

## STATEMENT OF FACTS

Your affiant, [REDACTED], is an FBI Special Agent assigned to the FBI San Diego Field Office. In my duties as a special agent, I am assigned to a squad that investigates allegations of domestic terrorism. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As an FBI 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 under the protection of the United States Secret Service. 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.

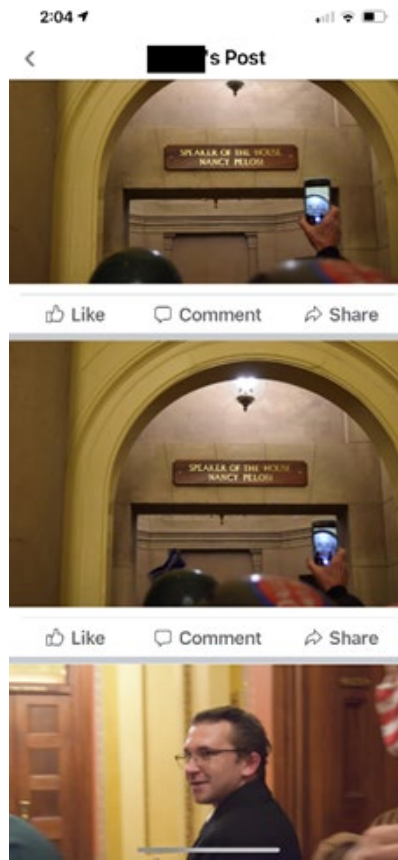
In an effort to identify individuals who unlawfully entered the U.S. Capitol Building, a search warrant for records in the possession of Google was issued in the United States District Court for the District of Columbia. The search warrant requested information for devices found within a specific restricted geographic area, namely within the U.S. Capitol Building, between 2:00PM and 6:30PM EST on January 6, 2021. Pursuant to this search warrant and further legal process, Google produced user account information for two Google user accounts that were inside the U.S. Capitol building during this timeframe and which listed a recovery telephone number associated with a Jonathan Humphreys. The information provided by Google also contained a graphic representation of approximately where the device was located inside the U.S. Capitol, as well as what time the device entered and departed the geofenced area.

FBI agents at the Washington Field Office served a court order to Verizon, the provider for this telephone number. Information obtained from this court order showed that the subscriber for this number was Jonathan Humphreys, with two associated email addresses.

HUMPHREYS was identified on footage from U.S. Capitol security cameras taken on January 6, 2021, and from videos and photos provided in tips to the FBI. After reviewing these tips and videos, your affiant identified HUMPHREYS in the security camera videos and three of the five still images provided by tipsters.



Ex. 1 – A photo from a tip depicting HUMPHREYS (in black overcoat) in front of the Speaker of the House Office Suite.



Ex. 2 - A screen capture from tip depicting HUMPHREYS inside the Capitol Rotunda.<sup>1</sup>

In these images and others below, HUMPHREYS was dressed distinctively from many of the others inside the U.S. Capitol building that day. HUMPHREYS wore a black business-style overcoat, a white dress shirt, a blue striped tie, and black slacks.

Through the course of this investigation your affiant has reviewed U.S. Capitol security camera footage (hereinafter CCTV) for areas and times on January 6, 2021, during which HUMPHREYS was believed to be present in the Capitol. The proceeding paragraphs describe his movements inside the building and include video screen captures from Capitol CCTV. The times noted are derived from either the time stamp on the video, or, in the case of videos without time stamps, by adding the time in the video at which HUMPHREYS was observed to the start time of the video. All times are in Eastern Standard Time.

Your affiant believes that the individual present at the Capitol on January 6, 2021 in the CCTV videos referenced below is JONATHAN HUMPHREYS for numerous reasons, including those listed below. During an interview of HUMPHREYS, detailed further below, HUMPHREYS admitted to your affiant that he had been inside the Capitol Building on January 6, 2021. During a search of his apartment, also detailed below, a black business-style overcoat and a bodyworn

<sup>1</sup> The identity of the account holder, from whose account this screenshot has been taken, has been redacted.

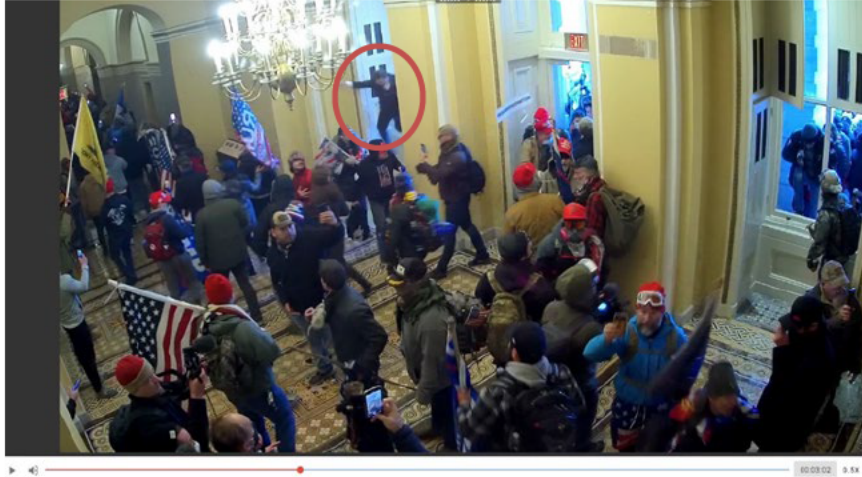
camera, both similar in appearance to what the individual captured in CCTV footage wore on January 6, 2021, were recovered. During the time I interviewed him during the execution of the search I was able to clearly observe him and his physical description matches that of the individual captured on videos from the Capitol. A still frame of this interview which was captured on another officer's bodyworn camera is depicted below in Exhibit 3. Finally, an individual who has personally known HUMPHREYS for a period of years, W-1, was interviewed by officers as part of this investigation and identified HUMPHREYS as the individual depicted in Exhibit 1 and Exhibit 2.



Ex. 3 – Screen capture of Officer BWC during interview of HUMPHREYS

Through a review of Capitol CCTV HUMPHREYS movements on January 6, 2021 were substantially captured. Starting at 2:23 pm, your affiant observed HUMPHREYS entering the U.S. Capitol Building through a broken window next to the Senate Wing Doors on the ground floor of the building. This location in the building matched the graphical representation depicting where HUMPHREYS' Google-enabled device or devices entered the building. From there HUMPHREYS moved in a crowd of people south through the hallway.





Ex. 4 – Screen capture of HUMPHREYS entering the U.S. Capitol Building through a broken window next to the Senate Wing Doors.

At 2:24 pm, your affiant observed HUMPHREYS at the bottom of the Supreme Court Chamber Stairs. HUMPHREYS was holding a mobile phone in his hand and had clipped to the lapel of his coat what your affiant recognized to be a body worn camera (BWC). HUMPHREYS walked up the stairs out of the frame of the camera.



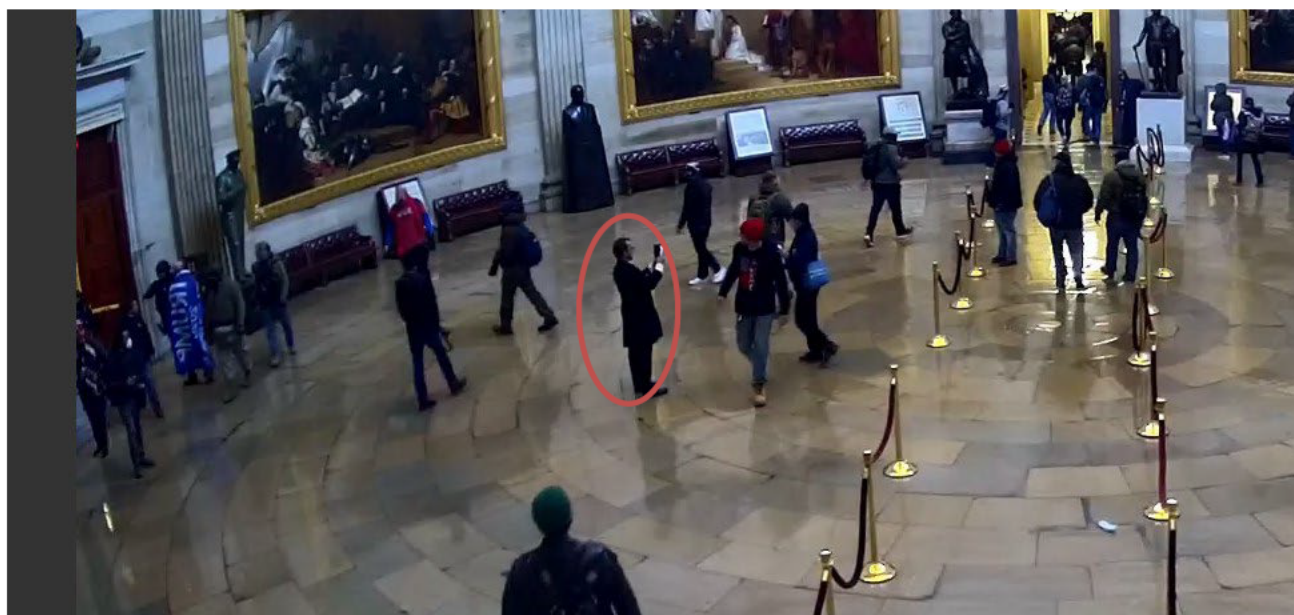
Ex. 5 – HUMPHREYS at the bottom of the Supreme Court Chamber Stairs.

At 2:27 pm, your affiant observed HUMPHREYS outside the Rotunda Bullfinch Door. HUMPHREYS was holding the BWC in his hand and pointed it directly at the camera before leaving the frame of the camera.



Ex. 6 – Screen capture of HUMPHREYS using a BWC and pointing it in the direction of a Capitol Police closed circuit camera.

At 2:28 pm, your affiant observed HUMPHREYS enter the Capitol Rotunda via the north entrance. HUMPHREYS appears in the footage to use his cellular phone to possibly record video or take photographs and then walked towards the south entrance, then changed direction and walked towards the east entrance, before leaving the Rotunda at 2:28 pm.



Ex. 7 – HUMPHREYS in the Capitol Rotunda holding a cellular phone.

At 2:29 pm, your affiant observed HUMPHREYS enter the Rotunda Foyer. HUMPHREYS briefly interacted with a police officer, then re-entered the Rotunda through the east door. At 2:30 pm, your affiant observed HUMPHREYS re-enter the Rotunda through the east door. HUMPHREYS walked directly to the south door and departed the Rotunda.



Ex. 8 – HUMPREHYS in the Rotunda Door Interior.



At 2:30 pm, your affiant observed HUMPHREYS in Hallway H227. This hallway leads directly to the Speaker of the House Office Suite. HUMPHREYS appeared to be leading a large group of people towards the Speaker of the House Suite.



Ex. 9 – HUMPHREYS standing in Hallway H227 near the Speaker of the House Suite.



Ex. 10- Screen capture of HUMPHREYS and rioters gathered outside the Speaker of the House Suite of Offices.

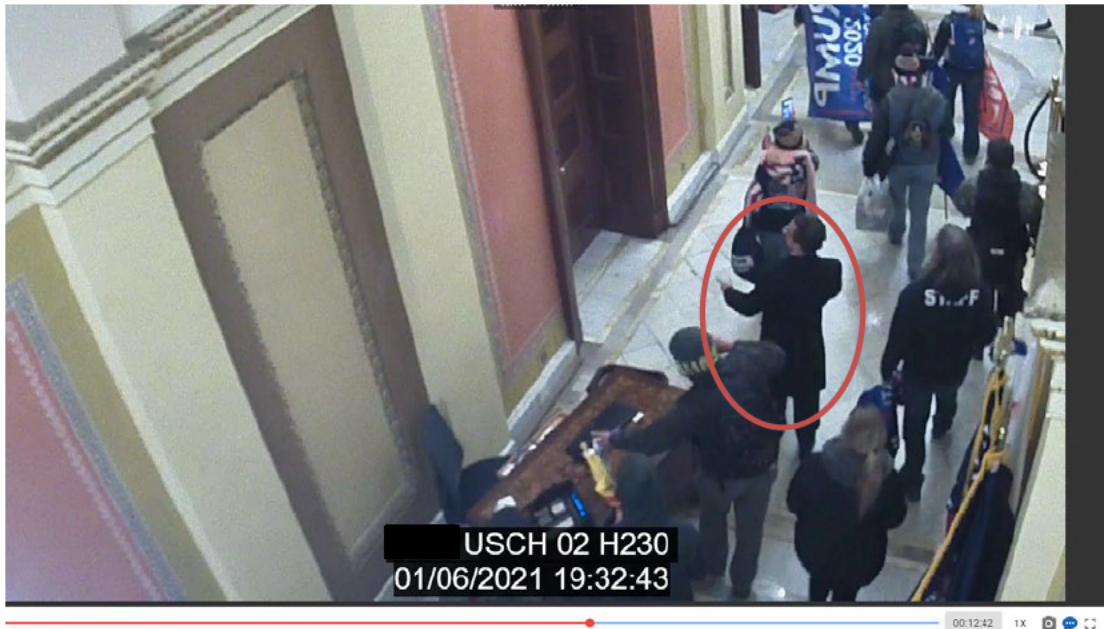
At 2:32 pm, your affiant observed HUMPHREYS rounding a corner into Hallway H230, which is adjacent to the Speaker of the House Suite of Offices. Your affiant observed HUMPHREYS on another closed circuit security camera that covered that hallway during the same minute, after which HUMPHREYS departed the frame. After HUMPHREYS turned right into



Hallway H230, one of the rioters followed HUMPHREYS to Hallway H227 and then kicked open the door to the Speaker of the House Suite of Offices and entered through the breached door. A large number of rioters, including three who closely followed HUMPHREYS also entered the Speaker's Suite.



Ex. 11 – Screen Capture of HUMPHREYS rounding the H230 corner with rioters.



Ex. 12 – Screen capture from another closed circuit security camera of HUMPHREYS and rioters outside the Speaker of the House Suite of Offices.

At 2:43 pm, your affiant observed HUMPHREYS in the Capitol Rotunda for the second time. HUMPHREYS entered the Rotunda via the north door and walked to the northwest side of the room. At 2:45 pm, HUMPHREYS lit a cigarette and began smoking. HUMPHREYS exited the Rotunda via the north door at 2:46 PM.



Ex. 13 - HUMPHREYS smoking in the Rotunda.

At 3:02 PM, your affiant observed HUMPHREYS inside the Rotunda again, in the approximate center of a crowd. At 3:07 PM, HUMPHREYS walked from his previous position directly to a line of police officers, who had begun pushing the crowd out of the Rotunda. HUMPHREYS approached the line of officers, turned his back to them, and appeared to push against the officers with his back. At 3:09 pm, HUMPHREYS broke off contact from the police officers and walked towards the exit of the Rotunda, leaving at 3:10 pm out of the west door.



Ex. 14 – CCTV footage of Humphreys pushing against police officers.

Based on this observation, your affiant reviewed body worn camera (BWC) footage from Washington, DC Metropolitan Police Department (MPD) officers present at the US Capitol on that day. Your affiant identified BWC videos that depicted HUMPHREYS inside the Capitol Rotunda. On the audio of the BWC videos, officers can be clearly heard giving verbal commands to members of the crowd to back up. At 3:08 pm, your affiant observed HUMPHREYS pushing against officers with his back. At least two separate officers pushed back on HUMPHREYS with their hands and batons. Over the course of a minute, HUMPHREYS pushed against the officers twice, both times with his back. The second time HUMPHREYS pushed against the officers, another person's hand was visible on HUMPHREYS' arm.





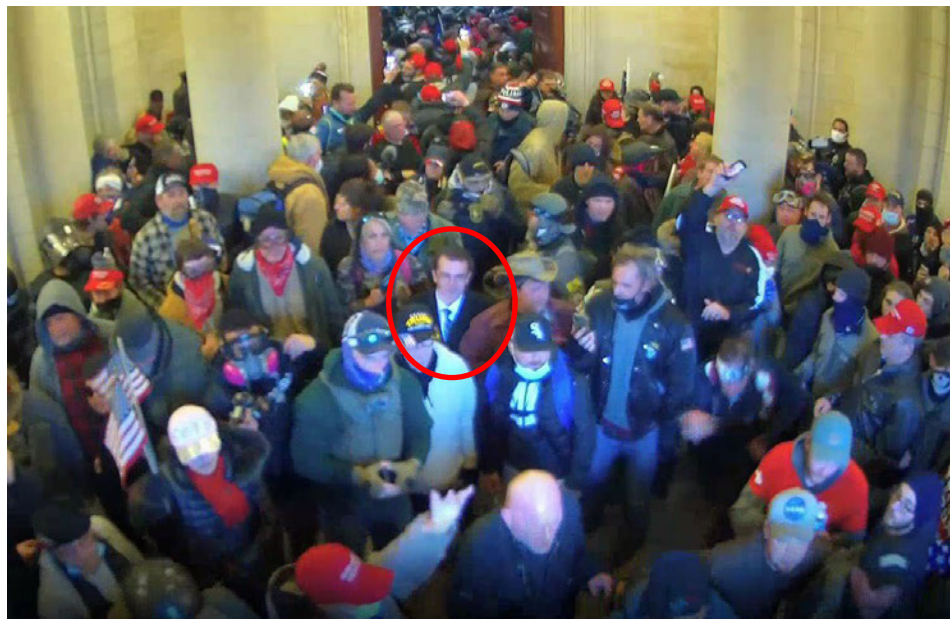
Ex. 15 – Screen capture of MPD BWC footage depicting HUMPHREYS with his back turned pushing against police attempting to clear the Rotunda.



Ex. 16 – Screen capture of MPD BWC footage depicting HUMPHREYS with his back turned continuing to push against police attempting to clear the Rotunda.



Your affiant also observed HUMPHREYS on two Capitol security cameras in the foyer between the Rotunda and the East Rotunda Doors on the east side of the Capitol building. HUMPHREYS exited the Rotunda into the foyer at 3:14 pm. HUMPHREYS made his way from the Rotunda to the East Rotunda Doors and exited the Capitol Building at 3:17 pm.



Ex. 17 – Screen capture depicting HUMPHREYS in the Rotunda vestibule.



Ex. 18 – Screen capture depicting HUMPHREYS exiting the Capitol.

On November 3, 2021, your affiant, along with other law enforcement officers from the San Diego FBI Joint Terrorism Task Force, executed a court-authorized search of HUMPHREYS' residence and vehicle, both located in San Diego, CA. During the course of this search, officers seized a Kenneth Cole overcoat and a PatrolMaster BWC matching the description of the overcoat and BWC worn by HUMPHREYS inside the U.S. Capitol. Additionally, officers recovered two Android cellphones, two laptops, and miscellaneous documents. One Android cellphone appeared to be in current use, and the other appeared to be old and not in use. Officers searched HUMPHREYS's vehicle and found two loaded, unregistered handguns. Inside HUMPHREYS' residence, officers found four unregistered handguns and three unregistered rifles, one of which was an unserialized privately manufactured firearm, commonly known as a "ghost gun." Based on this discovery, an officer who was a member of the San Diego Police Department obtained a search warrant for HUMPHREYS home and vehicle and seized the firearms. HUMPHREYS was subsequently arrested by the San Diego Police Department on California state charges related to unregistered firearms.

While the search of HUMPHREYS residence and vehicle were ongoing, your affiant and two officers interviewed HUMPHREYS. Prior to the interview, your affiant advised HUMPHREYS of his Miranda rights and HUMPHREYS waived them in writing. Your affiant showed HUMPHREYS two photographs from tipsters depicting HUMPHREYS inside the Capitol

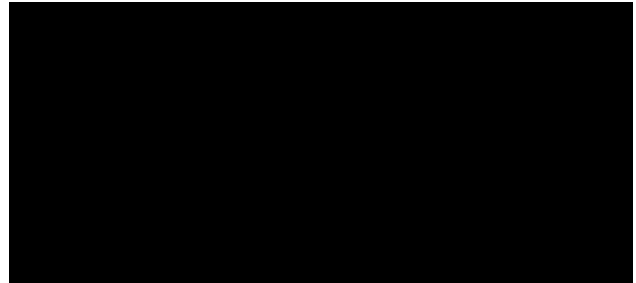
building during the breach of the Capitol on January 6, 2021, Exhibit 1 and Exhibit 2, and HUMPHREYS confirmed the person depicted in those photographs was him.

HUMPHREYS admitted he entered the Capitol building through a window and remained inside the building. HUMPHREYS further stated that on January 6, 2021, he was in Washington, DC, to work a security contract for his business, Humphreys National Security Company, and that other people were employed by HUMPHREYS as part of this security contract. HUMPHREYS stated that the goal was “security and protection,” but not for an individual. When your affiant asked HUMPHREYS whether this contract involved HUMPHREYS and his contractors being armed, HUMPHREYS declined to answer, citing a non-disclosure agreement (NDA) between him and his client. HUMPHREYS later stated that he checked a firearm on his flight from San Diego to Baltimore-Washington International Airport (BWI), and carried it at times during his stay in the Washington, DC area, but denied carrying a firearm inside the Capitol building. HUMPHREYS stated that it was possible that contractors working for him were armed inside the Capitol building. HUMPHREYS stated he had “plans” in case people went inside the Capitol building, and once people started entering the Capitol building, “plans changed a couple times,” but the overall goal stayed the same. HUMPHREYS did not wish to elaborate on what those plans were. HUMPHREYS stated that he believed there was a breakdown in communication between his clients and “others,” who HUMPHREYS did not want to name. When your affiant asked HUMPHREYS further questions about the nature of his business contract in Washington, DC, he declined to answer, citing the NDA with his client.

Since the search warrant conducted on HUMPHREYS’ residence and vehicle, law enforcement employees conducted a forensic analysis of HUMPHREYS’ mobile phone and two laptop computers and have not found any documents, communications, or images corroborating HUMPHREYS’ statements that he was in or around the US Capitol Building on behalf of any claimed clients. In addition, no documents or communications were found regarding any work for any client on January 6, 2021 at or near at the Capitol, nor any communications which referenced other contractors working for him being present at or near the Capitol on that day. Finally, while a bodyworn camera was seized during the search of his residence, it did not contain any bodyworn camera footage in memory nor was any relevant saved footage found during the forensic analysis of his other devices.

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



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1  
by telephone, this 11th day of January, 2024

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ROBIN M. MERIWEATHER

U.S. MAGISTRATE JUDGE