

Case: 1:24-mj-00042
Assigned To : Harvey, G. Michael
Assign. Date : 2/1/2024
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent currently assigned to the Cleveland Division, Canton Resident Agency of the Federal Bureau of Investigation and have held that position for approximately 18 years. In my duties as a Special Agent during that time, I have participated in investigations of, among other things, violent crimes, threats, gangs, drugs, domestic and international terrorism, and other federal offenses, including the execution of arrest and search warrants. 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 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.

After these events on January 6, 2021, the FBI received numerous tips from members of the public concerning the individuals who unlawfully entered restricted grounds and the Capitol building. On or about January 12, 2023, an individual (Witness 1) contacted the FBI to report that Mason PORTER (PORTER) was on Capitol grounds on January 6, 2021. Witness 1 identified PORTER in the following photograph from an open-source news article:



Image 1: PORTER circled in yellow

¹ <https://www.newsandsentinel.com/news/local-news/2021/01/parkersburg-man-shares-experience-from-u-s-capitol/>

Witness 1 also identified PORTER in Image 2 in a public social media post.



Image 2

As part of my investigation, I reviewed video footage and still images that were taken in the vicinity of the Capitol on January 6, 2021, including Closed-Circuit Television (“CCTV”), body-worn camera (“BWC”) footage from Metropolitan Police Department (“MPD”) officers who responded to the Capitol on that date and footage and social media posts that has been made publicly available on the internet.

As part of the investigation, on April 7, 2022, the FBI interviewed PORTER at his residence. During his interview with the FBI, PORTER identified himself in Images 3-10 (included below) and admitted to being on Capitol grounds on January 6, 2021. During the interview, PORTER told the FBI that he had traveled by car to Washington, D.C. on the morning of January 6, 2021 with two of his friends from work. PORTER told the FBI that he decided to travel to Washington, D.C. after being invited by his friends from work the previous day.

PORTER stated that on the morning of January 6, 2021, PORTER attended what he called the pro-Trump rally on the Mall in Washington, D.C. After the rally, PORTER walked to the Capitol building.

PORTER stated that once he arrived at the Capitol building, he observed police officers helping people entering and exiting through broken windows. PORTER stated that he observed people walking through the doors of the building and that he saw police officers opening a door that people walked through. During his interview with the FBI, PORTER stated that he walked through a set of doors to enter the Capitol building and walked out the other side of the building. PORTER stated that he was in a large crowd and stated that he had to move with the crowd. PORTER stated, "When I was standing down there, there was no backing out of it."

Based on my review of CCTV footage, PORTER walked into the Capitol building through a set of doors on the west side of the building at approximately 2:45 p.m. Based on my review of CCTV at this location, I have not seen any evidence that officers opened the door for rioters.



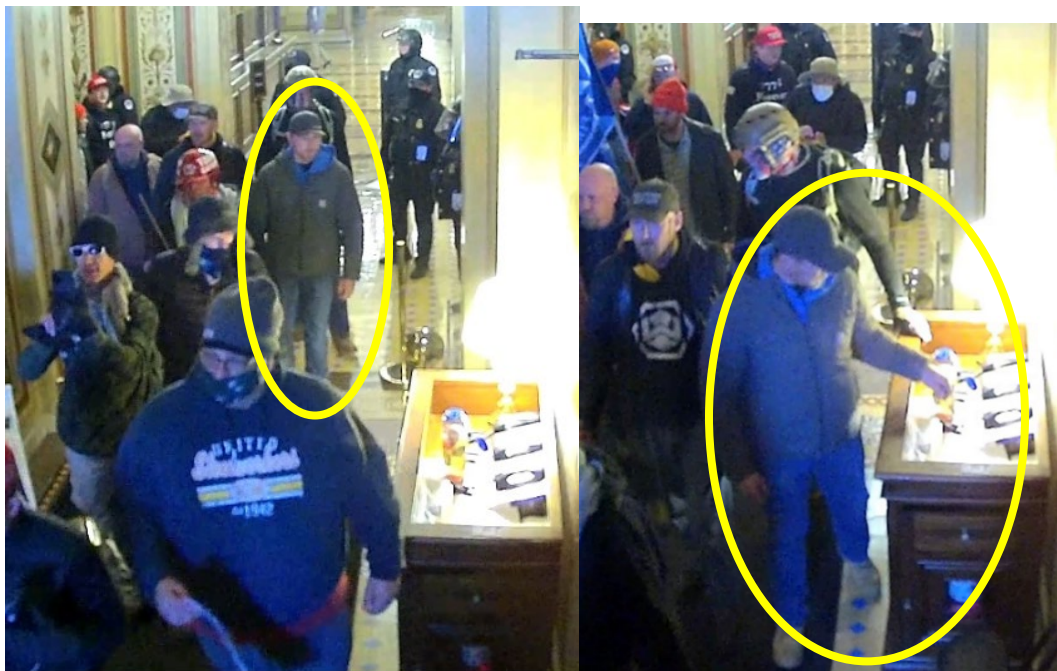
Images 3 and 4: Screenshots of CCTV footage, PORTER circled in yellow

Based on my review of CCTV footage, once inside, PORTER appeared to take out his phone to take photos of himself. He peered into an office and continued down the hallway. PORTER told the FBI that he took photographs during his time in the Capitol building but doesn't believe that he took video on his phone in the Capitol building.



Images 5, 6, and 7: Screenshots of CCTV footage, PORTER circled in yellow

Based on my review of CCTV footage, PORTER remained in the building for over twenty minutes. At approximately 3:07 p.m., CCTV footage shows police shunting PORTER towards the North Brumidi door. During his interview with the FBI, PORTER said that he grabbed an ink pen off a table while walking through the Capitol building.



Images 8 and 9: Screenshots of CCTV footage, PORTER circled in yellow



Image 10: Screenshot of open-source video

PORTER stated that while he was on Capitol grounds, he saw an individual that was attempting to climb an outside wall of the Capitol building. PORTER said he attempted to help him, but the individual ended up sliding back down the wall. Image 1 (shown above) appears to show PORTER helping a fellow rioter ascend a Capitol building wall.

In his interview with the FBI, PORTER stated that he didn't observe any violence, but did see bloody rags outside of the Capitol building. During an interview, PORTER told the FBI that he wasn't there to do anything wrong, but he realized that it was wrong once he was inside the Capitol building.

However, PORTER posted a message on his Facebook page on January 7, 2021, which stated in part:

“It's funny that people are ok living in fear of losing their constitutional rights and freedoms. People take action and use their constitutional right to fight against the corruption and destruction and the future of our country is some how a bad thing.

...

Our forefather gave us the 2nd amendment because they knew power the government was gonna have. And if corrupted they knew that violence and the 2nd ammendment [sic] would be the only defense against it. Love it or hate it this is America its brick and mortar foundation was built with an understanding of this happening. I don't feel shame. Note even close! There was no violence on ourside [sic] yesterday and we were UNARMED and still took the capital building. Imagine what could happen if we exercised our second amendment to the fullest. That fear is why the media is twisting the narrative in this. They knew they are vulnerable now.”

PROBABLE CAUSE OF VIOLATIONS OF LAW

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

[REDACTED]

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 1st day of February 2024.

HONORABLE G. MICHAEL HARVEY
UNITED STATES MAGISTRATE JUDGE