

Case: 1:24-mj-00046
Assigned To : Harvey, G. Michael
Assign. Date : 2/6/2024
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to FBI Washington Field Office's Public Corruption and Civil Rights Squad. In my duties as a special agent, I have been tasked with investigations of allegations of violations of federal, state, and local laws. I have been trained in cyber and digital investigative techniques and have participated in court authorized search and arrest 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 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 Larry Freligh

In early 2021, Larry Freligh, III, a resident of Auburn, Alabama, was identified as an associate of another individual, William Watson,¹ who unlawfully entered the U.S. Capitol that day and committed related criminal conduct.



Image 1: Alabama driver's license photograph of Larry Freligh III

On January 19, 2021, Freligh was interviewed by FBI agents in relation to the agency's investigation of Watson. During the interview, Freligh admitted to entering the U.S. Capitol building on January 6, 2021. Specifically, Freligh told agents that he and Watson traveled by car from Alabama to Washington, D.C. on January 5, 2021, driving overnight to arrive on the morning of January 6 in anticipation of former President Donald Trump's "Stop the Steal" rally. Freligh told agents that he brought with him a black backpack containing a spare set of clothes and a hunting knife with an estimated six-inch blade. He said he left the backpack, including the hunting knife inside it, inside his vehicle while at the Capitol.

After the two attended the rally, which took place near the Ellipse area of the White House grounds, Freligh and Watson walked to the U.S. Capitol grounds, where he said they witnessed people getting tear gassed and pepper sprayed by the police. Freligh said he had been following Alex Jones online that day, and Jones had directed people to go to the Capitol. Freligh said that at one point while outside the Capitol building, a smoke bomb detonated overhead and Freligh became separated from Watson. Freligh was eventually able to contact Watson via phone and the two met and drove back to Washington, D.C. that day.

¹ Watson was arrested, found guilty, and ultimately sentenced for this conduct on March 9, 2023. See *United States v. William Watson*, Case No. 21-cr-513-RBW (D.D.C.).

During the interview, Freligh stated that he had seen footage of himself inside the Capitol in media coverage related to January 6, including in a Hulu documentary that captured Freligh walking out of former House Speaker Nancy Pelosi's office suite inside the Capitol building.² Freligh told agents that he followed a crowd of people into the Capitol building through open doors in order to see what was happening inside and to find Watson. While inside, Freligh witnessed individuals attempting to kick in doors and committing other destructive or violent acts. Freligh stated that he followed the flow of the crowd into former House Speaker Nancy Pelosi's office, saw people at her desk, and left. As captured on the Hulu documentary titled, "24 Hours: Assault on the Capitol," Freligh wore a black jacket, blue jeans, and a navy-blue beanie with an Auburn University logo while inside the Capitol building.



Image 2: Freligh shown in the Hulu documentary titled, "24 Hours: Assault on the Capitol," using his phone outside Speaker Pelosi's office sweet on January 6, 2021

At the conclusion of the interview, Freligh told officers that his personal cell phone number was (XXX) XXX-2369. According to AT&T records obtained through a search warrant, on January 6, 2021, in and around the time of the incident, an iPhone 11 associated with (XXX) XXX-2369 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.

During the course of this investigation, I reviewed video recorded on U.S. Capitol Police's closed-caption video ("CCV") system, as well as video recorded by individuals present at the U.S. Capitol on January 6, 2021, such as journalists or other rioters, which showed Freligh on U.S. Capitol grounds and inside the Capitol building on January 6, 2021.

This video footage shows that after Freligh and Watson attended the "Stop the Steal" rally near the White House on the morning of January 6, the two men walked down Pennsylvania Avenue toward Capitol grounds. Shortly after 1:30 p.m., Freligh crossed into the restricted

² At this time, agents advised Freligh that he was not under arrest and was free to leave but asked if he would be willing to continue answering questions about his presence at the Capitol that day. Freligh agreed to continue the interview and agents began recording it.

perimeter established around the U.S. Capitol building, entering on to the west side of the U.S. Capitol grounds.



Image 3: Freligh on U.S. Capitol grounds west of the Capitol building

Freligh then approached the West Plaza area of Capitol Grounds immediately west of the building, where a large crowd was amassing against a line of vastly outnumbered police officers blocking access to the building. At approximately 1:43 p.m.,³ Freligh is captured on CCV and third-party video approaching the police line shouting toward the officers with his hands raised.



³ The timing of events portrayed on third-party video has been established where possible by comparison to time-stamped CCV.

Images 4-5: Freligh near West Plaza police line at approx. 2:43 p.m. Approximate location captured by third-video (top right) indicated on CCV by red lines.

Immediately north of the West Plaza, scaffolding covered in white sheeting had been erected to provide seating for the presidential inauguration scheduled to take place later in the month. The scaffolding was erected over the Northwest Stairs, which provides access from the West Plaza to the immediate exterior of the first floor of the Capitol building. A small group of police officers guarded entry into the scaffolding at the base of the staircase, but at 1:48 p.m., rioters attacked and overran this line of officers, thereby gaining access to the Northwest Stairs. Freligh followed other rioters into the scaffolding.



Image 6: Freligh moving with crowd toward scaffolding over the Northwest Stairs

Open-source video shows Freligh briefly enter the scaffolding, then exit and circle around to the north to the marble wall running alongside the Northwest Stairs. At 2:13 p.m., Freligh and several others climbed up the wall using a metal bike rack placed against it as a makeshift ladder.



Image 7: Freligh scaling wall alongside Northwest Stairs at 2:13 p.m.

At 2:14 p.m., Freligh ascended the remainder of the Northwest Stairs—pausing midway up the stairs to help other rioters scaling the adjacent wall—and reached the first-floor exterior of the Capitol building.



Image 8: Freligh pauses midway up Northwest Stairs to assist other rioters scaling Capitol building walls.

At 2:13 p.m., the Capitol building was breached for the first time that day. After reaching the exterior of the first floor of the building via the Northwest Stairs, rioters used wooden planks, a stolen police shield, and other blunt objects to smash the windows to the left and right of the Senate Wing Door entryway. Rioters then crawled through the smashed-out windows and kicked open the Senate Wing Door. Freligh entered the building through this entryway minutes later, at 2:18 p.m. At the time he entered, a loud siren continuously rang inside the doorway.



Image 9: Freligh approaches the Senate Wing Door at approximately 2:18 p.m.



Image 10: CCV capturing Freligh entering the Capitol building at approx. 2:18 p.m.

After entering the building, Freligh turned north and walked toward the center of the building with other rioters as he filmed on his iPhone and raised his fist in the air.

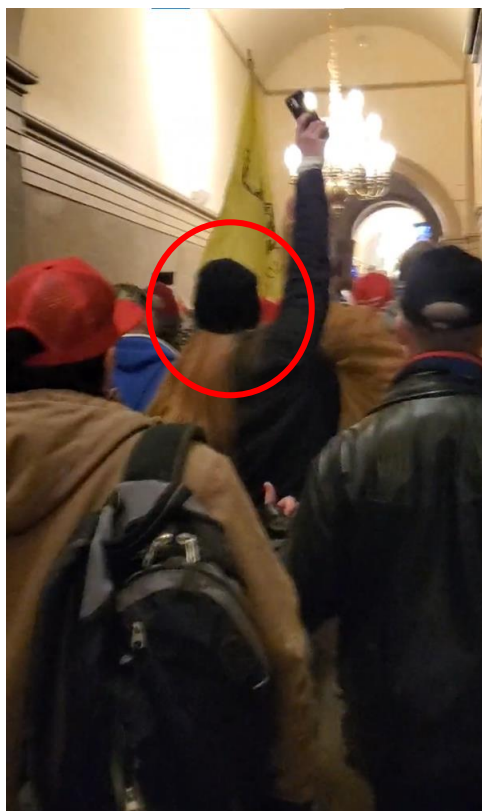
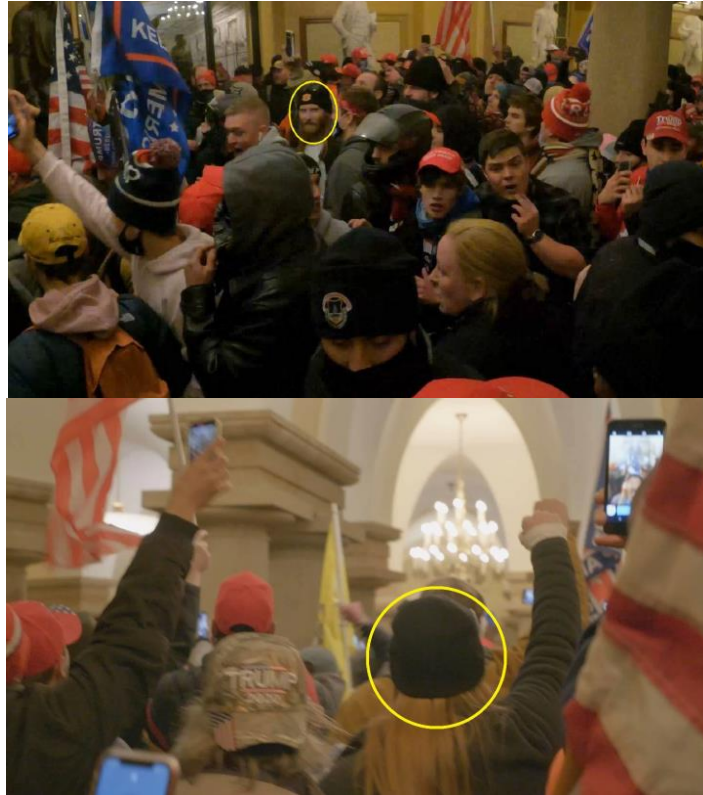


Image 11: Freligh walks with other rioters north from the Senate Wing Door toward the center of the Capitol building.

Freligh then entered a large, circular room at the center of the Capitol building's first floor known as the Crypt, where rioters were amassing against a thin line of USCP officers blocking access to the remainder of the building. Freligh joined the crowd in chanting and pumping his fist in the direction of officers.



Images 12-13: Freligh in the Crypt inside the Capitol building

At approximately 2:25 p.m., the rioters in the Crypt overran this police line, and Freligh and others were able to push to the other side of the Crypt to reach the Memorial Door staircase. Freligh climbed this staircase to the second floor of the Capitol building.



Image 14: Freligh ascends the Memorial Door Staircase.

At approximately 2:33 p.m., Freligh entered the Rotunda—located at the middle of the Capitol on the second floor between the main entrances of the House and Senate Chambers—where he circled the room, shouted, and pumped his fist in the air, then walked back south out of the room.



Image 15: Freligh in the Rotunda at approx. 2:33 p.m.

Just outside the Rotunda was the entrance to the suite of offices dedicated to the Speaker of the House of Representatives, then Rep. Nancy Pelosi. Freligh entered the Speaker’s suite at approximately 2:34 p.m.



Image 16: Footage from the Hulu documentary, “24 Hours: Assault on the Capitol” showing Freligh at the entrance to the Speaker’s suite



Image 17: Freligh inside the Speaker's suite at approx. 2:34 p.m.

Freligh then returned to the first floor of the Capitol building using the Memorial Door Stairs, and at 2:36 p.m., Freligh exited the building through the Memorial Doors, for the first time.

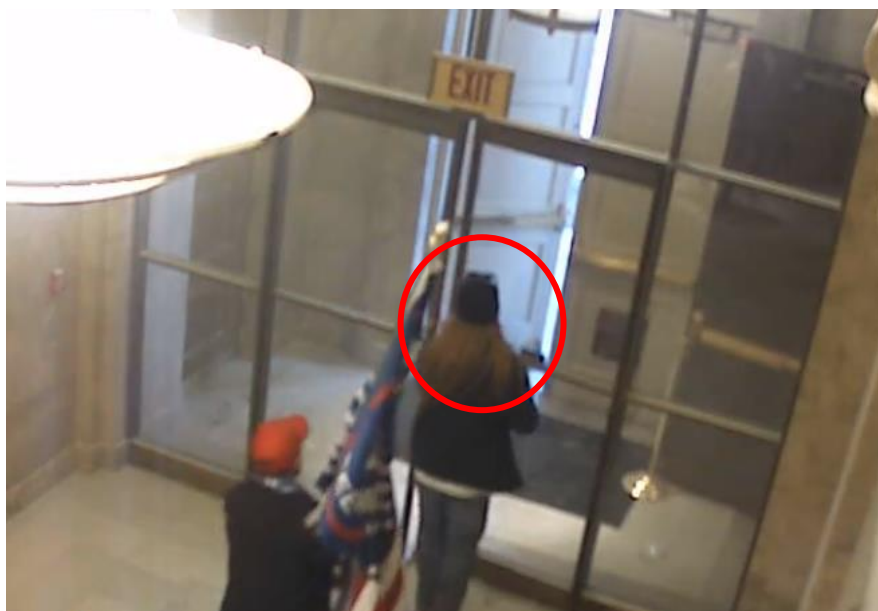


Image 18: Freligh initially exits the Capitol building through the Memorial Doors at 2:36 p.m.

Shortly after Freligh's initial exit from the Capitol building, USCP officers positioned themselves inside the Memorial Door entryway as they guided rioters out of the building and prevented those ejected from reentering. However, at 2:41 p.m., when police opened the Memorial Doors to allow a small group of rioters to exit, Freligh used the opportunity to slip inside the doors as they closed and reenter the building.

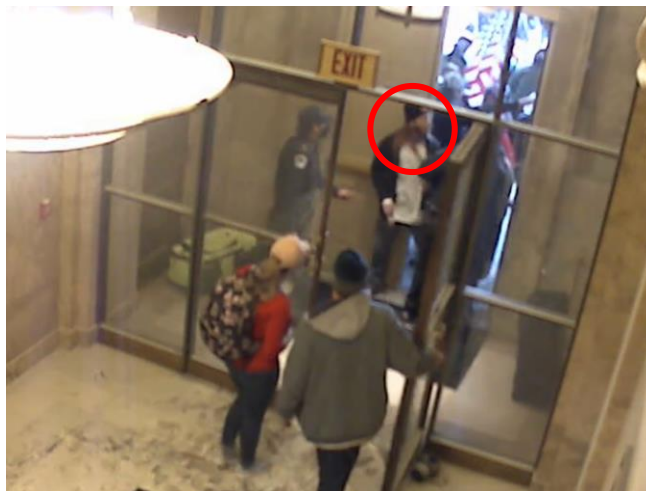


Image 19: Freligh reentering the Capitol building at 2:41 p.m.

Two officers immediately inside the doorway attempted to stop Freligh and force him to re-exit the building. Rioters about to exit the building were blocked from leaving by Freligh and the officers. As the officers spoke to Freligh and attempted to block his way, another rioter was able to reenter and move around the officers preoccupied by Freligh.

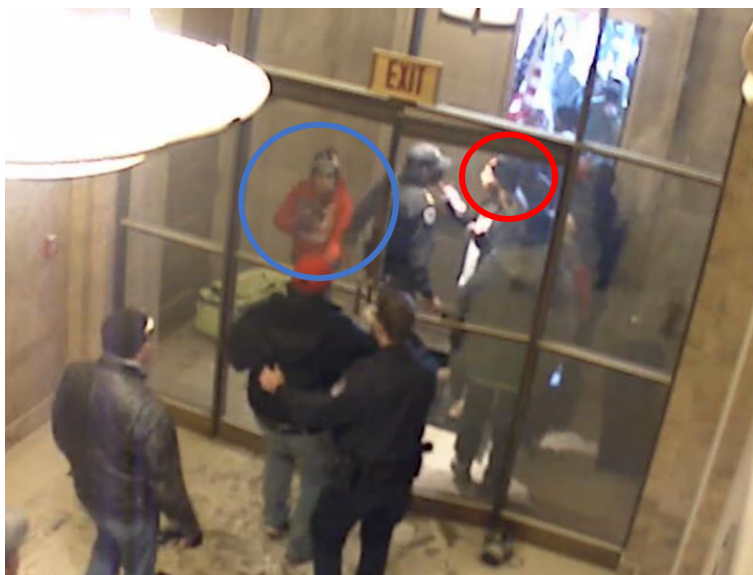


Image 20: Freligh (circled in red) is stopped by officers attempting to reenter the building as another rioter (circled in blue) moves around the officers preoccupied by Freligh.

Freligh then began to move past the first two officers, but a third officer shut the interior doors immediately inside the Memorial Doorway and blocked Freligh from moving further. Freligh pushed against the interior door held closed by the officer, then when another officer attempted to pull Freligh away from the door, Freligh resisted by putting his bodyweight against the door. During this period, other rioters attempted to reenter the building and those attempting to exit were blocked from leaving.



Image 21: Freligh leans against an interior door held closed by an officer as a second officer attempts to pull him toward the exit.

The officer attempting to remove Freligh then quickly and forcibly pulled Freligh away from the interior door and ejected him from the building.

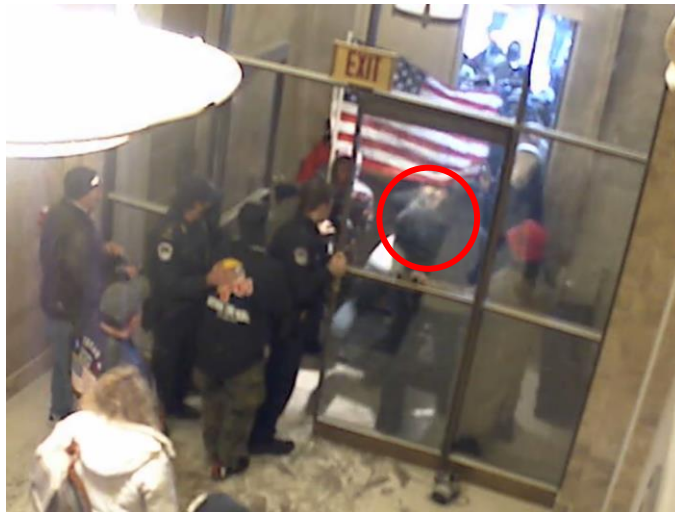


Image 22: Freligh being forcibly removed from the building at approximately 2:42 p.m.

Freligh then stood outside the doorway appearing to yell and gesture with his middle finger toward the officer who ejected him, until the officers closed and locked the doors, then began turning away individuals inside the Capitol attempting to exit through that doorway. At 2:42 p.m., after other rioters walked away from the locked doors, Freligh returns and attempts to forcefully kick them open.

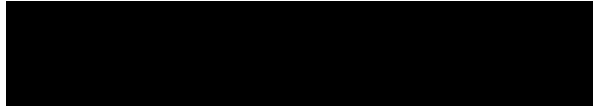


Image 23: Freligh attempts to kick Memorial Doors open after being forcibly removed from the Capitol building.

On January 11, 2021, authorities placed Watson under arrest. Freligh admitted receiving a text message from Watson that day that read, “They’re here.” Freligh obtained a key to Watson’s residence from a friend, and Freligh said that on January 13, 2021, he and that friend went to the residence to check on Watson’s cats. On January 15, they returned to the residence to gather “stuff,” including gaming equipment and a cannister of mace that Watson had obtained on Capitol grounds and used at one point to threaten police officers defending the building from rioters. Freligh stated that it was his friend that took the mace, but Freligh then provided agents with the mace in question.

Based on the foregoing, there is probable cause to believe that Freligh 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.

There is also probable cause to believe that Freligh 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.



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 6th day of February 2024.

HON. G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE