

## STATEMENT OF FACTS

Your affiant, Special Agent Jay Maroney Brend, is a Special Agent assigned to the Buffalo Division, Rochester Resident Agency, Joint Terrorism Task Force (JTTF). In my duties as a special agent, I am a Special Agent with the Federal Bureau of Investigation (FBI). I have been in this position since June 6, 2021. Based off my training and experience, I have had the opportunity to view over 80-hours of closed-circuit television (CCTV) of the U.S. Capitol building. As a result, I have learned how to navigate and follow personnel in and around the U.S. Capitol building using these surveillance cameras. I have become comfortable navigating the CCTV and connecting the different floors, hallways, and stairwells inside of the U.S. Capitol building. Moreover, I conducted a crime scene walkthrough on January 22, 2022, where I had the opportunity to walk all the same hallways that I observed in the CCTV. I viewed the exterior of the U.S. Capitol building and learned about the movements of the rioters. This experience reinforced my understanding of the interior, exterior, and blind spots of the U.S. Capitol building. I have also served a special duty to Washington, D.C. on the U.S. Capitol Discovery Squad where I furthered my understanding of the crimes committed on January 6<sup>th</sup>, 2021. Additionally, I observed hundreds of rioters commit federal crimes on the CCTV while having their personal cellular mobile phones, hereinafter "DEVICES," physically visible. I understand based off corroborating social media video posts, rioters were using their DEVICES to record videos, take photos, and send text messages, emails, and other electronic correspondences via mobile messaging applications. As a federal agent, I am authorized to investigate violations of laws of the United States, and as a law enforcement officer I am authorized to execute warrants issued under the authority of the United States. 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.

#### *Facts Specific to Scott Columbus*

This investigation was initiated based on information that SCOTT COLUMBUS may have unlawfully entered on Capitol Grounds, a restricted area, in violation of multiple federal laws on January 6, 2021. The below social media post (Image 1) was provided to the FBI along with the names SCOTT COLUMBUS and RENEE FATTA.

A review of FATTA's social media, Capitol Police Closed Caption Television (CCTV), Metropolitan Police body worn camera (BWC), and open-source media confirmed COLUMBUS and FATTA's presence at the Capitol on January 6, 2021. In Image 1, COLUMBUS is wearing a: black knit hat and a black jacket over a dark three-quarter zip. FATTA is wearing a: pink 'TRUMP' winter knit hat and a black jacket over a gray three-quarter sweatshirt. FATTA also has a septum nose piercing and blonde dreadlocks.



Image 1



CCTV captured the breach of the United States' Capitol Building's Parliamentarian doors at approximately 2:42 p.m. COLUMBUS and FATTA (circled in yellow) entered the Capitol building, through the Parliamentarian doors, approximately three minutes later, at 2:45 p.m. COLUMBUS and FATTA can be seen wearing the same hats and clothing from Image 1. After entering, FATTA appears to pump her fist (Image 2).



Image 2

COLUMBUS and FATTA are captured crossing the crowd to access an office, located just inside the Parliamentarian doorway, on the right. FATTA appears to be smiling as she walks towards the office doorway while COLUMBUS appears to be wearing a white mask (Image 3 and 4).



Image 3



Image 4

COLUMBUS (green circle) and FATTA (yellow circle) enter the office and remain there for approximately twenty seconds (Image 5).



Image 5



Open-source video captured rioters actively ransacking the office as COLUMBUS and FATTA exit the room (Image 6).



**Image 6**

After leaving the office, COLUMBUS and FATTA walk over smashed glass (circled in red) and advance further into the Capitol building, holding hands, towards a police line positioned down the hallway from the Parliamentarian doors (Image 7). An open-source video<sup>1</sup> (Image 8) captured rioters attempting to get around this police line with many rioters yelling “push back!”

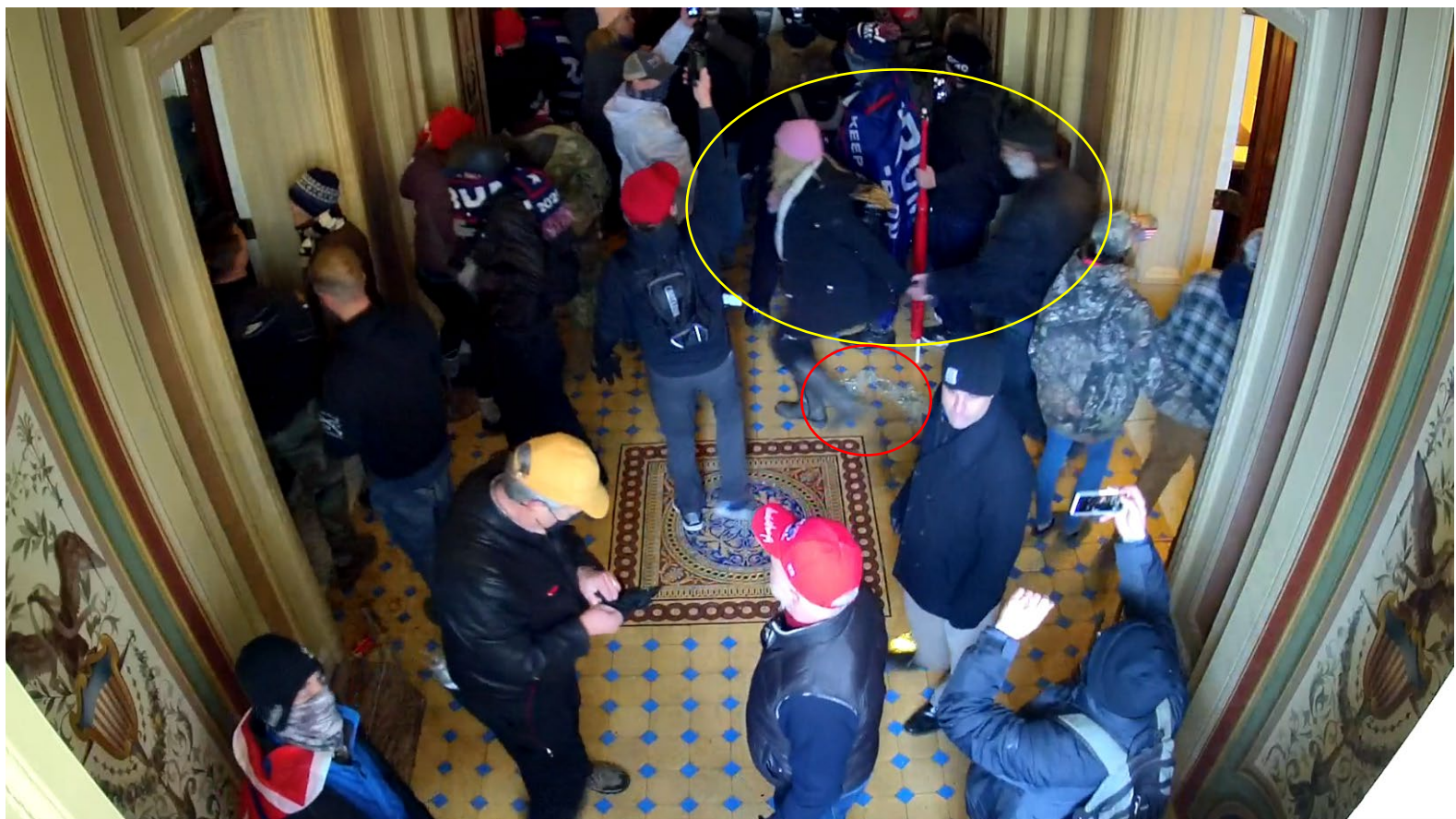


Image 7

<sup>1</sup> Available at [https://d2hxwnssq7ss7g.cloudfront.net/onVXm7gZrnOG\\_cvt.mp4](https://d2hxwnssq7ss7g.cloudfront.net/onVXm7gZrnOG_cvt.mp4).





Image 8

In this video, FATTA can be seen, in this group, waving and smiling as fellow rioters continue to push and confront the police line (Image 9).



**Image 9**

COLUMBUS and FATTA spent approximately two minutes near the police line before making their exit, back through the Parliamentarian doors, at approximately 2:48 p.m. (Image 10). In both the open-source video and CCTV, rioters exiting just behind COLUMBUS and FATTA appear to be coughing, blinking, and covering their faces and mouths as if recently pepper sprayed by the police line.



Image 10



COLUMBUS and FATTA remained on Capitol grounds after exiting the building. COLUMBUS and FATTA are captured on BWC from approximately 3:11 p.m. to 3:18 p.m. on the Northwest Terrace (Image 11).



Image 11

On January 13, 2022, investigators, including your affiant, interviewed SCOTT COLUMBUS at his home in Wolcott, New York. COLUMBUS admitted to driving himself and FATTA, his girlfriend at the time, from New York to Maryland so they could attend the former President's rally, on January 6, 2021, in Washington, D.C. COLUMBUS stated that he and FATTA attended the rally and began following the crowd to the Capitol as the President began to speak. COLUMBUS initially told investigators he and FATTA did not enter the Capitol. After COLUMBUS was informed it is a federal offense to lie to law enforcement, COLUMBUS admitted to entering the Capitol with FATTA after being pushed inside by the crowd. CCTV does not show COLUMBUS and FATTA being pushed inside. COLUMBUS identified himself and FATTA in Image 1. During the interview, your affiant had a chance to observe COLUMBUS and believe that the person I interviewed, COLUMBUS, is the same person captured in the videos and images described above.

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



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Jay Maroney Brend  
Federal Bureau of Investigation

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

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ROBIN M. MERIWEATHER  
U.S. MAGISTRATE JUDGE