

Case: 1:24-mj-00099
Assigned To : Harvey, G. Michael
Assign. Date : 3/18/2024
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation ("FBI") assigned to the Joint Terrorism Task Force (JTTF), Domestic Terrorism Squad in Indianapolis, Indiana. During my assignment with the JTTF, I have conducted investigations regarding material support of terrorism, weapons violations, explosives violations, as well as racially motivated or anti-government/anti-authority violent extremism. Prior to assignment to the Indianapolis FBI, I was assigned to the public corruption/white collar crime squad in Chicago, Illinois. I investigated numerous incidents involving narcotics, weapons violations, assaults, larcenies, burglaries, and fraud and other crimes. Through my employment with the FBI, I have gained knowledge in the use of various investigative techniques, including, but not limited to, conducting physical surveillance, conducting interviews, obtaining information through administrative and grand jury subpoenas, preparing and executing state and federal search warrants, preparing reports, and reviewing electronic evidence.

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 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 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.

Following the January 6, 2021, attack on the Capitol, your affiant reviewed multiple videos derived from open-source databases, as well as both Metropolitan Police Department (“MPD”) and U.S. Capitol Police (“USCP”) holdings.

One individual, later identified as Joshua Scott Borum (“Borum”), was identified as having entered the Capitol building. Based on open source and CCTV videos, Borum is a white male with brown hair who was wearing a red and black plaid long sleeve shirt, what appeared to be a ballistic plate carrier, a radio, a military style multicam helmet with a Betsy Ross flag patch on the left and American Flag patch on the top, a red patch with what appeared to be a white emblem on the rear as well as a patch with the word “APOSTLE”, sunglasses, woodland camouflage pants, tan gloves with the fingers cut off, and a grey backpack on January 6, 2021 at the US Capitol Building.



Image 1 - Borum outside the Capitol building

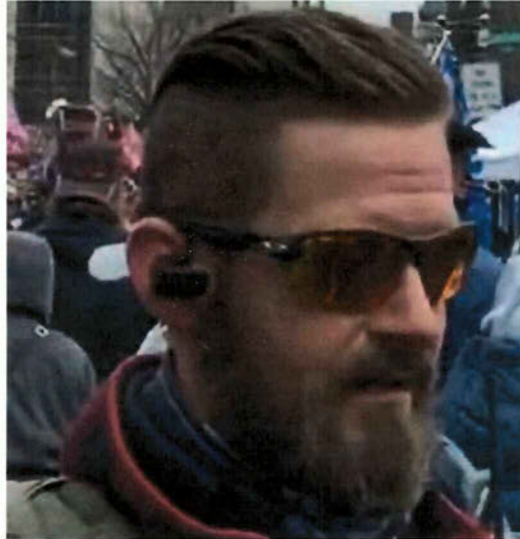


Image 2 – Borum without helmet

Borum entered the U.S Capitol building at approximately 2:56 p.m. via the doorway on the northwest side of the Capitol building, raising his phone, which he appeared to be using, at the time he entered the Capitol.



Image 3 - Borum (circled in yellow) entering through a door on the northwest side of the Capitol building¹

¹ The screenshot is from “Trump Supporters Storm Capitol Building during January 6 Insurrection - 4K Footage” available at <https://youtu.be/8Vh8wPco6Jk?t=846>.

After entering the Capitol, Borum appeared to walk through a hallway raising his phone, which he was using, at the time he did so.



Image 4 - Borum in a hallway on the Northwest side of the Capitol building

Uniformed police entered the hallway and fired “pepperballs” toward the crowd of people. Borum turned around and returned towards the door he had previously entered.



Image 5 - Borum inside the Capitol building

Borum exited the building at approximately 3:01 p.m. via the doorway through which he previously entered, after having spent approximately 5 minutes inside the U.S. Capitol Building.



Image 6 - Borum exiting the Capitol building²

Your affiant compared the photos of Borum (from January 6, 2021) to an Indiana driver's license photo of Borum. The individual depicted in the Capitol photos appeared to be the same person depicted in the driver's license photo. His driver's license indicated he resided in Windfall, Indiana.

² The screenshot is from "Trump Supporters Storm Capitol Building during January 6 Insurrection - 4K Footage" available at <https://www.youtube.com/watch?v=8Vh8wPco6Jk&t=1042s>.

On December 13, 2021, FBI Special Agents conducted a voluntary interview with Borum. During the interview, Borum stated he was a part of the American Regulators, which Borum described as an offshoot of the Angry Vikings. Borum further described the group as a diverse group of people gathered primarily to exercise their 1st Amendment rights and to help communities. Borum stated that, on January 6, 2021, he was designated (with 5-7 other group members) to wear the black and red plaid shirts and provide security for the larger group. During the interview, Borum admitted that he entered the Capitol building and maintained that he did not cause any damage, nor did he assault anyone. Borum claimed he entered the Capitol to locate a member of the group that was missing from the group so that the group could leave the Capitol as a group. Borum was shown photographs of what appeared to be him around and within the Capital building. Borum identified himself as the subject in the photos shown to him (to include images 1,2, and 6 from above). In addition, law enforcement confirmed Borum resembled the individual in the photographs herein.

Based on the above, your affiant submits that there is probable cause to believe that Joshua Borum 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 Joshua Borum violated 40 U.S.C. § 5104(c)(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 [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 18th day of March 2024.

G.MICHAEL HARVEY
U.S. MAGISTRATE JUDGE