

STATEMENT OF FACTS

Your affiant, [REDACTED], is a special agent assigned to the [REDACTED] office. In my primary duties as a special agent, I investigate public corruption matters. I have also investigated and participated in investigations involving federal criminal violations related to financial crimes, illegal drugs, bribery, carjackings, human trafficking, and fraud. During my training at the FBI Academy, Quantico, Virginia, I have received training in a variety of investigative and legal matters, including the topics of Fourth Amendment searches, the drafting of search warrant affidavits, and probable cause. Prior to working for the FBI, which I joined in 2019, I spent approximately six years working as a State Trooper for the New Jersey State Police. During my career as a Trooper, I investigated criminal matters such as thefts, robberies, burglaries, assaults, homicides, child abuse, arson, domestic abuse, trespassing, and kidnapping.

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 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.

Facts Specific to TYLER HENSON

Identification of TYLER HENSON

On January 19, 2021, information from a public tip was submitted through the fbi.gov/uscapitol online portal. The information from the public tip included an uploaded video from the Facebook profile page of "Tyler Henson." The video was a recording of a large crowd near one of the entrances to the Capitol Building. Towards the end of the recording, the camera switches to the front-facing camera mode. For a second, the subject who is recording the video can be seen. The lower portion of the subject's face is observed, as well a dark colored hooded sweatshirt being worn over a dark colored tee-shirt. The subject, identified as TYLER HENSON as described below, is also observed wearing an olive-green colored backpack. A screenshot of this image is provided below in Figure 1.

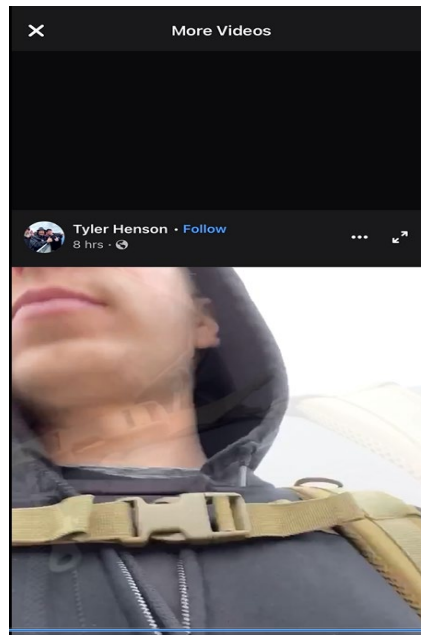


Figure 1 – Still Image From HENSON's Facebook Account

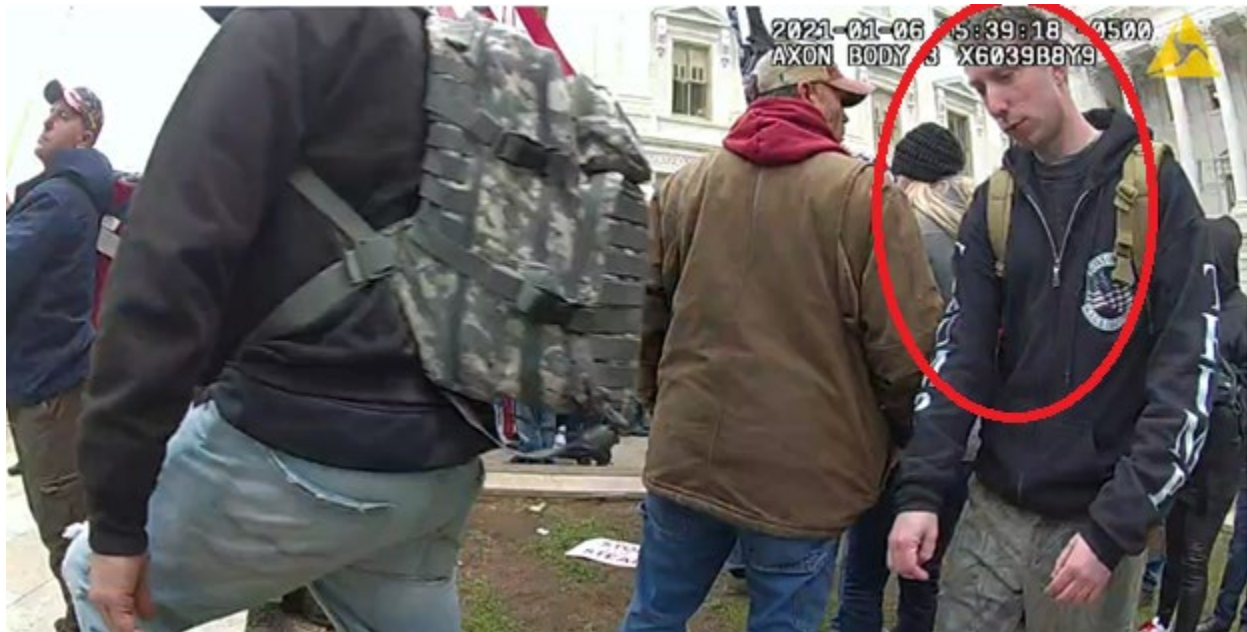


Figure 2 – Still Image of BWC footage of Henson on the Capitol Grounds

The FBI was able to conduct database searches of HENSON and compare those photos found to videos and photos of HENSON on the Capitol grounds on January 6. *See* Figure 2. The FBI was able to later interview HENSON and he identified himself as the person in this photo below and in other photos of him at the Capitol that day. In later interviews of HENSON’S fellow rioters and companions that day, STEPHEN OSEEN and JAMIE CHARLESWORTH, both individuals were able to identify TYLER HENSON as the same individual in photos and videos from the Capitol grounds and inside the Capitol building. Based on my comparison of those videos with the Facebook video described above, and based on the username of that Facebook account, I believe HENSON is the same person who filmed that video and who was present at the Capitol with OSEEN and CHARLESWORTH.

HENSON Enters the U.S. Capitol Building

FBI results provided video footage from security cameras located inside the U.S. Capitol Building. The affiant reviewed the footage and was able to identify HENSON on video making entry into the Capitol Building at approximately 2:50 p.m. Figure 3 below is a screenshot of HENSON making entry into the Capitol via a window near the Senate Wing Door. HENSON was captured on security cameras for the duration of his time inside the Capitol. HENSON spoke with a few Capitol police officers while inside the hallway and exited without altercation when police reinforcements arrived.



Figure 3 – CCTV Still Image of Hensen Entering the U.S. Capitol Building through a window near the SWD at approximately 2:50 pm

Interior surveillance cameras from the Capitol show HENSON, OSEEN, and CHARLESWORTH all inside the Capitol Building. The following still image (Figure 4) shows all three individuals inside the Capitol lobby.

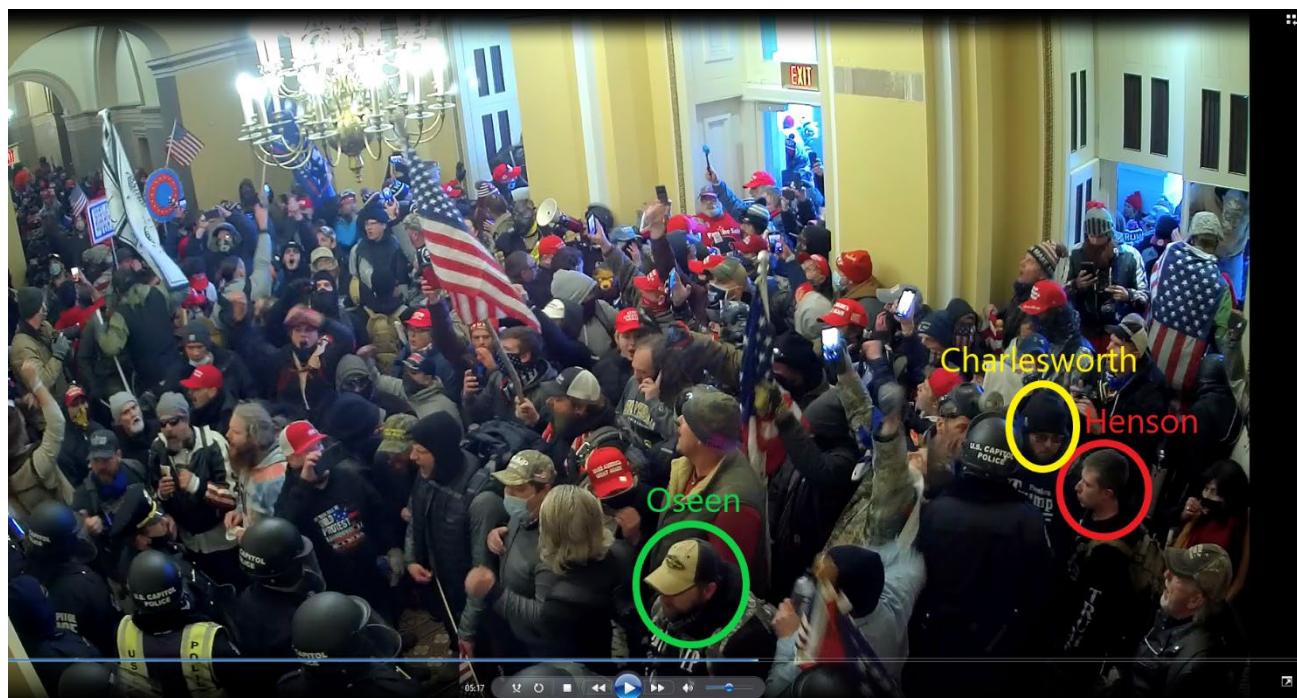


Figure 4 – Still Image of Henson (labeled in red), Oseen (labeled in green), and Charlesworth (labeled in yellow) inside the Capitol.

FBI Interview of TYLER HENSON

On August 19, 2021, the FBI conducted a non-custodial interview of HENSON at his place of employment. HENSON acknowledged that he went to Washington, D.C. on January 6, 2021.

HENSON said he had his cellular phone ending in 4284 with him during the trip to D.C. He used it at the Capitol to take pictures and record videos. HENSON stated he recorded two videos on January 6, 2021 and posted both to his Facebook account. Shortly after posting the videos, he deleted them from this Facebook and from his phone. The first video he recorded was of him in the crowd walking towards the Capitol Building. The second video was a recording near one of the entrances to the Capitol Building. HENSON admitted to entering the Capitol Building and staying for approximately 20 minutes.

HENSON was presented with photos depicting him outside and inside the Capitol from that day. Henson reviewed the photos and identified himself in the photos. He also identified the clothes he described earlier in the interview as the ones depicted in the photos presented. Specifically, HENSON was presented with Figure 2 (above) and Figure 5 (below) and identified the circled individual as himself.



Figure 4 – Still Image from CCTV

HENSON Exits the U.S. Capitol Building

Interior surveillance footage shows that police reinforcements arrived at approximately 3:15 p.m. and began clearing out the Capitol hallway. HENSON was observed walking towards the doors as the crowd began to funnel out. HENSON exited the Capitol through the Senate Wing Doors at approximately 3:17 p.m. See Figure 6.

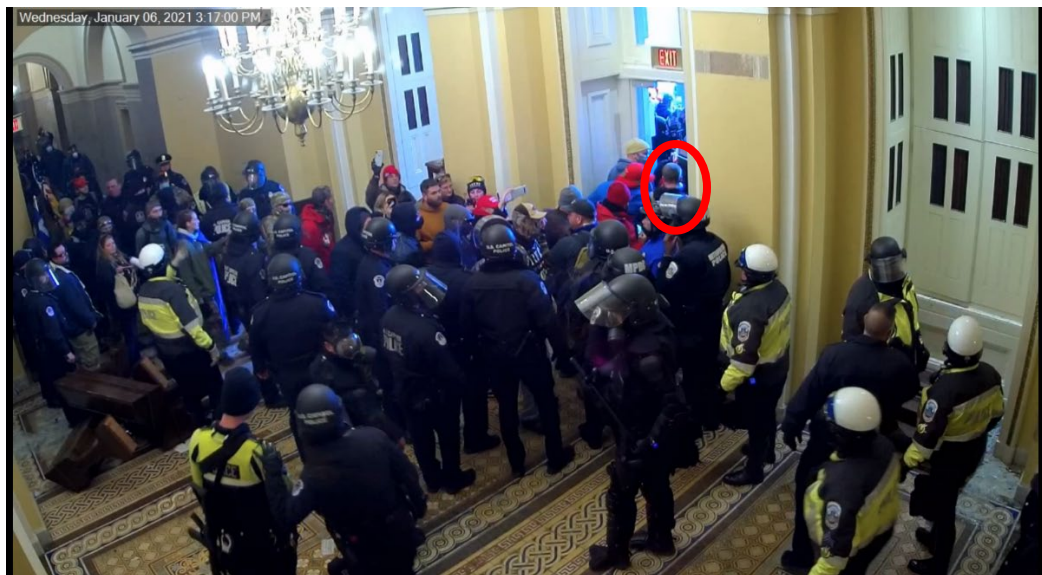
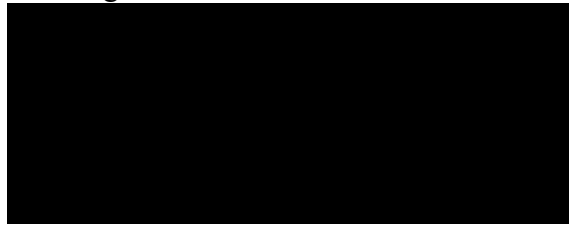


Figure 6 – Still Image of CCTV – HENSON Exits the U.S. Capitol at Approximately 3:17 p.m.

Based on the foregoing, your affiant submits that there is probable cause to believe that TYLER HENSON 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. 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 TYLER HENSON violated 40 U.S.C. § 5104(e)(2)(D) and (G), which make it a crime to (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 28th day of May 2024.

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE