

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation (FBI) assigned to the Maine Joint Terrorism Task Force (JTTF). In my duties as a Special Agent, I have gained training and experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, the exploitation of lawfully obtained evidence and data, and various other procedures. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws.

BACKGROUND

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 BENJAMIN BOWDEN

On October 14, 2021, a member of the public contacted the FBI to identify an individual pictured on the FBI's "Wanted" website. That person identified the individual pictured in photograph numbers 476A and 476B (*see Image 1*) as BENJAMIN BOWDEN of Orrington, Maine.

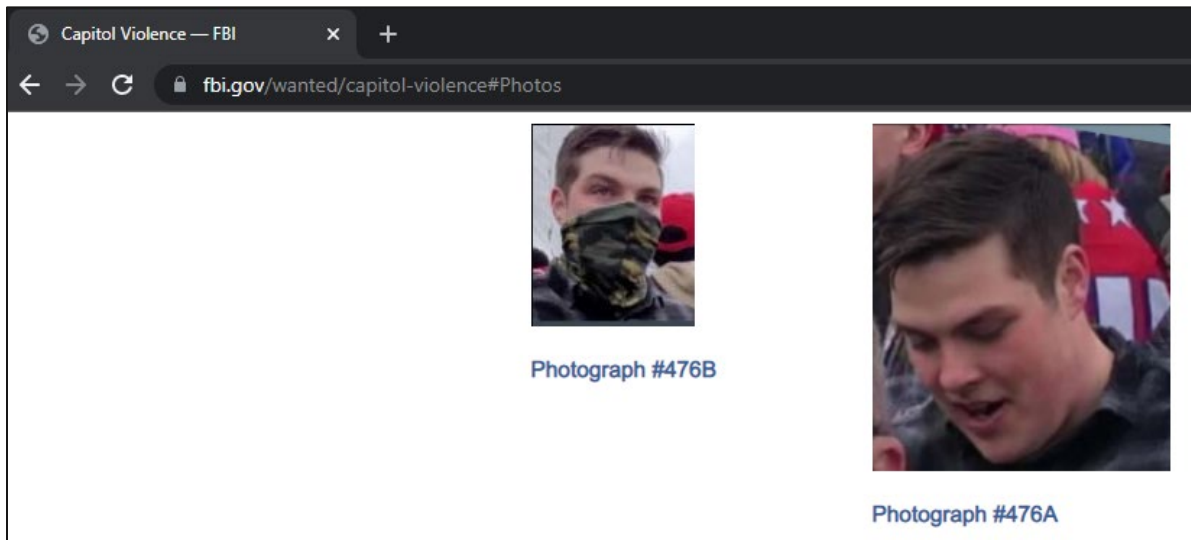


Image 1: A screen capture from the FBI's "Wanted" webpage that featured two photographs of BOWDEN.

On December 1, 2021, FBI Agents interviewed a person familiar with BOWDEN ("WITNESS 1"). WITNESS 1 was shown a series of photographs of individuals present at the Capitol Riot and identified one photograph as BOWDEN (*see Image 2*).

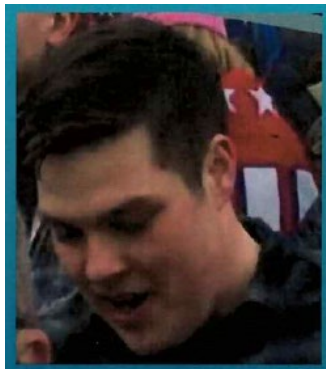


Image 2: Image of BOWDEN in the U.S. Capitol on January 6, 2021, that WITNESS 1 identified.

On December 2, 2021, FBI Agents interviewed another person familiar with BOWDEN (“WITNESS 2”). A photograph from the FBI Facebook page (*Image 3*) was shared with WITNESS 2, who stated that the photograph was “absolutely Ben [BOWDEN].”



Image 3: The image of BOWDEN that WITNESS 2 identified.

On or about June 10, 2022, FBI Special Agents conducted an interview with an individual (“INDIVIDUAL 1”) who unlawfully entered the U.S. Capitol on January 6, 2021. During the interview, agents showed INDIVIDUAL 1 photographs of other individuals believed to have been present on January 6, 2021, and asked INDIVIDUAL 1 to identify any individuals he/she recognized. INDIVIDUAL 1 identified BOWDEN in the images, including in *Image 2*, above, the same image identified by WITNESS 1.

I reviewed BOWDEN’S debit card activity and found that it is consistent with his having traveled from Maine to the Washington D.C. area in the days around January 6, 2021:

- a. On January 5, 2021, at 9:37 p.m., BOWDEN’S debit card was used for a transaction in the amount of \$13.61 at Shell Service in Worcester, MA.
- b. On January 6, 2021, at 2:36 a.m., BOWDEN’S debit card was used for a transaction in the amount of \$12.90 at Sunoco in Carney’s Point, NJ.
- c. On January 6, 2021, at 10:36 a.m., BOWDEN’S debit card was used for two transactions, both in the amount of \$10.00 at ERM in Arlington, VA.
- d. On January 7, 2021, at 10:17 a.m., BOWDEN’S debit card was used for a transaction in the amount of \$32.77 at 7-Eleven in Arlington, VA.

Investigators reviewed both open-source videos and closed circuit video (CCTV) footage of the events that took place in the U.S. Capitol building on January 6, 2021.

Through reviewing open-source videos filmed at the U.S. Capitol on January 6, I determined that the individual identified as BOWDEN wore a dark-colored flannel shirt with the sleeves rolled up, blue jeans, a silver watch on his left wrist, and a neck gaiter which at times partially covered his face. (*See Image 4*).

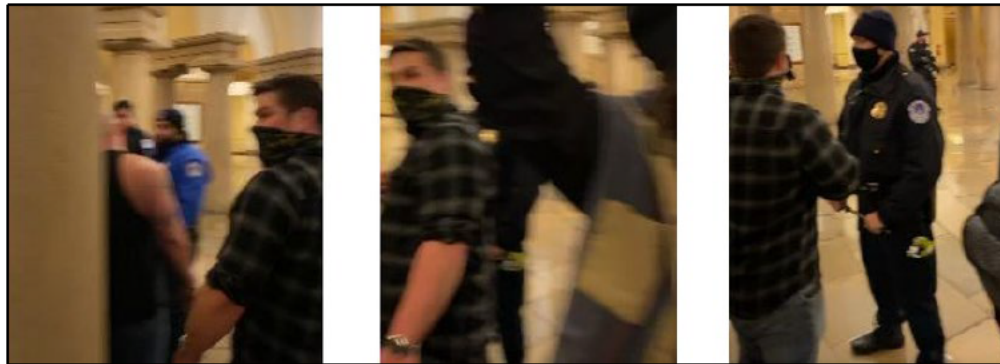


Image 4: Screen captures from an open-source video of BOWDEN in the U.S. Capitol on January 6, 2021, showing his flannel shirt, blue jeans, silver watch, and neck gaiter.

CCTV footage showed BOWDEN entering the U.S. Capitol through the Senate Wing door at approximately 2:17 p.m. while a blaring alarm sounded. (See Image 5).



Image 5: Screen capture from CCTV video of BOWDEN (circled in yellow) as he enters the U.S. Capitol on January 6.

One open-source video captured BOWDEN kicking a closed door inside the Capitol. (Image 6).



Image 6: A screen capture from an open-source video of BOWDEN attempting to kick in a door.

In the same video, BOWDEN can also be seen picking up a brass stanchion and striking the office door of Senate Majority Leader Mitch McConnell. (See Image 7).



Image 7: A screen capture from an open-source video of BOWDEN battering Mitch McConnell's door with a brass stanchion.

CCTV video recorded BOWDEN moving throughout the Capitol. At approximately 2:34 p.m., he entered the Rotunda, where he posed for a photograph, met and conversed with other members of the mob, and displaced a rope barrier attached to several stanchions. (See Images 8 and 9).



Images 8 and 9: Screen captures from CCTV showing BOWDEN (circled in yellow) in the Capitol Rotunda meeting with other members of the crowd and pulling the rope barrier.

CCTV video captured BOWDEN near the Rotunda interior door with another individual who provided Bowden with a bottle of water. Bowden used the bottle of water to rinse his eyes.

After rinsing his eyes, Bowden departed the building. He left through the East Rotunda Door at approximately 2:57 p.m., about 40 minutes after he entered. (See Images 9 and 10).

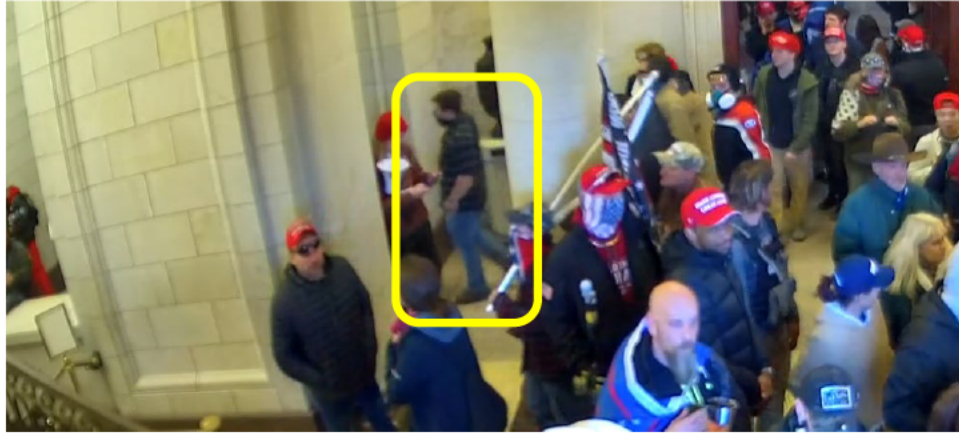


Image 9: A screen capture from CCTV shows BOWDEN (circled in yellow) inside the Capitol building.

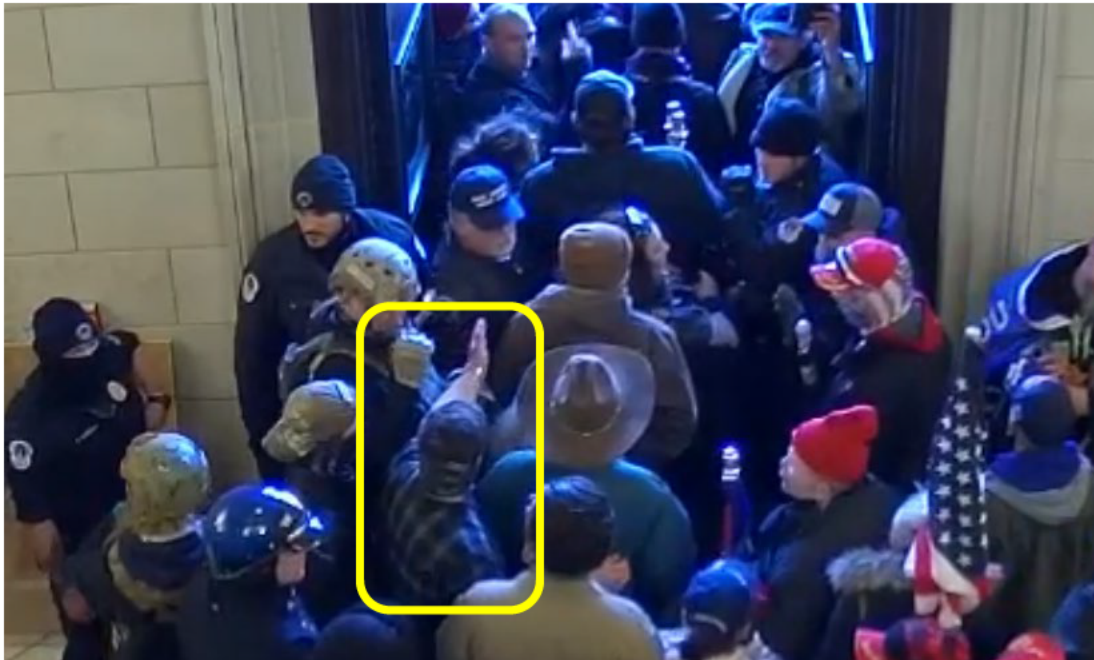


Image 10: A screen capture from CCTV shows BOWDEN (circled in yellow) exiting the Capitol through the East Rotunda Door.

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

Your affiant submits there is also probable cause to believe that BENJAMIN BOWDEN 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.

Your affiant submits there is probable cause to believe that BENJAMIN BOWDEN violated 18 U.S.C. § 1361, by willfully injuring or depredating of any property of the United States.

[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 29th day of April, 2024.

HON. MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE