

## STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent of the Federal Bureau of Investigation (“FBI”). I am primarily assigned to investigate matters related to domestic terrorism. 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, detention, 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

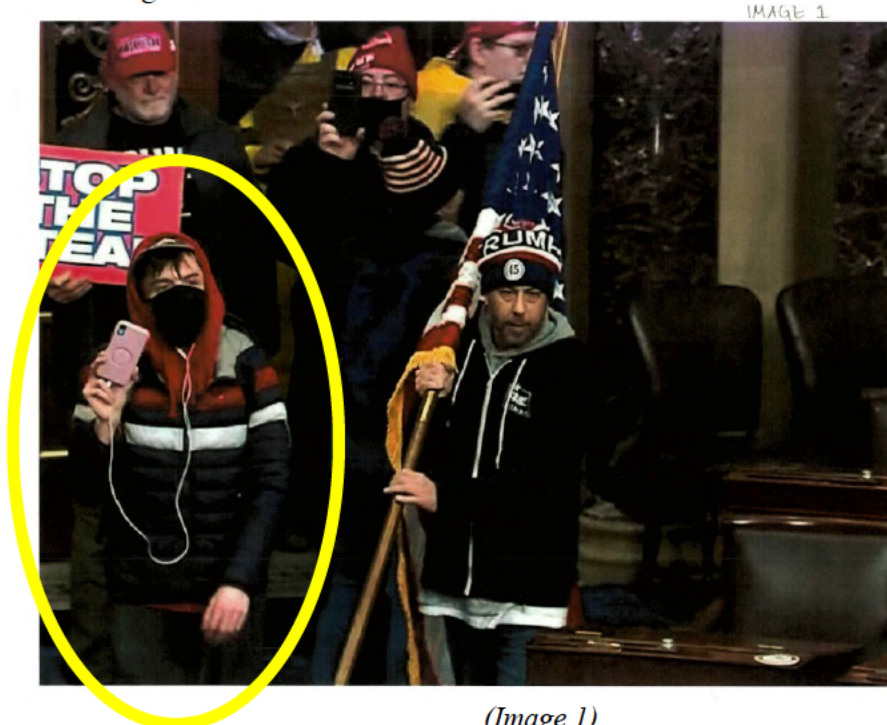
violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

### WITNESS REPORTS

After these events on January 6, 2021, the FBI received numerous tips from members of the public concerning the individuals who unlawfully entered the restricted grounds and Capitol building. On or about January 21, 2023, an individual (Witness 1) contacted the FBI to report that RYAN ORLANDO (ORLANDO) entered the Capitol on January 6, 2021. Witness 1, who has known ORLANDO personally for over a year, reported that ORLANDO bragged that he was inside the Capitol on January 6, 2021 and stole a coaster from Senator Joe Manchin's office.

On or about June 1, 2023, the FBI interviewed Witness 1, who stated that ORLANDO showed him photos from January 6, 2021, including pictures of ORLANDO in the lobby of the Capitol and in a room with a podium and seal in the background. Additionally, Witness 1 stated that ORLANDO showed him a drink coaster stolen from Senator Manchin's office that ORLANDO kept in his room. ORLANDO told Witness 1 he was live streaming on Twitch while present at the Capitol. Witness 1 provided contact number xxx-xxx-1403 for ORLANDO.

On or about September 11, 2023, the FBI conducted an interview with another individual (Witness 2). Witness 2, who has known ORLANDO personally for over a year, was aware that ORLANDO told Witness 1 that he was in the Capitol on January 6, 2021. Witness 2 also identified the person on the bottom left as ORLANDO, stating it was "definitely him". Witness 2 recognized the coat and stated ORLANDO frequently wore it. In Image 2, Witness 2 identified the person on the far right as ORLANDO. Witness 2 recognized the Captain America backpack from seeing ORLANDO use it. In Image 3, Witness 2 positively identified the person (circled in yellow) on the far left in Image 1 as ORLANDO.





(Image 2)



(Image 3)<sup>1</sup>

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<sup>1</sup> As part of my investigation, I obtained this photo from an open-source website. The open-source website stated that this photo was taken after a January 2020 protest at the Capitol Building.

ORLANDO’S ACTIVITIES AT THE CAPITOL

Your affiant has reviewed ORLANDO’s Virginia driver’s license photograph. I have reviewed video footage and still images that were taken in the vicinity of the Capitol on January 6, 2021, including body-worn camera (“BWC”) footage from Metropolitan Police Department (“MPD”) officers who responded to the Capitol on that date and footage and social media posts that has been made publicly available on the internet. I also reviewed footage from Capitol Close-Circuit Television (“CCTV”) from January 6, 2021.

CCTV footage shows ORLANDO entering the Capitol building 2:42 p.m. through the Senate Fire door on the west side of the Capitol building. Based on the CCTV footage, ORLANDO is wearing a red, white, and blue coat, red hoodie, black mask, and Captain America themed, round backpack. ORLANDO had his phone in front of him and appeared to be recording in front of him before entering the Capitol building. ORLANDO continued to use the phone in the same manner as he entered the Capitol building.



Figure 1

According to CCTV footage, ORLANDO stopped walking and appeared to have his phone in front of him before he continued down the hall and out of camera view.



Figure 2

From approximately 2:59 p.m. to 3:01 p.m., CCTV footage captured ORLANDO in a hallway on the northern edge of the Senate Wing of the Capitol building, near the Brumidi Corridors. The CCTV footage shows ORLANDO holding his phone up in front of him in a manner consistent with recording a video or taking a photo.



Figure 3

Based on CCTV footage, from approximately 3:01 p.m. to 3:02 p.m., ORLANDO walked up the staircase that led to the second floor of the Capitol building, and passed the security desk, towards the doors to the Senate Chamber. ORLANDO continued to hold his phone in front of him in a manner that appeared to be recording a video or taking a photo.



Figure 4

CSPAN footage from the Senate Chamber shows that ORLANDO entered the Senate Chamber at 3:02 p.m., and that he held up his phone in front of him in a manner consistent with taking a photo or video. At this time, multiple rioters in the Senate Chamber had “Stop the Steal” signs.



Figure 5

Based on CSPAN footage from the Senate Chamber, at 3:04 p.m. ORLANDO picked up multiple documents from multiple desks, and he used his phone in a manner consistent with taking a video or photo of the document. Based on open-source research, one of these desks belonged to Senator Mitch McConnell on January 6, 2021.

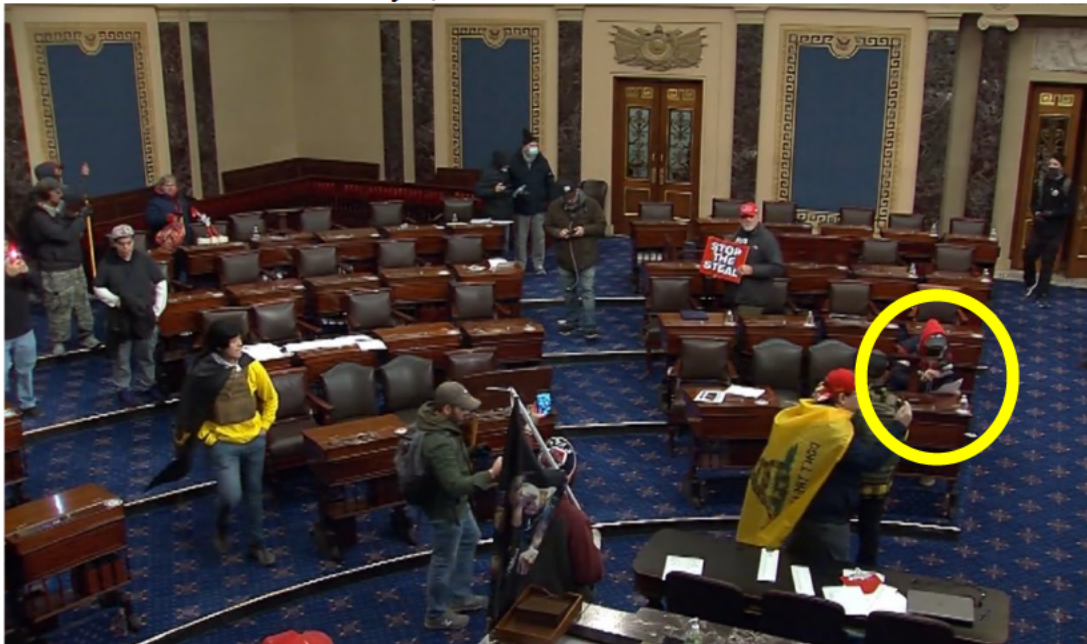


Figure 6

At 3:05 p.m., CSPAN footage from the Senate Chamber shows that ORLANDO looked through a desk, removed a pen, and placed it in his pocket. As part of my investigation, I determined through open-source research, that the desk belonged to Senator Susan Collins on January 6, 2021. ORLANDO has his phone in front of him and held that phone in a manner that appeared to be recording in front of him.

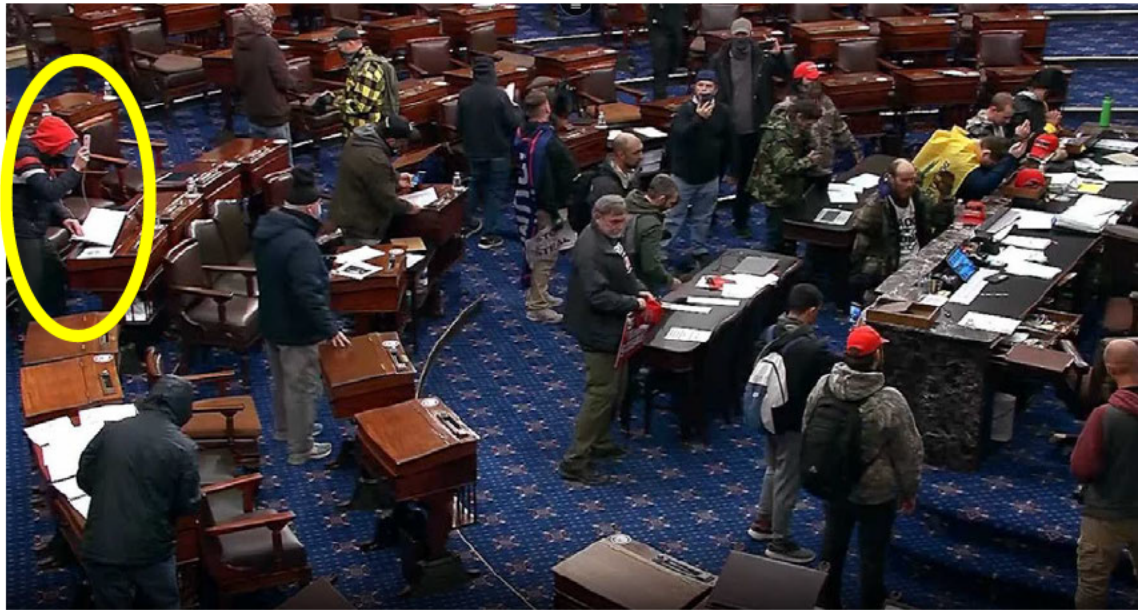


Figure 7

Based on an open-source video, ORLANDO looked at documents in the desk, while holding Senator Collins pen. Based on the same open-source video, another rioter yelled through a megaphone to thank God for “allowing us to send a message”; “allowing us to exercise our rights”; and “allowing the United States of America to be reborn. Thank you for allowing us to get rid of the communists, the globalists, and the traitors within our government.”





Figure 8

Based on the CSPAN footage of the Senate Chambers, ORLANDO also went to another Senator's desk and removed a white coaster. As part of my investigation, I determined through open-source research, that the desk belonged to Senator Joe Manchin on January 6, 2021.



Figure 9

Based on Metropolitan Police Department BWC footage, police removed ORLANDO from the Senate Chamber at approximately 3:09 p.m. ORLANDO has his phone in front of him and appeared to be recording in front of him.



Figure 10

At approximately 3:10 p.m., CCTV footage captured police removing ORLANDO from the Capitol building, through the Senate Carriage Door on the east side of the Capitol building. Based on the CCTV footage, ORLANDO appears to be holding up his phone.

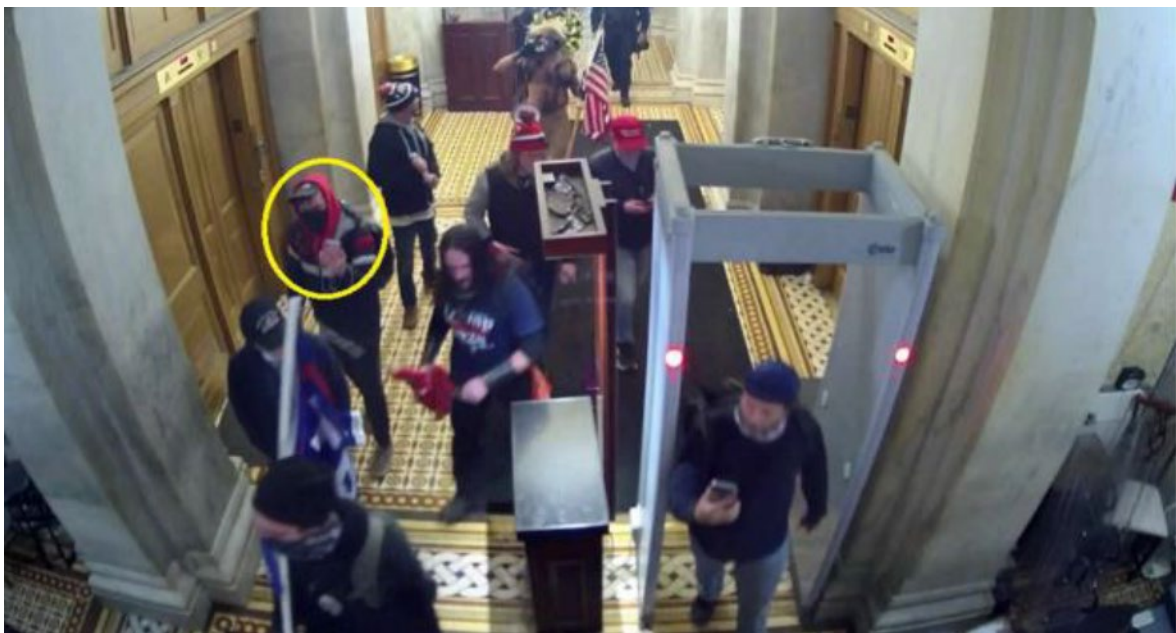


Figure 11

Based on open-source video, at approximately 3:29 p.m., after being removed from the Senate floor by law enforcement, ORLANDO re-entered the Capitol Building for a second time, through a broken window near the Senate Wing Door.

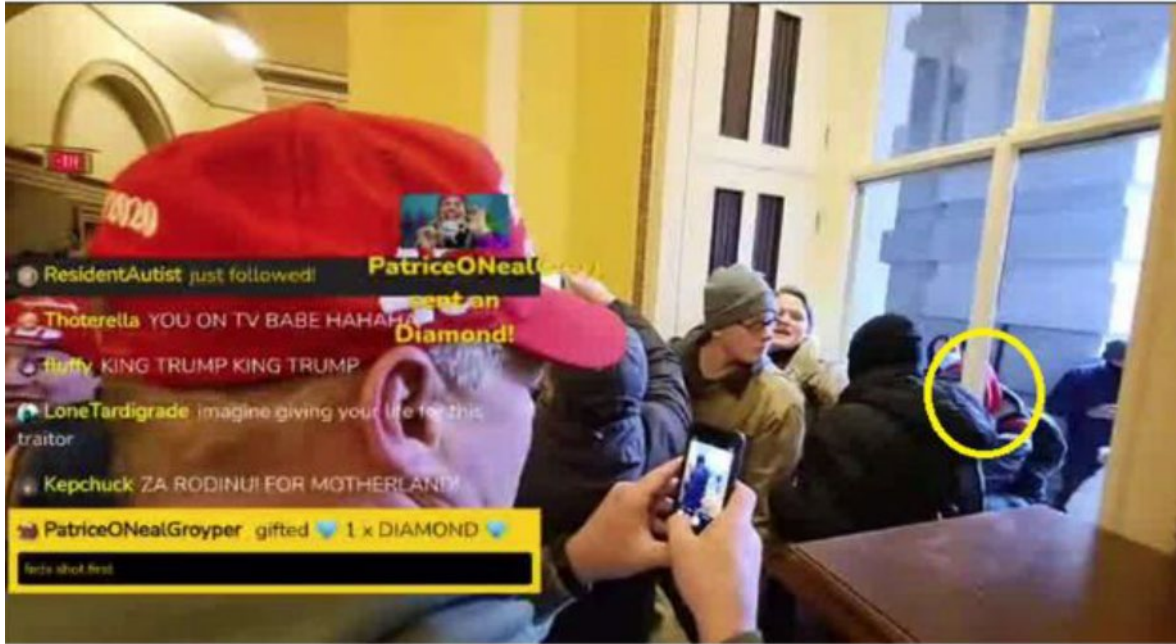


Figure 12

Based on open-source video, ORLANDO was in the Senate Wing Door lobby from 3:29 p.m. to 3:37 p.m. and exited the Capitol building through the Senate Wing Door.

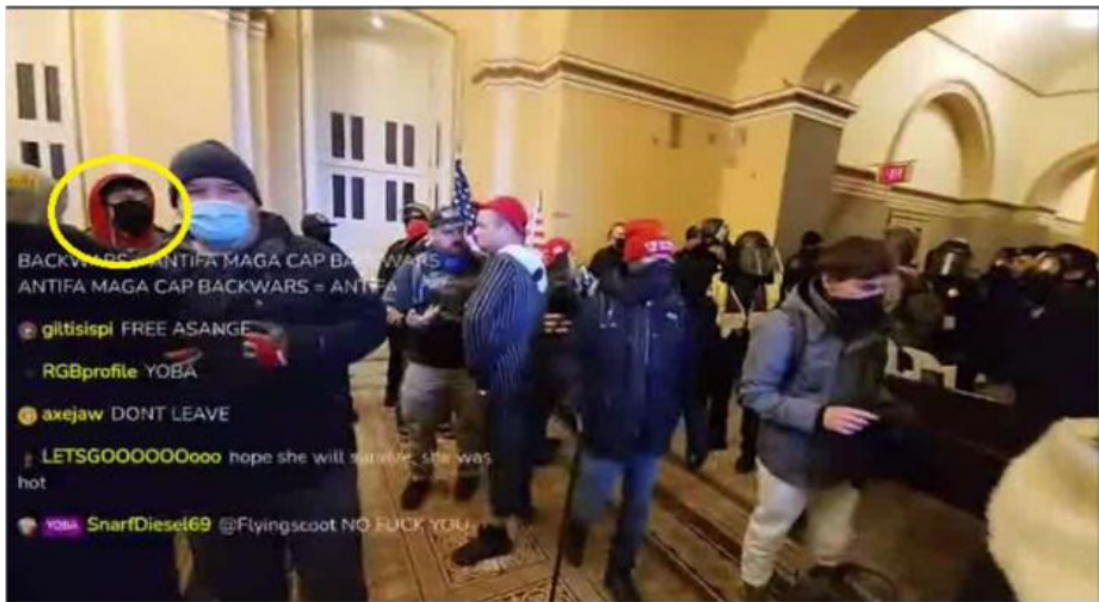


Figure 13

Based on my review of open-source footage, ORLANDO was on restricted Capitol grounds on January 6, 2021. According to the open-source footage, ORLANDO saw police wearing gloves,

<sup>2</sup> <https://archive.org/download/rTXTrphEFtxRjaDgo/rTXTrphEFtxRjaDgo.mpeg4>

<sup>3</sup> [https://archive.org/download/4WCwJaYlb5pioxMnY/TRUMP\\_RALLY\\_DC\\_2021\\_01\\_06.mpeg4](https://archive.org/download/4WCwJaYlb5pioxMnY/TRUMP_RALLY_DC_2021_01_06.mpeg4)

body armor, and helmets with face shields. The open-source footage shows police deploying a chemical irritant in the air to control crowds.



Figure 14

Based on my review of open-source photos, ORLANDO was climbing and standing on various balustrades on Capitol grounds throughout January 6, 2021. The open-source photo shows Orlando with a blue skateboard.



Figure 15

<sup>4</sup> <https://www.youtube.com/watch?v=YzxvVi8wkrU&t=457>

<sup>5</sup> <https://www.flickr.com/photos/randallartphotos/50836017598/>



Figure 16

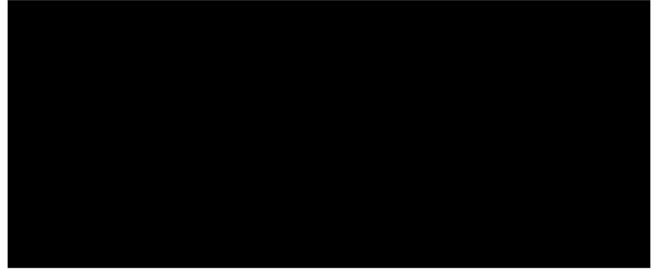
### PROBABLE CAUSE OF VIOLATIONS OF LAW

Based on the foregoing, your affiant submits that there is probable cause to believe that ORLANDO 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 ORLANDO violated 40 U.S.C. § 5104(e)(2)(A)(D) and (G), which makes it a crime to willfully and knowingly (A) enter or remain on the floor of a House of Congress without authorization; (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.

<sup>6</sup> <https://www.flickr.com/photos/randallartphotos/50836744791/>

Finally, your affiant submits there is probable cause to believe that ORLANDO stole a coaster from Senator Manchin's desk, and a pen from Senator Collins's desk in violation of 18 U.S.C. § 641, which makes it a crime for a person to embezzle, steal, purloin, or knowingly convert to his use or the use of another, or without authority, sell, convey or dispose of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof; or receive, conceal, or retain the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 28<sup>th</sup> day of November 2023.

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HONORABLE MOXILA A. UPADHYAYA  
UNITED STATES MAGISTRATE JUDGE