

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to the Federal Bureau of Investigation (“FBI”) and has been since February 2020. Since March 2022 to the present, your affiant has been assigned to the Joint Terrorism Task Force (“JTTF”) of the National Security Branch of the FBI Cincinnati Division. Prior to my assignment to the JTTF, I was assigned to the Complex Financial Crimes Squad of the FBI Cincinnati Division. In this capacity, I investigated matters involving criminal enterprises, white collar crimes, civil rights violations, money laundering, and various types of fraud. I have received training and investigative experience in interviewing and interrogation techniques, arrest procedures, search and seizure, search warrant applications, electronic media and computer investigations, and various other crimes and investigative techniques. In my duties as a Special Agent on the JTTF, I investigate criminal violations related to domestic and international terrorism. In addition, I am also 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. 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. On January 6, 2021, only authorized people with appropriate identification were allowed access inside the U.S. Capitol. Additionally, on January 6, 2021, the exterior plaza of the U.S. Capitol was 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 together in 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.

As the certification proceedings were still underway, 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 RELATED TO ADRIAN C. SCHMIDT

On or about December 8, 2021, a Confidential Human Source (“CHS”) provided an image of ADRIAN CHRISTIAN SCHMIDT (“SCHMIDT”) inside the U.S. Capitol on January 6, 2021 (circled in red in Image 1). On or about December 16, 2021, the FBI opened an assessment on SCHMIDT based upon CHS identification of SCHMIDT being in the U.S. Capitol on January 6, 2021. The assessment was forwarded to FBI Cincinnati based upon information that SCHMIDT resided in Cincinnati, Ohio.

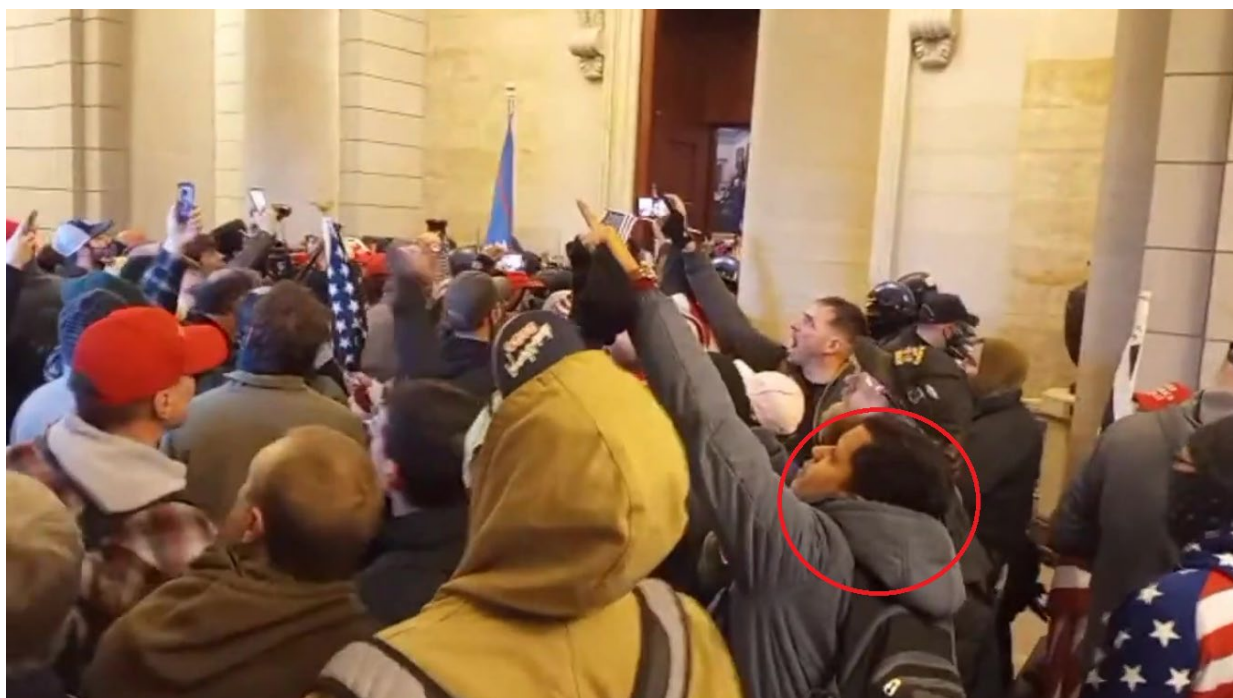


Image 1

On or about December 16, 2021, the FBI was able to obtain photographs of SCHMIDT inside the U.S. Capitol. The photographs from the U.S. Capitol footage showed SCHMIDT entering the U.S. Capitol and standing inside the U.S. Capitol. An Ohio Bureau of Motor Vehicles

(“BMV”) image of SCHMIDT was submitted for an image and name search within the Digital Media Tips database. Within the return were numerous photographs of SCHMIDT at the U.S. Capitol building on January 6, 2021.

On or about January 10, 2021, the FBI was able to locate a tip submitted to the FBI National Threat Operations Center (“NTOC”) by a Complainant (“Witness 1”) regarding SCHMIDT. On or about December 21, 2021, Witness 1 was interviewed by the FBI. Witness 1 provided three screen shots of SCHMIDT’s social media and a video of SCHMIDT at the U.S. Capitol on January 6, 2021. Witness 1 is someone familiar with SCHMIDT from attending high school with SCHMIDT. Witness 1 further advised that they followed SCHMIDT on Facebook and saw where SCHMIDT posted statements that he was going to attend the January 6 rally in Washington D.C. The images from Witness 1 are included below as Image 2, Image 3, Image 4, and Image 5.



Image 2



Image 3



Image 4

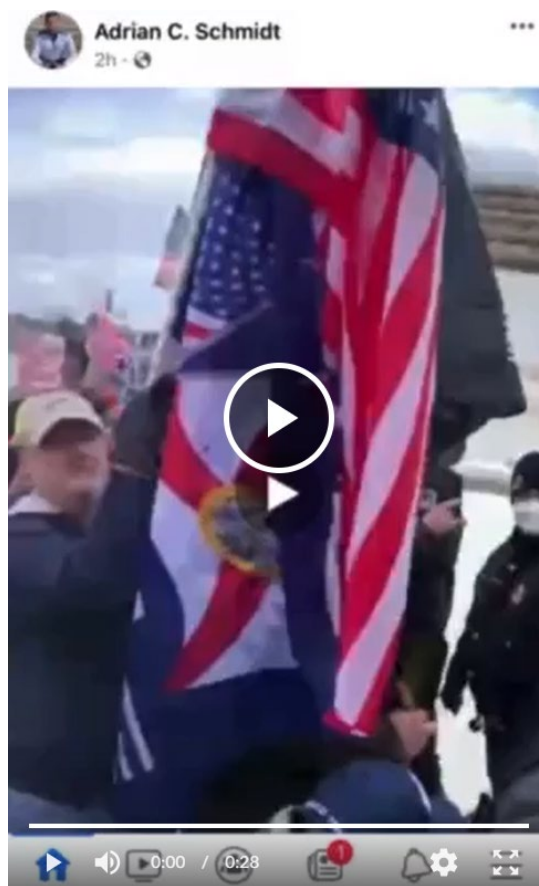


Image 5

On January 6, 2022, FBI submitted a request to the United States Capitol Police (“USCP”) for video related to SCHMIDT entering the U.S. Capitol on January 6, 2021. A video reviewed by FBI shows SCHMIDT pushing past police with a group of people to access the Rotunda Interior (7029 USCS 02 Rotunda at approximately 14:15:20). SCHMIDT is escorted out of the Rotunda at approximately 14:33:11. SCHMIDT is then observed re-entering the U.S. Capitol through the Upper West Terrace door at approximately 14:45.

On or about January 27, 2022, Witness 1 was presented a photo with a crowd of people standing inside a large hallway inside of the U.S. Capitol on January 6, 2021. Witness 1 reviewed the document and identified SCHMIDT as the male individual displayed in the photograph wearing a grey hooded coat reaching upward with his left arm/hand, circled in red and displayed as Image 1.

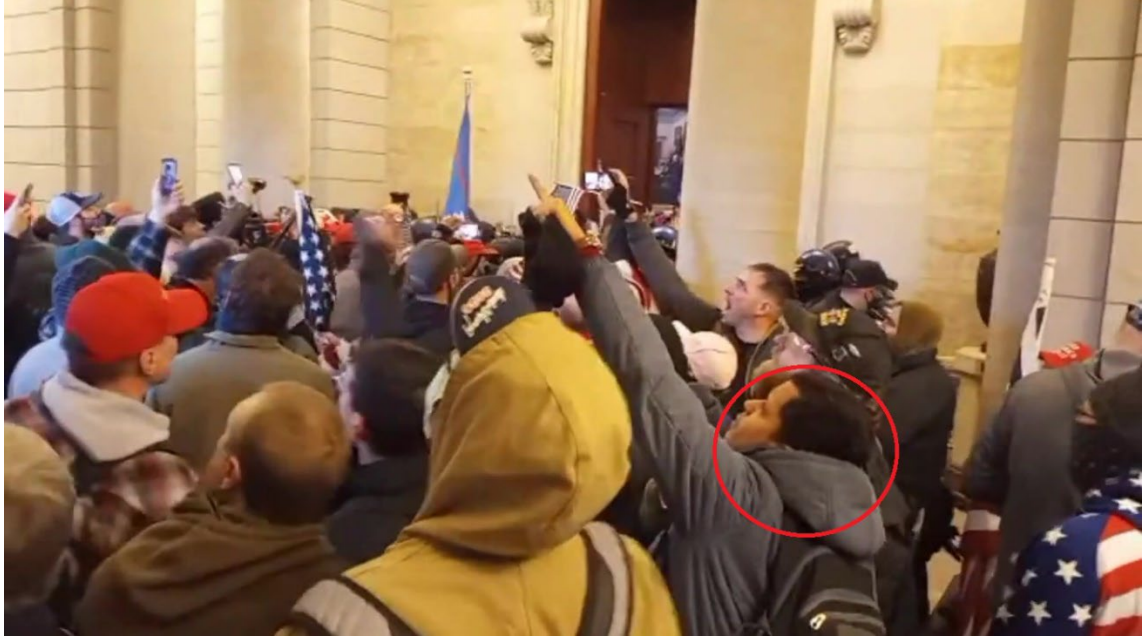


Image 1

Between June 8, 2022 and August 8, 2022, the FBI reviewed SCHMIDT's Instagram (adrian_1776) which contained a photo (Image 6) posted of SCHMIDT on Capitol grounds on January 6, 2021. In June 2022, the FBI interviewed a witness (hereafter "Witness 2") regarding SCHMIDT's Instagram postings. Witness 2 advised that Witness 2 believed that the day after the riots, January 7, 2021, SCHMIDT posted a selfie of himself with red eyes and a caption that implied SCHMIDT was pepper sprayed while at the U.S. Capitol. Witness 2 also advised that the photo's location was tagged at the U.S. Capitol by SCHMIDT.

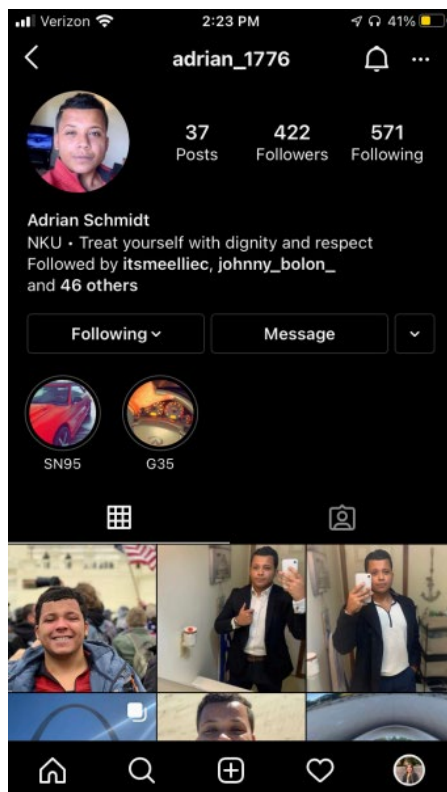


Image 6

The FBI also identified SCHMIDT in photographs (Image 7 and Image 8) and videos of SCHMIDT on Capitol grounds on January 6, 2021 (Image 9).

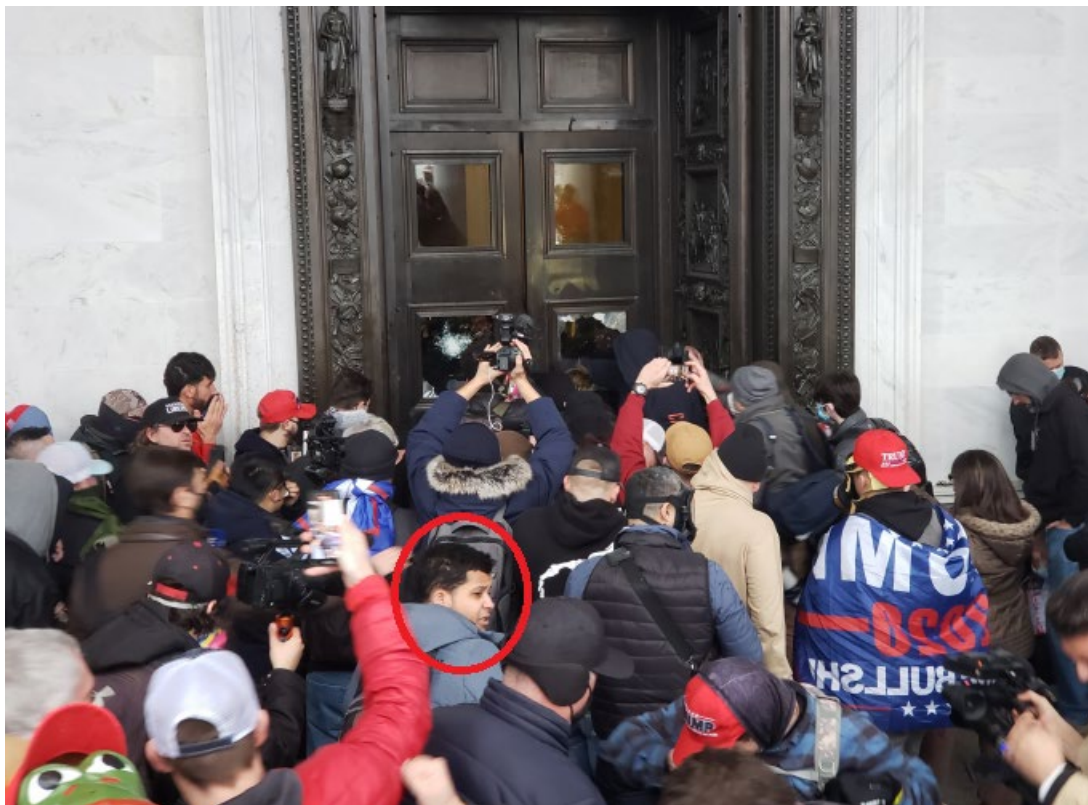


Image 7



Image 8

On or about August 2, 2022, your affiant reviewed a Home Box Office (“HBO”) documentary titled *Four Hours at the Capitol*. The footage depicted a throng of people from January 6, 2021, who had already trespassed into a restricted area of the U.S. Capitol, and SCHMIDT was seen by your affiant at the outer fencing with the crowd as they pushed past police officers.

At approximately 10:35 in the video,¹ SCHMIDT can be seen at the outer fencing as it is being pushed down/back, as displayed in Image 9.

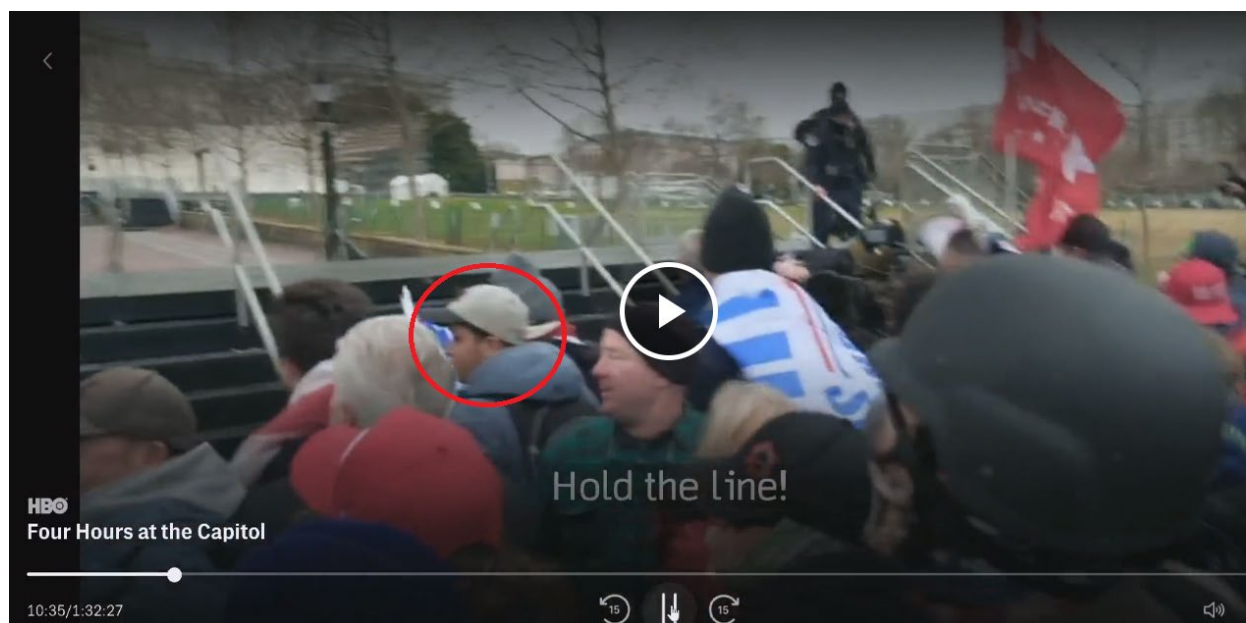


Image 9

At approximately 12:30, SCHMIDT can be seen at the front lines, turning and chanting to the crowd as the crowd is chanting "USA! USA! USA!," as displayed in Image 10.

¹ This video at this timestamp depicts the breach of the Capitol's restricted perimeter at the Peace Circle Monument which took place at 12:53 p.m. on January 6, 2021.



Image 10

At approximately 21 minutes and 01 seconds into the documentary and 21 minutes and 11 seconds into the documentary, SCHMIDT is seen pushing up against police officers, as displayed in Image 11 and Image 12.

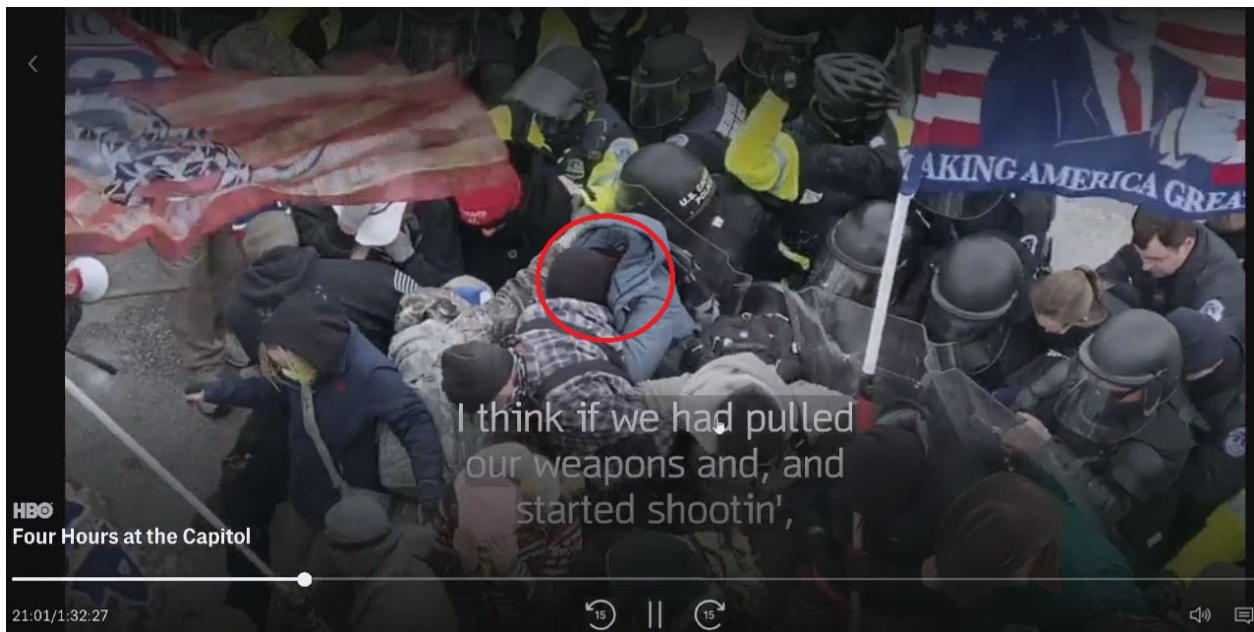


Image 11

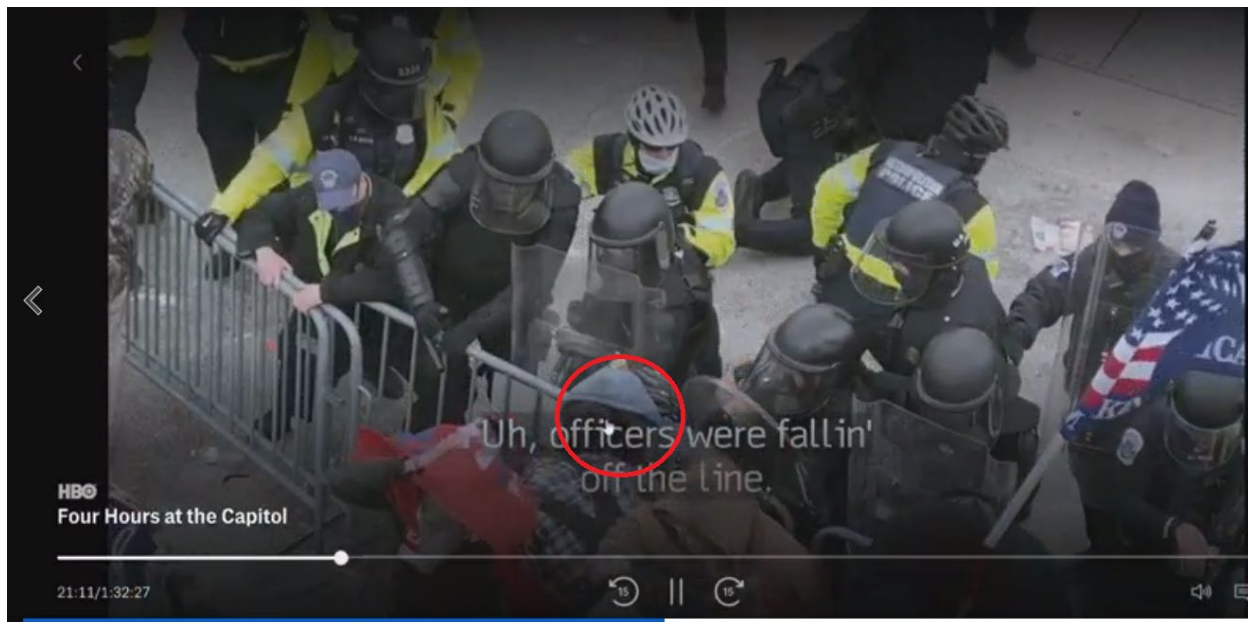


Image 12

On or about August 5, 2022, your affiant located another witness (“Witness 3”). Witness 3 is someone familiar with SCHMIDT due to him living at Chapelwood Apartments in Loveland, Ohio. Witness 3 has been familiar with SCHMIDT since he moved into the apartment complex in approximately May 2022 and advised that SCHMIDT drove a red Ford Mustang.

On August 6, 2022, and August 7, 2022, your affiant conducted physical surveillance of Chapelwood Apartments. The physical surveillance yielded positive results of a 1998 red Ford Mustang bearing Ohio tag JEG5298 with an American flag sticker displayed above the license plate parked in the complex on both dates. Your affiant requested that this Ohio tag be run by the FBI Cincinnati Operations Center through the Ohio BMV. Results confirmed that this vehicle was registered to SCHMIDT.

On August 8, 2022, Witness 3 was presented a photo with a crowd of people standing inside a large hallway inside of the U.S. Capitol on January 6, 2021. Witness 3 reviewed the document and identified SCHMIDT as the male individual displayed in the photograph wearing a grey hooded coat reaching upward with his left arm/hand, circled in red and displayed as Image 1. In addition, Witness 3 was presented a photograph of SCHMIDT wearing a hooded coat with his hands around his mouth, appearing to be yelling on Capitol grounds on January 6, 2021. Witness 3 positively identified the individual in this photograph as SCHMIDT, displayed as Image 8.

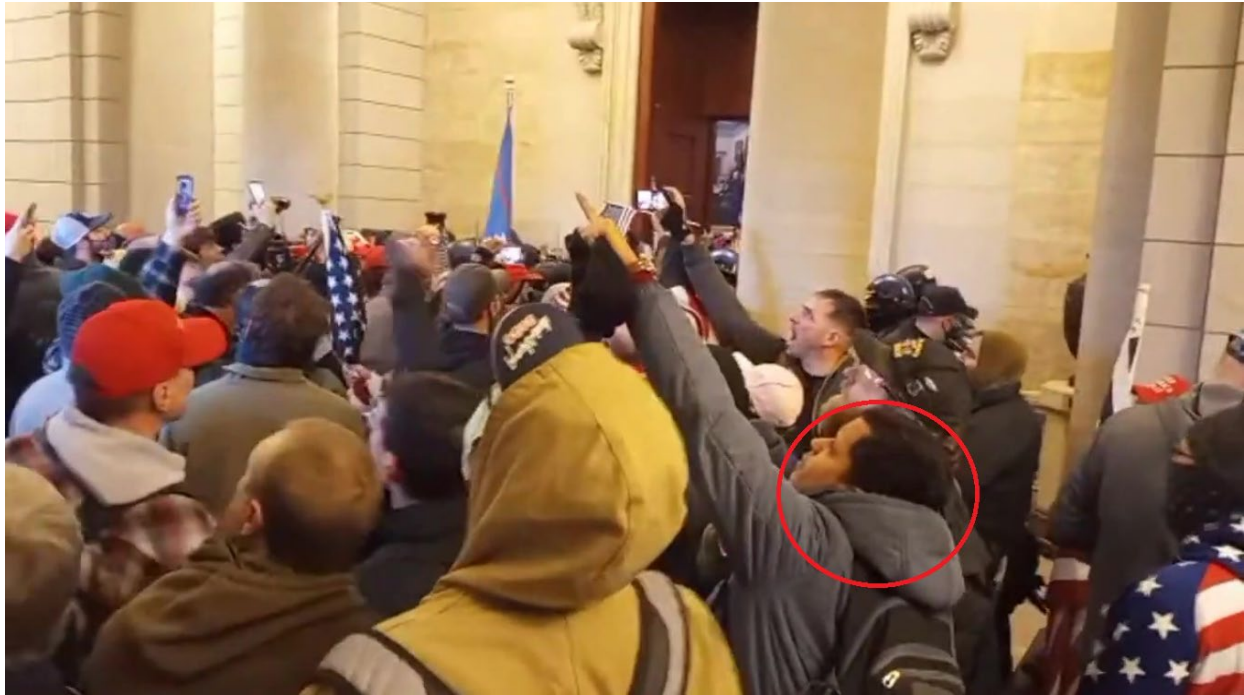


Image 1



Image 8

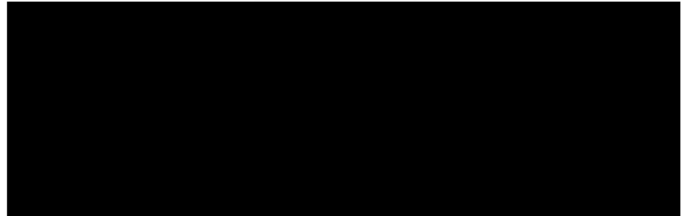
Based on information provided by Witness 1, Witness 2, Witness 3, and information gathered from law enforcement, open-source database checks, and your affiant's own surveillance of SCHMIDT, your affiant believes that the individual in images 1-12 is SCHMIDT.

Based on the foregoing, your affiant submits that there is probable cause to believe that SCHMIDT violated 18 U.S.C. § 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his or her official duties incident to and during the

commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For the purpose of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

Your affiant also submits that there is probable cause to believe that SCHMIDT 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.

Finally, your affiant submits there is also probable cause to believe that SCHMIDT 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.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 27 day of July 2023.

JUDGE ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE