

Case: 1:24-mj-00103
Assigned To : Harvey, G. Michael
Assign. Date : 3/21/2024
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 Houston Field Office. In my duties as a special agent, I investigate domestic terrorism and related criminal offenses. 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.

Identification of Luke Almond

According to records obtained through a search warrant served on Google, a mobile device associated with laXXXXXX@gmail.com was present at the U.S. Capitol on January 6, 2021. Records provided by Google revealed that the mobile device associated with laXXXXXX@gmail.com belonged to a Google account registered in the name of “Luke Almond” (“ALMOND”). The Google account also lists a recovery SMS phone number that matches XXX-XXX-7113, which public records show as being associated with ALMOND.¹

On October 1, 2021, special agents with the FBI interviewed ALMOND at a McDonald’s in Tomball, Texas. During the interview, ALMOND admitted to being present at the U.S. Capitol on January 6, 2021, and entering the U.S. Capitol building. Specifically, ALMOND stated that he went up a set of stairs that were near scaffolding and entered the U.S. Capitol building. ALMOND also told agents that he attended the rally held by then-President Donald Trump on January 6, 2021, in Washington, D.C. ALMOND told the interviewing agents that he deleted all of the videos he took on January 6, 2021, because he was worried about getting in trouble.

Luke Almond’s Conduct on January 6, 2021

A review of U.S. Capitol closed-circuit television (“Capitol CCTV”), as well as open-source videos and videos obtained from other individuals showed ALMOND on U.S. Capitol grounds and inside of the U.S. Capitol building on January 6, 2021.

An open-source video from ProPublica shows ALMOND standing on the west side of the U.S. Capitol with a large group of rioters, as shown in the screenshot below. In the video, ALMOND is wearing a dark green hooded jacket or sweatshirt and jeans and is holding a bag over his shoulder. Approximately twenty seconds after ALMOND appears in the video, rioters are seen overrunning a group of police officers who were guarding a set of stairs that lead to the Upper West Terrace. In the video, rioters are heard cheering as the police line is overrun.

¹ The unredacted phone number and email address associated with ALMOND are known to your affiant.

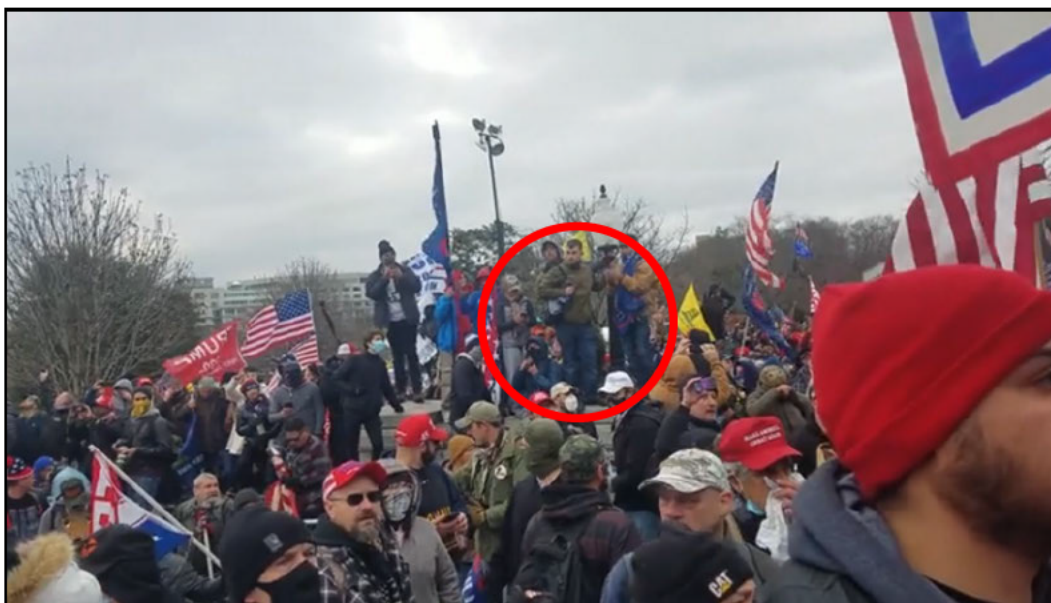


Figure 1: ALMOND on U.S. Capitol grounds on January 6, 2021

In another open-source video, ALMOND is seen standing on scaffolding on the west side of the U.S. Capitol building, as shown in the figure below. Stairs under and next to the scaffolding that ALMOND was standing on led to the Upper West Terrace.



Figure 2: ALMOND on scaffolding on the northwest side of the U.S. Capitol grounds

At approximately 2:17:04 p.m., ALMOND is seen on Capitol CCTV entering the U.S. Capitol building through the Senate Wing Door, as shown in the screenshot below. Other rioters breached the Senate Wing Door approximately four minutes before ALMOND entered the U.S.

Capitol building. After entering, ALMOND turned south and walked in the direction of the Capitol's Crypt, going off camera at approximately 2:17:34 p.m.

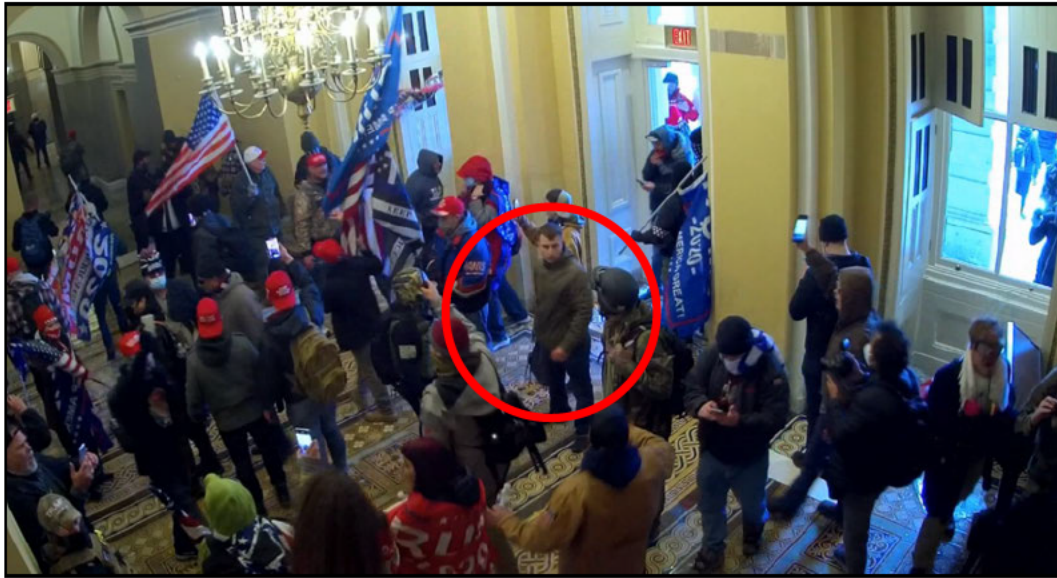


Figure 4: ALMOND entering the U.S. Capitol building

At approximately 2:18:44 p.m., Capitol CCTV shows ALMOND entering the Capitol's Crypt. ALMOND is seen standing in a large group of rioters who have entered the Crypt, as shown in the screenshot from Capitol CCTV below. While ALMOND is in the Crypt, a line of police officers attempted to stop the group of rioters from going further into the U.S. Capitol building.



Figure 5: ALMOND in the Capitol's Crypt

In video obtained from another individual, ALMOND is seen inside of the Crypt with a large group of rioters who have approached the police line, as shown in the figure below. In the video, other rioters are heard chanting "Who's house? Our house!"

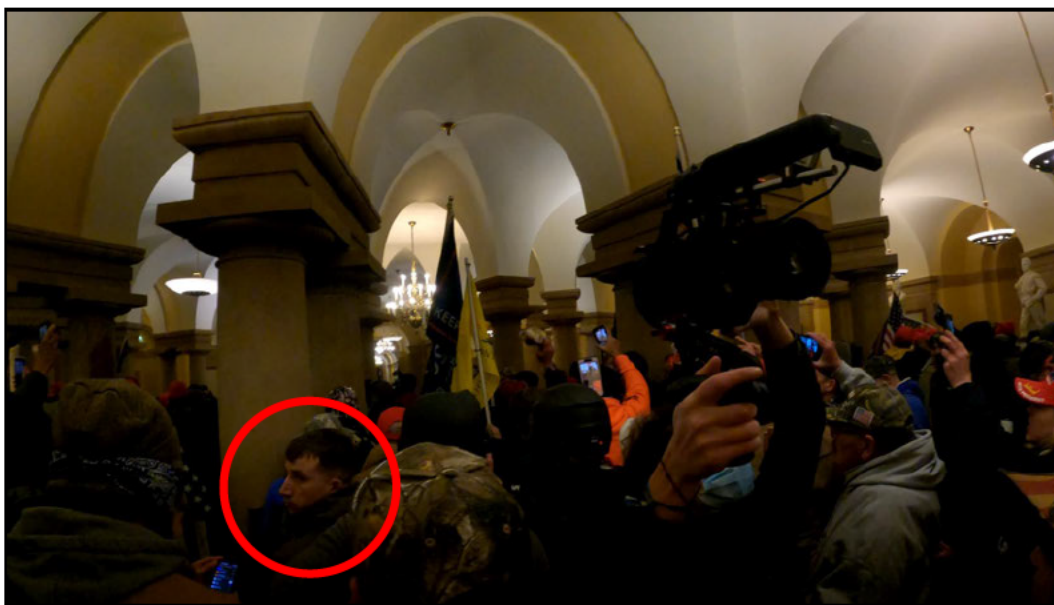


Figure 6: ALMOND in the Capitol's Crypt

At approximately 2:25:21 p.m., Capitol CCTV shows other rioters beginning to overrun the police line. As shown in the zoomed in screenshot of Capitol CCTV below, ALMOND is seen moving forward with the group of rioters who overran the police line. ALMOND went off camera at approximately 2:25:34 p.m.

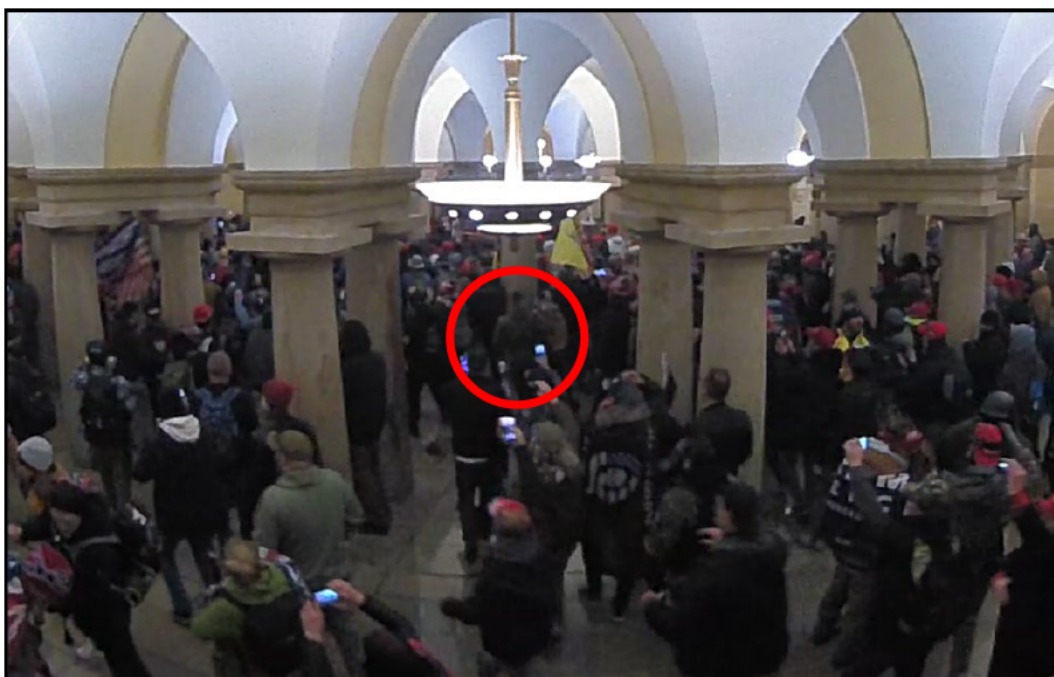


Figure 7: ALMOND in the Crypt after rioters overran the police line

At approximately 2:32:26 p.m., ALMOND is seen on Capitol CCTV in the Office of the Attending Physician (“OAP”) Corridor. ALMOND walked to the end of the hallway then turned back and walked in the direction of the Crypt, as shown in the figure below, going off camera at approximately 2:34:06 p.m.



Figure 8: ALMOND in the OAP Corridor

At approximately 2:35:16 p.m., ALMOND is seen on Capitol CCTV re-entering the Crypt and moving in the direction of the Senate Wing Door, as shown in the screenshot below.



Figure 9: ALMOND re-entering the Crypt

ALMOND is next seen on Capitol CCTV at approximately 2:35:52 p.m. walking back to the Senate Wing Door area, as shown in the screenshot below. At this time, as shown in the Capitol CCTV footage, U.S. Capitol Police (“USCP”) officers were instructing rioters to exit the U.S. Capitol building through a window, while other USCP officers guarded the Senate Wing Door and another window to prevent other rioters from entering the U.S. Capitol building. ALMOND exited the U.S. Capitol building through the window at approximately 2:36:58 p.m.

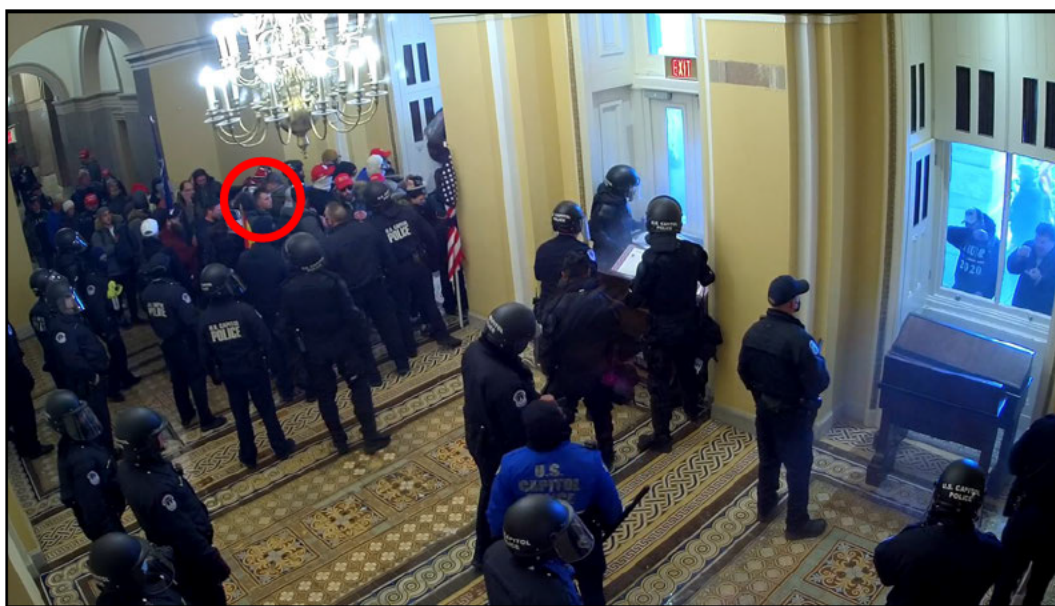


Figure 10: USCP officers directing ALMOND to exit the U.S. Capitol building

After ALMOND exited the U.S. Capitol building, he remained in the area just outside of the Senate Wing Door. As shown in the screenshot of a video obtained from another individual, ALMOND looked in the direction of the Parliamentary Door as another rioter breached that door using a crowbar. A review of Capitol CCTV showed that the breach of the Parliamentary Door depicted in the screenshot below occurred at approximately 2:42:09 p.m.



Figure 11: ALMOND watching as a rioter breaches the Parliamentary Door with a crowbar

In video obtained from another individual, from approximately the same time as the video referenced in the paragraph above, ALMOND is seen looking in the direction of the Parliamentary Door and other rioters are heard cheering.



Figure 12: ALMOND looking in the direction of the Parliamentarian Door

Capitol CCTV, open-source videos, and videos obtained from other individuals showed that after breaching the Parliamentarian Door at approximately 2:42 p.m., rioters began to enter the U.S. Capitol building through the Parliamentarian Door. In video obtained from another individual, ALMOND appears to have moved away from his position near the Senate Wing Door, shown in the figure above, and joined a group of rioters near the breached Parliamentarian Door, as shown in the screenshot below.



Figure 13: ALMOND joining a group of rioters near the Parliamentarian Door

At approximately 2:54:17 p.m., ALMOND entered the U.S. Capitol building through the Parliamentarian Door, as shown in the screenshot of Capitol CCTV below. This was ALMOND's second unlawful entry into the U.S. Capitol building on January 6, 2021.



Figure 14: ALMOND unlawfully entering the U.S. Capitol a second time on January 6, 2021

After he entered the U.S. Capitol building through the Parliamentarian Door, ALMOND walked north with a group of rioters, going off camera at approximately 2:54:35 p.m. ALMOND is next seen on Capitol CCTV at approximately 2:59:30 p.m. in a group of rioters that law enforcement officers directed to exit the U.S. Capitol building. ALMOND exited the U.S. Capitol building for the second time at approximately 3:00:44 p.m.



Figure 15: ALMOND exiting the U.S. Capitol a second time on January 6, 2021

After exiting the U.S. Capitol building the second time, ALMOND is next seen on Capitol CCTV on the Upper West Terrace at approximately 3:04:45 p.m. As shown in the screenshot

below, ALMOND appeared to look in the direction of the northwest lawn, where Capitol CCTV shows that a large group of rioters were gathered at the time.



Figure 16: ALMOND on the Upper West Terrace

At approximately 3:05:20 p.m., ALMOND walked north on the Upper West Terrace. At approximately 3:06:17 p.m., Capitol CCTV footage shows ALMOND appearing to turn east toward the area of the North Door on the Senate side of the U.S. Capitol building, as shown in the screenshot below. ALMOND is not seen on Capitol CCTV until approximately 3:18 p.m.



Figure 17: ALMOND on the Upper West Terrace

At approximately 3:18:11 p.m., ALMOND appears on Capitol CCTV on the north end of the East Plaza. As shown in the screenshot of Capitol CCTV below, ALMOND walked in the direction of the steps that lead to the Senate side of the U.S. Capitol.



Figure 18: ALMOND on the East Plaza

At approximately 3:18:29 p.m., Capitol CCTV captured ALMOND walking up the steps on the Senate side of the U.S. Capitol, as shown in the screenshot below.



Figure 19: ALMOND on the Senate Steps

At approximately 3:28:55 p.m., ALMOND is seen on Capitol CCTV walking north on the East Plaza, as shown in the screenshot below. ALMOND then exits the U.S. Capitol grounds.

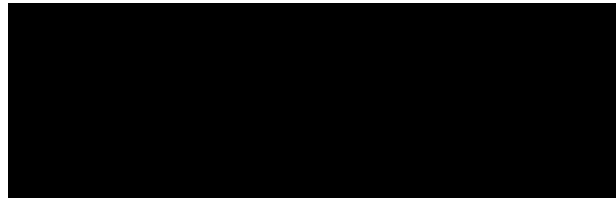


Figure 20: ALMOND Exiting U.S. Capitol Grounds

Offenses Committed by Luke Almond

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

Your affiant submits there is also probable cause to believe that LUKE ALMOND 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
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 21st day of March 2024.

HONORABLE G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE