

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation (“FBI”) assigned to the domestic terrorism squad of the Kansas City field office. In my duties as a Special Agent, I have investigated numerous violent crimes and other domestic terror cases. Currently, I am tasked with investigating criminal activity in and around the U.S. 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 are 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 Angelo Jude Pacheco

The FBI received a tip from a confidential human source (“CHS”) that “Angelo J. Pacheco” was on the U.S. Capitol grounds on January 6, 2021. The CHS did not know the suspect, but identified him by comparing images on his Facebook and Instagram pages with open-source photos from January 6, 2021.

Based on that information, I conducted database checks for “Angelo J. Pacheco” and identified Angelo Jude Pacheco (“PACHECO”), a Kansas City, Missouri resident, as a possible suspect. A comparison of PACHECO’s driver’s license photo to the CHS-provided images showed it was the same individual.

Using the CHS photos and PACHECO’s driver’s license photo as a reference, I reviewed open-source materials and social media showing PACHECO on the western U.S. Capitol grounds and scaffolding on January 6, 2021. In the photos, PACHECO is wearing a distinctive American flag trapper hat on top of a white baseball cap, as well as a black and white bandana around his neck.



Figure 1



Figure 2



Figure 3

I also reviewed Capitol Building CCV footage from January 6, 2021, and observed PACHECO standing in the doorway on the Upper West Terrace of the U.S. Capitol at approximately 2:37 p.m. PACHECO then turned around, retreated a few steps, grabbed someone, and pointed to something inside of the Capitol.

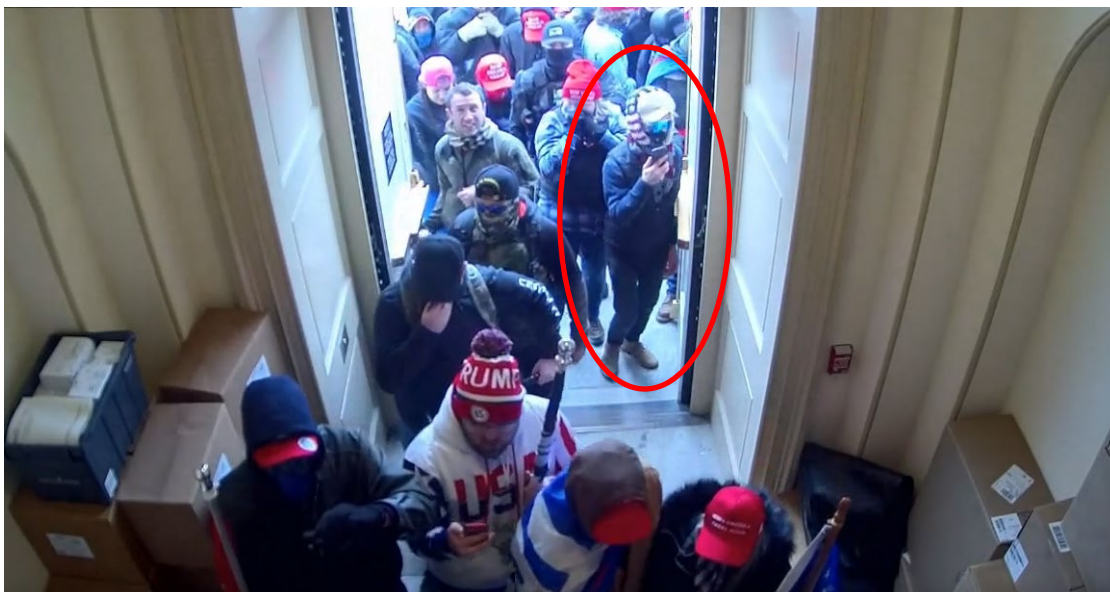


Figure 4

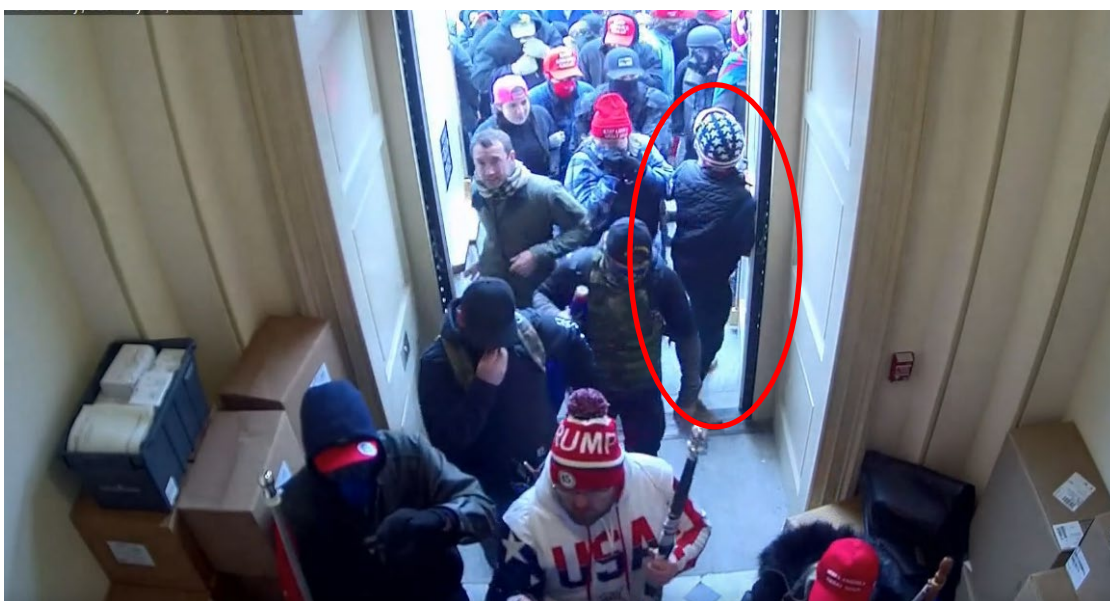


Figure 5

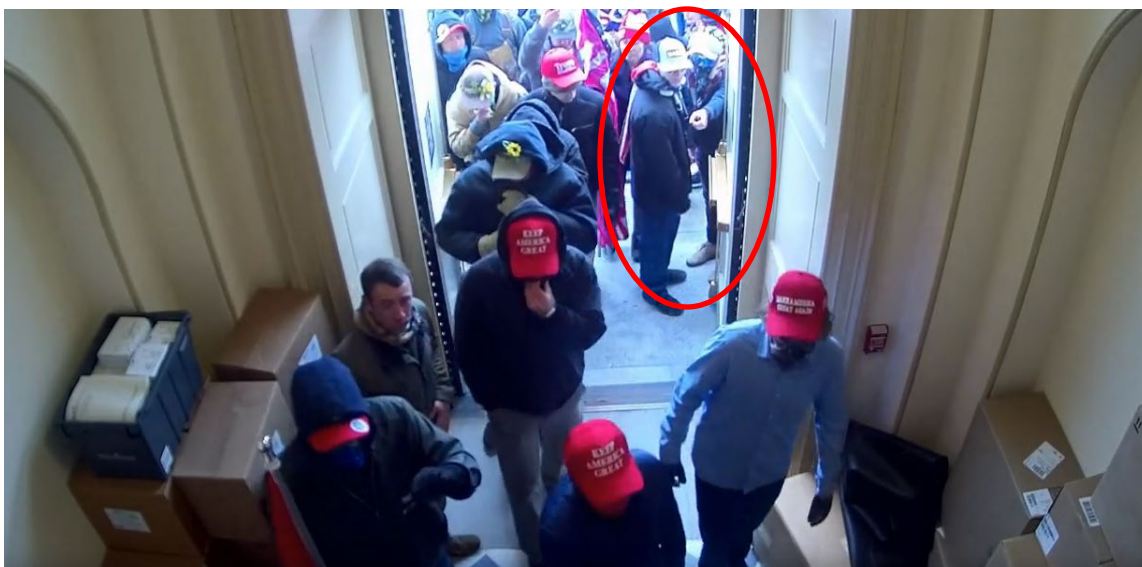


Figure 6

Two minutes later, at approximately 2:39 p.m., PACHECO entered the Capitol building.

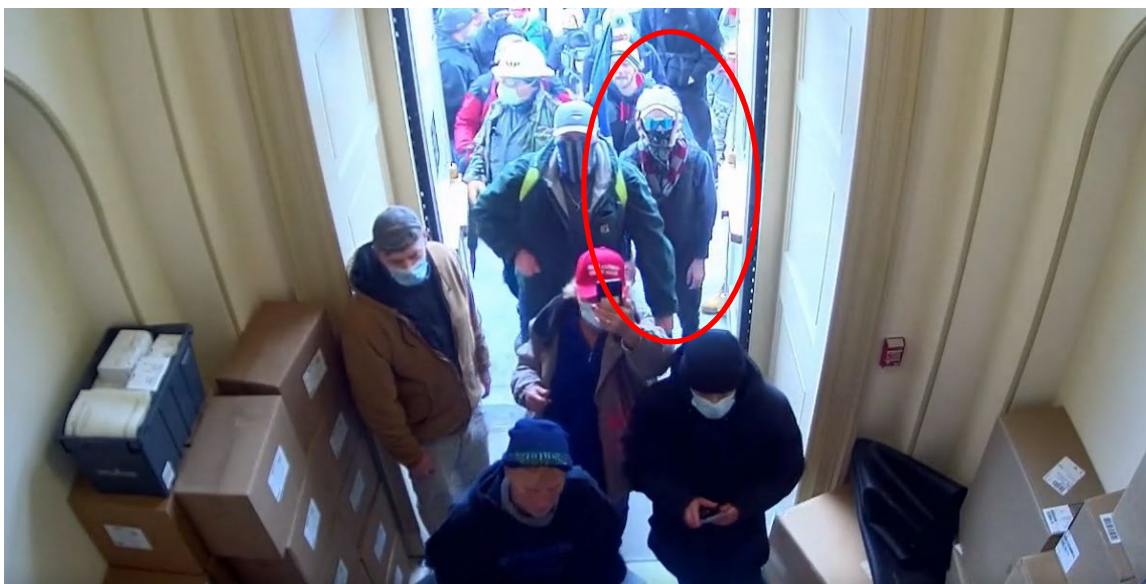


Figure 7

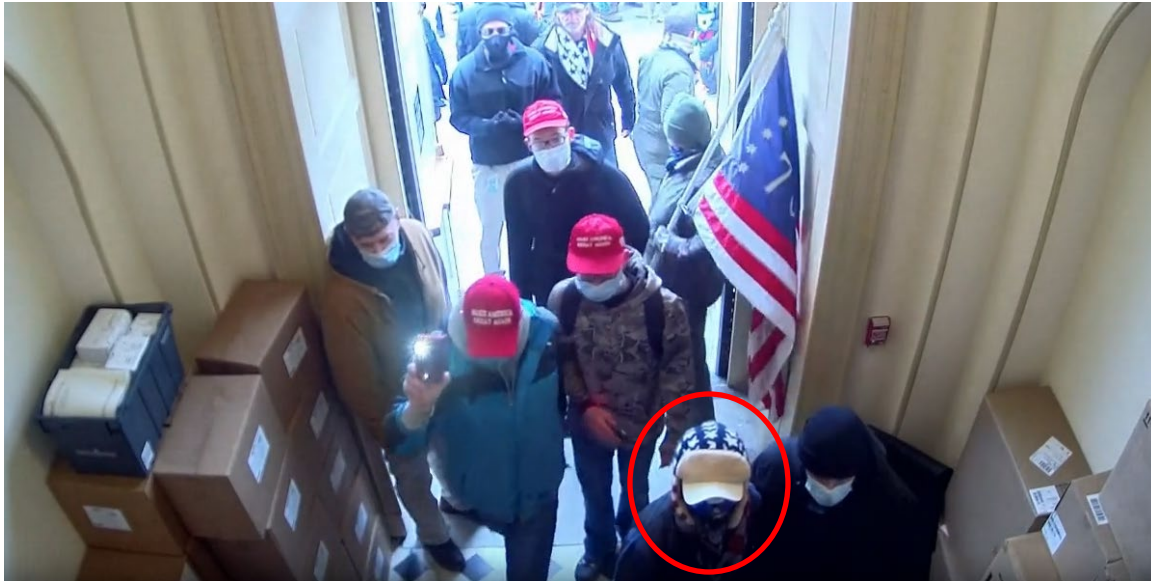


Figure 8

Approximately six seconds later, PACHECO turned around and exited the Capitol through the same door.



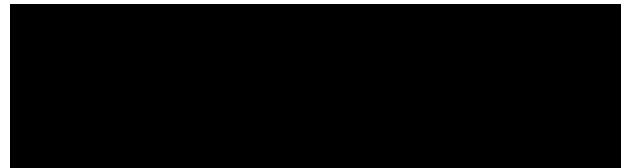
Figure 9

On September 29, 2022, I and another FBI agent interviewed PACHECO at his residence. During the interview, PACHECO admitted to being at the U.S. Capitol on January 6, 2021. PACHECO said that he did not remember entering the Capitol. Based on my observations of the physical appearance of PACHECO during the interview, I identified PACHECO as the same person seen in the photos depicted above.

On May 17, 2023, I interviewed PACHECO, who was accompanied by his attorney, for a second time. During the interview, which took place at PACHECO's attorney's office, PACHECO identified himself in all six images shown to him, including in Figures 5 and 7 depicted above. He said that he remembered entering the Capitol.

Based on the foregoing, I submit that there is probable cause to believe that PACHECO 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.

I submit there is also probable cause to believe that PACHECO 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.



FBI

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 14th day of July 2023.

Zia M. Faruqui
U.S. MAGISTRATE JUDGE