

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 STEPHEN OSEEN

Identification of STEPHEN OSEEN

On March 26, 2021, a investigation was opened on TYLER HENSON for unlawfully entering the U.S. Capitol Building on January 6, 2021. HENSON was interviewed as part of the investigation on August 19, 2021. HENSON stated he traveled to Washington D.C. on January 6, 2021, with two family members. HENSON identified one of the family members as STEPHEN OSEEN, and the other as JAMIE (last name unknown), claiming they were all cousins.

On September 28, 2021, a follow-up telephonic interview of HENSON was conducted. HENSON provided OSEEN'S cellular phone number as ending in 3924¹. HENSON did not recall what OSEEN wore on January 6, 2021, but did state OSEEN had a camouflage backpack with him. The affiant emailed HENSON a driver's license photo of OSEEN and the photo shown below at Figure 1.



Figure 1 – Still image from BWC showing OSEEN on the Capitol Grounds

¹ The entire number is known to the affiant.

HENSON reviewed the photos emailed to him and identified the individual in both photos as OSEEN. Additionally, during HENSON's investigation, FBI resources were utilized to scan for facial recognition matches. FBI provided positive results for multiple photos and videos matching HENSON. The affiant reviewed images and videos obtained and identified OSEEN in multiple videos, to include Capitol surveillance cameras and police body worn camera footage. Body worn camera (BWC) footage obtained showed HENSON, OSEEN, and the third cousin, later identified as JAMIE CHARLESWORTH, walking together outside the Capitol Building.

OSEEN Enters the U.S. Capitol Building

Interior surveillance cameras from the Capitol show HENSON, OSEEN, and CHARLESWORTH all inside the Capitol Building. OSEEN was observed making entry into the Capitol Building, via a broken window near the Senate Wing Door, at approximately 2:50 p.m. See Figure 2. The following still image (Figure 3) shows all three individuals inside the Capitol hallway.



Figure 2 – Still Image from CCTV – HENSON Entering the U.S. Capitol Through the Senate Wing Doors at approximately 2:50 pm

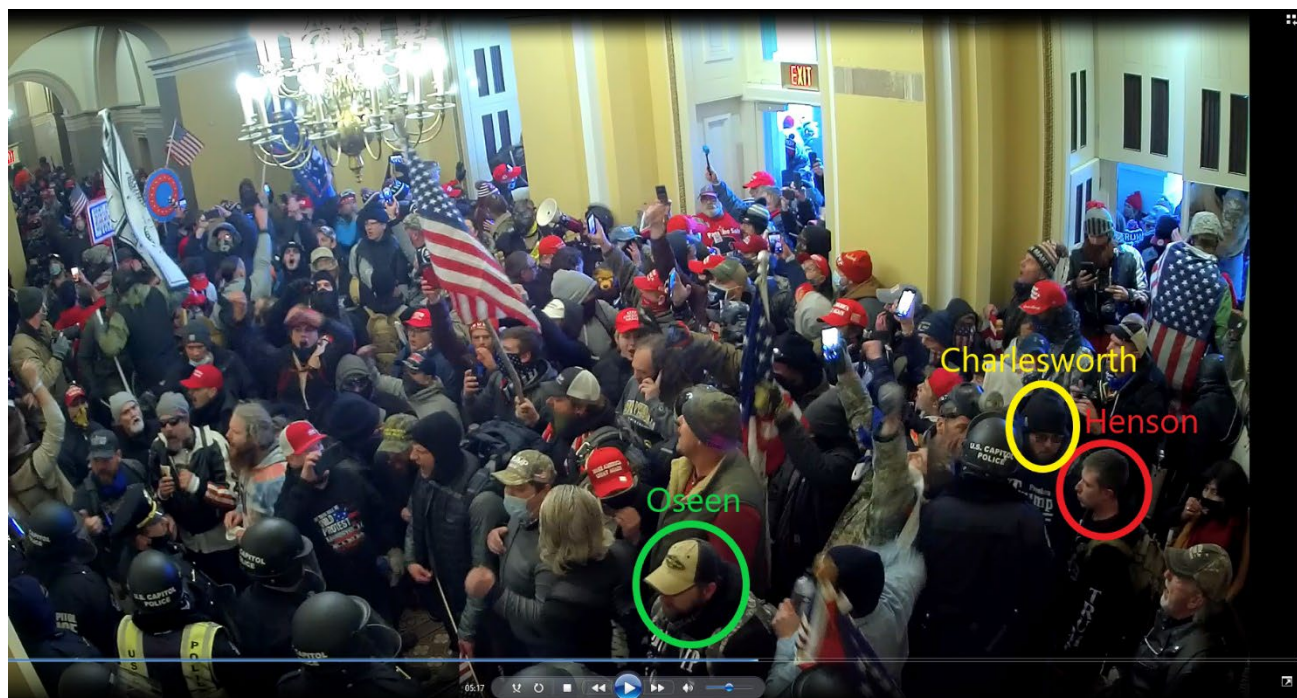


Figure 3 – Still Image of Henson (labeled in red), Oseen (labeled in green), and Charlesworth (labeled in yellow) inside the Capitol.

FBI Interview of STEPHEN OSEEN

On November 12, 2021, the affiant conducted a non-custodial interview of OSEEN. OSEEN'S attorney was present for the interview. OSEEN stated he traveled to D.C. on January 6, 2021, with his cousin, TYLER HENSON. He then added that another cousin by the name of JAMIE CHARLESWORTH, all traveled together that day. OSEEN described the clothing he wore on January 6, 2021 as consistent with the photos in Figures 1-3. OSEEN admitted to entering the Capitol Building but not willingly, claiming he was pushed into the window when the crowd outside surged into the building. OSEEN was presented with multiple photos (Figures 1-2) during the interview and identified himself in each photo.

OSEEN Exits the U.S. Capitol Building

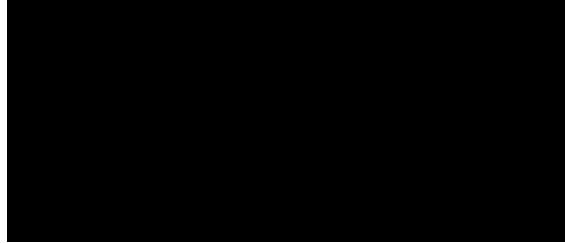
The affiant reviewed surveillance video from inside the Capitol. The video showed OSEEN enter the Capitol Building via a breached window at approximately 2:49 p.m. My review of the video indicates that OSEEN was not pushed into the window, as he stated during his interview. He can be seen climbing into the window on his own. He remained on camera for the duration of his time inside the building. Police reinforcements arrived at approximately 3:15 p.m. and began clearing out the lobby. OSEEN was observed walking towards the lobby doors as the crowd began to funnel out. OSEEN stood near the door alongside police officers until approximately 3:36 p.m. when OSEEN exited the building. *See Figure 4.*



Figure 4 – Still Image from CCTV – OSEEN Exits the Capitol Through the Senate Wing Door at Approximately 3:36 p.m.

Based on the foregoing, your affiant submits that there is probable cause to believe that STEPHEN OSEEN 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 STEPHEN OSEEN 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