

## STATEMENT OF FACTS

Your affiant, Matthew DeSorbo, is a special agent assigned to the Cleveland Field office of the FBI- Toledo Resident Agency- Northwest Ohio Joint Terrorism Task Force. In my duties as a special agent, I have investigated the commission of federal crimes involving national security matters and criminal offenses to include complex financial crimes, money laundering, firearms related offenses, and terroristic threats. In the course of these duties, I have participated in numerous federal search and arrest operations and conducted associated interviews which have resulted in the collection of evidence of multiple criminal violations. 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

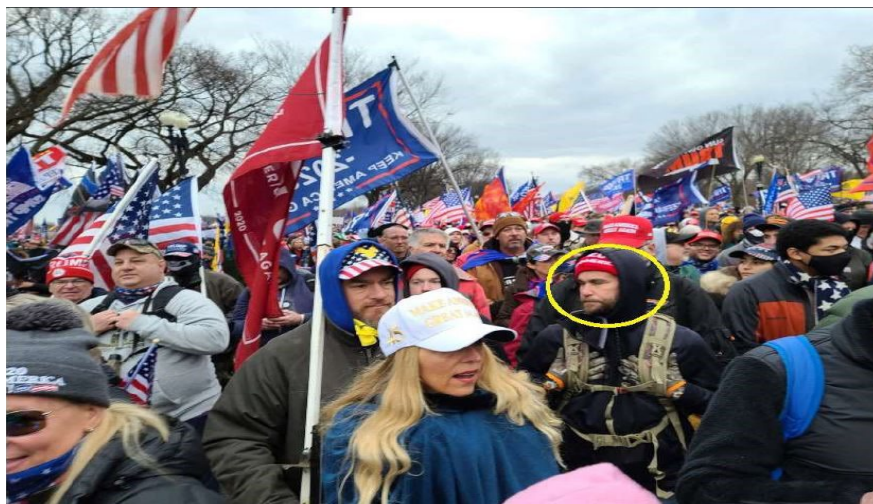
President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

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.

### **Investigation of JOSHUA COKER**

In December 2021, the FBI searched telephone and cellular device location data obtained pursuant to search warrants for telephone numbers with Toledo, Ohio (OH) area codes 419 and 567 that were present in the U.S. Capitol on January 6, 2021. Results of the query identified an Apple iPhone telephone number 567-395-5XXX that data indicated was present inside the U.S. Capitol on January 6, 2021 between the hours of 1:00 p.m. and 6:00 p.m. The FBI conducted a database check to identify the user of the device associated with telephone number 567-395-5XXX. Results of the database check showed the telephone number was associated with JOSHUA COKER, of Oregon, Ohio. Opensource checks identified telephone number 567-395-5XXX as associated with a Telegram account registered to “Josh Coker.”

The FBI obtained a Bureau of Motor Vehicles (BMV) driver’s license photo of COKER. COKER’s driver’s license photo was provided to a cooperating witness (CW1) with access to facial recognition technology. CW1 ran a facial recognition comparison of COKER’s driver’s license photo against all publicly available images, videos, and media captured during the civil unrest at the U.S. Capitol building on January 6, 2021. Results showed an individual who matched COKER’s physical appearance outside the U.S. Capitol building. After comparing COKER’s BMV photo to the images provided by CW1, the FBI believed the individual depicted in facial recognition returns was COKER. The images showed COKER outside the U.S. Capitol building wearing a black hooded Under Armour jacket, a camouflage backpack with chest and hip straps, camouflage gloves, blue jeans, and a red winter hat (see Image 1 below).



*Image 1: Facial recognition software returned images of COKER walking in the direction of the U.S. Capitol on January 6*

Facial recognition also returned images of COKER as he donned a black facemask, walked to, and entered the U.S. Capitol building (See Image 2 below).



*Image 2: COKER wearing a black facemask outside the Senate Wing Door*

Verizon Wireless provided subscriber information and toll records associated with telephone number 567-395-5XXX. Verizon records showed the telephone number was associated with a Verizon account managed by C.A., believed to be the romantic partner and cohabitant of COKER. A review of toll records associated with telephone number 567-395-5XXX showed the locations from which calls were made, and the call pattern indicated travel from Toledo, Ohio to Washington, D.C. on January 5, 2021. Additionally, calls transacted on January 6, 2021, indicated the device was located in Washington, D.C. Finally, calls transacted from the evening of January 6, 2021 to the morning of January 7, 2021 occurred in such a pattern as to indicate travel from Washington, D.C. to Toledo, Ohio.

Records from Verizon Wireless indicated COKER made regular calls to the United Automobile Workers Union. The FBI confirmed COKER's membership in the United Automobile Workers Union and his current employment in the Jeep Assembly Complex, located in Toledo, Ohio. The FBI interviewed a supervisor at the Jeep Assembly Complex, who confirmed COKER's telephone number as 567-395-5XXX and home address in Oregon, Ohio. The supervisor also informed agents that COKER was absent from the workplace from January 5, 2021 to January 12, 2021. In addition, another employee at the Jeep Assembly Complex who knows COKER personally was interviewed. During the course of the interview, that employee was shown Image 1 (above) that was previously obtained by CW1. The image depicted COKER without a mask outside the U.S. Capitol building on January 6, 2021. The employee positively identified the individual depicted in the image as COKER.

The FBI conducted additional open source checks and identified COKER's Facebook page, username josh.coker.18. In my opinion, the profile picture associated with the Facebook page matched COKER's driver's license photo, as well as photos obtained via facial recognition provided by CW1. I was only able to access present and historical profile photos on COKER's Facebook page, which in my training and experience suggests his profile settings were private. Nevertheless, COKER's Facebook showed activity both before and after January 6, 2021, which suggests he actively utilized the social media account. Records obtained from Meta Platforms, Inc. showed the target account was registered to "Josh Coker," telephone number 567-395-5XXX - verified June 12, 2019, and it maintained routine login activity.

On March 15, 2023, the FBI served a search warrants on Meta Platforms (Facebook). Records provided by Facebook that were responsive to the search warrant showed COKER's communications with an identified associate. On January 5, 2021, COKER texted that he was "DC bound." On January 6, 2021, COKER texted "Just stormed the capital building."

### **COKER'S Movement in the U.S. Capitol on January 6, 2021**

The FBI conducted a trace of COKER's movement throughout the U.S. Capitol building on January 6, 2021. Based on photos provided by CW1, the FBI identified the Senate Wing Doors as COKER's entry point into the U.S. Capitol building.



*Image 3: COKER watching rioters climb through a broken window seconds after the first breach of the U.S. Capitol building*

The FBI reviewed U.S. Capitol Police (USCP) closed-circuit video (CCV) footage from in and around the U.S. Capitol on January 6, 2021. At approximately 2:13 p.m., seconds after the first breach, COKER entered the U.S. Capitol Building through the Senate Wing Doors. COKER then traveled south and entered the Crypt at approximately 2:14 p.m.

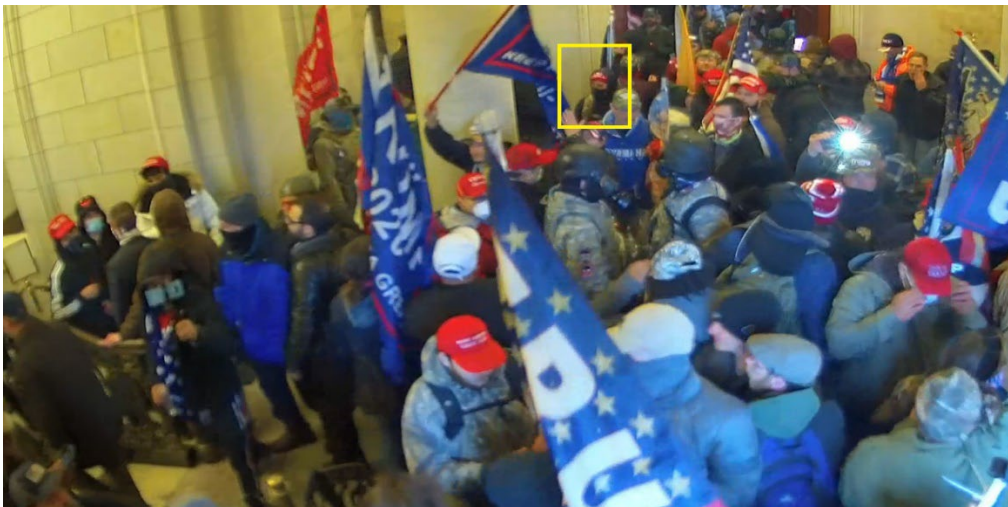


*Image 4: COKER entered the U.S. Capitol through the Senate Wing Doors*



*Image 5: COKER entered the Crypt*

COKER passed through the Memorial Door Hallway at approximately 2:35 p.m., where he then moved to the second floor of the Capitol Building. COKER walked to the Rotunda at approximately 2:38, and then moved to the third floor of the Capitol Building. COKER was captured on CSPAN cameras in the Senate Gallery from approximately 2:46 p.m. until 2:48 p.m.



*Image 6: COKER exiting the Rotunda*



*Image 7: COKER entered the Senate Chamber*

COKER then traveled to the northeast exit of the Capitol Building and exited at approximately 2:54 p.m.

Based on the foregoing, your affiant submits that there is probable cause to believe that Joshua COKER 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 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 COKER violated Title 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.



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Matthew DeSorbo  
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 10<sup>th</sup> day of July 2023.

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ZIA M. FARUQUI  
U.S. MAGISTRATE JUDGE