

## STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent with the Federal Bureau of Investigation (“FBI”) in Philadelphia, Pennsylvania. 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. 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 separate chambers of 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

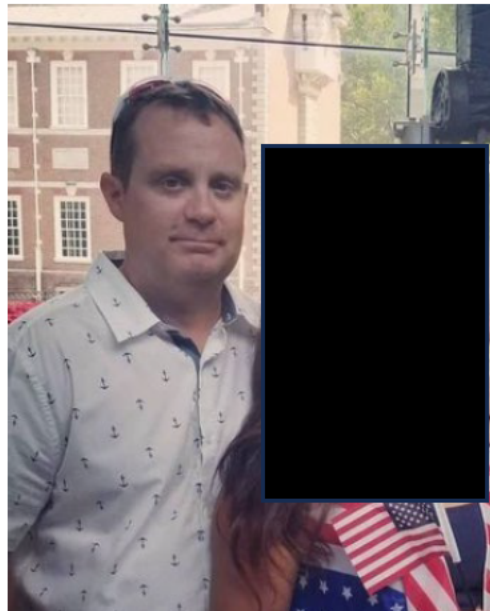
President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

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.

### **JEREMIAH POWELL's Participation in the January 6th Riot**

According to information provided by two sources, JEREMIAH POWELL, a resident of York, Pennsylvania, was present both inside and outside of the United States Capitol on January 6, 2021. On January 29, 2021, an individual (Tipster 1), contacted the FBI to report that POWELL personally told Tipster 1 that he was inside the Capitol building on January 6, 2021. Additionally, POWELL showed Tipster 1 a video that POWELL recorded while inside the Capitol Rotunda. Tipster 1 reported the incident and provided the video to the FBI.

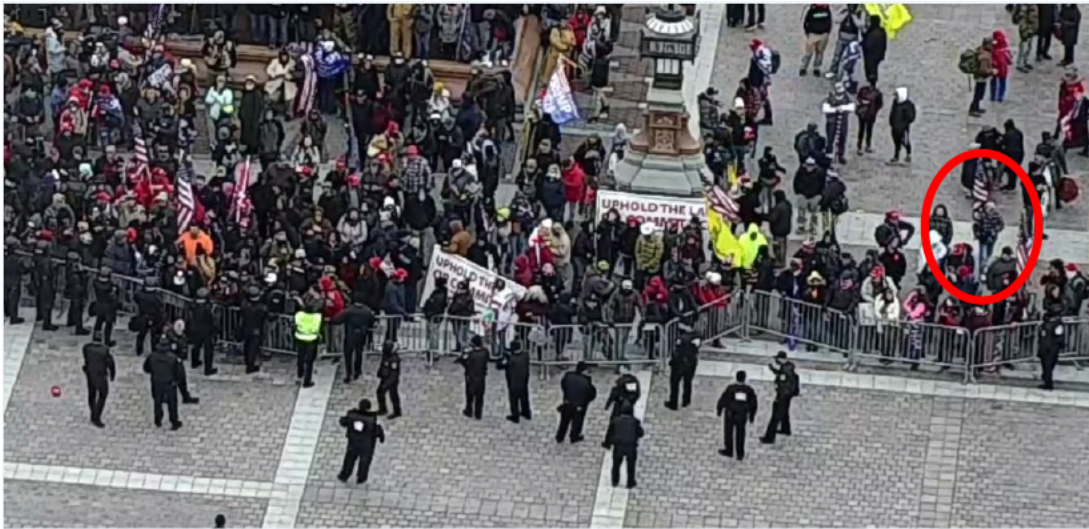
As part of my investigation, I reviewed video footage and still images that were taken in the vicinity of the Capitol on January 6, 2021, including Closed-Circuit Television ("CCTV"), body-worn camera ("BWC") footage from Metropolitan Police Department ("MPD") officers who responded to the Capitol and footage and social media posts that has been made publicly available on the internet. I compared these photos with POWELL's driver's license photo and they appeared to depict the same individual. I also compared images taken of the suspect at the Capitol with images from POWELL's wife's Poshmark (a social commerce marketplace for new and used goods), which were obtained via open-source methods, and believe it is the same person.



**Image 1: POWELL, on the left, in a photo taken from his wife's Posh account.**

Additionally, according to records obtained through a search warrant which was served on Verizon, on January 6, 2021, in and around the time of the incident, a cellphone number associated with POWELL 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.

I reviewed the video that POWELL recorded inside the Capitol Rotunda and shared with Tipster 1. It corresponded with open-source video depicting POWELL as he recorded the video. From reviewing video, I identified POWELL's general movements through the U.S. Capitol building on January 6, 2021. POWELL was wearing a blue and white shirt, a camouflage hat, white rimmed sunglasses, jeans, and white tennis shoes. He carried an American flag attached to a wooden pole and a backpack containing, at a minimum, a megaphone. It should be noted that the foregoing time stamps are formatted in Eastern Standard Time (EST). POWELL came to the East front of the Capitol grounds at approximately 1:56 p.m. At that time, rioters and police were beginning to wrestle for control of bike racks and police barriers.

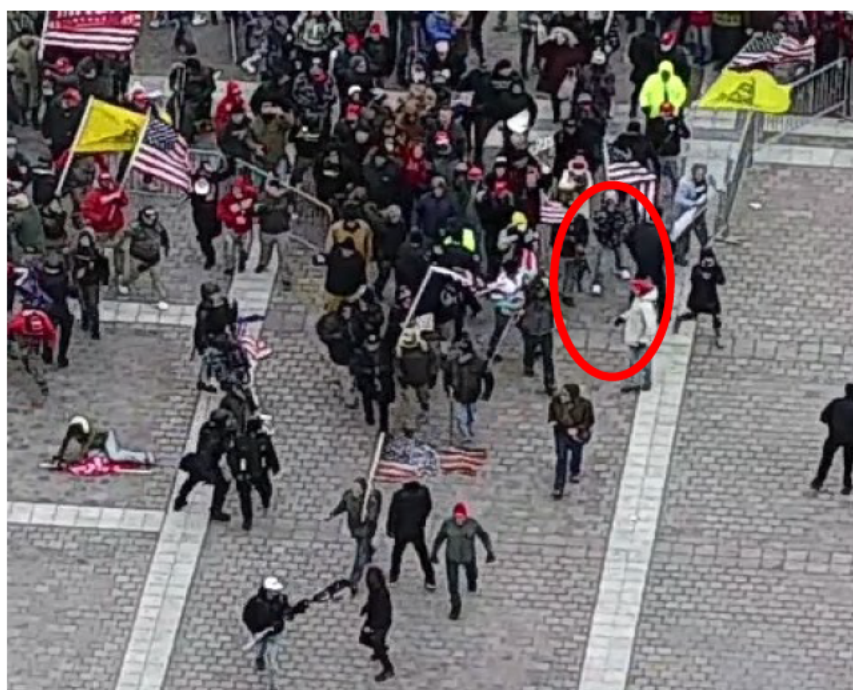


**Image 2: POWELL, circled in red, seen on the East front of the Capitol at approximately 1:56 p.m.**



**Image 3: POWELL, circled in red, shouting as rioters wrestle police for control of the barriers.**

As the wrestling over the barricades grew more intense over the next few minutes, Powell moved closer to the front of the barricades. He can be seen on CCTV footage yelling at the other rioters as they attempted to overrun the police line. When the police line was eventually broken, POWELL was amongst the first 20 rioters to move past the police line.



**Image 4: POWELL, circled in red, pushes past police barriers to storm towards the Capitol building.**



**Image 5: POWELL, circled in yellow, pushes past police barriers to storm towards the Capitol building.**

While POWELL followed directly behind the rioters that initially broke through the barricades, he did not immediately advance to the building. Instead, at approximately 1:59-2:00 p.m., POWELL turned back as other rioters surged forward. Starting right next to where the rioters had broken through the police line, POWELL began to drag police barricades that were in front of police officers to the side, expanding the openings for rioters to move towards the Capitol building. POWELL moved at least five barricades to the side before he advanced to the Capitol himself.



**Image 6: POWELL, circled in red, drags a bike rack to the side to make more space for rioters to advance.**

Various open-source videos captured POWELL standing on the East Front steps of the Capitol building yelling with other rioters.



**Images 7 (above) & 8 (below): POWELL, circled/boxed in yellow, standing on the East steps of the Capitol building.**



Based on my review of CCTV footage, POWELL walked into the Capitol building through the East Front Doors at approximately 2:40 p.m. Officers can be seen on CCTV closing the door behind POWELL, who appeared to be looking in the direction of officers as they attempted to close the doors; POWELL appears to yell at them. POWELL responded by waving his American flag in the entryway before taking a phone call and, eventually, proceeding into the Capitol Rotunda.



**Image 9: POWELL, circled in red and wearing a camouflage cap, appearing to yell at officers who are closing the East Front Doors behind him.**



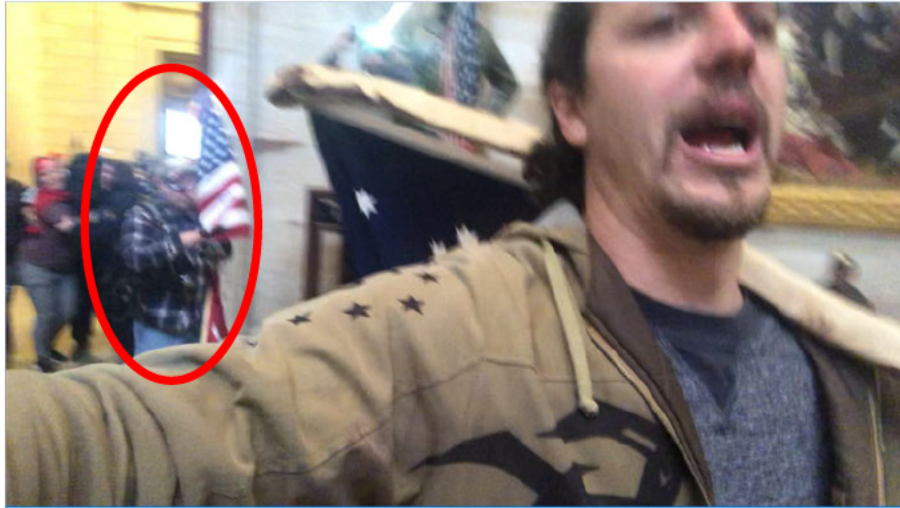
**Image 10: POWELL, circled in red, waving his American flag as officers close the East Front Doors behind him.**



**Image 11: POWELL, circled in red, talking on the phone and walks into the Rotunda.**



POWELL entered the Capitol Rotunda at approximately 2:42 p.m. He can be seen on CCTV recording a video on his phone. In the video, provided to the FBI by Tipster 1, POWELL proclaims, “We have, the people, have exercised our voices and got into the Capitol building, to let our elected representatives know that we will not tolerate the fraud!” The motion of his body as he records corresponds exactly with the perspective of the video that Tipster 1 claimed POWELL showed him. Additionally, open-source video from another rioter captures Powell in the background. The other rioter, in his video, sings “the Battle Hymn of the Republic”. That singing is audible in the background of POWELL’s video.



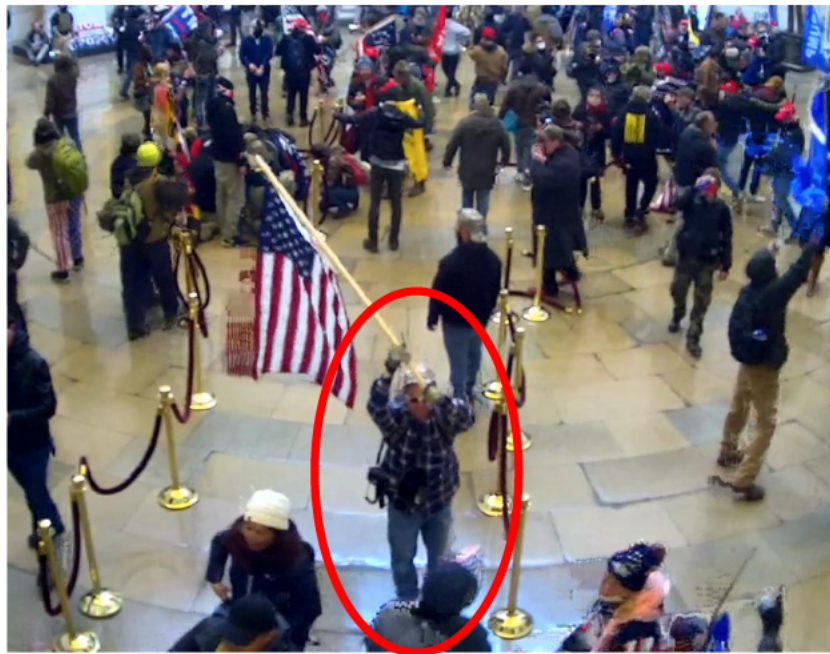
**Image 12: POWELL, circled in red, inside the Capitol Rotunda.**

POWELL initially left the Rotunda at approximately 2:44 p.m. Approximately three minutes later, he re-entered the Rotunda and walks around its perimeter waving his flag. POWELL stopped in front of the Jonathan Trumbull painting, *The Surrender of General Burgoyne*, to put down his backpack. He leaned his flagpole against the painting. He rooted around in his bag for a minute, before pulling out a bullhorn, which he proceeded to yell into for a minute at approximately 2:51 p.m.



**Image 13: POWELL, circled in red, as seen on CCTV, inside the Rotunda leaning his flagpole against the Trumbull painting.**

After yelling into his bullhorn, POWELL slowly made his way out of the Rotunda, briefly stopping to yell at the newly forming police line at one of the Rotunda doorways. POWELL left the Rotunda, waving his flag, at approximately 2:52 p.m. Open-source video captured POWELL exiting the Capitol building to the east while the riot inside remained ongoing.



**Image 14: POWELL, circled in red, leaving the Rotunda.**



**Image 14: POWELL, boxed in yellow, leaving the Capitol.**

Based on the foregoing, your affiant submits that there is probable cause to believe that JEREMIAH POWELL 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 Joint Session of Congress where the Senate and House count Electoral College votes.

Your affiant submits there is also probable cause to believe that JEREMIAH POWELL 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. 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 JEREMIAH POWELL violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and (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.

  
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 1<sup>st</sup> day of May 2024.

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HONORABLE G. MICHAEL HARVEY  
UNITED STATES MAGISTRATE JUDGE