

STATEMENT OF FACTS

Your affiant, Jonathan Bastian, is a Special Agent with the Federal Bureau of Investigation assigned to the Chicago Division, West Resident Agency. In my duties as a special agent, I have been tasked with investigating allegations associated with acts of domestic terrorism and the individuals perpetuating such acts. I have been employed with the Federal Bureau of Investigation since December of 2020 and initially spent twenty-two weeks at the FBI training academy in Quantico, Virginia. I have completed training and gained experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of search and seizures, and various other criminal laws and procedures. I have a two Bachelor's Degrees, one in Psychology and one in Sports Management, a Master's Degree in Professional Counseling, and approximately eleven years of professional experience as a civil servant prior to joining the FBI. Through my training, education and experience, I have become familiar with the manner in which criminal activity is carried out, and the efforts of persons involved in such activity to avoid detection by law enforcement. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a FBI 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.

FACTS SPECIFIC TO ULISES WILKINSON

Open Source and U.S. Capitol Police Video

On May 18, 2022, a credible FBI Confidential Human Source (CHS) submitted information pertaining to WILKINSON’s involvement in the January 6, 2021 United States Capitol riots. The CHS provided open source and social media images, along with links to videos where WILKINSON can be seen inside the U.S. Capitol building on January 6, 2021. The CHS also provided photographs and still shots from the videos. The photos below are some of the examples of pictures from the open source and social media images and videos provided by the CHS. WILKINSON is identified in the pictures by adding a yellow circle to the pictures.

The images provided by the CHS included a picture from an open source video by WEBERZWAYFILMS showing WILKINSON near the Washington Monument during the “Stop the Steal” rally on January 6, 2021. WILKINSON is wearing a yellow construction vest with gray and orange vertical stripes, a black hood over a black ball cap, and neck scarf. He is carrying what appears to be two pieces of white cardboard, approximately 2 feet by 3 feet in dimension. The picture depicts the white sign with handwritten text “Free Assange!” in large black letters. See Figure 1.



Figure 1

Two other open source images and video show WILKINSON approaching the west side of the U.S. Capitol with other rioters. See Figures 2, 3. In one of the images, WILKINSON is holding a white cardboard sign with different handwritten text than the sign at the Washington Monument. See Figure 2.



Figure 2



Figure 3

Additional open source pictures (below) show WILKINSON at locations within the U.S. Capitol Building. WILKINSON is wearing the same clothing as he did during the rally at the Washington Monument and carrying the white signs.

I compared these open source images (below) with U.S. Capitol Police (USCP) Closed Circuit Video (USCP video) footage from within the U.S. Capitol Building. Using this comparison with the USCP video, I have determined the location of the pictures from the open source and social media sources.

This image below shows WILKINSON entering the Upper West Terrace Door on the first floor of the U.S. Capitol. See Figure 4. I reviewed the USCP video of the Upper West Terrace Door and determined that WILKINSON entered the U.S. Capitol at approximately 2:35 p.m. The door that WILKINSON entered is not a public entrance.



Figure 4

In the open source image below, WILKINSON is shown on the third floor of the U.S. Capitol outside of the Senate Gallery. See Figure 5. I reviewed the USCP VIDEO of the hallway outside of the Senate Gallery. The image of WILKINSON, below, occurred at approximately 2:42 p.m. I determined that WILKINSON entered the Senate Gallery on two separate occasions, through two separate doorways. He is in the Senate Gallery for approximately two minutes.

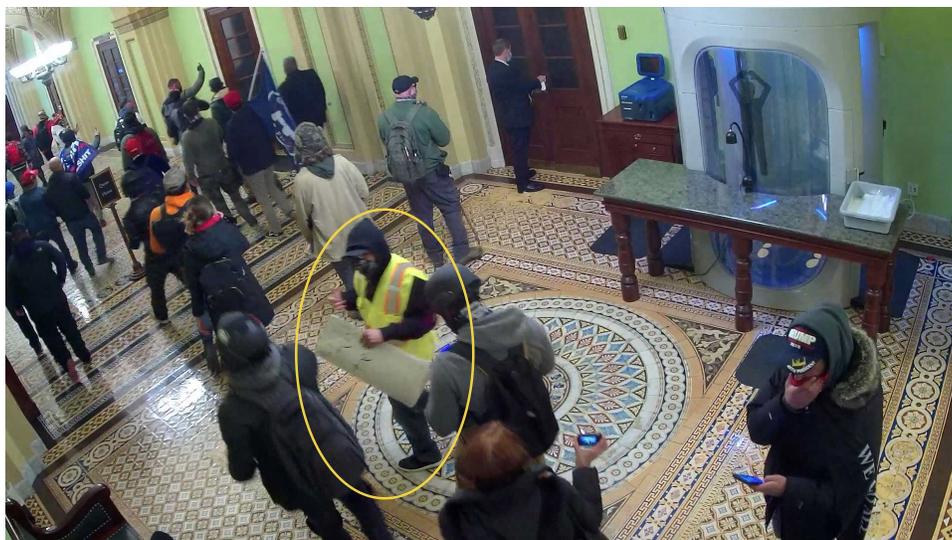


Figure 5

In addition, I have compared the open source, social media image below with known images of the Senate Gallery, located above the United States Senate Chamber. Based on that comparison, I determined the open source image below, Figure 6, is an image of the Senate Gallery, located above the United States Senate Chamber.



Figure 6

In the image below, WILKINSON is shown in the Rotunda on the second floor of the U.S. Capitol. See Figure 7. USCP video shows WILKINSON was in the Rotunda on at least two separate occasions. First, WILKINSON is in the Rotunda at approximately 2:35 p.m. for about a minute. At a later time, he reenters the Rotunda before exiting the U.S. Capitol Building.



Figure 7

In the image below, WILKINSON is shown in a hallway near the Ohio Clock Corridor within the U.S. Capitol building. See Figure 8. According to the USCP video, WILKINSON is in this corridor at approximately 2:48 p.m.



Figure 8

In reviewing USCP video, I determined that WILKINSON exited the U.S. Capitol Building through the East Rotunda door at approximately 3:17 p.m.

Based on my knowledge of the events at the U.S. Capitol Building and grounds on January 6, 2021, the open source pictures above show WILKINSON inside the Capitol after it was breached by rioters. Throughout the background, other people are present in the Rotunda, and the crowds appear consistent with other video and images of the riot that I have observed.

August 3, 2022 Interview of WILKINSON

On July 27, 2022, WILKINSON contacted me and Special Agent Shaefer by phone. He stated he was living in Texas with relatives, and agreed to cooperate with agents. On August 1, 2022, I and Special Agent Shaefer contacted WILKINSON by telephone, and agreed to schedule an in-person interview for August 3, 2022.

On August 3, 2022, I, Special Agent Shaefer and Special Agent Will Circle conducted a voluntary interview of WILKINSON in McAllen, Texas. WILKINSON said he flew to Washington on January 5, 2021. He attended the rally with friends he met in D.C. in November 2020. After the initial rally, WILKINSON followed the crowd to the Capitol building. WILKINSON climbed the inauguration steps and saw police officers being physically attacked. WILKINSON said he didn't engage in any physical violence, but entered the Capitol through a breached door and followed the crowd inside. He entered the Rotunda area, but said he stayed away from any violent altercations he saw. WILKINSON saw the door on the second floor of the Senate Chamber was open and he walked inside. He saw two other rioters engaging in a physical altercation, so he exited the Senate chamber. Wilkinson returned to the Rotunda and exited the Capitol. WILKINSON left Washington on January 7, 2021.

Law enforcement showed WILKINSON several photos, including the photos described above as Figures 1, 4, 6, and 7. WILKINSON identified himself in each of these photos.

WILKINSON told officers that he had been invited to join the Proud Boys at one point around the time of the rallies leading up to January 6, 2021, but WILKINSON refused. He was not in communication with or connected to any violent extremist groups. WILKINSON has not communicated recently with anybody he knew from the events of January 6, 2021.

Review of WILKINSON's Cell Phone Images

During the interview of WILKINSON, FBI Chicago was given Consent to Search WILKINSON's personal cellular telephone. Law enforcement took custody of WILKINSON's iPhone, and eventually made an image of the cell phone. Upon a review of the scoped contents of WILKINSON's cell phone, law enforcement discovered a number of images and videos taken on January 6, 2021, within the restricted area of the U.S. Capitol grounds as well as inside the U.S. Capitol building.

WILKINSON's cell phone contains a picture of him and an unnamed subject. The metadata on this picture indicates it was taken on January 5, 2021. In a cropped version of this picture, WILKINSON is wearing the same apparel as he was wearing in the images inside the U.S. Capitol building on Jan. 6, 2021. See Figure 9. WILKINSON is carrying two signs. The sign in front of the image matches the image of the sign stating "Free Assange" that is seen with WILKINSON the next day at the Washington Monument. See Figure 1, above. There is a second sign behind the first sign, but the writing on the second sign is not clearly shown in this picture.



Figure 9

WILKINSON's cell phone contained several images from January 6, 2021, that depicted the temporary scaffoldings located on the west side of the Capitol. These temporary scaffoldings were set up in preparation of the inauguration scheduled for January 20, 2021. See Figures 10, 11.



Figures 10, 11

WILKINSON's cell phone contained several images that depicted WILKINSON inside of the U.S. Capitol Building. In particular, WILKINSON is shown in two photos inside the Rotunda. See Figures 12, 13. In the second image, WILKINSON is carrying a piece of white cardboard, approximately 2 feet by 3 feet in dimension. The picture depicts the white sign with handwritten text "Move Mitch! Get out the way!" in large black letters. See Figure 13. On January 6, 2021, the Minority Leader of the United States Senate was Kentucky Senator Mitch McConnell.



Figure 12



Figure 13

Additional images from WILKINSON’s cell phone depict various locations inside the U.S. Capitol Building, including the stairway from the Upper West Terrace door to the Rotunda, the Rotunda, the East Rotunda door, and other locations within the U.S. Capitol Building. In particular, there are two pictures on WILKINSON’s cell phone that show the Gallery above the Senate Chamber and portions of the Senate Chamber. See Figures 14, 15.



Figures 14, 15

Also discovered on the scoped review of the contents of WILKINSON’s phone, in the “Notes” section, was a note containing a statement by WILKINSON. According to metadata on the cell phone, this note was created on April 26, 2021, and modified on August 2, 2022. When officers interviewed WILKINSON on August 3, 2021, WILKINSON provided a copy of this note to officers. See Figure 16.

In this note, WILKINSON acknowledged that he stormed the Capitol with other rioters, he went inside a breached door of the Capitol, he chanted “1776” and held up his signs inside the Capitol, and he went into the Senate Gallery. WILKINSON also expressed remorse for his actions, stating he “regretted it *since the moment I stepped foot inside.*” (emphasis added).

Body  HTML 

Earlier this year, I made one of the worst mistakes of my life. I went inside the United States Capitol on January 6th, 2021. That was the day the US Capitol was breached by Trump supporters. I'm writing this now just in case if I get arrested for storming the Capitol. You know how people say that criminals regret committing crimes once they're caught? Not the case with me. I regret storming the Capitol and I haven't been caught (yet). And I've regretted it since the moment I stepped foot inside.

Early on January 6th, I was hanging with my friends from DC and we attended the Trump rally at the Eclipse. After the rally ended, we marched on over to the US Capitol. Upon descending on Capitol grounds, I noticed there was a lot of action near the Capitol. I left my friends and I headed on over to see what was going on. I saw Trump supporters battling with Capitol police officers.

Fast forward, I managed to climb up towards the Inauguration steps with a crowd. Half of them stayed at the steps and half of them began running towards a door that was breached. They ran because they noticed that a police officer was chasing us, so I ran with them going inside that breached door, into the Capitol.

Now, I don't remember the nitty gritty of what happened inside the Capitol (eye-witness), but here's what I remember. I wandered through the Capitol (senate wing). I do recall a few protesters (or rioters, whatever the fuck you wanna call them), asking where Nancy Pelosi and the other politicians where. I do remember chanting 1776 (cringe, I know) while holding up my protest signs with me.

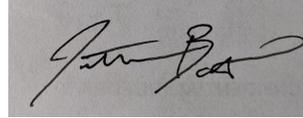
I eventually found myself with a huge crowd and we went inside the Senate Gallery.

Figure 16

Based on the foregoing, your affiant submits that there is probable cause to believe that ULISES WILKINSON 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.

Your affiant submits there is also probable cause to believe that ULISES WILKINSON violated 40 U.S.C. § 5104(e)(2)(B), (D) and (G), which makes it a crime to willfully and knowingly (B) enter or remain in the gallery of either House of Congress in violation of rules governing admission to the gallery adopted by that House or pursuant to an authorization given by that House; (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.



Jonathan Bastian
FBI – Special Agent

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 24th day of May 2023.

Robin M. Meriweather
U.S. MAGISTRATE JUDGE