

Case: 1:23-mj-00284
Assigned To : Harvey, G. Michael
Assign. Date : 10/30/2023
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

[REDACTED] In my duties as a Special Agent, I am currently assigned to the Joint Terrorism Task Force, specifically specializing in domestic terrorism. 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.

Since January 6, 2021, the FBI has been investigating and identifying those individuals who illegally entered and committed offenses within the United States Capitol and its grounds. Investigators have determined that HOWARD RAYMOND FREELove, a resident of the State of California, was one such individual. The evidence the FBI has obtained of FREELove's identity is set forth below.

FBI investigators have reviewed photo and video evidence, both from open source and publicly available media as well as closed circuit (CCTV) surveillance video from the United States Capitol to track FREELove's movements on January 6, 2021. According to open source videos posted on social media sites including Facebook and Parler, on January 6, 2021, FREELove attended a rally in Washington D.C. near the Washington Monument shortly before walking to the Capitol grounds. Photos and videos posted on social media, as well as photos and videos from news media coverage of the Capitol on January 6 show that upon arrival at the Capitol grounds FREELove gathered with other rioters on the East side of the building, where he stood outside near the Rotunda Doors.

Photos and videos of FREELove show he was wearing a blue shirt under a navy blue windbreaker style jacket with a white stripe across the shoulders, dark pants, and tan shoes. FREELove had a white beard, large dark tinted glasses, and a red baseball hat with white lettering which read, in part, "TRUMP."



Fig. 1 – Still photo captured from video posted on YouTube of FREELOVE on January 6, 2021, on the East Side of the Capitol Building near the Rotunda Doors in blue shirt, and navy windbreaker.



Fig. 2 – Photo posted on social media of FREELOVE on January 6, 2021, wearing a red hat with white letters reading “TRUMP” visible.

CCTV footage from the Capitol shows that at approximately 2:25 p.m. – the Rotunda Doors were breached by a large crowd of rioters. The door's windows were broken by multiple people in the crowd and the doors themselves were ultimately forced open by people both inside and outside of the building. Multiple people entered through the open doors. The CCTV video further depicts several law enforcement officers attempted to physically block the entrance and to close the doors against rioters who were entering or attempting to enter. Eventually the officers were overwhelmed by the crowd, pushed out of the way, and large numbers of people began freely entering through the Rotunda Doors. The breach of these doors lasted until at least around 8:00 p.m. when Capitol Police officially declared the building to be secure.

At approximately 2:43 p.m., as this breach was ongoing, CCTV footage and video taken by individuals in the crowd and now available through open source searches shows FREELOVE forced his way into the building amongst a large group of people. He briefly stumbled over another rioter at the threshold, but upon righting himself proceeded to walk toward the Rotunda.

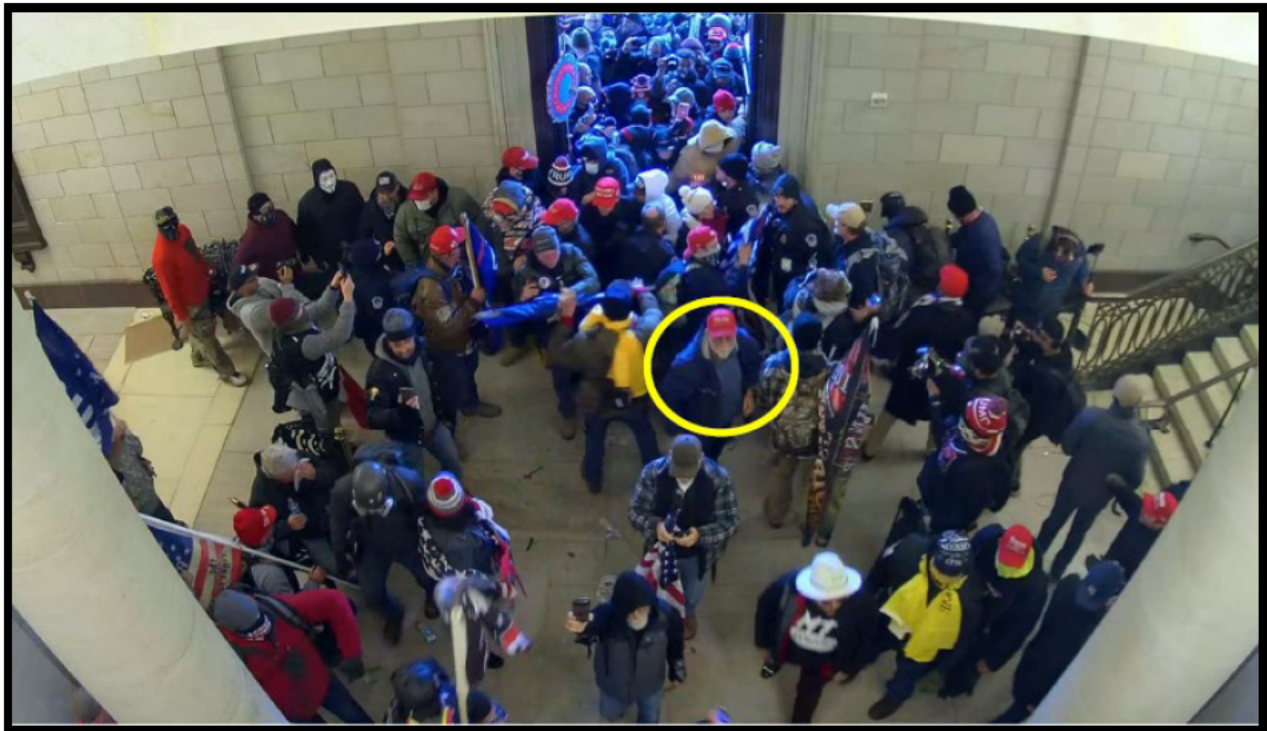


Fig. 3 – Still photo captured from CCTV at the Rotunda Doors depicting FREELOVE (yellow circle) entering the building at approximately 2:43 p.m.

After entering the Capitol building, CCTV footage shows FREELOVE walked into the Rotunda, where he lingered momentarily before he entered Statuary Hall, a large room adjacent to the Rotunda inside the Capitol. This surveillance video shows FREELOVE walked and stood in Statuary Hall filming with what appeared to be a cell phone. After a few moments, FREELOVE turned around, and walked back into the Rotunda where he sat on a bench for approximately ten minutes. He exited the Capitol building through the Rotunda Doors at approximately 3:06 p.m.

In December 2021, the FBI received a tip from a witness who knows FREELOVE based on their mutual participation in a community organization. The witness reported that he/she observed video footage on CNN and online of FREELOVE entering the Capitol Building on January 6. The witness identified FREELOVE in photos from January 6, 2021, including a photo of FREELOVE entering the Capitol. The witness further identified several social media profiles associated with FREELOVE.



Fig. 4 - Still image captured from video posted online of the Rotunda Doors on January 6, 2021. The figure circled in yellow was identified as FREELOVE by the reporting witness.

Investigators conducted open source searches for FREELOVE on the internet. In a post dated December 4, 2021, on social media site Twitter,¹ investigators located a video which appeared to be filmed by FREELOVE in the days leading up to January 6, 2021.

During the video, a male, identified as FREELOVE appears to be filming himself while driving down a road. On camera, FREELOVE states, “Hello everyone, FREELOVE here. I left Chula Vista, California...a couple of days ago, and I’m on my way to Washington DC, for the rally . . .” FREELOVE then stated he was going on March 6, but quickly corrected himself to clarify that he was going to “march on the 6th.” In the video, FREELOVE has a white beard, and is wearing what appear to be the same tinted glasses and red baseball hat that he wore on January 6.

¹ During the investigation of this case, Twitter changed its name to “X Corp.” Legal process and information was obtained from the company when it was called Twitter.

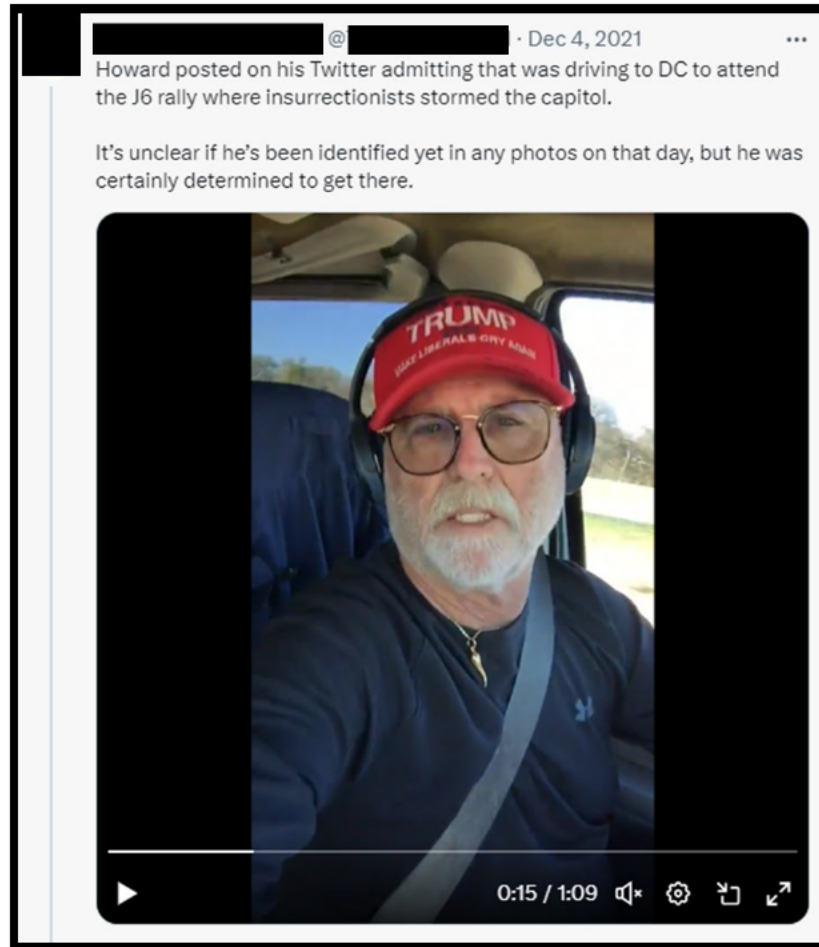


Fig. 5 – A screen capture of the Twitter post which contained video of FREELOVE stating he was on his way to Washington DC to march on January 6.

The witness mentioned above who identified FREELOVE as depicted in Figure 4 also identified FREELOVE from the photo depicted in Figure 5. Additionally, toward the end of the video, FREELOVE panned the camera to show the area where he is driving, showing part of the interior of his vehicle as well as the hood of the vehicle, which is white. Records from the California Department of Motor Vehicles show that FREELOVE is the registered owner of a 2000 white Chevrolet van, registered in California. Based on my knowledge of the layout and appearance of that model of Chevrolet van, the interior and hood of the vehicle depicted in the video appear consistent with vehicle registered to FREELOVE.

Based on the foregoing, your affiant submits that there is probable cause to believe that FREELOVE 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 FREELove 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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Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 30th day of October 2023.

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE