

## STATEMENT OF FACTS

I, [REDACTED], am a Special Agent with the Federal Bureau of Investigation and have been a special agent for over 15 years. In my duties as a special agent, I investigate violations of federal law. 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.

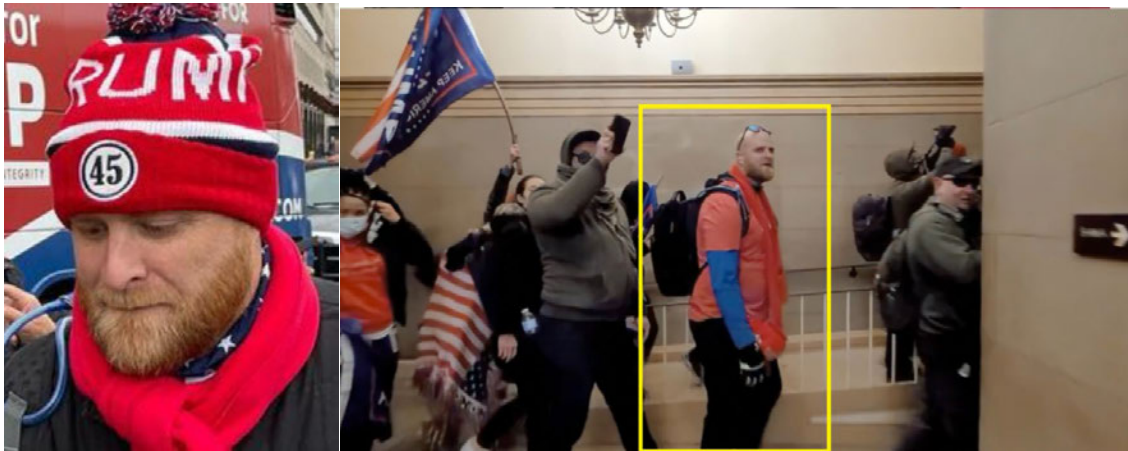
During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of

violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

### Identification of Lincoln Deming

Since January 6, 2021, the FBI has been investigating and identifying those who were inside of the Capitol without authority and disrupted the proceedings. During that investigation, and pursuant to legal process, the FBI learned that a device associated with a particular Google account identification number was present near or inside of the Capitol between approximately 2:22 p.m. and 5:19 p.m. (EST) on January 6, 2021. Legal process to Google identified the name on the account as Lincoln Deming, the account email as lincolndeming@XXXXXXXX, a recovery email address of lincolndeming@XXXXXXXX, and a recovery phone number ending in 6281.

On social media, the individual depicted in Images 1 and 2 was identified preliminarily as “Insider #284” and “#BadGloves”:



*Images 1 (left) and 2 (right): open-source images of the individual preliminarily identified online as “Insider #284” and “#BadGloves” (inside the yellow square in Image 2).*

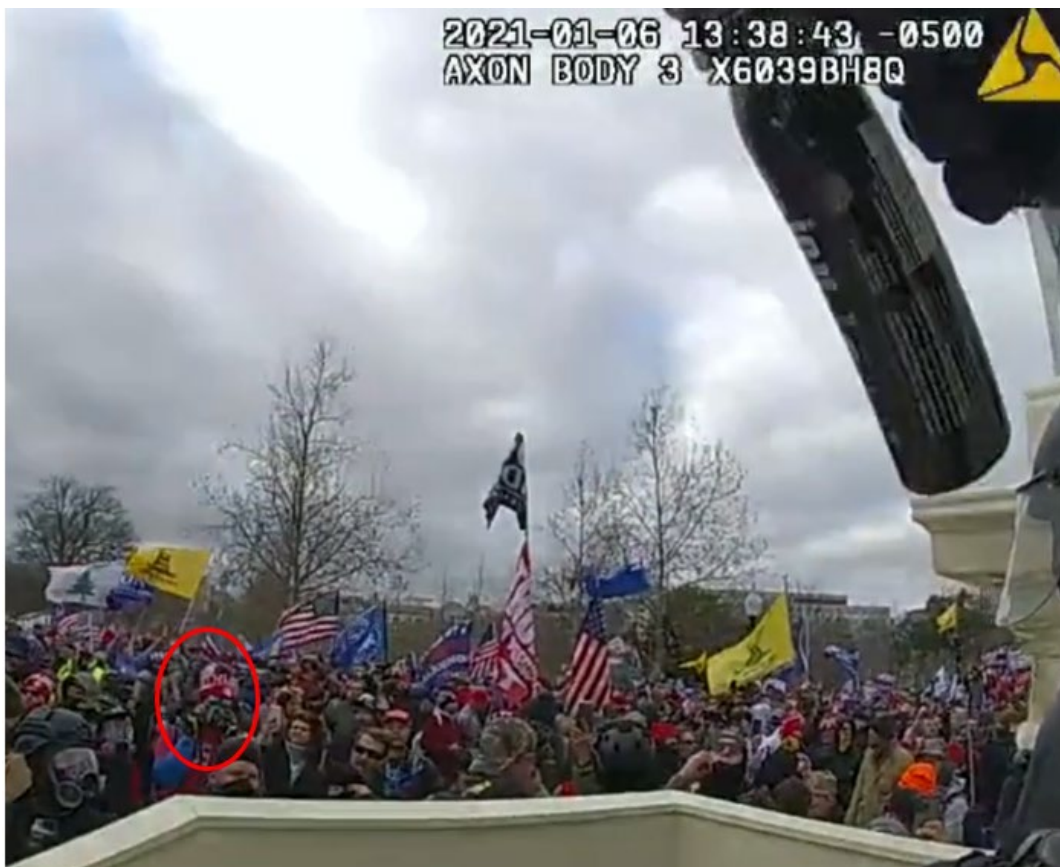
During the investigation, I reviewed records from the Kittery (Maine) Police Department. Those records show that in June of 2018, an individual named Lincoln Adams Deming reported an incident to police officers that occurred at a residential address in Kittery, Maine. According to the police report, the 6281 number was identified as Deming’s phone number. I reviewed Bureau of Motor Vehicles records for Lincoln Deming, and the same residential address in Kittery, Maine, was listed as Deming’s mailing address on the license with an expiration date in 2022. I also reviewed the driver’s license photograph associated with Lincoln Deming and the photograph is consistent with the individual identified in Images 1 and 2.

On August 19, 2022, I interviewed Deming at a job site in Hampton, New Hampshire. I told Deming that I was there to discuss Deming’s trip to Washington, DC, in January of 2021. He responded that he had “nothing to hide.” The interview ended shortly afterwards when Deming said he would like to find an attorney. The contact lasted approximately five minutes. Based on my personal interaction with Deming on August 19, 2022, and my review of his driver’s license

photograph, I believe the individual depicted in Images 1 and 2 is Lincoln Deming. As depicted in those images, Deming is wearing a red t-shirt with a blue long-sleeve shirt underneath, gloves, a red scarf, sunglasses, and, at times, a red knit hat with the word “Trump” on it.

Lincoln Deming’s Activities on January 6, 2021

By at least 1:38 p.m. on January 6, 2021, Deming was on the West Plaza of the U.S. Capitol, where police officers had erected barricades made of interlocking metal bike racks to prevent the crowd from advancing closer to the Capitol building. At that time, Deming was wearing a gas mask and sunglasses:



*Image 3: screenshot from body worn camera footage showing Deming (circled in red) on the West Plaza of the U.S. Capitol*

Less than a minute later, Deming approached the line of officers and placed his hand on a metal barricade:





*Image 4: screenshot from body worn camera footage showing Deming (circled in red) grabbing a bike rack barricade with his hand (circled in green)*

Deming then begins to pull on the barricade:



*Image 5: screenshot from body worn camera footage showing Deming (circled in red) pulling a bike rack barricade*



*Image 6: screenshot from body worn camera footage showing Deming (circled in red) pulling a bike rack barricade*

Deming appears to fall near the barricade as police regain control of the barricade and pull the barricade back into place:



*Image 7: screenshot from body worn camera footage showing Deming (circled in red)*



As part of the investigation, I also reviewed open source video that shows Deming on the West Plaza. An open source video (no longer available online) shows this incident from another angle. The video first shows Deming near a line of officers on the West Plaza:

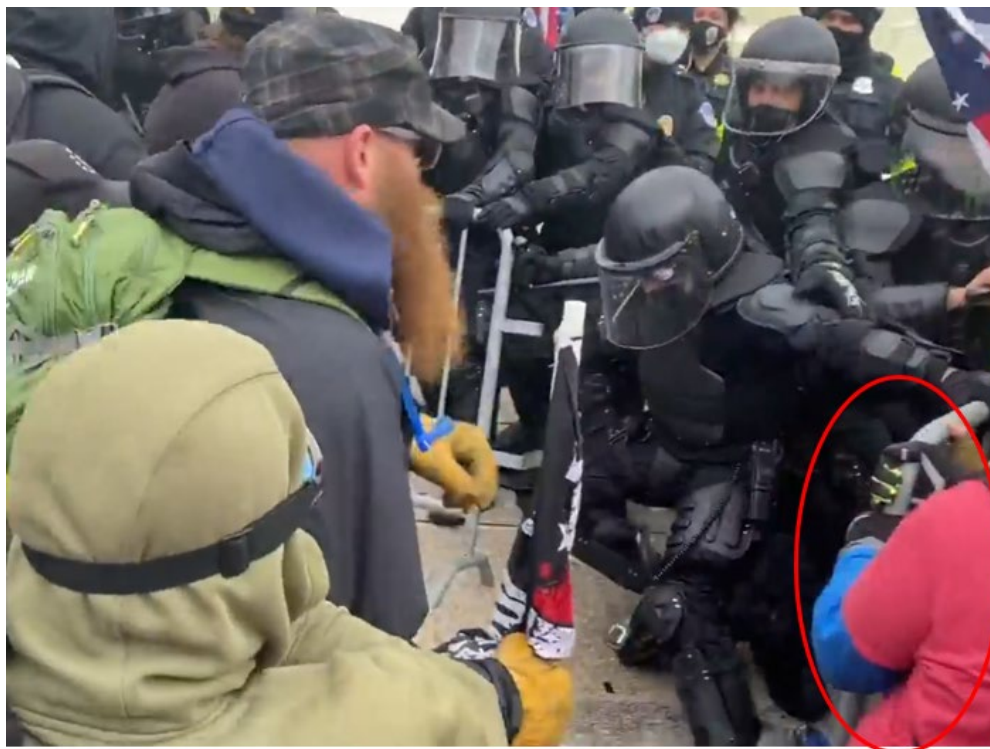


*Image 8: screenshot from video<sup>1</sup> showing Deming (circled in red) near a line of officers on the West Plaza*

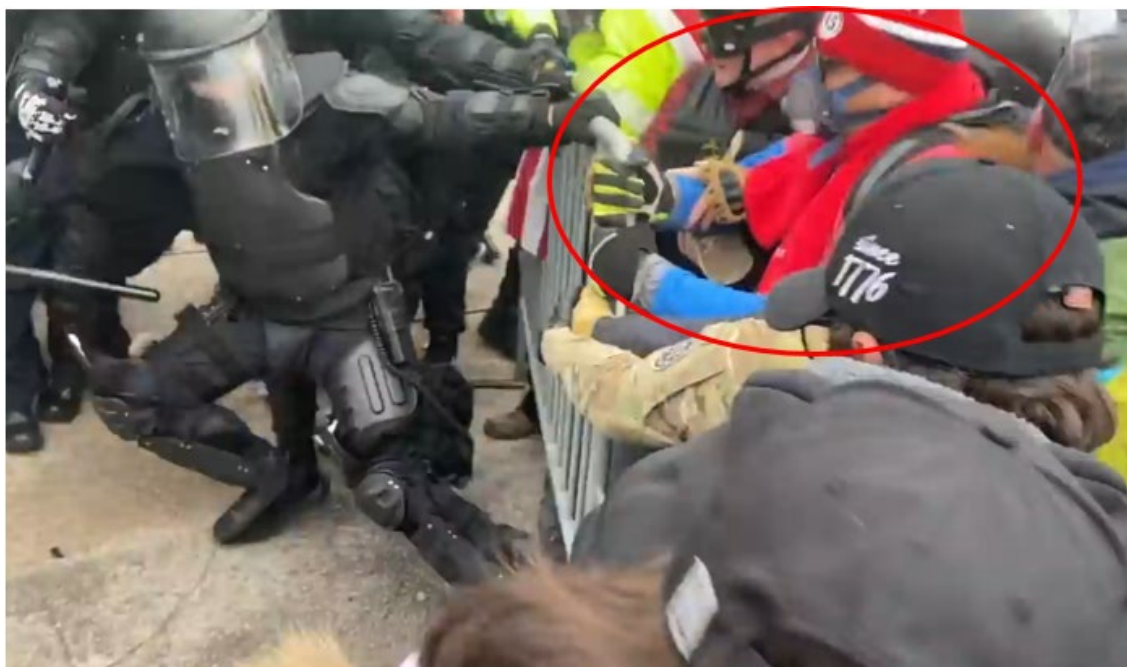
The video shows Deming pull on a bike rack barricade in an apparent attempt to infiltrate the police line and allow rioters to overtake the West Plaza:

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<sup>1</sup> WASHINGTON DC INCIDENT LOTS OF RAW FOOTAGE, at 1:53.



*Image 9: screenshot from video<sup>2</sup> showing Deming (circled in red) pulling on a bike rack barricade*



*Image 10: screenshot from video<sup>3</sup> showing Deming (circled in red) pulling on a bike rack barricade*

<sup>2</sup> WASHINGTON DC INCIDENT LOTS OF RAW FOOTAGE, at 1:57.

<sup>3</sup> WASHINGTON DC INCIDENT LOTS OF RAW FOOTAGE, at 1:59.



*Image 11: screenshot from video<sup>4</sup> showing Deming (circled in red) pulling on a bike rack barricade*

Deming fell while apparently using his entire body weight to pull on the barrier:

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<sup>4</sup> WASHINGTON DC INCIDENT LOTS OF RAW FOOTAGE, at 2:00.





*Image 12: screenshot from video<sup>5</sup> showing Deming (circled in red) after pulling a bike rack barricade*

Body worn camera footage shows that Deming re-approached the police line by at least 1:53 p.m.:



*Image 13: screenshot from body worn camera footage showing Deming (circled in red) making a rude gesture at officers on the West Plaza of the U.S. Capitol*

<sup>5</sup> WASHINGTON DC INCIDENT LOTS OF RAW FOOTAGE, at 2:12.

Deming approached the bike rack barricades and officers and noticed that two bike racks were not interconnected. Deming put his hand on the bike rack. At the same time, a voice can be heard asking if “I could just pull that? And open it up?”



*Image 14: screenshot from body worn camera footage showing Deming (circled in red) putting his hand on a bike rack barricade*

At approximately 2:07 p.m., Deming threw an object towards officers on the West Plaza:



*Image 15: screenshot from body worn camera footage showing Deming (circled in red) throwing an unknown object (circled in green) towards officers*



Approximately one minute later, Deming poured water on another rioter's eyes on the West Plaza. I know, based on my training and experience, that people flush their eyes out with water after being exposed to a chemical irritant such as pepper spray.



*Image 16: screenshot from body worn camera footage showing Deming (circled in red) pouring water on another rioter's eyes*

An open source video shows Deming pouring water on his face and then walking away from the police line:



*Image 17: screenshot from open source video<sup>6</sup> showing Deming (circled in red) pouring water on his eyes*

<sup>6</sup> <https://www.youtube.com/watch?v=9mt8YGpJ5vs&t=722s>, at 11:42.





*Image 18: screenshot from open source video<sup>7</sup> showing Deming (circled in red) walking away from the line of officers on the West Plaza*

Deming left the West Plaza and made his way up a set of stairs to the Upper West Terrace at approximately 2:18 p.m.

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<sup>7</sup> <https://www.youtube.com/watch?v=9mt8YGpJ5vs&t=722s>, at 11:59.



*Image 19: screenshot from Capitol security footage showing Deming (circled in red) making on a stairway leading to the Upper West Terrace*

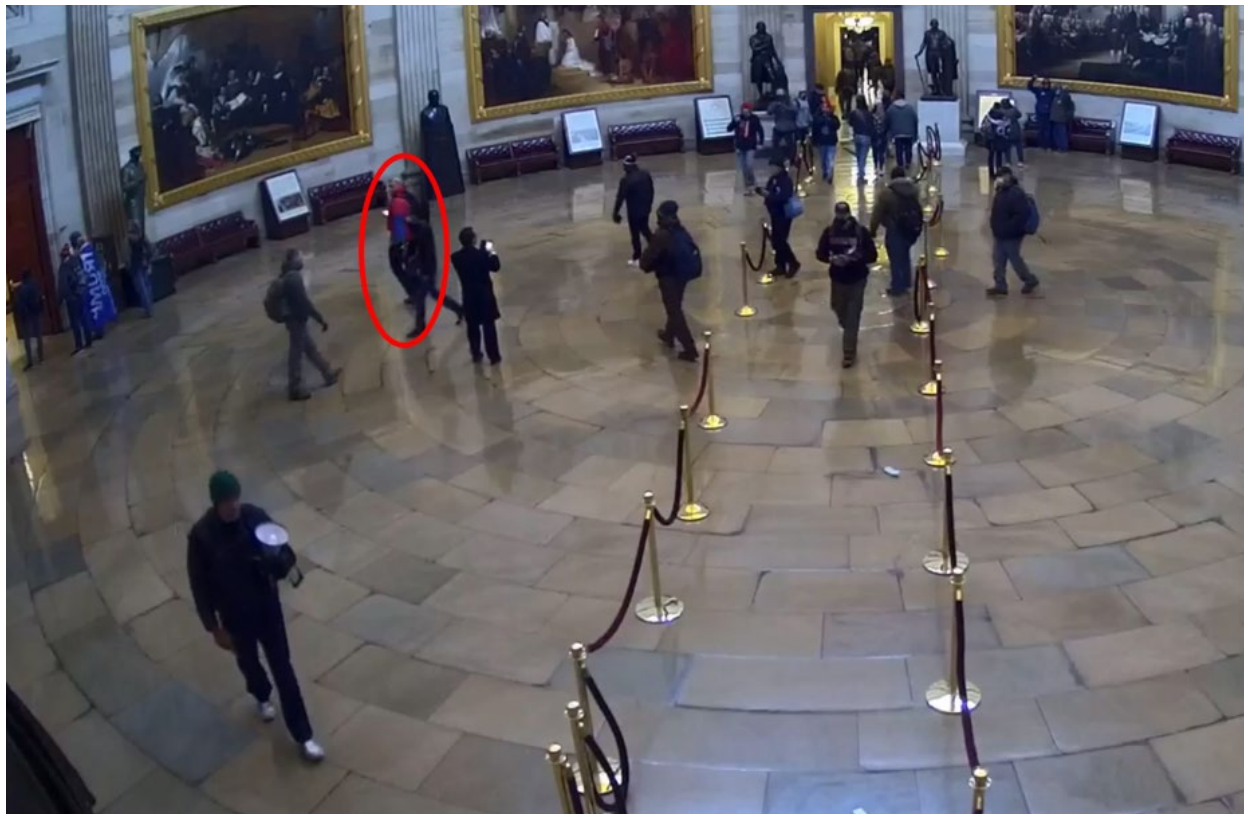
Deming entered the Capitol through the Senate Wing Door at approximately 2:23 p.m.



*Image 20: screenshot from Capitol security footage showing Deming (circled in red) entering the Capitol through the Senate Wing Door at approximately 2:23 p.m. on January 6, 2021*



Deming remained inside the Capitol for approximately 33 minutes. After entering the building, he went up to the second floor and walked through the Rotunda. While walking through the Rotunda, it appears as though Deming is holding a cellphone that is lit up which, based on my training and experience, indicates he was using his cellphone while inside the Rotunda.



*Image 21: screenshot from Capitol security footage showing Deming (circled in red) holding what appears to be a cellphone while in the Rotunda*

Deming then made his way to the third floor of the Capitol. In one hallway on the third floor, Deming entered a room near the end of the hall (H331) for approximately 20 seconds. Afterwards, he walked back down the hallway, stopping to take photographs.





*Image 22: screenshot from Capitol security footage showing Deming (circled in red) holding what appears to be a cellphone while in a hallway on the third floor of the Capitol*

Deming also attempted to open the door to another room (H326) before continuing.



*Image 23: screenshot from Capitol security footage showing Deming (circled in red) attempting to open a door inside the Capitol*

While on the third floor, Deming attempted to open two more locked doors, including the Dome Bulfinch Door:



*Image 24: screenshot from Capitol security footage showing Deming (circled in red) holding a cellphone before attempting to open two locked doors*



*Images 25 (left) and 26 (right): screenshots from Capitol security footage showing Deming (circled in red) attempting to open two locked doors, including the Dome Bulfinch Door (Image 26)*



Deming walked in the Senate Gallery hallway, opened a door to the Senate Gallery, and at approximately 2:42 p.m., entered the Senate Gallery.



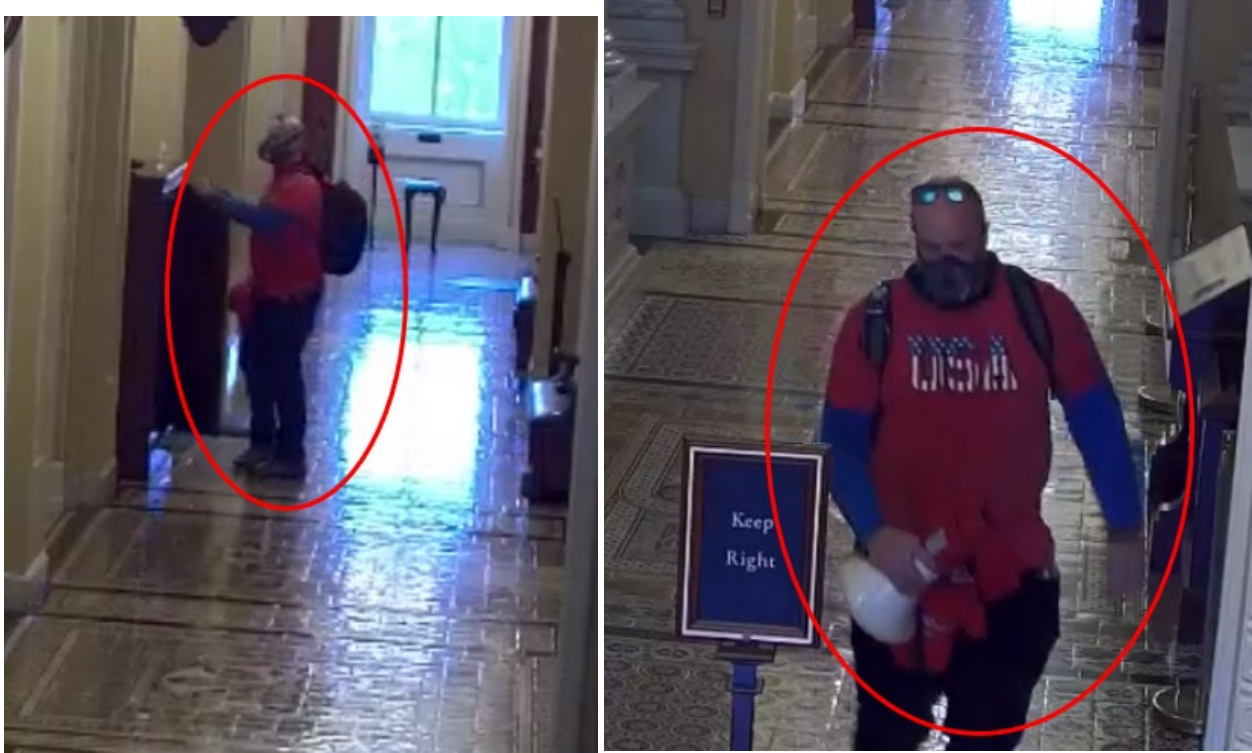
*Image 27: screenshot from Capitol security footage showing Deming (circled in red) opening a door to the Senate Gallery*



*Image 28: screenshot from Capitol security footage showing Deming (circled in red) opening a door to the Senate Gallery*



Deming exited the Senate Gallery through a door on the west side of the Senate Gallery. While in the Senate Gallery West hallway, he opened a cabinet and removed a red and white megaphone:



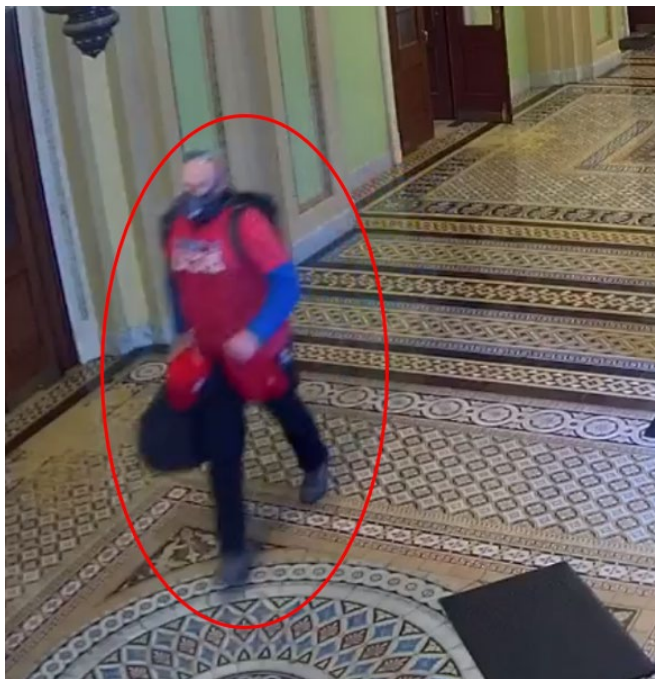
*Images 29 (left) and 30 (right): screenshots from Capitol security footage showing Deming (circled in red) opening a cabinet (Image 29) and carrying a megaphone (Image 30)*

Deming returned to the Senate Gallery hallway where he looked through items that were on the floor and placed the megaphone and other items into a duffel bag.



*Image 31: screenshot from Capitol security footage showing Deming (circled in red) holding something he picked up from the floor of the Senate Gallery hallway*

Deming then carried the duffel bag through the Senate Gallery hallway.



*Image 32: screenshot from Capitol security footage showing Deming (circled in red) carrying a black duffel bag in the Senate Gallery hallway*

Deming then placed the duffel bag down the Senate Gallery West hallway before reentering the Senate Gallery. Based on my review of CCTV footage of the area, Deming did not return to collect the bag.



*Image 33: screenshot from Capitol security footage showing Deming (circled in red) setting down a black duffel bag in the Senate Gallery West hallway*

After leaving the Senate Gallery (again), Deming made his way back to the second floor of the Capitol building. Deming stood at the bottom of the Gallery Stairs, near the Columbus Doors, while using his cellphone and showing other rioters something on his phone.



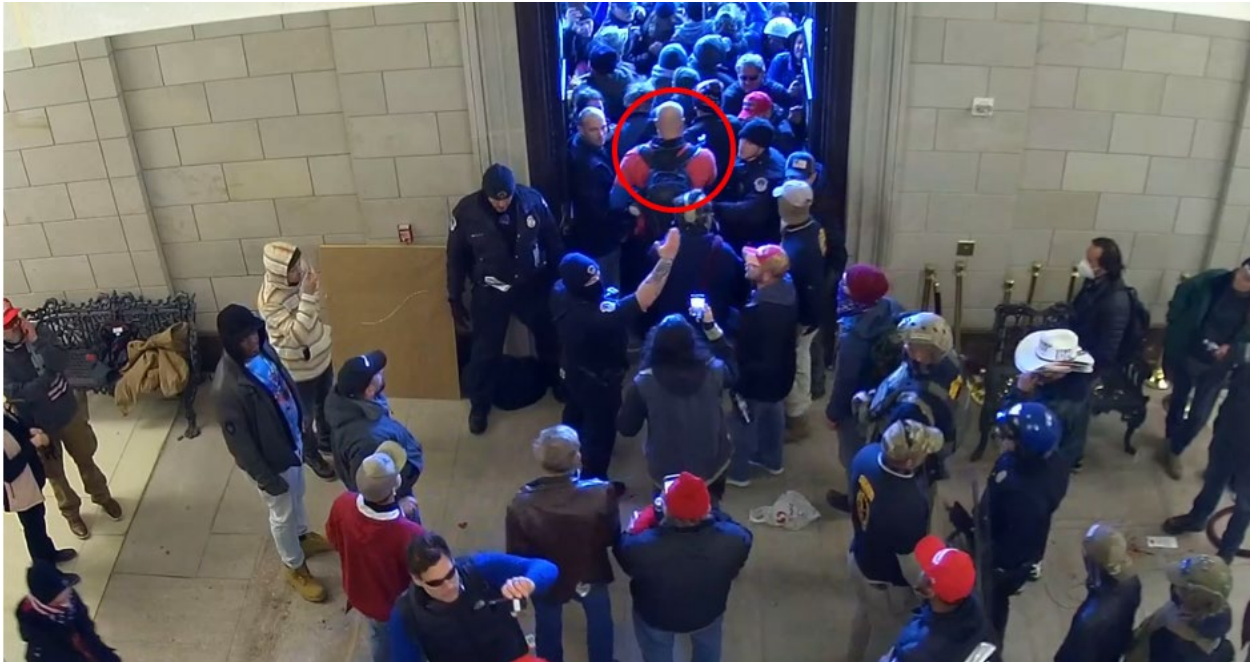


*Image 34: screenshot from Capitol security footage showing Deming (circled in red) using his cellphone at the bottom of the Gallery Stairs*



*Image 35: screenshot from Capitol security footage showing Deming (circled in red) showing other rioters something on his cellphone*

Deming exited the Capitol through the Rotunda Doors at approximately 2:56 p.m.

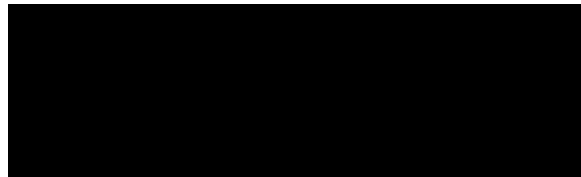


*Image 36: screenshot from Capitol security footage showing Deming (circled in red) exiting the Capitol*

Based on the foregoing, I submit that there is probable cause to believe that Lincoln Deming 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. 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.

I submit there is also probable cause to believe that Lincoln Deming violated 40 U.S.C. § 5104(e)(2)(B), (D), and (G), which makes it a crime to willfully and knowingly (B) enter or remain in the gallery of either House of Congress in violation of rules governing admission to the gallery adopted by that House or pursuant to an authorization given by that House; (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.

I submit there is probable cause to believe that Lincoln Deming violated 18 U.S.C. § 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Secret Service's protection of the Vice President and his family and the Capitol Police's protection of the U.S. Capitol.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 11th day of April 2024.

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HONORABLE ZIA M. FARUQUI  
U.S. MAGISTRATE JUDGE