

STATEMENT OF FACTS

[REDACTED]

[REDACTED]

[REDACTED]

Background: Events at the U.S. Capitol on January 6, 2021

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.

Facts Specific to Jim Weeks

Based upon review of public video, closed circuit television (“CCTV”) footage and police body-worn camera footage depicting the events at the U.S. Capitol building and grounds on January 6, 2021, law enforcement identified an individual who fought officers inside the Lower West Terrace “tunnel” and helped to shatter a window of the U.S. Capitol building. Law enforcement has identified that individual, as set out in detail below, as JAMES “JIM” WEEKS (“WEEKS”) and there is probable cause to believe that on January 6, 2021, WEEKS committed violations of 18 U.S.C. §§ 111(a) (assault of a federal officer); 231(a) (civil disorder); 1361 and 2 (destruction of government property and aiding and abetting), 1752(a)(1), (2), and (4) (various offenses on restricted buildings or grounds); and 40 U.S.C. § 5104(e)(2)(E) (impeding passage through Capitol grounds).

A. Identification of WEEKS

During its investigation of an individual named Troy Weeks, who has been charged for his actions on January 6 in United States District Court for the District Columbia in case number 23-cr-35, law enforcement received a video that had been publicly posted on YouTube (“Video 1”) from a confidential human source (“CHS”) that has provided reliable information about the events of January 6 in the past. In Video 1, an individual who had been seen in other videos with Troy Weeks is depicted near the U.S. Capitol on January 6, 2021. During Video 1, the person filming asked the individual for his name and the individual responded, “Jim Weeks!” Below is a still image from Video 1 of the man who self-identified as “Jim Weeks.”



As depicted above, the individual who self-identified as “Jim Weeks” was wearing a purple baseball cap with the letter “C” on it, a red handkerchief around his neck, a green coat over a red t-shirt, a belt, jeans, and brown or tan shoes.

During the investigation, law enforcement determined that WEEKS was depicted in numerous other videos and photographs from January 6, 2021 with Troy Weeks. Based on this association and WEEKS’ self-identifying statement in Video 1, law enforcement searched open source and law enforcement databases and identified an individual named “JAMES WEEKS” who resides in Sodus, New York.

On or about January 17, 2024, law enforcement spoke to an individual who used to work with WEEKS (“Co-worker 1”). Law enforcement showed Co-worker 1 images of WEEKS from January 6, 2021 and Co-worker 1 identified the man in the images as JAMES “JIM” WEEKS.

B. WEEKS’ Activities at the U.S. Capitol on January 6, 2021

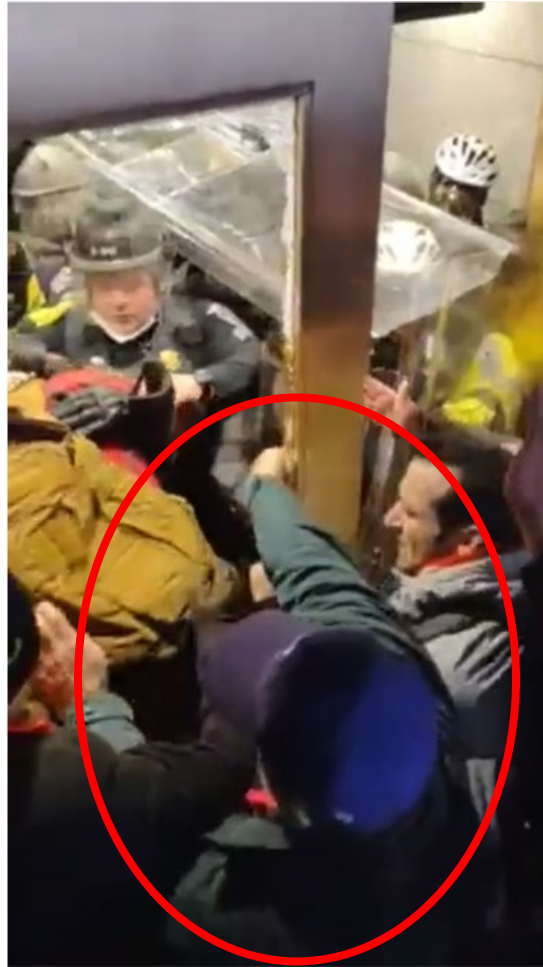
Law enforcement has identified and reviewed open-source, CCTV and BWC video from January 6, 2021 and located WEEKS at various locations at the U.S. Capitol on January 6, 2021. For example, law enforcement identified video footage depicting WEEKS entering the Lower

West Terrace tunnel at approximately 3:02 p.m. Below is a still image from CCTV footage depicting the inside of the tunnel. WEEKS is circled in red.



Another video obtained by law enforcement during the investigation (“Video 2”) shows that, shortly after entering the tunnel, WEEKS moved through the crowd to the very front where several police officers were defending the entrance to the U.S. Capitol. Below is a still image from

Video 2 showing WEEKS (circled in red) as he reached through the shattered window of one of the doors inside the tunnel toward the police:



As WEEKS reached through the door frame, he also pointed and gestured at the police officer on the other side. A voice can be heard on the video while WEEKS pointed and gestured yelling, “I’m gonna shove it up your ass! I’m gonna shove that up your ass, you fat fuck! I’m gonna fuck you up!” Based on the volume of the voice and its correspondence with the gestures made at approximately the same time by WEEKS, law enforcement believes the voice may belong to WEEKS.

Shortly after this, WEEKS moved around the door frame and closer to the police. He then reached out and struck a nearby Metropolitan Police Department (“MPD”) officer, Officer J.M. Below is a zoomed-in still image from CCTV footage showing WEEKS (in the red box) extending

an arm toward Officer J.M., who is obstructed from view by one of the doors, at approximately 3:03 p.m.



The body-worn camera footage of Officer J.M. also shows WEEKS as he struck Officer J.M.:



Video 2 also depicts WEEKS' assault of Officer J.M.:



Shortly after the assault, WEEKS was sprayed with OC spray by officers. He then made his way back out of the tunnel. Below is a still image from another video (“Video 3”) showing WEEKS clenching his eyes shut as he left the tunnel:



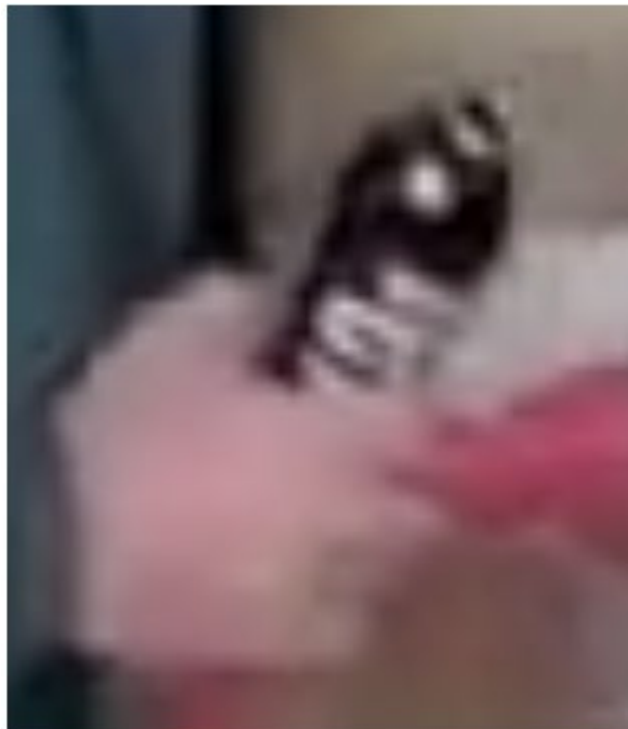
After leaving the tunnel, an open-source video (“Video 4”) shows that WEEKS made his way to the Senate Wing Door in the Northwest Courtyard of the U.S. Capitol building. Below is a still image from Video 4 showing WEEKS, with the handkerchief around his face, holding a “STOP THE STEAL” sign on a pole outside the Senate Wing Door.



Another open-source video (“Video 5”) shows a man who climbed up onto a window sill in that area and kicked the barricaded window. WEEKS stood immediately in front of the man. At one point in Video 5, WEEKS turned around and called out “we need volunteers to keep pushing!” at which point a second man climbed up on the windowsill and began to strike the window, as well. Seconds later, a woman with a flag pole joined in and began to strike the window with the end of the flag pole. Below is a still image from Video 5 showing WEEKS circled in red, the two men on the window sill, and the woman striking the window with the flag pole:



Ultimately, one of the rioters succeeded in kicking a hole in the windows as the crowd around him, including WEEKS, cheered. As the crowd cheered and called out “TRAITORS!” WEEKS approached the window and shook what appears to be a can of pepper spray in the hole in the window several times. He then banged the can against the edge of the hole several times. Below are still images from Video 5 showing WEEKS shaking the black can in the window, as well as a close-up shot of the can.



WEEKS then took the white stick or pole he had in his hand and began to strike the window with it. Below is a still image of WEEKS striking the window with the white stick or pole.



Another rioter then joined him, and together, they shattered the glass in that pane of the window.



Conclusion

Based on the foregoing, your affiant submits there is probable cause to believe that JAMES WEEKS violated 18 U.S.C. § 111(a)(1), which makes it a crime to (a) forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in 18 U.S.C. § 1114 as an officer or employee of the United States while engaged in or on account of the performance of his or her official duties.

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

Your affiant submits there is probable cause to believe that WEEKS violated 18 U.S.C. § 1361, by willfully injuring or depredating of any property of the United States.

Your affiant submits that there is also probable cause to believe that WEEKS violated 18 U.S.C. § 1752(a)(1), (2) and (4), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; 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; 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 WEEKS violated 40 U.S.C. § 5104(e)(2)(E) which makes it a crime to willfully and knowingly obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 26th day of January 2024.

HONORABLE MOXILA A. UPADHYAYA
UNITED STATES MAGISTRATE JUDGE