

Case: 1:23-mj-00219
Assigned To : Harvey, G. Michael
Assign. Date : 8/21/2023
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant [REDACTED] is a Special Agent with the Federal Bureau of Investigation (FBI), assigned to the Philadelphia Field Office, Allentown Resident Agency. I am a graduate of the FBI Academy in Quantico, Virginia and have been an FBI Special Agent for over 2 years. I have investigated allegations associated with international terrorism and domestic terrorism. I have completed training and gained experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, and various other criminal laws and procedures. In addition to my regular duties, I am also currently reviewing public tips, videos, and documentation, among other evidence, associated with the riots and civil disorder that occurred on January 6, 2021 in and around the United States Capitol. Prior to entering on duty as a Special Agent with the FBI, I earned a B.S. in Marine Transportation and held the position of Undersea Cable Installation Engineer.

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.

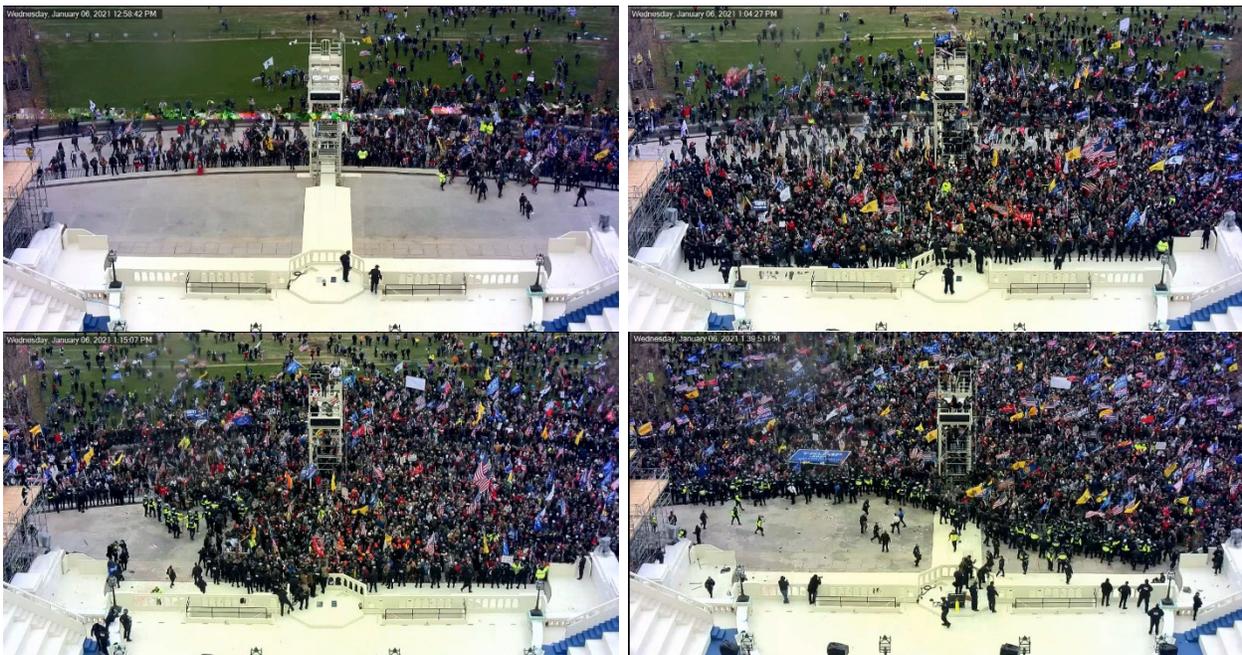
Facts Specific To This Application

The attack on the Capitol building and grounds started on the West Front of the Capitol grounds. After rioters breached the police barricades at the Peace Circle Monument at about 12:52 p.m., the rioters quickly outnumbered and overwhelmed the manned police barriers and flooded the Lower West Plaza.



Figures 1 & 2: Stills from USCP security footage showing the progression of the crowd, from the second manned police barricade (left), and beginning to fill the Lower West Plaza (right).

The crowd quickly pushed through and over the more-permanent metal fencing at the West Plaza barricade and made their way to the West Plaza where they confronted and engaged with the police line for the next hour-and-a-half.



Figures 3-6: The breach of the West Plaza barricades (top left) was followed by the formation of a USCP officer wall (top right) until MPD officers arrived with bike rack barriers for a defensive line at the top of the West Plaza stairs (bottom left, right).

Around 2:03 p.m., Metropolitan Police Department officers responding to USCP officers' calls for help began broadcasting a dispersal order to the crowd.

After having actively defended their line for over an hour, the hundreds of officers at the front of the inauguration stage were outnumbered and under continuous assault from the thousands of rioters directly in front of them, as well as members of the mob who had climbed up onto scaffolding above and to the side of them, many of whom were hurling projectiles.

One of the rioters that approached the police line at this pivotal time was wearing a black hooded jacket with a grey stripe on the upper right sleeve, blue jeans, and brown work boots. The grey stripe on the jacket appeared to be a piece of duct tape with the words "Break Up Big Tech" written on it. This rioter has been identified as James MARYANSKI.



Figures 7 - 13: Screenshots of open source footage showing Maryanski (yellow circle) on Capitol grounds on January 6, 2021, holding a can of chemical irritant spray

As the police officers attempted to hold the line on the West Plaza against the growing crowd, MARYANSKI approached the police line and grabbed onto a bike rack barrier as he appeared to yell at police officers.

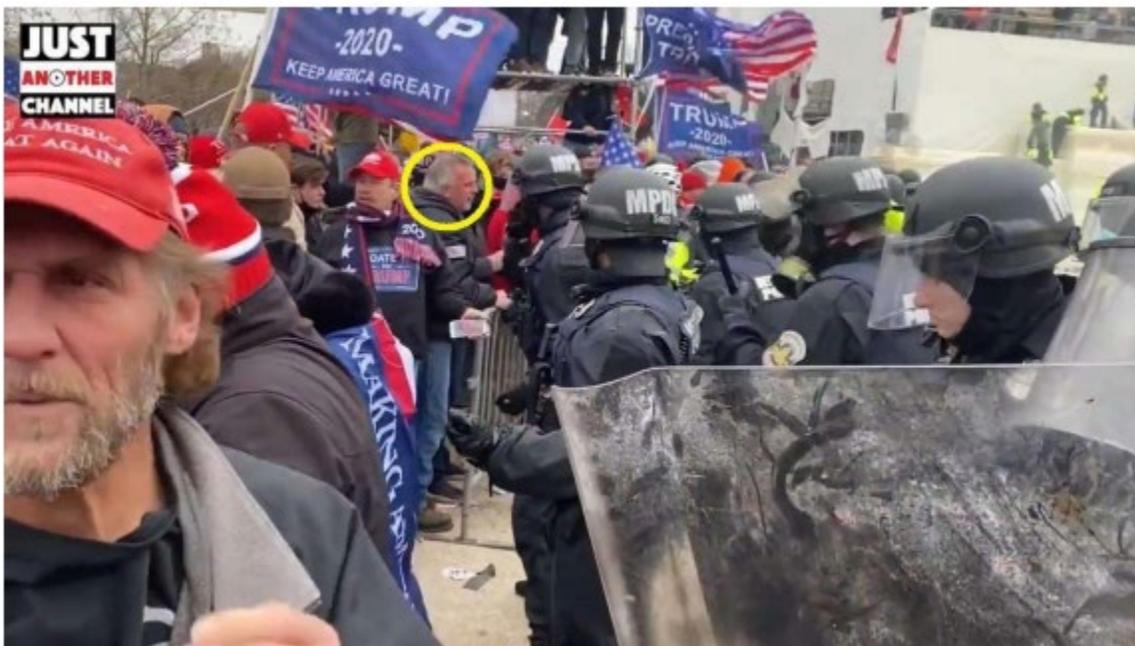


Figure 14: Screenshot of open source footage showing MARYANSKI (yellow circle) grabbing onto a bike rack barrier on the West Front

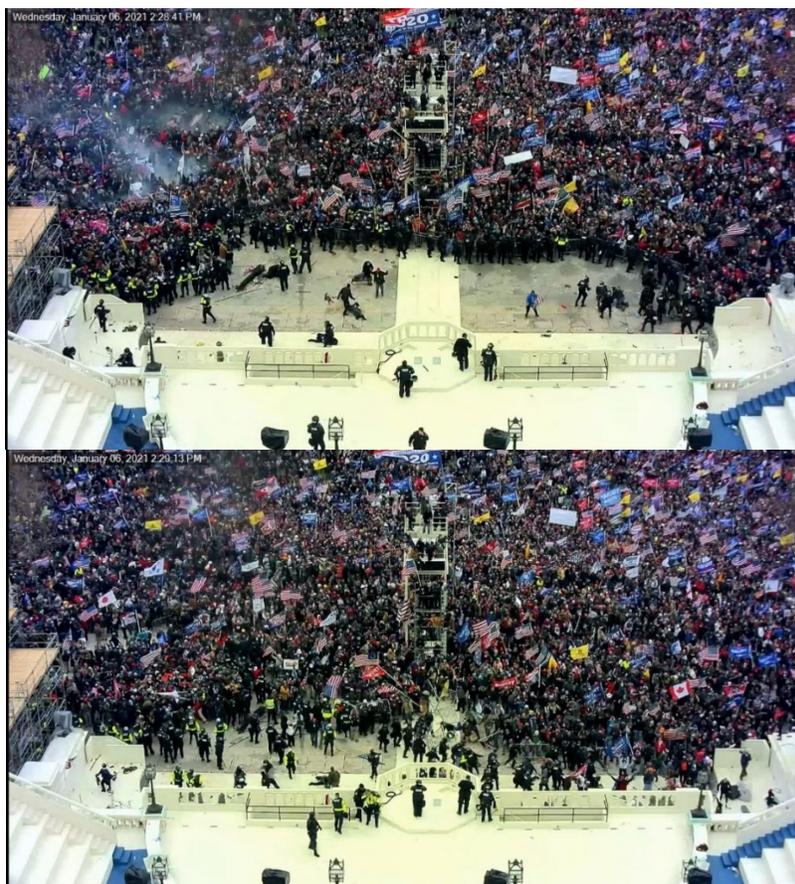
By 2:28 p.m., several large gaps appeared in the police defensive line at the West Front as rioters lunged toward the police officers, threw projectiles at the officer line, and tore away the bike rack barriers. MARYANSKI was near the front of the mob when the police line started to break.





Figures 15 & 16: Screenshots of open source footage showing MARYANSKI (yellow rectangle) at the front of the mob as the mob broke through the police line

With their defensive lines extinguished and several police officers surrounded by the crowd, the officers called a general retreat. The rioters had seized control of the West Plaza and the inauguration stage.





Figures 17 - 19: Screenshots of Capitol surveillance footage showing the breakthroughs in the defensive line on both the left and right flanks (top) caused the entire police line to collapse and individual officers were swallowed by the crowd (middle) and many officers were assaulted as they waited in a group to retreat through doors and stairwells up onto the inaugural stage (bottom).

As the officer line fell back and the rioters continued to progress forward, officers were pushed up against the wall of the Capitol building and trapped between the wall and the mob. The officers discovered a temporary staircase that led to the Upper West Plaza, and quickly began retreating up that narrow staircase. Before all of the officers had an opportunity to retreat, MARYANSKI approached the police line holding a large canister.

When he reached the front of the line of rioters and faced the officers who were attempting to retreat up the stairs, MARYANSKI raised the large canister of chemical irritant and deployed it directly at the officers' faces.





Figures 20-21: Screenshots of open source footage showing MARYANSKI spraying a large canister of chemical irritant directly at police officers trapped between the mob and the wall

Eventually, officers were able to retreat up the temporary staircase to the Lower West Terrace. Rioters, MARYANSKI included, followed the officers up to the Lower West Terrace.



Figure 22: Photo of MARYANSKI standing on the Lower West Terrace near the inauguration stage as rioters flooded the Capitol building

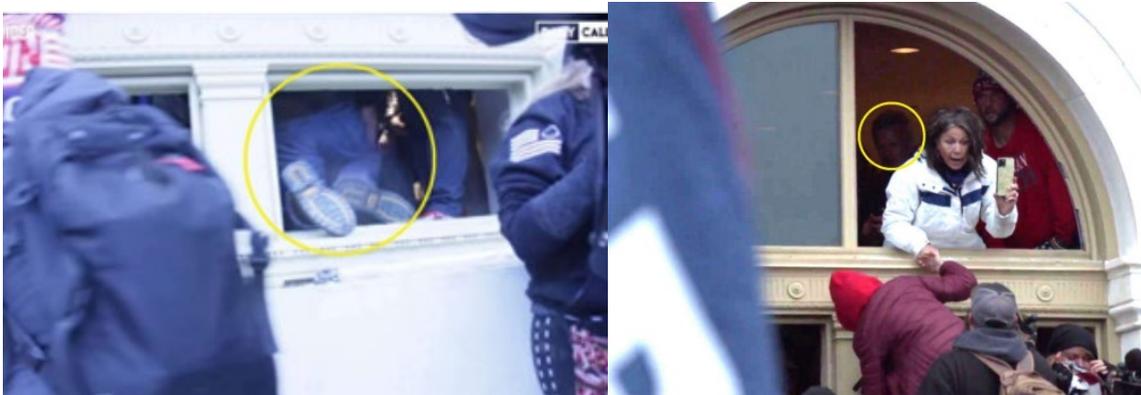
Eventually, MARYANSKI approached the Lower West Terrace tunnel. While some rioters were engaged in violent assaults against officers inside the tunnel, other nearby rioters attempted to breach the building other ways. One rioter, for example, used a baseball bat to smash a glass

window to gain entry into the building. MARYANSKI used his cell phone to capture the destruction and chaos.



Figures 23 & 24: Screenshots of open source footage showing MARYANSKI using his cell phone to record the destruction and chaos around him

After the rioter next to MARYANSKI successfully shattered and pushed out the window, MARYANSKI crawled through a window into the Capitol building.



Figures 25 & 26: Screenshots of open source footage showing MARYANSKI (yellow circle) climbing through a window into the Capitol building (left) and standing inside a room in the Capitol building (right)

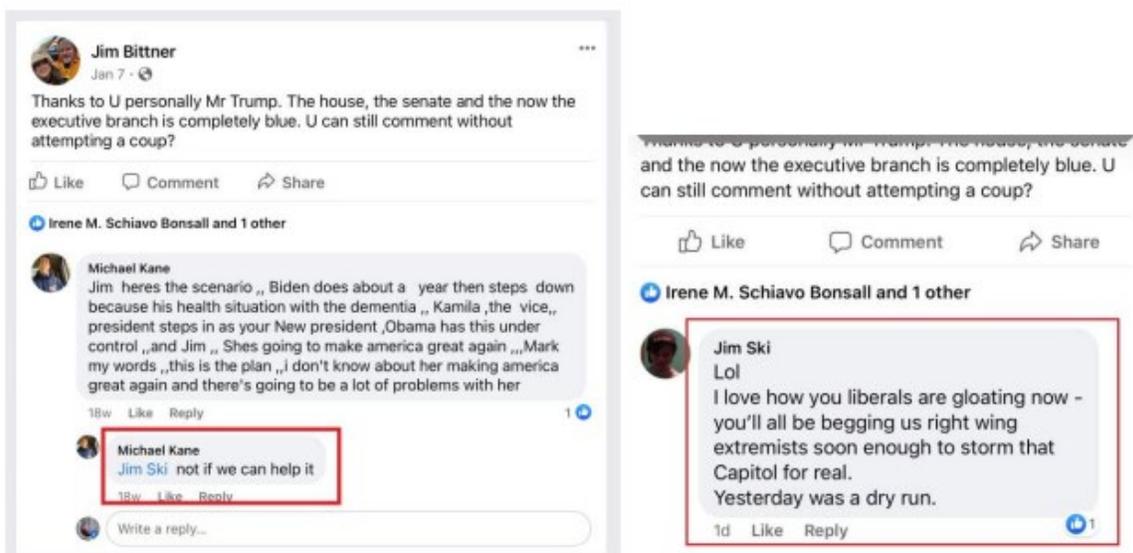
The room that MARYANSKI entered is known as ST-2M. Rioters ransacked the room; they tore the furniture apart, dumped belonging all over the floor, and passed broken furniture out of the window to use as weapons against officers.



Figures 27 and 28: Screenshots of open source footage showing MARYANSKI (yellow circle) exiting the lower window (left) left of the tunnel approximately 2 minutes after entering and standing among the crowd after exiting the Capitol (right)

Eventually, MARYANSKI left the Capitol grounds.

After January 6, MARYANSKI posted on Facebook about his participation in the Capitol riot. In one of his comments, he stated that January 6, 2021 “was a dry run.”



Figures 29 & 30: Screenshots of a Facebook comment tagging MARYANSKI (left) and a Facebook comment written by MARYANSKI (right)

After January 6, 2021, the FBI posted photos of BOLO AFO-478.



Figure 31: FBI “Be On The Lookout” Photo for AFO-478

The FBI received a tip that BOLO 478 was “Jim,” full name James Wayne Maryanski.

Your affiant interviewed Witness 1, one of MARYANSKI’s family members, and showed that person photos from January 6. That person positively identified Maryanski in several photos. Additionally, your affiant reviewed MARYANSKI’s driver’s license photograph and positively identified that person as the same person in photos and videos, above, taken on January 6, 2021.

For the reasons set forth above, I submit there is probable cause to believe that MARYANSKI violated:

1. 18 U.S.C. § 111(a)(1), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in section 1114 of Titled 18 while engaged in or on account of the performance of official duties. For purposes of Section 1114 of Title 18, a designated person means any officer or employee of the United States while engaged in the performance of official duties, or any person assisting such an officer of employee in the performance of such duties. Your affiant further submits that there is probable cause to believe that MARYANSKI violated 18 U.S.C. § 111(b), which makes a violation of 18 U.S.C. § 111(a) a crime punishment by up to 20 years imprisonment where the person, in the commission of any acts described in § 111(a), uses a deadly or dangerous weapon or inflicts bodily injury.

2. 18 U.S.C. § 231(a)(3), which makes it a crime 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 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 purposes 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, by any department, agency, or instrumentality 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.

3. 18 U.S.C. § 1752(a)(1), (2), and (4), which make it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; (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 (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; or attempts or conspires to do so.

4. 40 U.S.C. § 5104(e)(2)(E) and (F), which make it a crime for an individual or group of individuals to willfully and knowingly (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings; or (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

The statements above are true and accurate to the best of my knowledge and belief.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 21 day of August 2023.

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE