

Case: 1:24-mj-00041
Assigned To : Harvey, G. Michael
Assign. Date : 2/1/2024
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

I, [REDACTED], am a Special Agent with the Federal Bureau of Investigation (FBI) and have served in that capacity since 2014. In my duties as a special agent, I have experience with investigations and legal process involving threats to federal officials and matters of national security. By virtue of my employment with the FBI, I am authorized to conduct investigations into violations of U.S. law. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18 United States Code. 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 Christopher Finney

While executing warrants for the iPhone and iCloud data of another defendant (Edward Jacob Lang), charged for his participation in the breach of the U.S. Capitol, the FBI found messages in a militia chat group from an individual with the screenname "Chris Patriot" [REDACTED]. Subscriber records for the telephone number confirmed FINNEY's ownership, and the number appeared in subscriber records for electronic mail and other accounts under FINNEY's name. According to call detail records obtained through legal process, the number associated with "Chris Patriot" was in use throughout the day on January 6, 2021.

FINNEY sent images to Lang's phone depicting his participation in the breach of the Capitol. The FBI obtained footage from U.S. Capitol Police surveillance cameras and from online open sources that recorded FINNEY on the Capitol grounds and inside the Capitol building on January 6, 2021. Images of FINNEY included the following, shown below in Image 1:

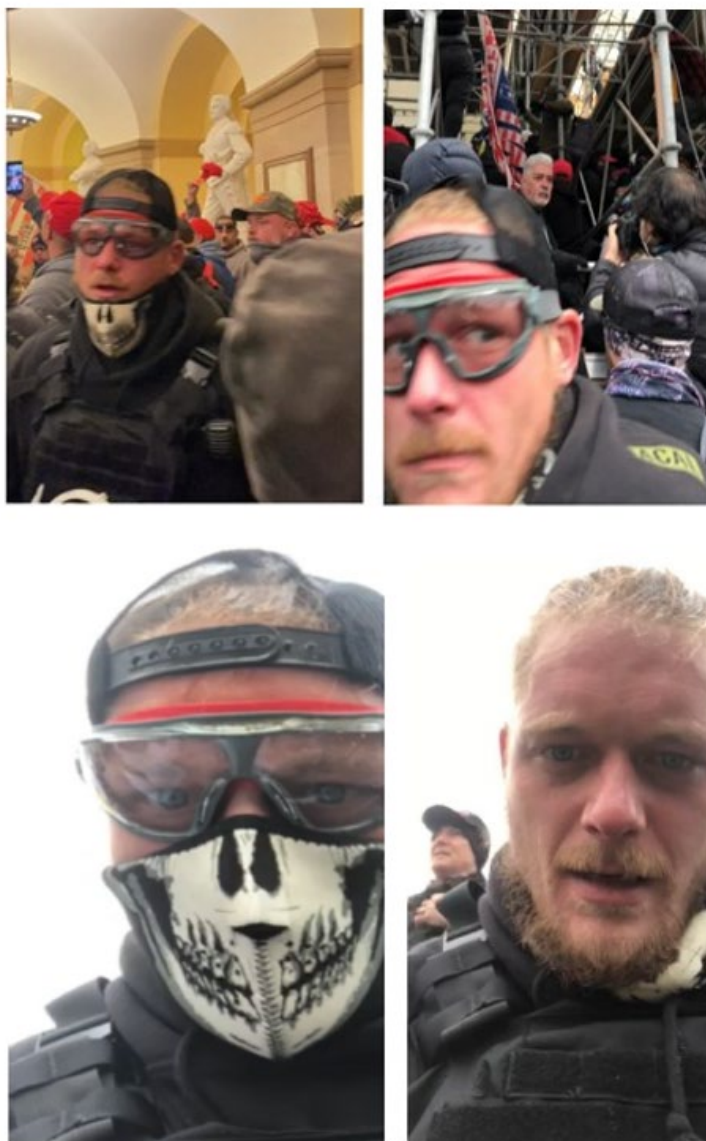


Image 1

The still photographs in Image 1 come from video recordings which I have reviewed. From that review and my investigation of FINNEY and other Capitol riot defendants, I am aware that each video providing the still photographs in Image 1 shows locations inside of the Capitol building or on the Capitol grounds.

On January 19, 2023, New York State Police Trooper A.C.T. was shown the photographs in Image 1. Trooper A.C.T. had arrested FINNEY on June 26, 2022 for driving while intoxicated and refusing to take a breath test. In connection with that arrest, FINNEY was involved in an automobile accident while operating a 2009 Yamaha Motorcycle and was found to be intoxicated. Trooper A.C.T. responded to the scene of the accident in Wappinger, N.Y. Following a brief investigation, Trooper A.C.T. placed FINNEY under arrest and transported him to the police station. When Trooper A.C.T. was shown the photographs in Image 1, he immediately recognized the photographs as showing an individual he had arrested in 2022. Trooper A.C.T. walked over to

his arrest files and immediately and without hesitation pulled the file for his arrest of FINNEY on June 26, 2022. Trooper A.C.T. opened the arrest file and stated, this is the individual in those photographs.

In addition, the FBI obtained a warrant to search what it had identified through legal process as FINNEY's Apple iCloud account and obtained a number of videos and other images of FINNEY in Washington, D.C. One such video shows a recording after a November 15, 2020 rally in the District of Columbia where FINNEY used his cellular phone camera to record himself as he stated, "I, Chris Finney, am a proud western chauvinist and I refuse for [*sic*] helping create the modern world." Image 2 is a screenshot from the beginning of this recording when FINNEY states his own name.

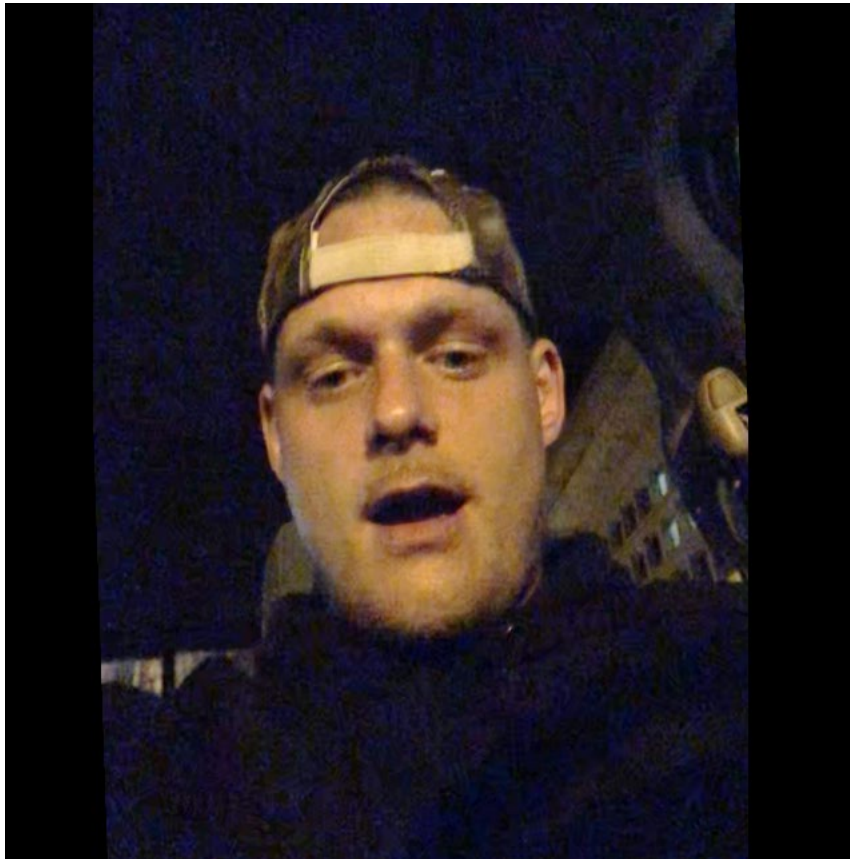


Image 2

***Conduct of Christopher Finney
Before January 6, 2021***

On November 21, 2020, FINNEY purchased a Cyclone light weight plate carrier vest. The FBI obtained the receipt for this purchase and reviewed an image for the item number for FINNEY's purchase, which matches the Cyclone plate carrier vest that appears in Image 3 below and subsequent images in this Statement of FINNEY at the Capitol.

On January 4, 2021, a credit card in the name of FINNEY's girlfriend (whom he married in 2022) was used to purchase 3M Scotchguard Anti-Fog Goggles, CE 36-inch Plenum Cable Ties, and HDX 11-inch Bulk UV Resist Zip Ties at a Home Depot in Mohegan Lake, New York. Screenshots of the goggles and the Plenum Cable Ties from the Home Depot website match the goggles and cable ties that appear in Image 3 below and various images of FINNEY at the U.S. Capitol.

Conduct of Christopher Finney in January, 2021

FINNEY travelled from his home in New York state to attend another rally in Washington, D.C. on January 6, 2021. A message obtained from FINNEY's iCloud account contains dial-in information for a conference call to address "the Washington, D.C. event ... on Wednesday, January 6, 2021." Records obtained through legal process from Lyft show that FINNEY took e-scooter rides in the District of Columbia between January 4-5, 2021. Records obtained through legal process from Lime show that a user associated with FINNEY's email address, [REDACTED], took e-scooter or e-bike rides in the District of Columbia between January 5-6, 2021.

On the morning of January 6, 2021, FINNEY recorded himself near the Washington Monument. Data recovered from FINNEY's iCloud account includes the recording and its creation date of January 6, 2021. In the recording, FINNEY stated, "We're gonna be going up to, where they're – what's the building where they're doing the counting at?" Someone off camera replied, "the Capitol," and FINNEY continued, "we're going up to the Capitol, eventually. We're gonna storm the Capitol. They're not gonna keep us outta there. We're gonna make sure that this is done correct and that Donald Trump is still our president." A screen shot from this recording, Image 3, appears below and shows FINNEY wearing a black baseball cap with the visor turned towards the back, plastic goggles with a red border, a hand-held radio, and a protective plate carrier vest with pouches that contain white plastic flex cuffs and a silver cannister similar to a container for chemical spray. The goggles, radio, plate carrier vest, and flex cuffs are consistent with the purchases described above.

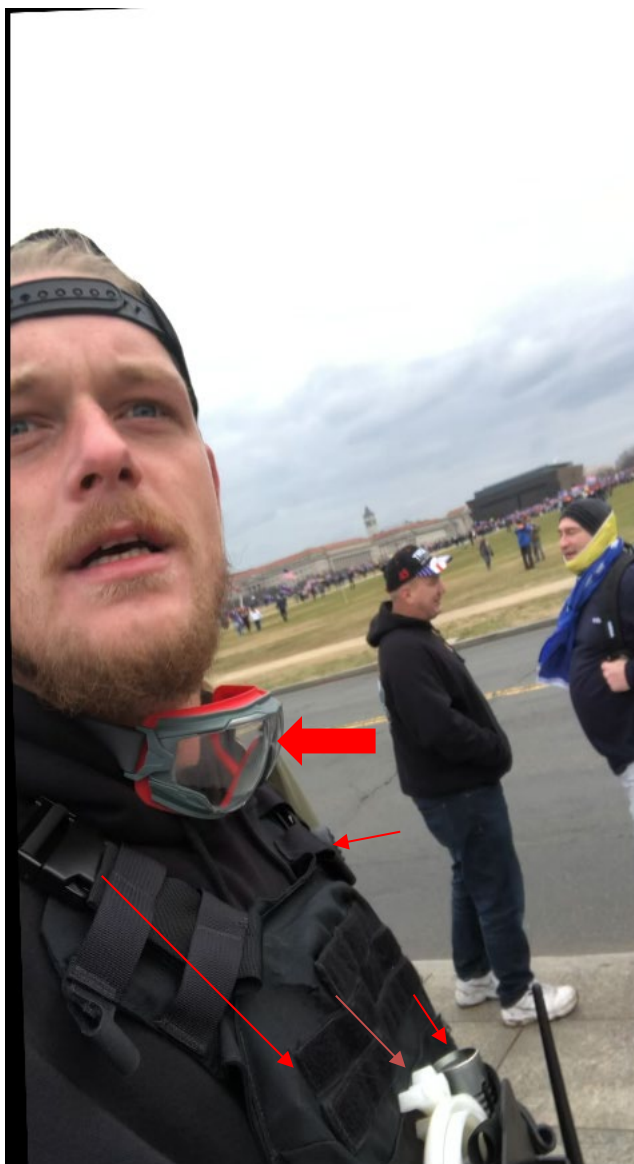


Image 3

FINNEY recorded himself again near the Washington Monument stating, “We’re gonna be here all day. We’re gonna storm the Capitol. We’re gonna do this correct. We’re not gonna back down, stand down, we the people will not be silent anymore.”

At approximately 12:49 p.m., open source video captured FINNEY addressing a crowd through a megaphone while just outside the fenced boundary of the Capitol’s restricted area. Approximately four minutes after FINNEY appears, as shown in in Image 4, the video records an off-camera reaction (“Oh shit, they got in”) to the first breach of the Capitol grounds.



Image 4

When the video pans to FINNEY's left from his position as shown in Image 4, it captures the fencing and "AREA CLOSED" signs in place to mark the restricted area and prevent the crowd's entry onto Capitol grounds, as shown below in Image 5.



Image 5

Following the first breach of the Capitol grounds, FINNEY recorded himself as shown in Image 6 wearing a face mask printed with a skull and stating, "We're storming the Capitol right now. We just broke over the fence. As you can see, we have many many many people, *millions*

of people, storming the lawn right now to the Capitol building. We started tearing down the fence; this is all fence right here as you can see. We're going in there. Let's go."



Image 6

FINNEY continued to record himself as he crossed the Capitol's west lawn and as he scaled a stone wall that had been reinforced with snow-fencing. As he recorded, he noted that "patriots" had accessed the southwest bleachers on the Capitol's West Front, and FINNEY shouted in outrage when U.S. Capitol police arrested one of the intruders on those bleachers. In a series of recordings, FINNEY continued to express outrage that the police were detaining rioters and attempting to control the crowd with pepper spray, and later with flash grenades, calling such measures "pathetic" and using expletives. He also noted the arrival of "the riot squad coming down" and stated that officers were "trying to disperse us."

Officers from the Metropolitan Police Department (MPD) began arriving to reinforce U.S. Capitol Police defending the West Front as early as 1:12 p.m. on January 6, 2021. In addition to

FINNEY's own recordings, footage from an MPD officer's body-worn camera captured FINNEY facing a line of officers near the southwest bleachers as shown in in Image 7.



Image 7

FINNEY retreated into the crowd from the police line shown above in Image 7, made his way to the media tower facing the center of the Capitol's West Front, and eventually travelled north and parallel to the police line until he reached scaffolding covered in white tarp at the northwest corner of the Capitol's West Front, as shown below in a still from MPD body-worn camera footage.



Image 8

Another defendant's cellular phone recorded FINNEY as he approached the northwest scaffolding. As FINNEY neared the entrance to the scaffolding, other rioters were tearing off the tarp that covered the scaffolding, exposing steps underneath leading to the Capitol's Upper West Terrace. Seconds before FINNEY appears in the recording, another rioter can be heard shouting, "The wall is breached!"



Image 9

FINNEY also recorded himself in front of the northwest scaffolding, stating, "So, we're right up front now. They're shooting paint balls at us. They're shooting shit at—watch out! Watch out for the mace! [pointing at an MPD officer] [after coughing] We've all been sprayed. We can't breathe, but we're still movin' forward. My face is on fire right now. ... It hurts so bad right now, but we're not gonna stop. We're gonna keep movin' forward ..." As a siren is heard on his recording, FINNEY exclaimed, "I think we have people in!" The end of FINNEY's recording, depicted in Image 10, shows FINNEY entering the scaffolding.



Image 10

FINNEY continued to record himself and the crowd while he ascended the steps beneath the scaffolding. His video also recorded a line of police officers at the top of the steps attempting to hold back the crowd. Red arrows added to Image 11 below locate the police officers FINNEY recorded.



Image 11

After recording the officers who appear above, FINNEY stated, “We’re makin’ it in. They can’t stop it. We will not back down, we will not be scared! We the people will not be stopped, we will not be stopped!” He continued to record as rioters struggled against officers and finally surged past the police line. FINNEY followed the mob that breached the police line over the steps and past bike-rack barriers onto the Upper West Terrace, exclaiming, “We’ve done it! We are here! We have made it; we have made it to the Capitol.”

FINNEY’s arrival onto the Upper West Terrace was also recorded in open-source video. The videos in Images 12, 13 and 14 below show FINNEY, wearing a holster for a knife on his right hip, as he accessed the Upper West Terrace and approached the Senate Wing Doors.



Image 12



Image 13



Image 14

As he approached the Senate Wing Doors, he stated “Patriots, we have made it. We are where they are counting.” After turning to record other rioters rushing toward the doors, he added, “they’re breaking windows and shit, that’s not right” followed by the comment, “this is 1776, all over again.” FINNEY was present as the Senate Wing Doors were breached, and he kept recording as, at 2:14 p.m., he entered the Capitol through those doors. U.S. Capitol surveillance footage also recorded his intrusion into the building (Image 15). Once inside FINNEY turned north and walked down a hallway, but then quickly retreated, exiting from the building after approximately 40 seconds through a broken window next to the Senate Wing Doors (Images 16-17). Once outside, FINNEY shouted angrily that “they” were shooting “patriots” inside the Capitol building, and then he re-entered the building again through the Senate Wing doors approximately 1½ minutes after his exit. (Image 18).

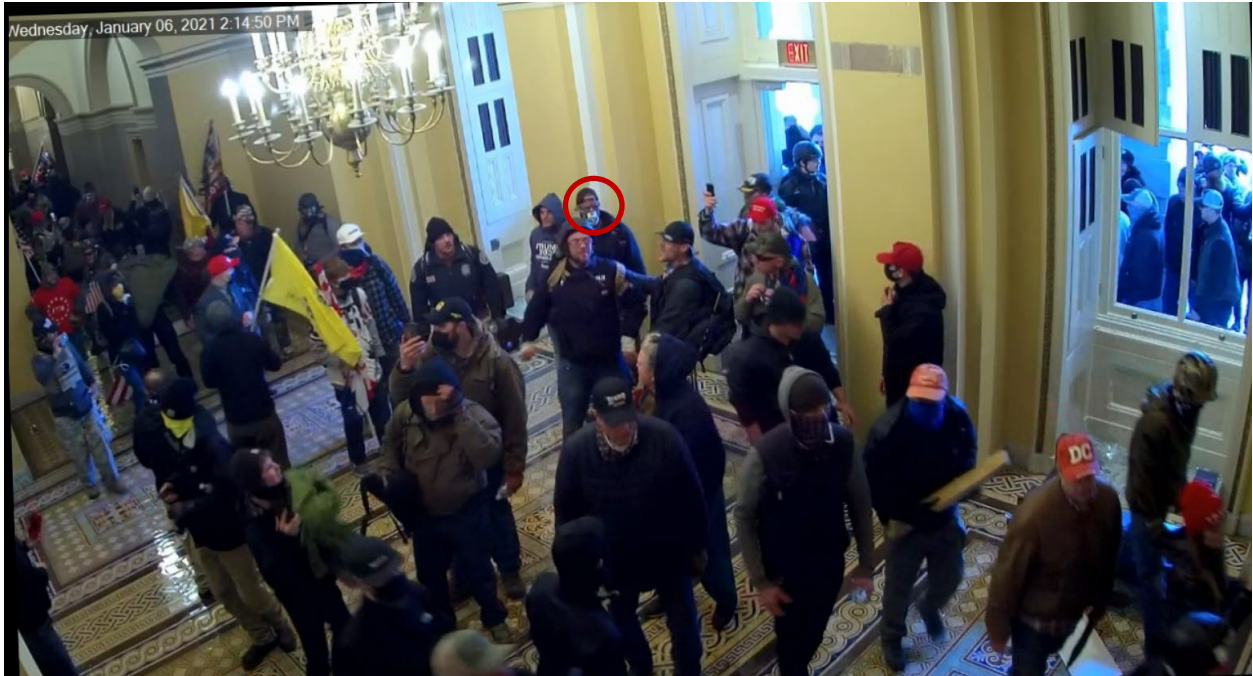


Image 15



Image 16



Image 17

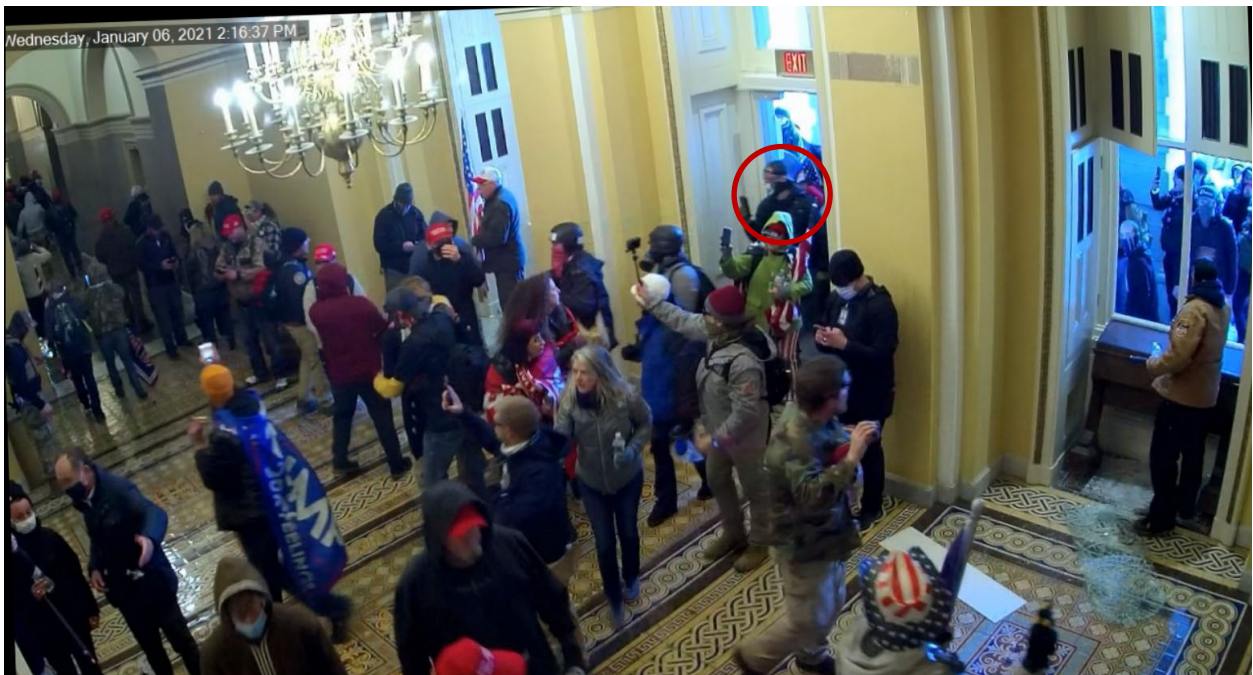


Image 18

After this second entry, FINNEY proceeded south, stopping in a conference room and then moving to the Crypt, where, as shown below in Image 19, he declared, “As you can see, we’re inside the Capitol right now.”



Image 19

From the Crypt, at 2:33 p.m., FINNEY entered an area known as the OAP corridor (referring to the Capitol's Office of the Attending Physician), as shown in Image 20, a still photograph from surveillance video.

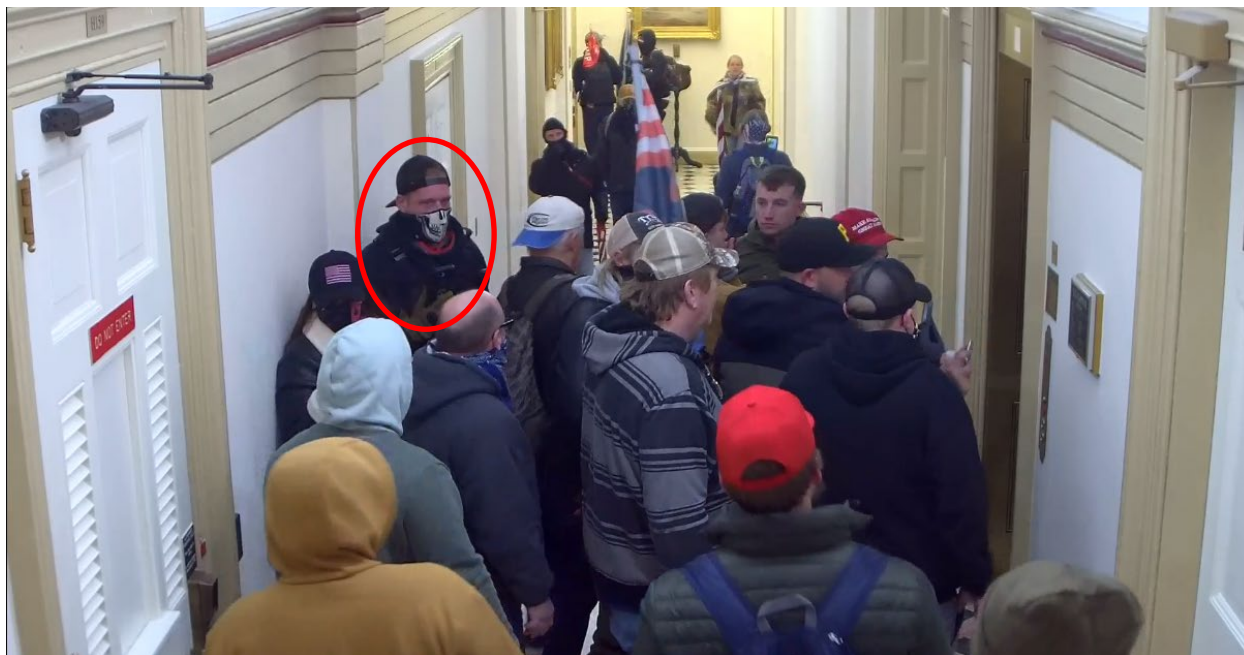


Image 20

FINNEY continued through this corridor and another hallway and then exited from the Capitol through a door on the east side of the building. When encountering other rioters outside, FINNEY claimed that all the politicians had been escorted from the building through underground tunnels. While filming himself on the East Plaza, FINNEY stated, “From what I heard, Biden was certified; that’s bullshit. We’re not going to allow it. So, I love you guys. We’re gonna keep on fighting. We’re here. We’re not gonna give up. Be safe, everyone.” FINNEY’s recordings from the east side of the Capitol included a shot of his own hands in tan gloves folding what appears to be his mask printed with the face of a skull, shown in Image 21.



Image 21

FINNEY then returned to the west side of the Capitol and arrived on its Lower West Terrace a short distance from the site of a rounded arch constructed for the inauguration and fixed to a normal set of doors. The archway and doorway are narrow and no more than 10 feet across. On January 6, 2021, construction for the archway and the narrow doorway created the appearance of a tunnel, which has become a common reference for this doorway.

At approximately 4:45-46 p.m., FINNEY had joined other rioters on steps leading to the tunnel. Third-party video shows FINNEY on those steps with a view of makeshift weapons other rioters were attempting to deploy against a line of police officers preventing entry into the tunnel. These weapons (indicated with yellow arrows) included a long cardboard tube wrapped with white tarp and what appears to be a broken piece of furniture, shown with FINNEY (indicated with a red arrow) in Image 22.



Image 22

The same third-party video shows a rioter wearing a red hat and sweatshirt ahead of FINNEY on the steps who turns away from the police line and shouts “Push! Push! Push!” to the crowd. Image 23 depicts the shouting rioter.



Image 23

The same third-party video then shows FINNEY, indicated with a red arrow, joining with other rioters in a group push against the police line, shown in Image 24.



Image 24

As the crowd pushed, another rioter threw an object emitting smoke at officers at the front of the tunnel. As the entrance to the tunnel filled with smoke, FINNEY, indicated with a red arrow, retreated down the steps. See Image 25.



Image 25

From the bottom of the steps, FINNEY recorded the mob gathered outside of the tunnel that continued to confront the officers defending that passage. His recording shows members of the crowd attacking officers, including: a person who throws an object resembling the broken piece of furniture shown in Image 22; an individual striking multiple times at officers with a baseball bat; and another individual making off with an officer's riot shield. The recording also shows a long wooden pole passed in front of FINNEY as he faces the archway, and FINNEY's gloved hand assisting passage of the pole closer to the police line, as shown in Image 26. The recording captures a voice saying, "Pass it up, pass it up."



Image 26

After the pole left FINNEY's hand, his recording shows another rioter tossing it at police, as shown in Image 27.



Image 27

FINNEY continued to record as the crowd threw other objects at the police, a rioter jabbed at officers with a pole, and additional rioters beat officers with a bat and a riot shield.

Based on the foregoing, your affiant submits that there is probable cause to believe that FINNEY violated 18 U.S.C. § 1512(c)(2), which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings.

Based on the foregoing, your affiant submits that there is also probable cause to believe that FINNEY 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 Secret Service's protection of the Vice President and his family and the Capitol Police's protection of the U.S. Capitol.

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

Finally, your affiant submits there is also probable cause to believe that FINNEY violated 40 U.S.C. § 5104(e)(2)(D), (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; (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.


[REDACTED]
SPECIAL AGENT [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 1st day of February 2024.

HONORABLE G. MICHAEL HARVEY
UNITED STATES MAGISTRATE JUDGE