

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to the Federal Bureau of Investigation (“FBI”). In my duties as a special agent, I investigate international and 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 facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause, it does not contain every fact known by me or the FBI.

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.

Identification of YETMAN as BOLO AFO-278

On January 14, 2021, US Army Criminal Investigation Command (“CID”) received information that Gregory YETMAN (“YETMAN”), a National Guard member, had admitted to being at the Capitol Riots on January 6, 2021 in a series of Facebook posts. CID provided screenshots of those Facebook posts (Images 1-3) to the FBI. In those posts, YETMAN described observations and experiences from his time at the U.S. Capitol Building.

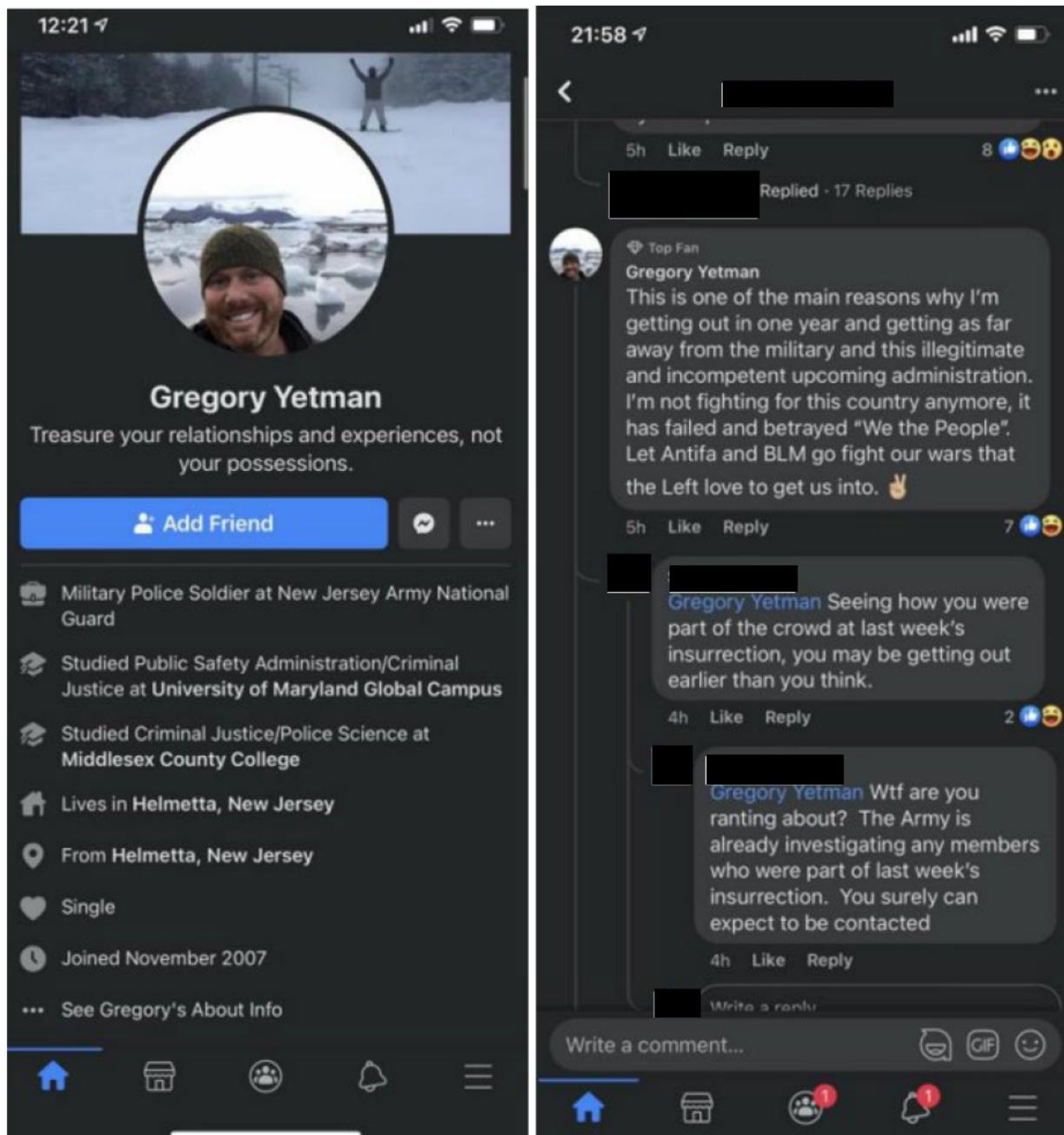


Image 1: Screenshot of YETMAN's Facebook posts.

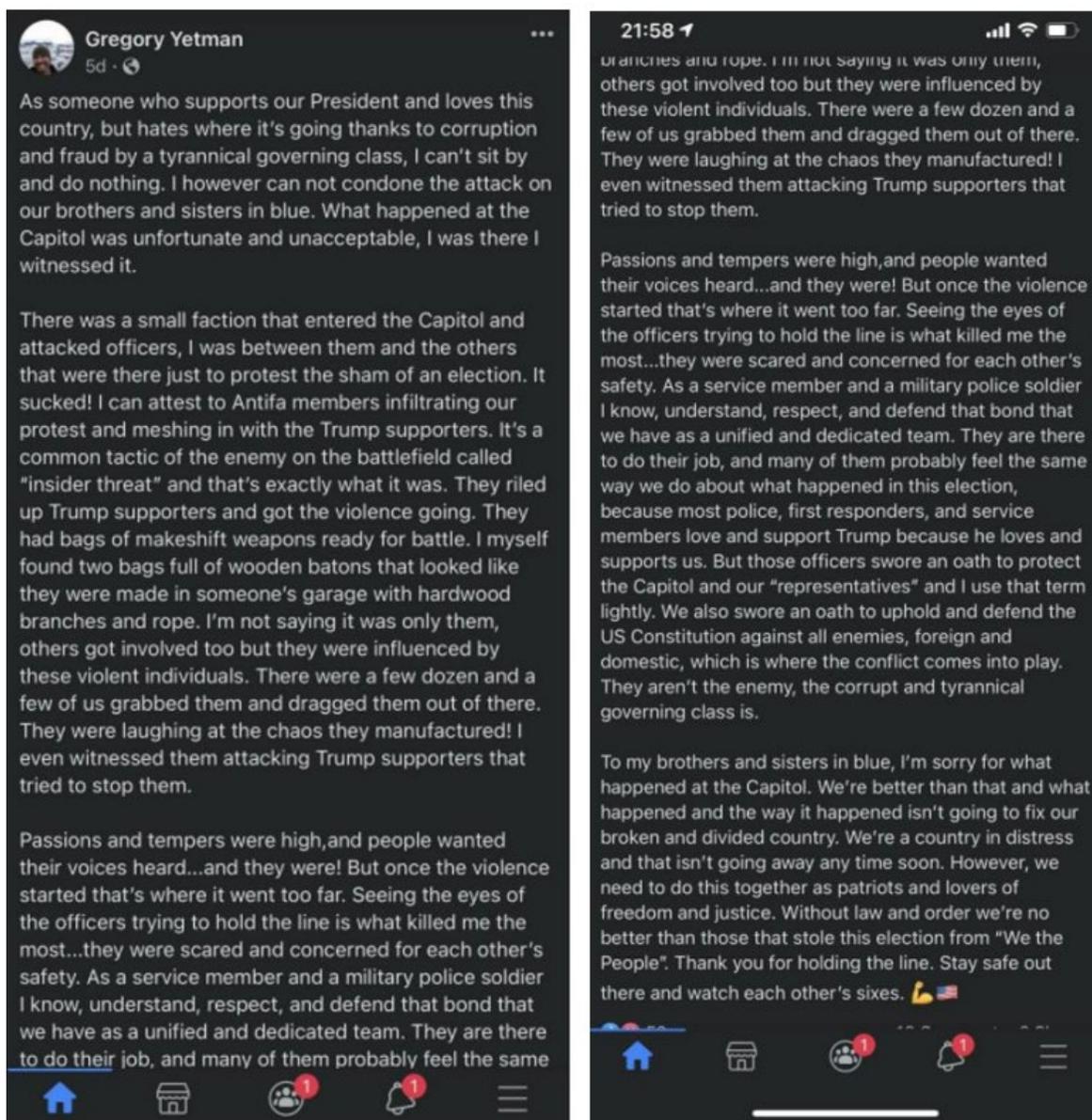


Image 2: Screenshot of YETMAN's Facebook posts.

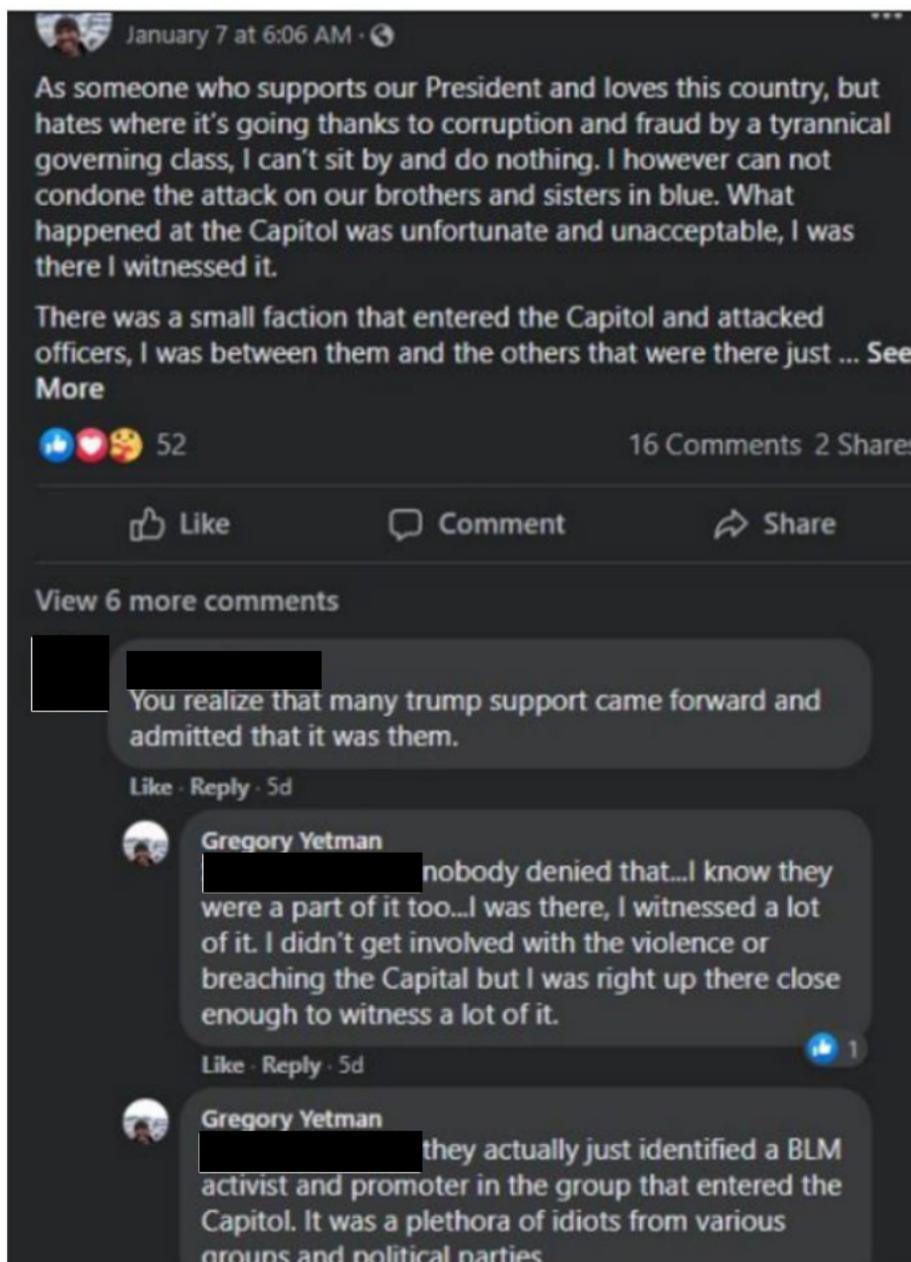


Image 3: Screenshot of YETMAN's Facebook posts.

The FBI's investigation located additional images of YETMAN from his social media accounts (images 4-5, below).



Image 4: FBI's investigation identified a photograph from YETMAN's Instagram page, showing him wearing a hat consistent a hat worn on January 6, 2021.



Image 5: The FBI's investigation identified a photograph from YETMAN's Facebook page.

On January 22, 2021, agents from the FBI (Newark office) conducted an in-person interview with YETMAN. The interview lasted approximately 10 minutes. During that interview, YETMAN stated that he drove to Washington, DC, on January 6, 2021, and made his way to the west side of the U.S. Capitol Building during the riot. YETMAN said that he heard “flash bangs” and understood that the U.S. Capitol Police began deploying gas. He observed individuals trying to break windows and an officer getting pulled into the mob. YETMAN also stated that he tried to help people exposed to chemical irritants by pouring water in their eyes. YETMAN told the interviewing agents that he supports law enforcement and that anyone entering the Capitol or

assaulting officers should be prosecuted. YETMAN further stated that he did not attempt to enter the Capitol.

YETMAN showed the interviewing agents videos and photos he took while at the Capitol, including Image 6 below. Image 6 appears to depict the middle landing of Lower West Terrace on the Inauguration Platform, adjacent to the Lower West Terrace archway of the Capitol. The Lower West Terrace Door (sometimes referred to as the “tunnel”) is outside of the frame of the photograph.



Image 6: Photo provided to FBI agents by YETMAN during interview on January 22, 2021, showing his location at the Capitol on January 6, 2021. The entrance to the Lower West Terrace Door is outside of the frame the image.

On January 6, 2021, an individual initially identified as “BOLO AFO-278,” assaulted a Metropolitan Police Department (“MPD”) Officer (hereinafter, “Victim MPD Officer 1”) on the West Front using what appears to be an MK-46H chemical spray cannister. After investigators obtained YETMAN’s Facebook posts, investigators preliminarily identified YETMAN as BOLO AFO-278.

The following two photos were published by the FBI Office of Public Affairs (“OPA”) of BOLO AFO-278 on March 25, 2021 on the FBI’s Capitol Violence website.

(U) FBI OPA BOLO AFO-278 Photos Used in FBI Seeking Information Poster



Photograph #278 C - AFO Photograph #278 A - AFO

Image 7: Photographs used by FBI to seek information concerning the identify of AFO-278.

On February 20, 2021, an open-source group known as “Sedition Hunters” posted additional images of BOLO AFO-278 on their public facing website as seen below.

(U) Sedition Hunters BOLO AFO-278 Photos



Image 8: Photographs posted by Sedition Hunters to seek information concerning the identify of FBI 278-AFO.

In August 2022, I sent an email containing a number of photographs to one of the agents who interviewed YETMAN in January 2021. The photographs included YETMAN’s New Jersey Department of Motor Vehicles photograph, his passport photograph, Image 5 above, both

photographs in Image 7 above, and the photograph on the right hand side of image 18 below (showing a man in green using a chemical spray cannister). The agent identified the person in the photographs as YETMAN.

In May 2023, an FBI Task Force Officer and I met with an individual who previously worked with YETMAN (“CW-1”) for several years, until approximately two years ago. CW-1 was shown a series of five photographs of YETMAN. CW-1 positively identified the person in a photograph from the New Jersey Department of Motor Vehicles and Images 9 to 11 below as YETMAN; CW-1 stated that it was hard to tell whether the person in Image 12 was also YETMAN. The first photograph was a photograph of YETMAN on file with the New Jersey Department of Motor Vehicles. The next four photographs shown to CW-1 are reproduced below.



Image 9: Photograph depicting individuals on January 6, 2021, shown to CW-1, who identified the man circled in yellow as YETMAN.



Image 10: Photograph depicting individuals within the restricted area of the Capitol grounds on January 6, 2021, shown to CW-1, who identified the man circled in yellow as YETMAN.



Image 11: Photograph depicting individuals within the restricted area of the Capitol grounds on January 6, 2021, shown to CW-1, who identified the man circled in yellow as YETMAN.



Image 12: Photograph shown to CW-1 who said it was hard to identify the person outlined in yellow.

Based on a comparison of photographs of BOLO AFO-278 and YETMAN, YETMAN's social media posts, his statements to federal investigators, and the identifications made by the interviewing agent and CW-1, there is probable cause to believe that BOLO AFO-278 is YETMAN.

YETMAN's Actions on January 6, 2021

As described above, investigators determined that Victim MPD Officer 1 was assaulted by an individual using an MK-46H spray cannister while on the West Front of the U.S. Capitol. A comparison of the video footage of the person spraying Victim MPD Officer 1 on the West Front with video footage and photographs taken of YETMAN on January 6 at the U.S. Capitol show that YETMAN is the person using an MK-46H spray cannister to spray Victim MPD Officer 1 on the West Front of the U.S. Capitol building. In particular, I observed that the green and black jacket worn by YETMAN (shown in images 7 through 11 above) is consistent with the jacket worn by the person who sprayed Victim MPD Officer 1 (images 13 to 17, below), and that the neck gaiter YETMAN wears around his neck in those same images is consistent with the neck gaiter pulled up over the face of the person spraying Victim MPD Officer 1.

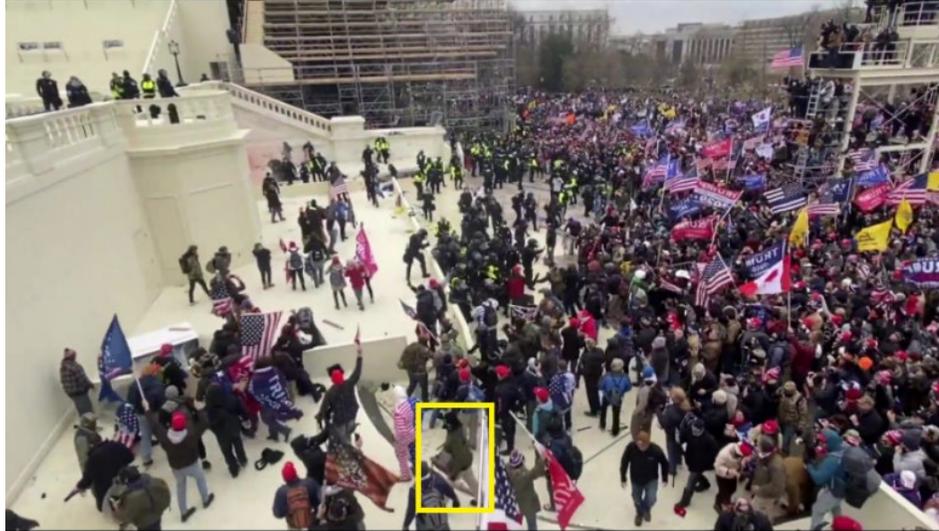


Image 13: Photograph of YETMAN (outlined in yellow) on the West Front, prior to spraying officers.



Image 14: Photograph of YETMAN (outlined in yellow) on the West Front, prior to spraying officers.

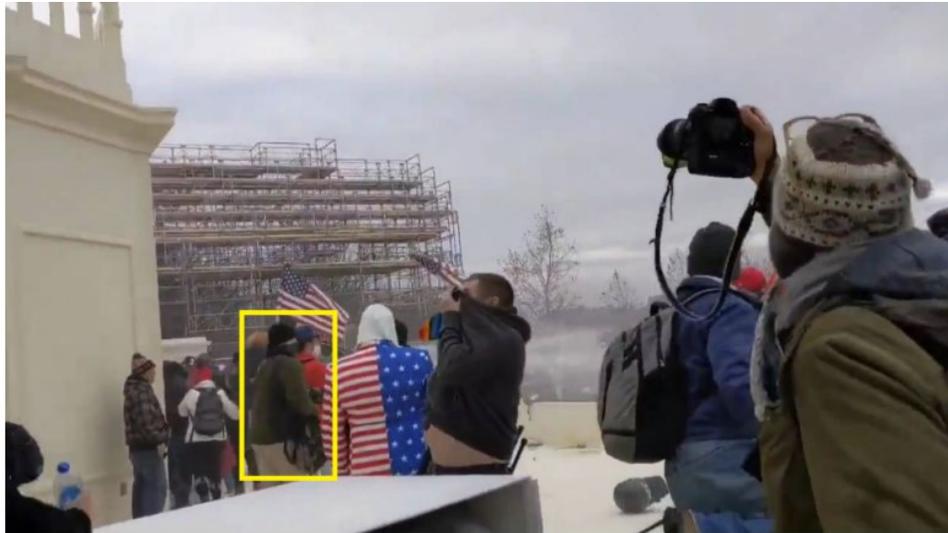


Image 15: Photograph of YETMAN (outlined in yellow) on the West Front, preparing to spray officers.



Image 16: Photograph of YETMAN (outlined in yellow) on the West Front, spraying officers.

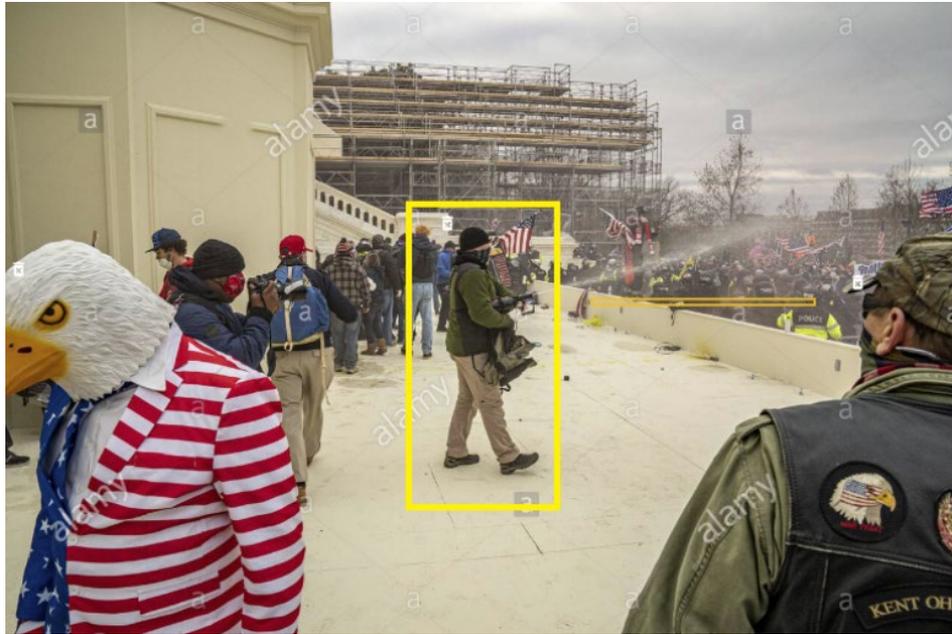


Image 17: Photograph of YETMAN (outlined in yellow) on West Front, spraying officers.

According to information provided by MPD on January 5, 2022, MPD officers had multiple MK-46 spray cannisters on January 6, 2021, many of which were reportedly stolen by rioters and used against officers. Based on my review of video footage of the assault on Victim MPD Officer 1, another rioter had control over an MK-46 cannister and was using it to spray law enforcement officers defending the U.S. Capitol on the West Front. The rioter set the cannister down on the ground and walked away; within seconds, YETMAN picked up the cannister and resumed spraying a group of law enforcement officers in front of him on the West Front. YETMAN continued to spray the officers for approximately 12-14 seconds, then discarded the cannister, and walked back to the wall behind him. Additional footage shows YETMAN subsequently holding up what appears to be a cellular telephone as if to take photographs and/or videos of the riotous mob. The appearance of an MK-46H spray canister and the spray used by YETMAN to assault officers likewise appear to be consistent, as shown below in Image 18.

(U) Photo of MK-46H Chemical Spray (Left); Photo of BOLO AFO-278 Using Spray Against Officers (Right)



Image 18: Photographs posted by Sedition Hunters showing MK-46H chemical spray cannister and use by YETMAN against police officers on January 6, 2021.

Based on a review of body worn camera (“BWC”) footage from multiple MPD officers on January 6, one of the victim officers of YETMAN’s assault was identified as Victim MPD Officer 1. A review of Victim MPD Officer 1’s BWC revealed that at approximately 2:29 p.m., as the crowd of violent rioters breached the police line and were assaulting numerous officers, YETMAN was standing among the rioters who had advanced farther onto the first landing of the West Front following the collapse of the police line as seen in the image below. YETMAN is highlighted in the red circle.



Image 19: Still from Victim MPD Officer 1's BWC footage showing YETMAN (circled in red) using spray cannister against police officers at approximately 2:30 p.m. on January 6, 2021.

On the video, YETMAN sprayed multiple officers, including Victim MPD Officer 1, multiple times while officers were fending off repeated assaults and were being swarmed by rioters positioned on the opposite side of the officers, who continued to further breach Capitol grounds. None of the officers were proximate to or engaged with YETMAN while he sprayed chemical irritant at the officers, as shown below in images 20-22.



Image 20: Still from Victim MPD Officer 1's BWC footage showing YETMAN (circled in red) using spray canister against police officers at approximately 2:30 p.m. on January 6, 2021.



Image 21: Still from Victim MPD Officer 1's BWC footage showing YETMAN (circled in red) using spray canister against police officers at approximately 2:30 p.m. on January 6, 2021.



Image 22: Still from Victim MPD Officer 1's BWC footage showing YETMAN (circled in red) using spray canister against police officers at approximately 2:30 p.m. on January 6, 2021.

Additional photographs and video stills (images 23-25) show YETMAN walking around other areas within the restricted perimeter of the U.S. Capitol grounds on January 6, 2021, including the Lower West Terrace near the "tunnel," an area consistent with that depicted in image 6 above (which YETMAN provided to FBI agents).



Image 23: Photograph showing YETMAN (outlined in yellow) on Lower West Terrace on January 6, 2021.



Image 24: Photograph showing YETMAN (outlined in yellow) near the Lower West Terrace on January 6, 2021.



Image 25: Photograph showing YETMAN (outlined in yellow) on Lower West Terrace on January 6, 2021.

Based on the foregoing, your affiant submits there is probable cause to believe that YETMAN violated 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 Title 18 while engaged in or on account of the performance of official duties. Persons designated within section 1114 of Title 18 include any person assisting an officer or employee of the United States in the performance of their official duties and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

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

Based on the foregoing, your affiant submits that there is probable cause to believe that YETMAN violated 18 U.S.C. § 1752(a)(1) and (4), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds; 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 YETMAN violated 40 U.S.C. § 5104(e)(2)(F), which makes it a crime to willfully and knowingly engage in an act of physical violence in the Grounds or any of the Capitol Buildings.




Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 6th day of November 2023.

HON. ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE