

STATEMENT OF FACTS

Your affiant, [REDACTED], is a FBI Special Agent assigned to the FBI Knoxville Division. In my duties as a special agent, I am assigned to a Joint Terrorism Task Force (JTTF). 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 violations 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.

IDENTIFICATION OF SHANNON BITZER

In or around mid-January 2021, the FBI received a tip from a person who has known SHANNON BITZER for many years, Witness 1, containing information indicating that BITZER was present at the U.S. Capitol on January 6, 2021. Witness 1 provided Image 1 below claiming the photo was of BITZER. The person in the photo is wearing a red hat, black bandana tied around his neck, and a black coat.



Image 1: Picture provided by Witness 1 of BITZER.

In January 2022, the FBI received an anonymous letter that stated “Shannon J Bitzer, 31 years old” was in Washington DC and inside the Capitol building on January 6, 2021.

I compared Image 1 with BITZER’s Tennessee DMV photograph (Image 2 below). I believe that the individual in Image 1 is BITZER.



Image 2: Tennessee DMV image of BITZER.

Records provided by AT&T for phone number xxx-xxx-1989 listed the name on the account as “S BITZER”. The address listed for the AT&T account is a former address linked to BITZER, according to record checks I conducted.

According to records obtained through a search warrant which was served on AT&T, on January 6, 2021, in and around the time of the incident, the cellphone associated with xxx-xxx-1989 was identified as having utilized a cell site consistent with providing service to a geographic area that includes the interior of the United States Capitol building. As shown below, multiple videos from January 6, 2021, depict BITZER carrying and using a cell phone.

Based on my review of video footage, including open source video, USCP CCV footage, and body-worn camera (“BWC”) footage from police officers who responded to the Capitol, I have observed an individual who, based on my review of Image 1 and Image 2, I believe is BITZER, both inside and outside the U.S. Capitol building on January 6, 2021. BITZER was wearing a backwards red baseball hat with the phrase “MAKE AMERICA GREAT AGAIN” written in white text, a black bandana tied around his neck, a green shirt, blue pants, tan shoes, and a black coat. BITZER also sometimes wore black sunglasses and dark gloves. Video time stamps listed are approximate.

I have reviewed an open source video, which was taken on January 6, 2021, at approximately 1:00 p.m. at the corner of Pennsylvania Ave and 14th Street, NW in Washington D.C. In the video, Alex Jones and Owen Shroyer are speaking in the

background. BITZER is using his cellphone, as depicted in Image 3, below. This screenshot appears consistent with BITZER taking the photo of himself as seen in Image 1.

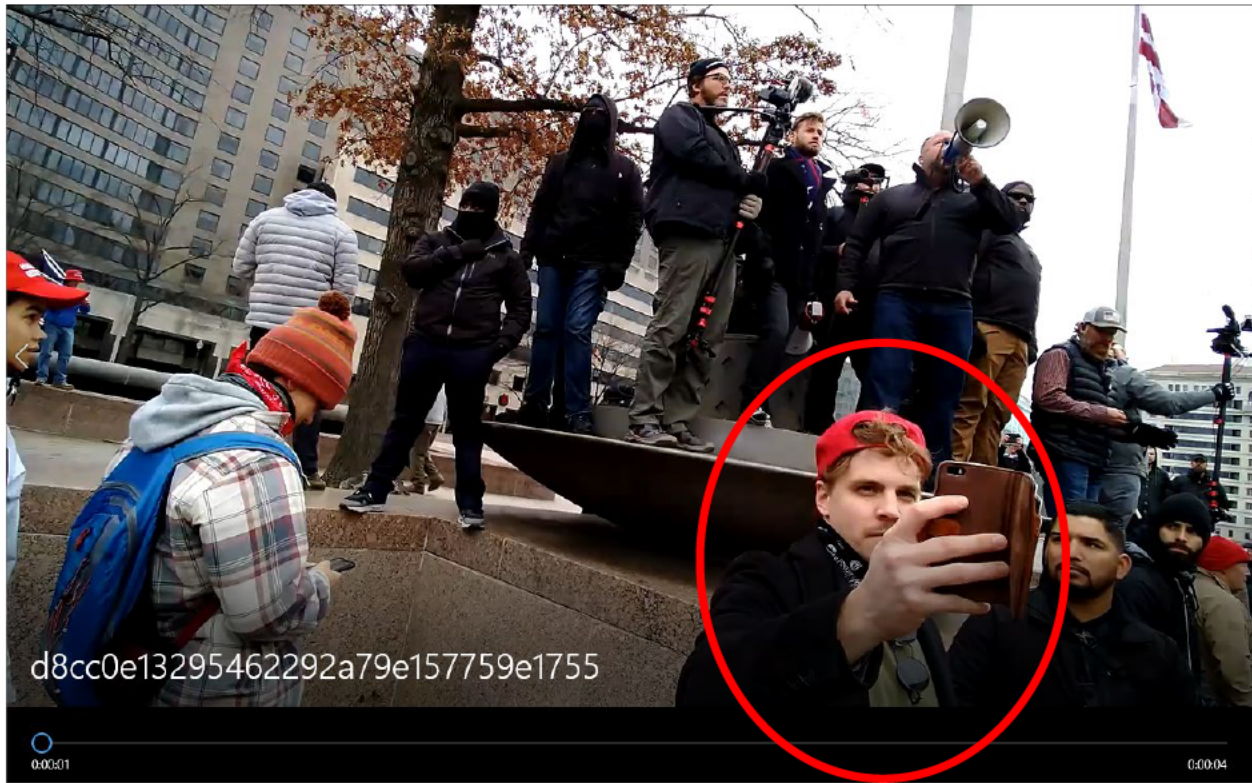


Image 3: Screenshot from video showing BITZER using a cell phone.

Shortly before 3:10 p.m., BITZER approached a moveable railing acting as a barrier in front of the North Doors of the U.S. Capitol Building, while other rioters were discussing entering the Capitol building with two United States Capitol Police (USCP) officers guarding the North

Doors. The USCP officers were not letting the rioters inside the Capitol. Rioters from inside the Capitol exited the North Doors while an alarm can be heard.



Image 4: BITZER (circled in red) standing behind a movable railing near the North Doors.

BITZER then moved the barrier out of the way and approached the USCP officers at the North Door. BITZER yelled “We want to go in the Capitol! We want to go in!” As other rioters

chanted “Let us in, let us in,” BITZER approached the North Door, which another rioter had just opened.



Image 5: Screenshot from YouTube Video 1, time stamp 2:25, showing BITZER yelling near USCP.

BITZER held the North Door open, blocking a USCP officer with his arm, and waving others inside while yelling “Get in patriots, get in!”. During this time, another rioter can be heard

asking the USCP officer if he would be arrested if he went inside the Capitol building. The USCP officer responded, “If you go in, probably.”



Image 6: Screenshot from YouTube Video 1, time stamp 2:32, showing BITZER holding the door open, making physical contact with a USCP officer.

BITZER then entered the U.S. Capitol building via the North Door at approximately 3:11 p.m. In USCP CCV footage from the area, BITZER can be seen holding what appears to be a cell phone and looking at the screen.

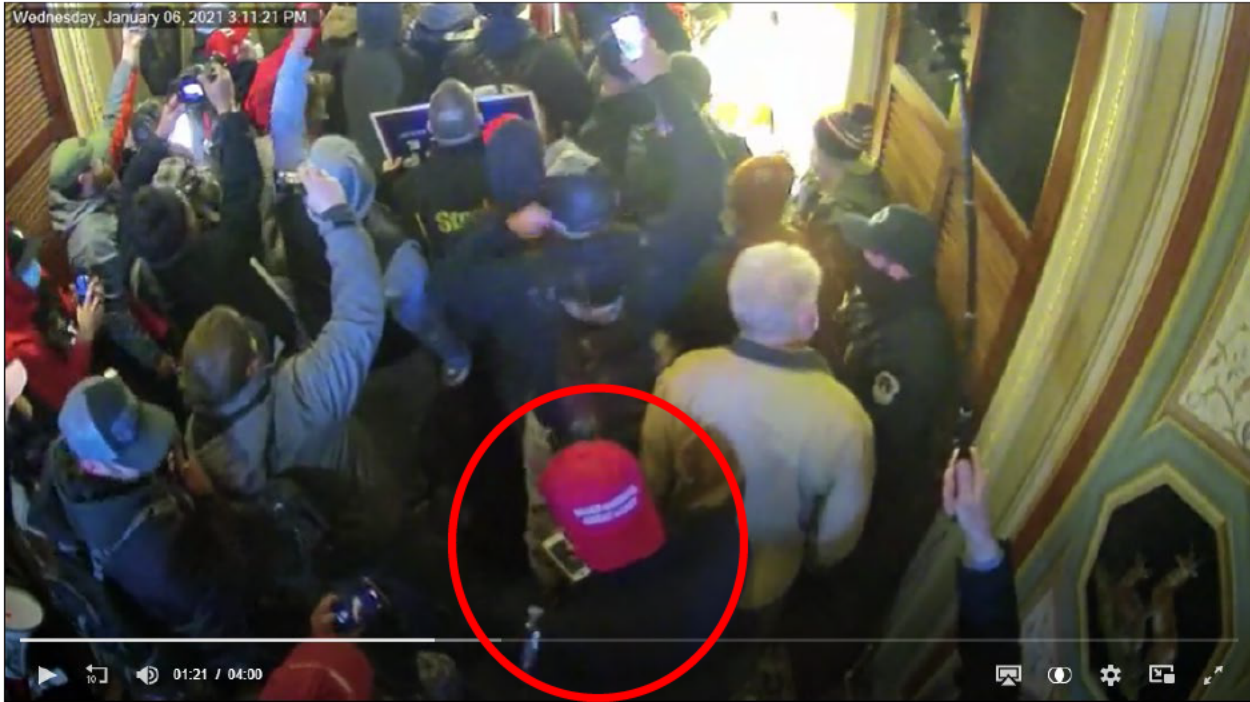


Image 7: Screenshot from CCV footage at 3:11:21 p.m. showing BITZER inside the North Door.



Image 8: Screenshot from CCV footage at 3:11:26 p.m. showing BITZER inside the North Door.

BITZER exited the North Door when police officers pushed the crowd out of the Capitol building beginning at approximately 3:12 p.m., as seen in Image 9.



Image 9: BITZER exiting the North Door.

After being pushed out of the North Door, several people in the crowd began fighting with police officers. By 3:13 p.m., most of the police officers had retreated into the North Door vestibule and were attempting to close the door while the crowd was attempting to keep the door open. The alarm could still be heard in the background.

Body worn camera (BWC) footage from MPD Officer G. P. covered the altercation between the crowd and LEOs outside the North Door. The BWC footage showed a moveable metal

railing (yellow arrow) and a metal stanchion (purple arrow) near the North Door at 3:12:50 PM as seen in Image 10.



Image 10: Screenshot from BWC at 3:12:50 p.m. showing the movable railing (indicated by the yellow arrow) and stanchion (indicated by the purple arrow).

The BWC footage also showed Bitzer (circled in red) in the crowd directly outside the North Door at 3:12:51 PM and 3:12:59 PM as seen in Image 11 and Image 12. Image 11 also shows BITZER in the vicinity of the movable railing (yellow arrow) and stanchion (purple arrow).



Image 11: Screenshot from BWC at 3:12:51 PM showing Bitzer outside the North Door near the movable railing (indicated by the yellow arrow) and stanchion (indicated by the purple arrow).



Image 12: Screenshot from BWC at 3:12:59 PM showing Bitzer outside the North Door.

55. After being pushed out of the Capitol building by police officers and with the alarm still audible in the background, BITZER joined the crowd's fight against police officers. At approximately 3:13 p.m., BITZER (circled in red) pushed the railing (yellow arrow) towards the

North Door as police officers were attempting to retreat into and close the door as seen in Image 13.



Image 13: BITZER (circled in red) pushing a piece of railing (indicated with yellow arrow).

Approximately 15 seconds later, BITZER (circled in red) threw the metal stanchion (purple arrow) towards the North Door and the police officers in the doorway, as seen in Image 14 and Image 15.



Image 14 and Image 15: Screenshots from News2Share video showing BITZER throwing a metal stanchion.

Identification and Interview of Law Enforcement Officer

USCP Officer A.S. was interviewed by FBI agents. During that interview, Officer A.S. identified himself as the officer circled in green in Image 16 and Image 17.



Image 16: Screenshot from YouTube Video 1, time stamp 0:45, showing USCP Officer A.S.

Officer A.S. explained that he and other USCP and MPD officers were stationed at the North Door of the Capitol building on January 6, 2021, in an effort to keep rioters from entering the doors. The moveable railing visible in Image 16 was in place to direct individuals to a security checkpoint and prevent people from entering the Capitol from any alternative direction.

Eventually police officers forced individuals who were already inside the Capitol to exit the building through the North Door. As rioters were exiting the Capitol, an alarm was sounding, and the crowd outside the North Door simultaneously began entering. Officer A.S. and nearby officers were unable to physically prevent the crowd from entering the building. Officer A.S. told the crowd they should not enter because they would be sprayed and that the Capitol building was closed.

BITZER, circled in red, was standing directly next to USCP Officer A.S., circled in green, as seen in Image 17.



Image 17: Screenshot from YouTube Video 1 showing BITZER and Officer A.S.

Officer A.S. explained that the individual circled in red in Image 17 was waving and encouraging individuals to enter the Capitol building after the door was breached.

BITZER's Communication and Financial Accounts

Navy Federal Credit Union provided bank statements for BITZER's accounts. BITZER's accounts had several charges between January 6 and January 8, 2021, in the Washington DC area. These charges included payments to "Enterprise Rent-A_" in Dulles VA, "Renaissance DC DNTWN", and "NATIONAL MALL PARKING".

Records provided by AT&T for XXX-XXX-1989 listed the name on the account as "S BITZER". The address listed for the AT&T account is a former address linked to BITZER according to record checks conducted by LE. The AT&T records included call logs with cell location that placed the phone in Washington DC near the US Capitol on Jan 6, 2021.

Records provided by Apple listed an account for Apple ID pfcbitzer@gmail.com, DS ID xxxx0525. The name on this Apple account was listed as "Shannon bitzer" and corresponded with the same phone number as XXX-XXX-1989. The records from Apple included images from the account, including Image 19 and Image 20 directly below. In these two images, BITZER can be seen wearing articles of clothing that appear to match what BITZER was wearing on January 6, 2021, such as the black bandana and black pea coat. These images were taken between December 30, 2020, and February 24, 2021.



Image 18 and Image 19: Pictures from records provided by Apple appearing to show BITZER wearing articles of clothing that can be identified in video of BITZER in and around the U.S. Capitol on January 6, 2021.

CONCLUSIONS OF AFFIANT

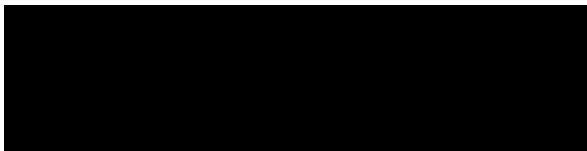
Based on the foregoing, I submit that there is probable cause to believe that SHANNON BITZER violated 18 U.S.C. §§ 111(a)(1), (a)(2), and (b), which make it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with certain designated individuals, or to use a deadly or dangerous weapon during the commission of such acts, or to aid, abet, counsel, command, induce, or procure the commission of such offenses, and make it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with certain designated individuals where such acts involve physical contact with the victim of that assault or the intent to commit another felony. Within the meaning of this statute, a designated individual is an officer or employee of the United States or of any agency in a branch of the United States Government (including any member of the uniformed services), while such officer or employee is engaged in or on account of the performance of official duties, or any person assisting such an officer in the performance of official duties or on account of that assistance.

Your affiant submits there is also probable cause to believe that SHANNON BITZER 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. 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 SHANNON BITZER violated 40 U.S.C. § 5104(e)(2)(D), (E), (F), 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, (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings, (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings, and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Finally, your affiant submits there is probable cause to believe that SHANNON BITZER 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.



Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 29th day of January 2024.

HONORABLE G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE