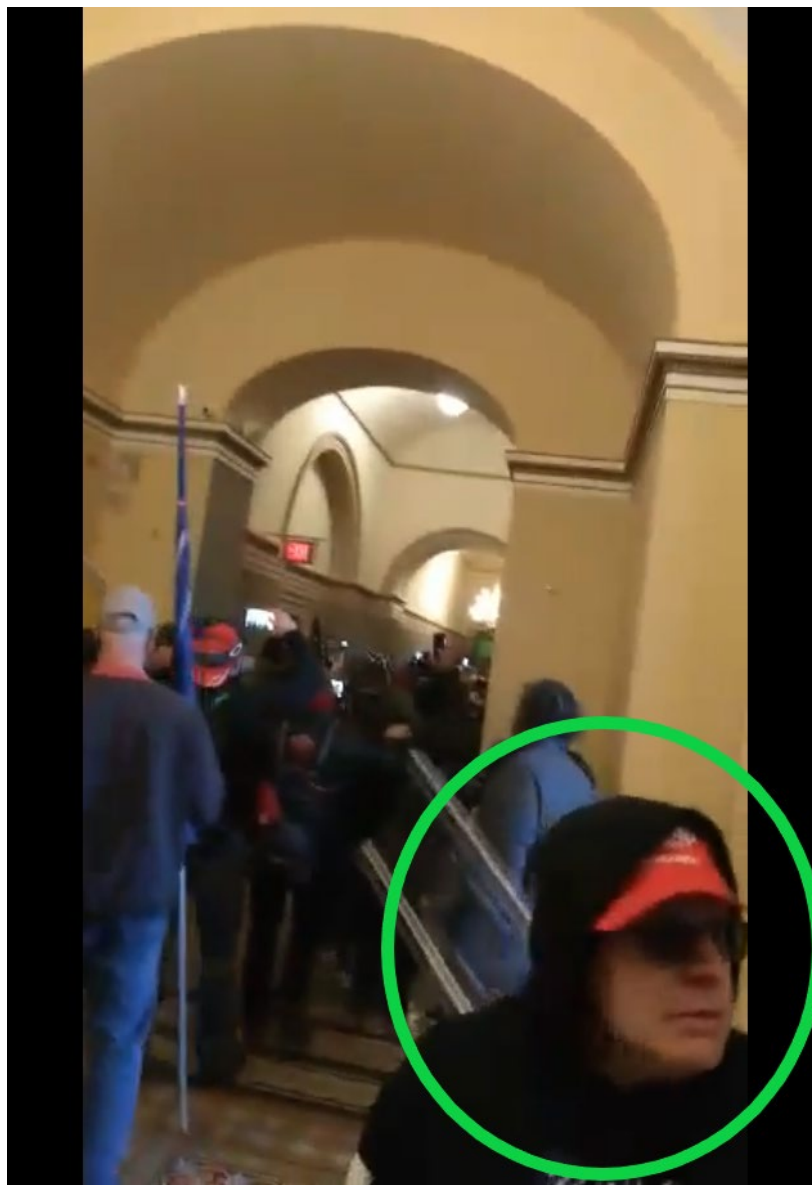


Image 6

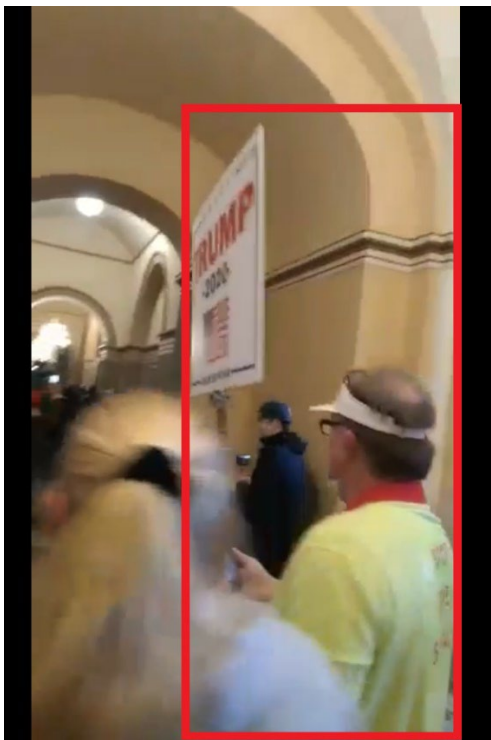


Image 7

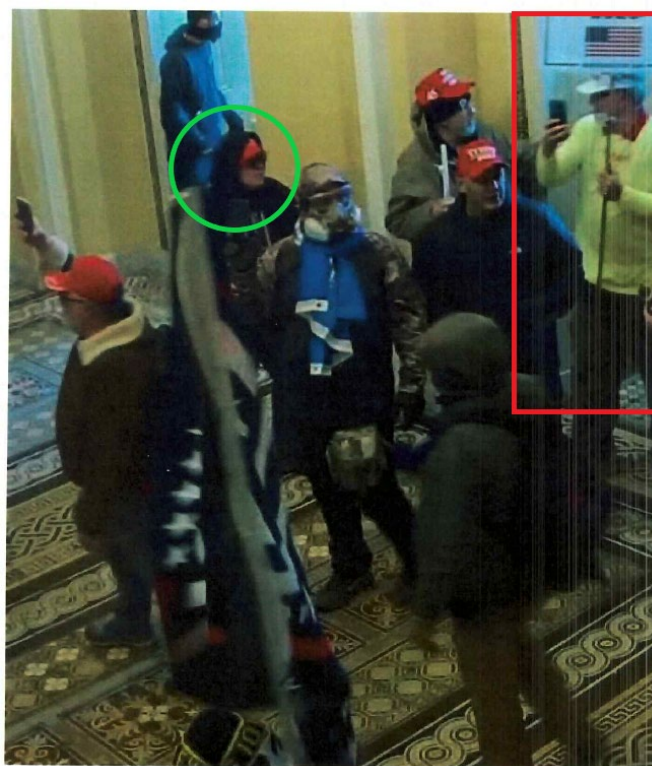


Image 8

The Facebook data also contained a photo of PEARCE standing in front of a mirror wearing a respirator with white filters and clear goggles (Image 9).



Image 9

Based on the foregoing, your affiant submits that there is probable cause to believe that Christopher Pearce 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 a 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 Christopher Pearce 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.



Frank A. Nero
Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P.4.1 by telephone, this 3rd day of April, 2023.

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE