

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation (“FBI”). I have served in this position since August 2020. I am currently assigned to the Philadelphia Joint Terrorism Task Force in the FBI Philadelphia Field Office. In my duties as a Special Agent, I have investigated various violations of federal law including riots and acts of violence in furtherance of a riot. Currently, I am tasked with investigating criminal activity in and around the United States 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.

Unless otherwise stated, the information in this Affidavit is either personally known to me, has been provided to me by other individuals, or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause to support an application for an arrest warrant, it does not contain every fact known by me or the United States. The dates listed in this Affidavit should be read as “on or about” those dates.

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.

On or about January 23, 2021, the FBI received an online tip via the FBI National Threat Operations Center (“NTOC”) that CHARLES ANTHONY ESPINOSA (“ESPINOSA”) was in and around the U.S. Capitol building and grounds on January 6, 2021. Specifically, a confidential witness (“CW-1”) provided information that CW-1 had seen social media photos and videos via an Instagram account associated with ESPINOSA, showing ESPINOSA inside the U.S. Capitol building and on the U.S. Capitol grounds on January 6, 2021. CW-1 further provided a video showing ESPINOSA around the U.S. Capitol grounds on January 6, 2021.

The FBI then identified additional third party footage and social media postings which also placed ESPINOSA inside and around the U.S. Capitol building and grounds on January 6, 2021. The FBI compared known photographs of ESPINOSA obtained from law enforcement databases to the images and videos depicted below. A substantial amount of the social media depicting ESPINOSA on January 6, 2021 was posted by the Instagram username “Charlie_alpha_echo.” One video tagging “Charlie_alpha_echo” showed ESPINOSA on the steps of the Capitol speaking to the crowd (through a megaphone held by another rioter) saying, “I think this should be happening in every single major city in the country.”



(Image 1: still from Instagram video taken on January 6, 2021)

Instagram provided the FBI with subscriber information for the Instagram account “Charlie_alpha_echo.” “Charlie,” “alpha,” and “echo,” are common symbols in the phonetic alphabet used to denote the letters “C,” “A,” and “E,” which are ESPINOSA’s initials.

On January 3, 2023, Agents reviewed a public, unrestricted post on ESPINOSA’s Instagram Account featuring a “selfie” of ESPINOSA holding a black Apple iPhone, which appears to be similar to the device ESPINOSA used when inside and outside the United States Capitol building on January 6, 2021.



(Image 2: screenshot of ESPINOSA posted to Instagram account “charlie_alpha_echo”)

The FBI further connected the “Charlie_alpha_echo” Instagram account to ESPINOSA through the subscriber phone number and email account used to register with Instagram. Specifically, the Instagram account “Charlie_alpha_echo” corresponded to a telephone number ending in 2841 (hereinafter “SUBJECT PHONE NUMBER”) and an email address (hereinafter “SUBJECT EMAIL”)—both associated with ESPINOSA through subscriber information from AT&T. AT&T, the service carrier for SUBJECT PHONE NUMBER, provided subscriber information, indicating that SUBJECT PHONE NUMBER was attributed exclusively to ESPINOSA. AT&T further provided a billing address and SUBJECT EMAIL, which law enforcement confirmed are both associated with ESPINOSA.

According to records obtained through a search warrant which was served on AT&T, on January 6, 2021, in and around the time of the incident, the cellphone associated with the SUBJECT PHONE NUMBER 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.

ESPINOSA'S previous employer provided attendance records for ESPINOSA. Per his employer's records, ESPINOSA requested paid time off for January 6, 2021 and January 7, 2021. In the leave request comments section for January 7, 2021, ESPINOSA submitted: "Stop the steal!"

Records obtained from the Westin Hotel in Washington, D.C. confirm that ESPINOSA booked a room at the hotel through Expedia.com, with an arrival date of January 5, 2021 and a departure date of January 7, 2021. The Westin Hotel confirmed that ESPINOSA stayed there the entirety of his reservation, and gave a specific room number in which ESPINOSA stayed. The Westin Hotel also provided that ESPINOSA checked in at approximately 8:28 p.m. local time on January 5, 2021 and checked out at approximately 2:36 p.m. local time on January 7, 2021. According to records provided by the Westin Hotel, ESPINOSA used the SUBJECT EMAIL referenced above, which is confirmed to be associated with ESPINOSA.

While in Washington, D.C., ESPINOSA traveled to the U.S. Capitol on January 6, 2021. Specifically, ESPINOSA entered the restricted area on U.S. Capitol grounds and also entered the Capitol building. As part of its investigation, the FBI reviewed third party video uploaded to YouTube on or about January 7, 2021 titled "United States Capitol Protest January 6th, 2021" (https://www.youtube.com/watch?v=O_vrdc4V3aY&t=81s). At timestamp 1:21, the video shows ESPINOSA walking over a downed fence with clearly marked "AREA CLOSED" signs posted at regular intervals across the fence. (See Image 2 below.) In this video, ESPINOSA walks over the fallen fence after it was torn to the ground, with parts of the fence still intact surrounding the restricted area. In this video, as well as the following images and videos from January 6, 2021, ESPINOSA is seen wearing the same material and clothing—leather jacket over a red hoodie, black jeans, black shoes, fingerless gloves—consistent with other footage of ESPINOSA in and around the United States Capitol building on January 6, 2021.



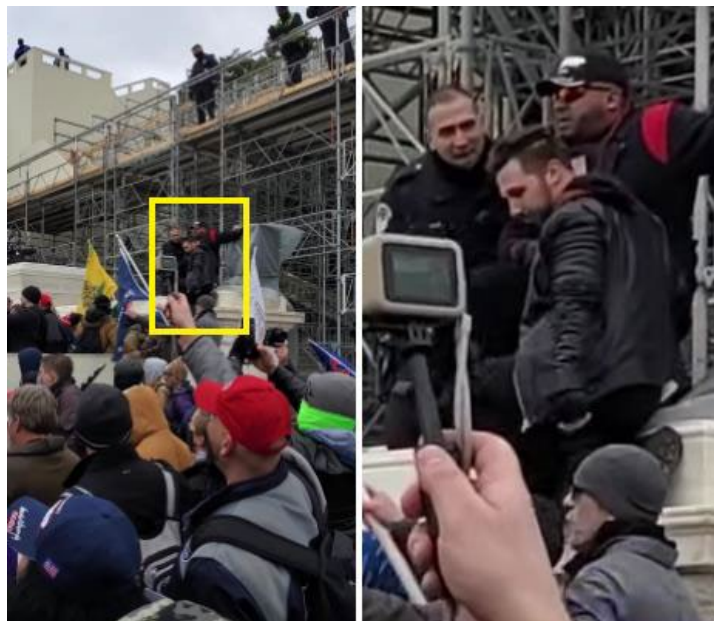
(Image 3: still from Youtube video taken on January 6, 2021)

The FBI further reviewed a third party video uploaded to YouTube on or about January 8, 2021 titled "FULL FOOTAGE: Patriots STORM U.S. Capitol (4K60fps)" (<https://www.youtube.com/watch?v=iNFcdpZdkh0&t=702s>). At timestamp 11:42, the video shows ESPINOSA turning back to look at the camera that was recording this video, showing his face without a face mask. ESPINOSA is wearing the same material and clothing consistent with other footage of him in and around the United States Capitol building on January 6, 2021.



(Image 4: still from Youtube video taken on January 6, 2021)

The FBI further reviewed a YouTube video uploaded to YouTube on or about January 06, 2021 titled “patriots storm capitol” (<https://www.youtube.com/watch?v=r1owIQzOYU0&t=465s>). At timestamp 7:45, the video shows ESPINOSA standing next to the scaffolding, near the United States Capitol building.



(Image 5: still from Youtube video taken January 6, 2021)

The FBI also reviewed a third party video uploaded to gettyimages.com (<https://www.gettyimages.com/detail/video/police-say-they-have-bolstered-security-in-washington-news-footage/1306269489>). At timestamp 1:06, the video shows ESPINOSA using a bike rack to climb up a wall of the Capitol building with the help of other rioters. ESPINOSA climbed onto the Lower West Terrace of the United States Capitol building, wearing the material and clothing consistent with earlier sightings of him in and around the United States Capitol building on January 6, 2021.



(Image 6: still from gettyimages footage taken on January 6, 2021)

The FBI also reviewed a YouTube video uploaded to YouTube on or about January 14, 2021 titled “Photographer, Brendan Gutenschwager, shares video of siege on the US Capitol” (<https://www.youtube.com/watch?v=gTurnetBh4A&t=796>). At timestamp 13:15, the video shows ESPINOSA entering the United States Capitol Building and holding a black cellphone in front of him, in what appeared to be him taking a photo or recording a video.



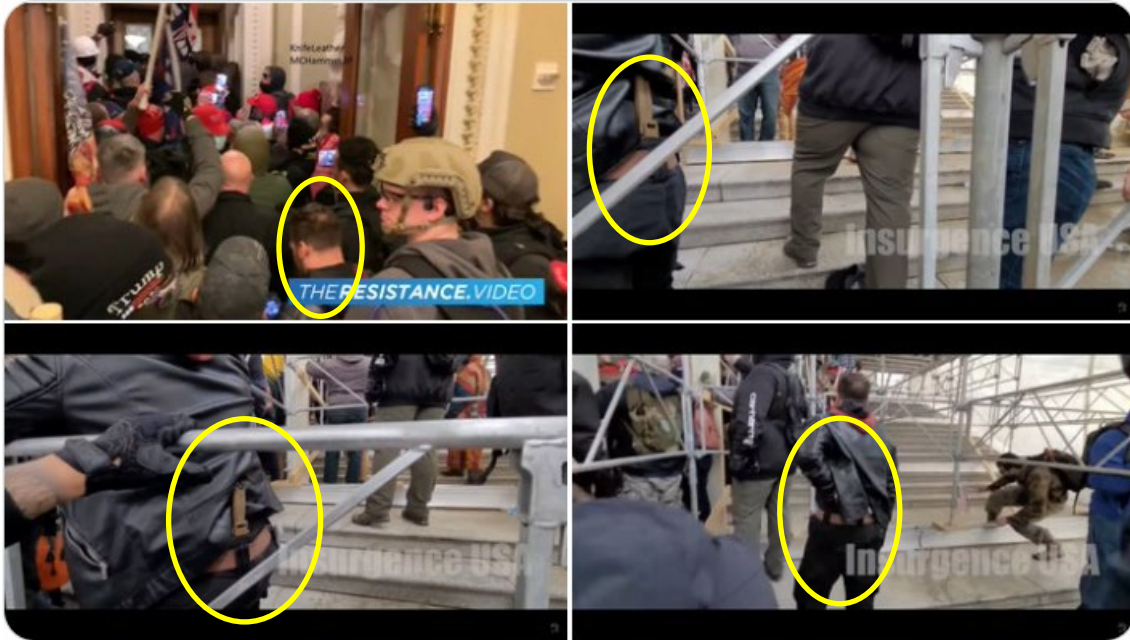
(Image 7: still from Youtube video taken January 6, 2021)

The FBI also reviewed a [gettyimages.com](http://gettyimages.com/detail/1294949353) video uploaded to [gettyimages](http://gettyimages.com/detail/1294949353) (<http://gettyimages.com/detail/1294949353>). At timestamp 0:35, the video shows ESPINOSA inside the United States Capitol building—specifically pushing up to the door of the U.S. House of Representatives.



(Image 8: still from gettyimages.com video taken January 6, 2021)

The FBI further reviewed unrestricted, public social media posts on the Twitter (or X) social media platform using the search “#KnifeLeather.” The hashtag identifier “#KnifeLeather” was associated with ESPINOSA in open source research and provided media of ESPINOSA wearing material consistent with earlier sightings of him in and around the United States Capitol building on January 6, 2021. This material was posted by Twitter users using the “#KnifeLeather” tag in their posts with dates ranging from approximately February 2021 to September 2022. These posts contained multiple images of ESPINOSA outside and inside the U.S. Capitol building on January 6, 2021. Additionally, some of these posts contained pictures of ESPINOSA with what appeared to be a large knife concealed in the rear waistband of his pants, underneath his black leather jacket. In some of the following images, ESPINOSA appears to be underneath scaffolding on the west front of the U.S. Capitol on January 6, 2021, within the restricted area, while in possession of a large knife.

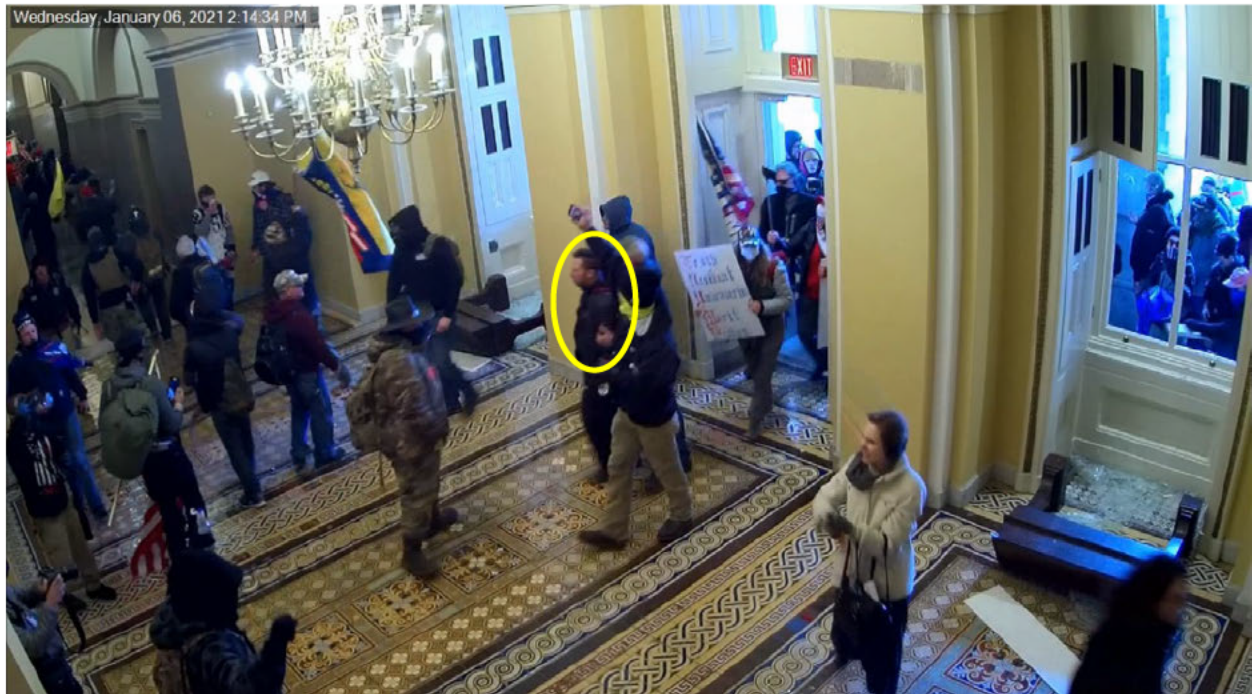


(Image 9: re-posted third party images taken January 6, 2021, of which the top left, and bottom two photos visibly show the knife)



(Image 10: re-posted third party images taken January 6, 2021)

As captured by U.S. Capitol Police surveillance footage, at approximately 2:14:34 p.m. EST, ESPINOSA entered the United States Capitol building through the Senate Wing door via the west side of the U.S. Capitol building.



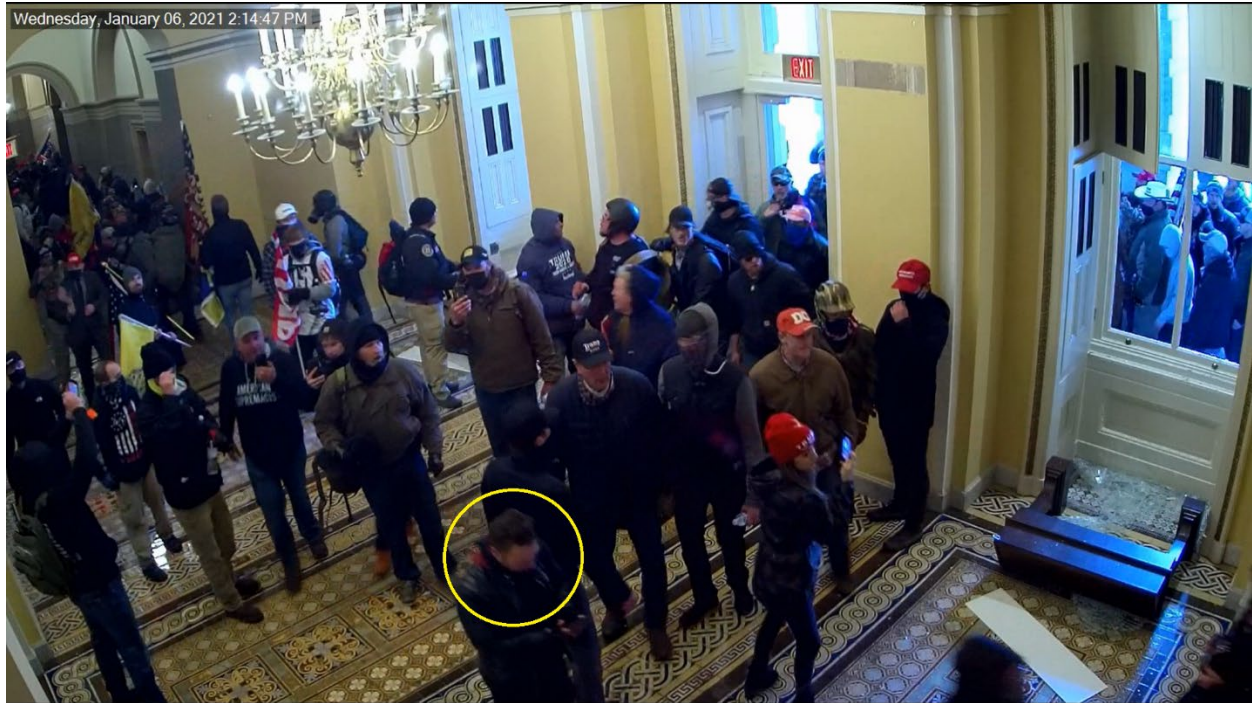
(Image 11: U.S. Capitol Police surveillance footage taken January 6, 2021)

After initially heading to the right upon entering the U.S. Capitol through the Senate Wing door, ESPINOSA changed course and made his way to the left of the Senate Wing door.



(Image 12: U.S. Capitol Police surveillance footage taken January 6, 2021)

At approximately 2:14:47 p.m. EST, ESPINOSA took out what appeared to be a cell phone from his front left inside jacket pocket, and appeared to be looking at the cell phone as he entered further into the U.S. Capitol building.



(Image 13: U.S. Capitol Police surveillance footage taken January 6, 2021)

ESPINOSA returned to his original entry point at approximately 2:15:26 p.m. EST, while wearing a face mask.



(Image 14: U.S. Capitol Police surveillance footage taken January 6, 2021)

At approximately 2:15:29 p.m. EST, ESPINOSA lowered his face mask, making his face visible.



(Image 15: U.S. Capitol Police surveillance footage taken January 6, 2021)

At approximately 2:15:56 p.m. EST, ESPINOSA walked to the opposite side of the Senate Wing door entryway inside the U.S. Capitol and leaned up against the wall inside the Capitol building as other rioters streamed inside through the Senate Wing door. ESPINOSA appeared to be using his cellphone as he leaned against the wall.



(Image 16: U.S. Capitol Police surveillance footage taken January 6, 2021)

At approximately 2:19:34 p.m. EST, additional security surveillance footage, capturing the North Crypt sector of the Capitol building, captured ESPINOSA entering from the far right of the camera view into the Crypt and approaching a statue with his face mask lowered.



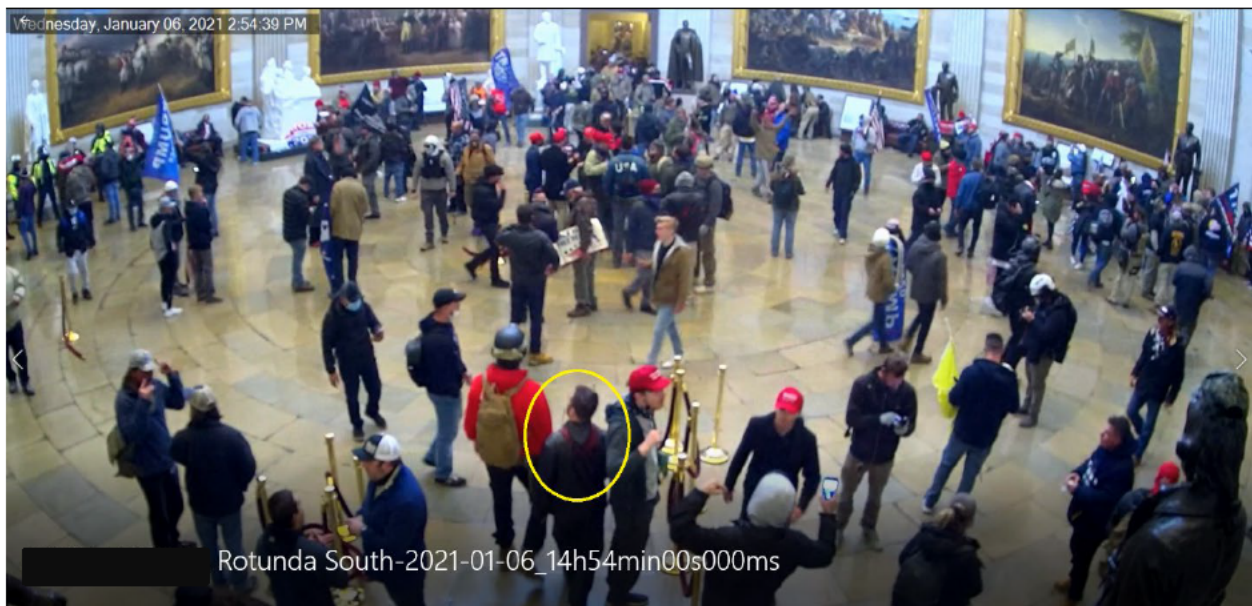
(Image 17: U.S. Capitol Police surveillance footage taken January 6, 2021)

At approximately 2:26 p.m. EST, additional surveillance footage from the U.S. Capitol Police showed ESPINOSA continue to use a cell phone as he walked through the Crypt.



(Image 18: U.S. Capitol Police surveillance footage taken January 6, 2021)

At approximately 2:54:39 p.m. EST, ESPINOSA entered the Rotunda of the U.S. Capitol Building. Additional video showed ESPINOSA walk to the upper right corner and use a cell phone again. ESPINOSA remained in the Rotunda for approximately three minutes.



(Image 19: U.S. Capitol Police surveillance footage taken January 6, 2021)

At approximately 2:58:49 p.m. EST, ESPINOSA exited the Rotunda and made his way toward the East Rotunda door—on the opposite side of the U.S. Capitol from where he had originally entered from the west front.



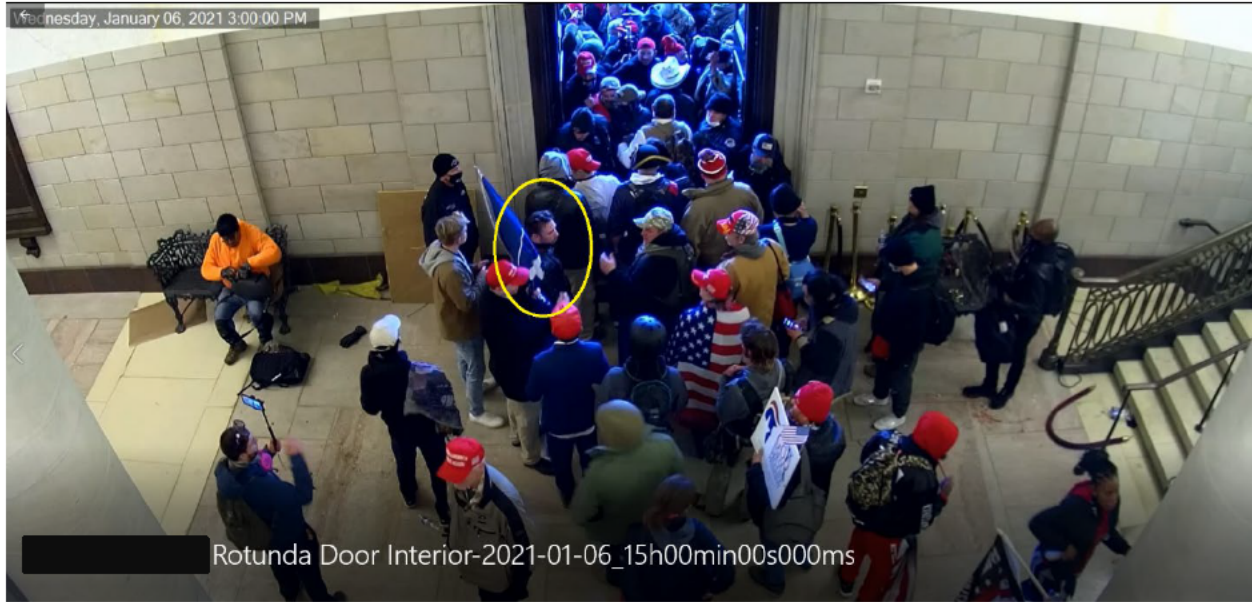
(Image 20: U.S. Capitol Police surveillance footage taken January 6, 2021)

At approximately 2:59:06 p.m. EST, ESPINOSA stops inside the East Rotunda door to use his cell phone.



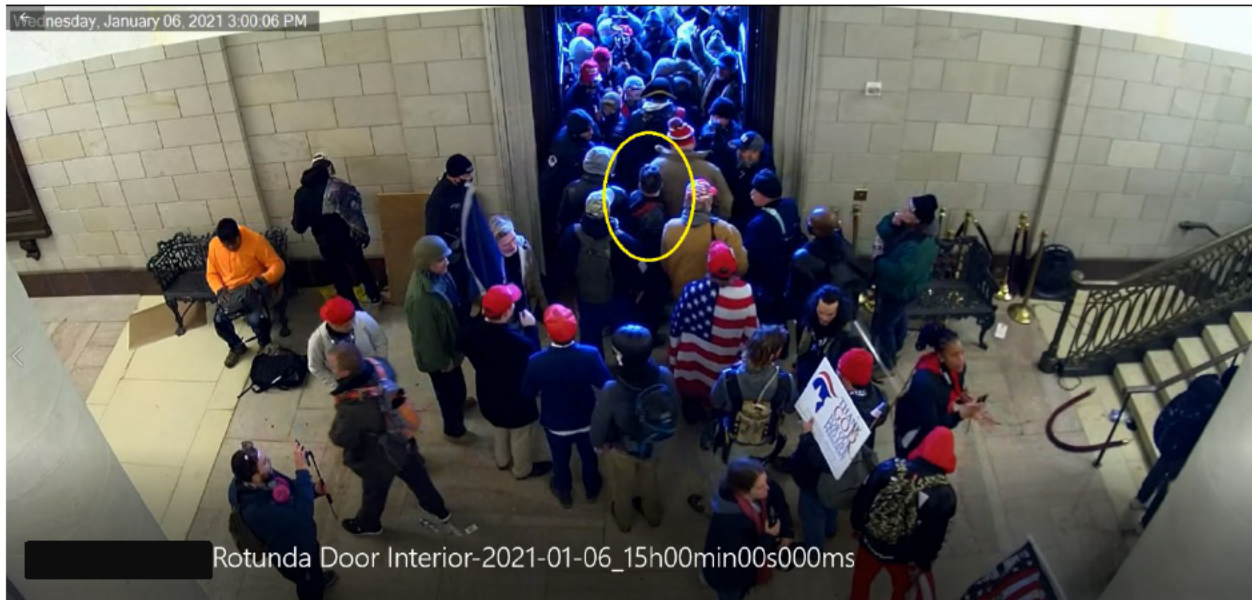
(Image 21: U.S. Capitol Police surveillance footage taken January 6, 2021)

At approximately 3:00 p.m. EST, ESPINOSA begins to leave the U.S. Capitol through the East Rotunda door, exiting toward the east front of the U.S. Capitol.



(Image 22: U.S. Capitol Police surveillance footage taken January 6, 2021)

At approximately 3:00:06 p.m. EST, ESPINOSA exited the United States Capitol Building.



(Image 23: U.S. Capitol Police surveillance footage taken January 6, 2021)

Based on the foregoing, your affiant submits that there is probable cause to believe that CHARLES ANTHONY ESPINOSA 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. Your affiant further submits that there is probable cause to believe that CHARLES ANTHONY ESPINOSA violated 18 U.S.C. § 1752(b)(1)(A), which enhances the punishment if the person, during and in relation to the above offenses, uses or carries a deadly or dangerous weapon or firearm. 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 CHARLES ANTHONY ESPINOSA 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.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 25th day of March 2024.

MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE