

STATEMENT OF FACTS

Your affiant, [REDACTED], is a special agent assigned to the Federal Bureau of Investigation ("FBI") Louisville Field Office – Covington RA. In my duties as a special agent, I investigate national security matters. 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 are 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 U.S. 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 U.S. 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.

Open-source video, U.S. Capitol security cameras, and Metropolitan Police Department (“MPD”) bodyworn camera (“BWC”) footage captured multiple images of DANIEL HARRINGTON (“HARRINGTON”) of Independence, KY, participating in the riot at the U.S. Capitol on January 6, 2021.

IDENTIFICATION OF DANIEL HARRINGTON

On January 26, 2021, an individual (hereinafter “Witness-1”) informed the FBI that Witness-1 believed that HARRINGTON entered the U.S. Capitol Building. Witness-1 is familiar with HARRINGTON and has known HARRINGTON for at least one year. According to Witness-1, he/she observed HARRINGTON frequently brag that he participated in the riot.

Witness-1 informed the FBI that HARRINGTON stated the following: He traveled from Kentucky to Washington D.C. to attend the Trump rally. He attended the rally. After the rally, he walked to the Capitol and entered the building. HARRINGTON took photos of himself inside the Capitol using his cellular telephone.

HARRINGTON showed Witness-1 and others photographs of HARRINGTON showing he was inside of the Capitol. Witness-1 saw a photograph of HARRINGTON inside of an office within the Capitol. HARRINGTON was standing on a desk inside of the Capitol. Witness-1 informed the FBI that HARRINGTON stated that the photograph was taken while he was inside of the office of Nancy Pelosi, the Speaker of the House of Representatives.

Witness-1 also stated that HARRINGTON showed a video of himself in the courtyard of the Capitol talking with police. HARRINGTON told Witness-1 that he got into a physical altercation with law enforcement that involved shoving.

Witness-1 stated he/she observed a photograph of HARRINGTON posted in an FBI poster which captured a number of rioters whom FBI was seeking to identify. Witness-1 easily identified HARRINGTON because HARRINGTON was not wearing a mask or face covering. Witness-1 provided the below screenshot of “FBI wanted photos,” Image 1. Witness-1 identified HARRINGTON as the individual in the background above the main subject of the third photo from the left in the below excerpt.

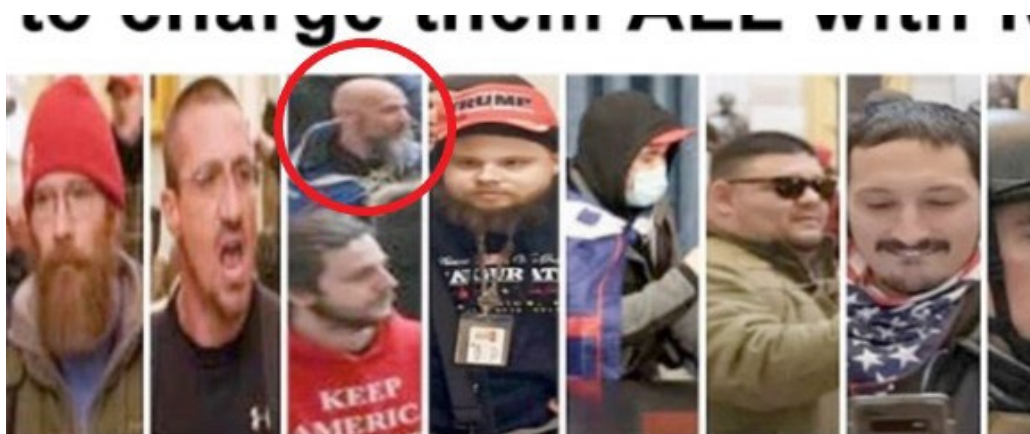


Image 1: Excerpt of screenshot provided to the FBI by Witness-1.

The full photograph depicting HARRINGTON in Image 1 is a screenshot from U.S. Capitol Building CCTV, as seen in Image 2, which captures HARRINGTON inside the Rotunda of the Capitol on January 6.



Image 2: Capitol building surveillance capturing HARRINGTON in the Rotunda on January 6.

After viewing HARRINGTON's driver's license photo and observing him during physical surveillance, I confirmed that the individual depicted in Image 1 and Image 2 is indeed HARRINGTON.

VIDEO FOOTAGE DEPICTING DANIEL HARRINGTON

Video surveillance from inside the U.S. Capitol captured HARRINGTON both outside and inside the Capitol building and showed that HARRINGTON was inside the building for approximately forty-two minutes.

HARRINGTON climbed the Upper West Terrace stairs on Capitol grounds at approximately 2:12 pm. While on the stairs, he stopped for about a minute and a half to assist other rioters who were scaling the wall, as captured in Image 3.



Image 3: Capitol building surveillance capturing HARRINGTON on the Upper West Terrace stairs assisting other rioters who were scaling the wall.

HARRINGTON entered the Capitol building via the Senate Wing Door at approximately 2:16:32 pm, as captured in Image 4.

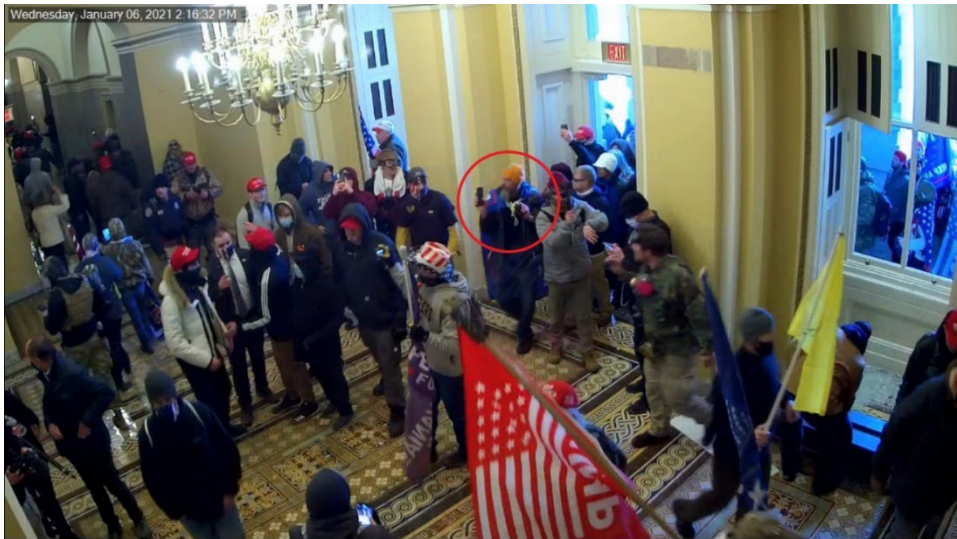


Image 4: Capitol building surveillance capturing HARRINGTON entering the Capitol building via the Senate Wing Door at 2:16:32 pm.

HARRINGTON entered the Senators' Spouse's Lounge at 2:16:57 pm, as captured in Image 5 and Image 6.



Image 5: Capitol building surveillance capturing HARRINGTON about to enter the Senators' Spouse's Lounge at 2:16:57 pm.



Image 6: Publicly-available photo capturing HARRINGTON inside the Senators' Spouse's Lounge at approximately 2:16:57 pm.

At approximately 2:27:35 pm, HARRINGTON entered the Rotunda, and was there for approximately a minute and a half. During that time, it appears that he took photos and video on his phone, as captured in Image 7.



Image 7: Capitol building surveillance capturing HARRINGTON inside the Rotunda at approximately 2:27:40 pm.

HARRINGTON exited the Rotunda at approximately 2:29:06 pm and walked down the hallway with the suite of offices of the Speaker of the House. At approximately 2:31:43 pm, he stopped at a desk in the hallway, took what appear to be a stapler and a tape dispenser from on top of the desk, as captured in Image 8, and put them in his pockets.



Image 8: Capitol building surveillance capturing HARRINGTON taking a stapler (inside yellow box in HARRINGTON'S right hand) and tape dispenser (inside yellow box in HARRINGTON's left hand) from a desk in the hallway of the Speaker's suite at approximately 2:31:44 pm.

A few seconds later, HARRINGTON grabbed a pair of what appear to be scissors that was on top of the desk and pocketed that as well, as captured in Image 9.

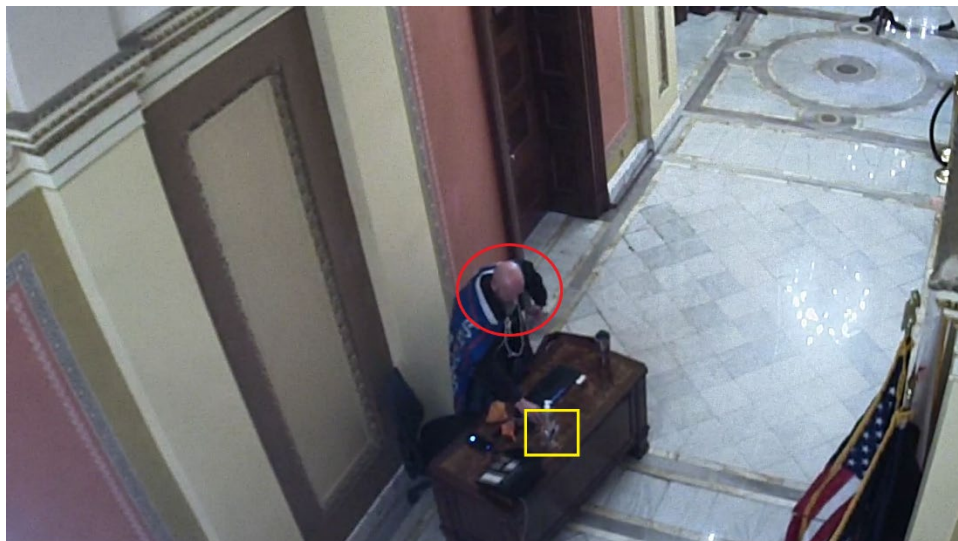


Image 9: Capitol building surveillance capturing HARRINGTON taking a pair of scissors (yellow) from a desk in the hallway of the Speaker's suite at approximately 2:31:51 pm.

HARRINGTON then opened a drawer in the desk and removed what appear to be coasters, as captured in Image 10. He threw one at a rioter coming down the hall toward him and took one.

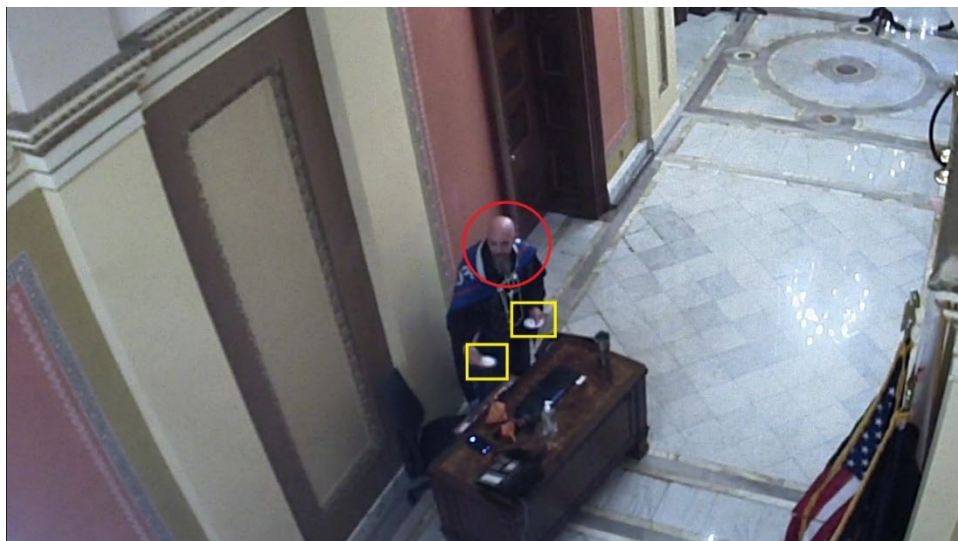


Image 10: Capitol building surveillance capturing HARRINGTON holding coasters (yellow) he removed from a drawer of a desk in the hallway of the Speaker's suite at approximately 2:32:09 pm.

At approximately 2:32:42 pm, HARRINGTON entered one of the rooms in the Speaker's suite, as captured in Image 11. He exited about four minutes later, at approximately 2:37:01 pm.



Image 11: Capitol building surveillance capturing HARRINGTON entering a room in the Speaker's suite at approximately 2:32:42 pm.

When HARRINGTON exited the Speaker's suite, law enforcement officers approached him at approximately 2:37:41 pm, and pointed him in a direction away from the suite, as captured in Image 12.

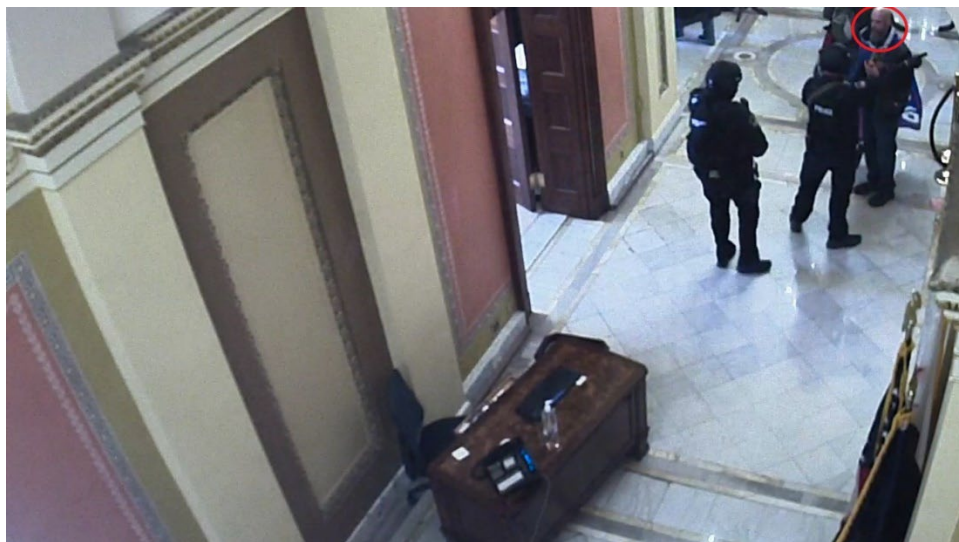


Image 12: Capitol building surveillance capturing law enforcement officers pointing HARRINGTON in a direction away from the Pelosi suite, at approximately 2:37:41 pm.

HARRINGTON initially walked in the direction in which the officers were pointing, but returned a few seconds later, and re-entered a room in the Pelosi suite, as captured in Image 13.



Image 13: Capitol building surveillance capturing HARRINGTON re-entering a room in the Speaker's suite at approximately 2:38:17 pm.

HARRINGTON exited the Speaker's suite a few seconds later and walked down the hall toward the Rotunda. At approximately 2:39:50 pm, HARRINGTON re-entered the Rotunda, and was there for approximately three minutes. During that time, it appears that he asked another rioter to take a photo of him, as captured in Image 14.



Image 14: Capitol building surveillance capturing HARRINGTON inside the Rotunda at 2:41:08 pm. Another rioter (yellow) appears to be taking a picture of HARRINGTON.

After exiting the Rotunda, HARRINGTON entered Statuary Hall at approximately 2:42:18 pm. While inside Statuary Hall, he set his belongings down on the floor and appeared to

be looking for something. After about two minutes, he turned around, as captured in Image 15, and went back to the Rotunda, as captured in Image 16.



Image 15: Capitol building surveillance capturing HARRINGTON inside Statuary Hall at 2:44:21 pm.



Image 16: Capitol building surveillance capturing HARRINGTON inside the Rotunda at approximately 2:44:52 pm.

HARRINGTON was inside the Rotunda this third time for less than one minute. At approximately 2:49:16 pm, HARRINGTON re-entered the Speaker's suite, as captured in Image 17.



Image 17: Capitol building surveillance capturing HARRINGTON entering the Speaker's suite at approximately 2:49:16 pm.

HARRINGTON was inside of the Speaker's suite this third time for approximately a minute and a half. Image 18 captures him inside the suite.



Image 18: Publicly-available photo capturing HARRINGTON inside the Speaker's suite at approximately 2:49:30 pm.

HARRINGTON exited the Speaker's suite at approximately 2:50:47 pm and re-entered the Rotunda, this time walking by a line of MPD officers, as captured in Image 19, which is a screenshot from an officer's BWC.



Image 19: MPD BWC footage capturing HARRINGTON entering the Rotunda at 2:51:05 pm.

Harrington stayed in the Rotunda this fourth time for approximately six minutes, during which he sat on a bench and took photos with his phone, as captured in Image 20.



Image 20: Capitol building surveillance capturing HARRINGTON inside the Rotunda at 2:53:00 pm.

HARRINGTON exited the Rotunda at approximately 2:57:00 pm. He exited the Capitol building through the Rotunda Door at approximately 2:58:00 pm, as captured in Image 21.

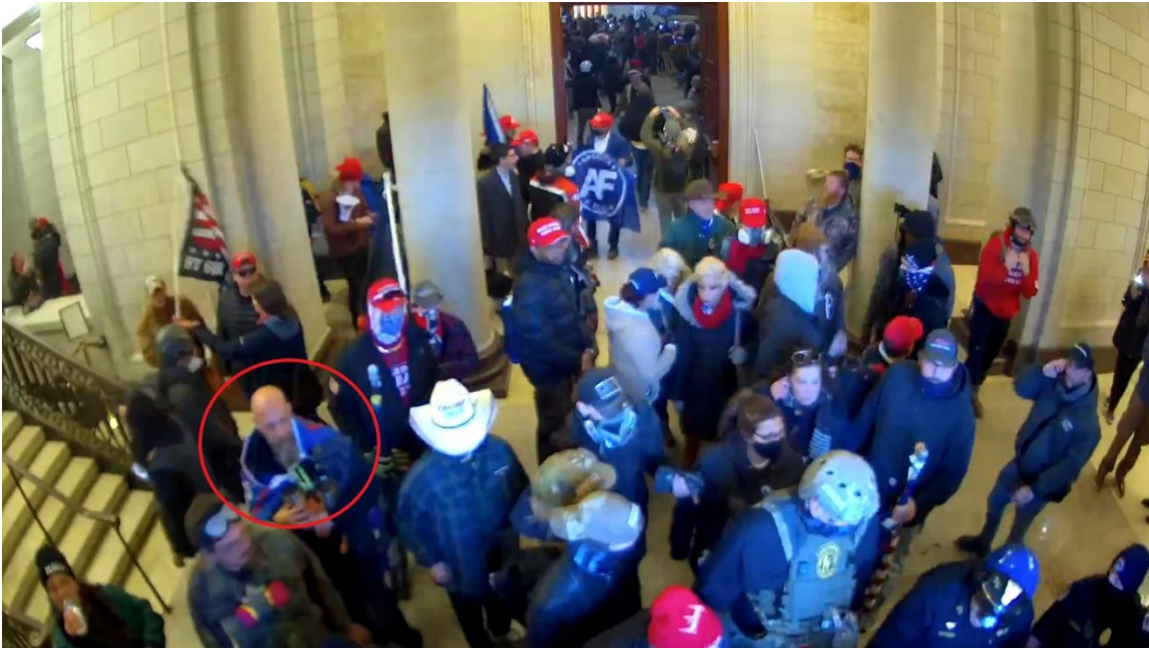


Image 21: Capitol building surveillance capturing HARRINGTON exiting the Capitol at approximately 2:58:00 pm.

CHARGES SUPPORTED BY PROBABLE CAUSE

Based on the foregoing, your affiant submits that there is probable cause to believe that HARRINGTON 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 HARRINGTON violated 40 U.S.C. § 5104(e)(2)(C), (D), and (G), which makes it a crime to willfully and knowingly (C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of – (i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; or (ii) the Library of Congress; (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.

Your affiant submits there is also probable cause to believe that HARRINGTON violated 18 U.S.C. § 641, which makes it a crime to steal or purloin a thing of value of the United States or of any department or agency thereof, or any property made for the United States or any department or agency thereof, that is, a stapler, tape dispenser, a pair of scissors, and coasters, which have a value of less than \$1000. For purposes of this section, the word “value” means face, par, or market value, or cost price, either wholesale or retail, whichever is greater.

[REDACTED]

[REDACTED]
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 17th day of January 2024.

HON. MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE