

## STATEMENT OF FACTS

Your Affiant, Timothy Taylor, is a Special Agent with the Federal Bureau of Investigation (FBI) and assigned to the FBI Tampa Joint Terrorism Task Force. Among other duties, I am responsible for conducting national security investigations of potential violations of federal criminal law. I am tasked with investigating criminal activity in and around the United States Capitol (“Capitol”) grounds in Washington, D.C. on January 6, 2021. As a Special Agent with the FBI, I am authorized by law or by a government agency to engage in or supervise the prevention, detention, investigation, or prosecution of violations of Federal criminal laws.

The facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause, it does not contain every fact known by me or the FBI. The dates and times listed in this Affidavit should be read as “on or about”.

### **Background: Events at the U.S. Capitol on 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 BRANDON PEERY**

On August 30, 2021, FBI Tampa Division (TP) received information from an individual known to the FBI, identifying BRANDON SCOTT PEERY of Reunion, Florida as an individual who unlawfully entered the United States Capitol on January 6, 2021

This individual provided the following video screenshots of PEERY which appear to show PEERY on the grounds of the U.S. Capitol and inside the U.S. Capitol building on January 6, 2021. This individual provided the attached screenshot (Image 1) of PEERY but did not identify the source of the image. The screenshot appears to be from a video in which PEERY was giving an interview. It is unclear where PEERY was located at the time the video was recorded, or when the video was recorded; however, based on the presence of the crowd and PEERY's clothing, it is likely the video was filmed on January 6, 2021. I utilized this screenshot as a known photo of PEERY, for comparison with other photos and videos provided by the individual.



Image 1; Source: Unknown

At approximately 2:43 PM on January 6, 2021, PEERY can be seen on Capitol surveillance video entering the Senate Wing door, near the west stairs and room S131. He was wearing a black, knit cap, face mask, and black jacket over a royal blue jacket, and with a red Trump flag tied around his neck like a cape. As PEERY entered, he could be seen turning and gesturing vigorously to protestors coming behind him. He advanced down the hall, past the first set of doors, before moving back to the entrance, where he stood, apparently congratulating other protestors and looking on as protestors forcibly broke open the doors leading to room S131. At one point, PEERY also pulled aside a protestor, coming from the direction of room S132, and used a water bottle from his bag to flush the protestors apparently burning eyes.



Images 2 and 3; Source: CCTV

At approximately 2:49 PM, PEERY began to push further down the hall. Some members of the crowd appeared to be pushed back by police using riot control agents, and PEERY turned back towards the door. At that time, he pulled the flag cape off his neck, and shortly thereafter removed his face mask. At about 2:49:47 PM, PEERY pushed with the crowd, towards the door and out of view of the camera.



Images 4 and 5; Source: CCTV

After exiting the aforementioned door, near room S131, PEERY moved from the northwest courtyard through the Senate Wing door, into the vestibule near room S109, at approximately 2:56:35PM. At this time he was no longer wearing the flag cape.

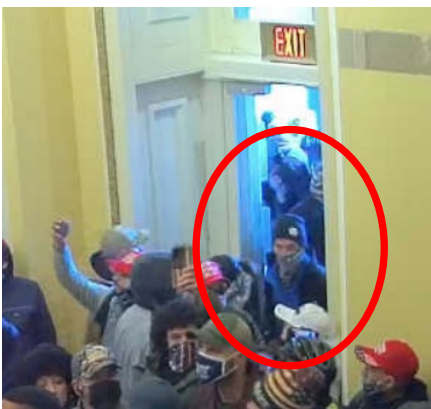


Image 6; Source: CCTV

PEERY walked forward from the door and across the vestibule. At approximately, 2:57:17 PM he pulled out a device resembling a phone, appeared to text and then appeared to video the crowd. He then turned to his right and moved to the southwest corner of the vestibule.



Images 7 and 8; Source: CCTV

PEERY remained inside the vestibule until approximately 3:02:57 PM, when he walked away from the camera, down the hall in the direction of the Old Supreme Court Chamber (Room S141).

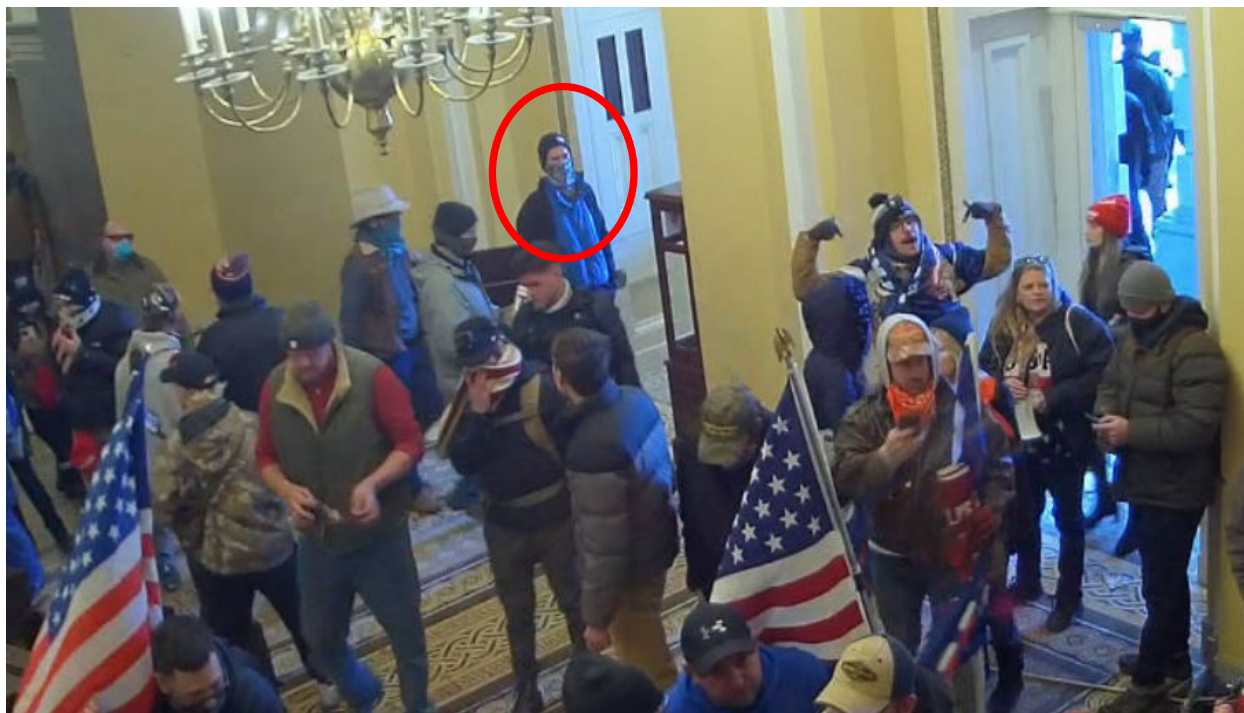


Image 9; Source: CCTV

Approximately one minute later, PEERY returned to the vestibule, where he again stood in the southwest corner of the room and appeared to text on his phone and talk to other protestors. He exited the building through the west Senate Wing door, at approximately 3:13:52 PM.



Image 10; Source: CCTV

On March 21 and 24, 2022, I conducted surveillance of PEERY's known address, and located a red SUV belonging to PEERY. On May 5, 2022, I attempted telephonic contact with PEERY. PEERY did not answer the phone, but the voicemail message associated with this number stated that this was "Brandon's phone." I left a message requesting that PEERY call back to schedule an interview, but PEERY did not respond.

On May 13, 2022, I again attempted to locate and interview PEERY at his known address. I knocked on the door but no one answered. As I departed the area, a dark-colored Toyota SUV pulled into the driveway and an unknown male driver identified himself as the owner of said residence. The property owner was shown an image of PEERY, captured at the Capitol on January 6, 2021 ("Image 1" of this document), and asked if he knew the individual pictured. The property owner asked, "You're looking for Brandon?" The property owner confirmed that PEERY did live there, and that PEERY drove the red SUV previously seen by FBI surveillance. The property owner was provided with my business card and was asked to give the card to PEERY so that PEERY could call to schedule an interview.

Also on May 13, 2022, FBI Tampa confirmed the continued existence of a YouTube channel believed to belong to PEERY. Included in the video list on PEERY's channel (<https://www.youtube.com/user/PacificFlight/videos?view=0&sort=dd&flow=grid>) was a video titled "D.C. Jan 6<sup>th</sup>", that had an upload date of January 2, 2021. In the video, a male resembling PEERY discussed general plans to take part in the January 6, 2021 rally in Washington, DC, and encouraged others to participate.

On May 16, 2022, PEERY contacted me and agreed to come in immediately for an interview. PEERY confirmed that he was a previous resident of Minnesota and moved to Florida in late January 2021. PEERY confirmed that he posted a YouTube video on January 2, 2021, in which he discussed his plans to travel to Washington, D.C. on January 6, 2021 to attend a rally. PEERY stated that he knew at that time that January 6<sup>th</sup> was the date when the Electoral College vote count would be certified at the Capitol. Peery traveled to Washington, D.C. on a charter bus from Wisconsin on January 6, 2021. He stated that he felt he needed to be there to "stand with President Trump." Peery walked from former-President Trump's speech down Pennsylvania Avenue to the Capitol and was at the Capitol for approximately one and a half hours. Peery confirmed that he entered the Capitol, and he marked his route through the Capitol grounds and building on a map provided by your affiant. Peery indicated that the crowd he was a part of adopted a "mob mentality" when they heard that then-Vice President Pence planned to confirm the results of the election and certify the votes. PEERY stated that he followed a crowd around the north side of the Upper West Terrace where he witnessed rioters breaching one of the doors in the courtyard directly in front of him. PEERY then stated that he walked through that door into the Capitol, where he observed a crowd of people filing into the building. He stated that he remained inside the building for approximately 15 minutes and did not interact with law enforcement. He then exited the building into the courtyard and then, some time later, returned into the building through a side door which he also observed be breached. PEERY stated that, once inside, he noted that law enforcement was blocking the hallway and he stated that he only remained in that area for about one minute before exiting the building again. PEERY then returned to the charter bus and departed D.C. for Wisconsin at 4:30 PM on January 6, 2021.

### **Probable Cause Conclusions**

Based on the foregoing, your affiant submits that there is probable cause to believe that BRANDON PEERY 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; or attempt or conspire 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 BRANDON PEERY 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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Timothy D. Taylor  
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 \_\_25th\_\_ day of \_\_May\_\_ 2023.

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HONORABLE ROBIN M. MERIWEATHER  
U.S. MAGISTRATE JUDGE