

## STATEMENT OF FACTS

Your affiant, Joseph DeWan, is an FBI Special Agent assigned to the Seattle field office. In my duties as a special agent, I have investigated and participated in the investigations of criminal activity, including but not limited to: crimes against persons, crimes against property, and conspiracy against civil rights. During these investigations, I have participated in the execution of arrest warrants and search warrants during which the seizure of evidence indicating the presence of criminal violations occurred. As an FBI Special Agent, I have conducted or participated in physical surveillance, debriefings of informants, interviews, and reviews of records and recordings. From these experiences, and from related training, I have become familiar with the ways in which persons coordinate, carry out, and conceal criminal activity. 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 United States Capitol*

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.

### *Spencer Offman's Activities on January 6, 2021*

Pursuant to a search warrant, Google provided information to the FBI that a device associated with the telephone number ending in -8239,<sup>1</sup> belonging to Spencer OFFMAN of Novi, MI, was located in or around the United States Capitol on January 6, 2021.

On May 19, 2021, OFFMAN was interviewed by Agents regarding his trip to Washington, D.C. in January, and he denied being around or inside the Capitol and stated that when he witnessed individuals moving barricades and participating in violence, he realized these were not the same values he shared and left the parking lot by the Capitol. OFFMAN denied going any farther than the Capitol parking lot. OFFMAN was cooperative during the interview and was open to re-contact by the FBI. The investigation was closed.

In April 2022, a tipster contacted the FBI to provide images of Spencer OFFMAN moving barricades at the Capitol, and the investigation was reopened to search for additional footage. The following images were provided to the FBI:

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<sup>1</sup> The full telephone number is known to your affiant.





Agents compared OFFMAN's driver's license photo, which was consistent with the appearance of the individual identified as OFFMAN in the photographs above. Additionally, the agent/agents who interviewed OFFMAN in May 2021 confirmed that the individual in the photographs above is OFFMAN. FBI also identified additional images of OFFMAN:





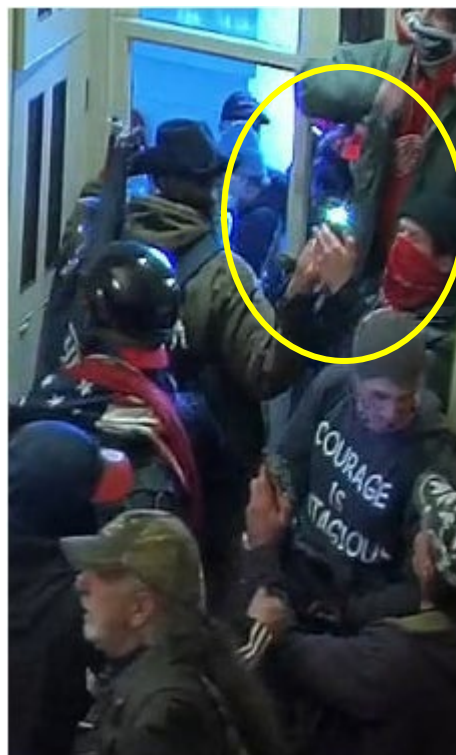
A review of Capitol Police CCTV footage from the Senate Wing Door identified OFFMAN entering the Capitol. OFFMAN entered the U.S. Capitol at 14:53:44 and exited the Capitol at 14:59:00. OFFMAN remained in view of the camera of the Senate Wing and did not go into any other rooms. OFFMAN was observed wearing a black beanie, red bandana, black shirt, jacket and jeans and was carrying a black backpack on his back.

**Entry:**

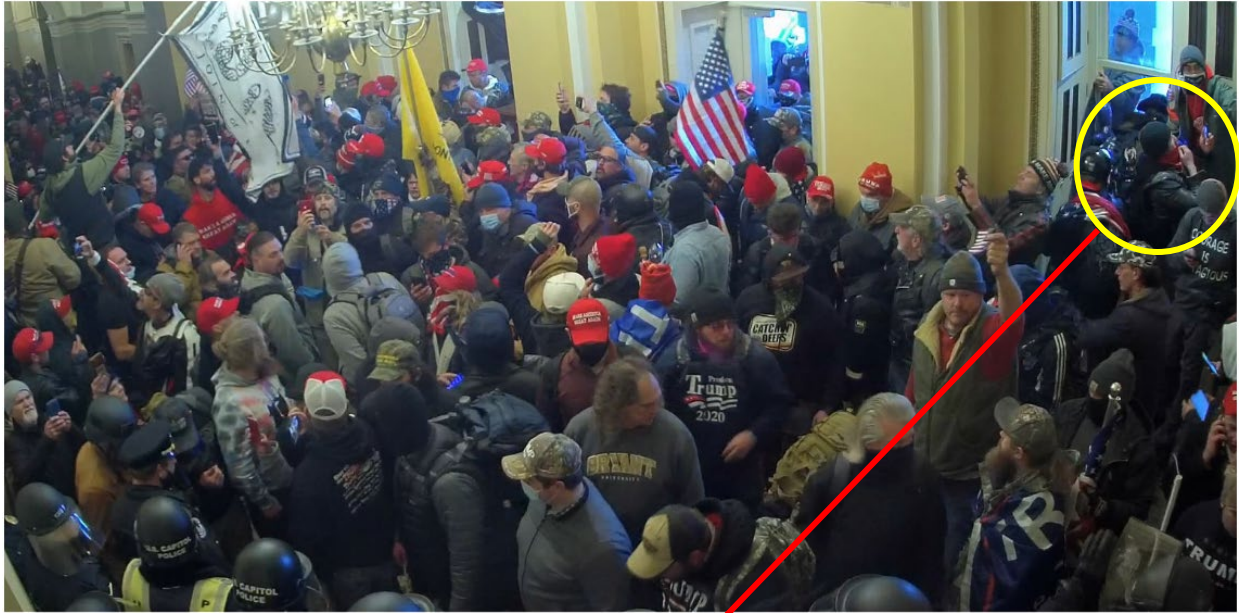
**Exit:**



At 14:53:44, OFFMAN entered the Capitol through one of the broken windows in the Senate Wing. OFFMAN remained near the window and took what appears to be a cell phone out of his jacket pocket. OFFMAN pointed the device at the crowd which flashed three different times. It is likely OFFMAN took three photos of the crowd in the Senate Wing with the flash on.



At 14:54:10, OFFMAN turned his back towards the crowd and lowered the red bandana covering his face, exposing his nose. His device's screen was facing him. He then replaced his bandana.



At 14:53:32, OFFMAN pointed the device at the crowd again and the device flashed..

At 14:58:50 OFFMAN began to head back toward the broken window he entered from and exited the Capitol at 14:59:00.

SA Anthony Resendiz, who interviewed Offman on May 19, 2021, reviewed CCTV footage showing Offman near the Senate Wing Door in the U.S. Capitol. He positively identified Offman as the individual indicated above.

Based on the foregoing, your affiant submits that there is probable cause to believe that Spencer Offman 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 Spencer Offman 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.



Special Agent Joseph DeWan  
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 1st day of December, 2023.

HONORABLE MOXILA A. UPADHYAYA  
U.S. MAGISTRATE JUDGE