

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to FBI [REDACTED]. In my duties as a special agent, I investigate, among other things, criminal cases relating to domestic terrorism. 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.

Following the events of January 6, 2021, the FBI identified Daryl Steven Graham through content posted on Graham's Facebook account as a suspected participant in the riot at the United States Capitol. Additional data lawfully obtained from Facebook revealed Graham traveled from his home in Maryland to Washington D.C. on the morning of January 6, 2021, to attend the former president's "Stop the Steal" rally. Following the rally, Graham, wearing a distinct orange and black Puma backpack, yellow hooded sweatshirt, and black Adidas beanie with white stripes, travelled along the National Mall to the Capitol.



Graham walking along the National Mall following the former president's rally.

Eventually, Graham arrived on the West Side of the Capitol around 2:00 p.m. Graham appeared with the mob in open-source videos on the West Front and posted the below image to his Facebook account.



Graham and another individual on the Capitol's West Front on January 6, 2021.

After arriving at the Capitol, Graham moved through the mob to scaffolding assembled for the upcoming inauguration. Once Graham reached the scaffolding, Graham witnessed the chaotic scene as the mob bypassed law enforcement and moved deeper onto Capitol grounds.



Graham recording the mob near scaffolding erected for the upcoming inauguration.

From here, Graham made his way toward the Upper West Terrace. To do so, he climbed the northwest stairs adjacent to the scaffolding depicted in the above image. The below image, excerpted from U.S. Capitol Police surveillance cameras or “CCTV”, captured Graham’s movement up these stairs at 2:28 p.m.



Graham climbing to the Upper West Terrace.

After Graham climbed these stairs and entered the Upper West Terrace, open-source footage captured Graham near the northwest courtyard, just off the upper west terrace, as depicted below.



Graham located on the Upper West Terrace near the Northwest Courtyard.

From here, Graham moved toward the West Stairs of a fire door near the Parliamentarian’s office (“fire door”). Rioters violently breached this door at approximately 2:42 p.m. The image below, excerpted from open-source footage, captured Graham’s approach to the fire door at approximately 2:58 p.m.



Graham approaching the fire door.

Immediately thereafter, at 2:58 p.m. Graham entered the Capitol. He moved with other rioters through the Brumidi Corridor while carry a “STOPTHESTEAL” sign, a reference to alleged improprieties in the 2020 presidential election. During this time, Graham continued to record the actions of the mob around him. The image below, also excerpted from CCTV footage, captured Graham’s movements.



Graham inside the Capitol.

Graham entered and remained in the Capitol for several minutes. At approximately 3:00 p.m., CCTV captured officers removing rioters from the Capitol by forcefully pushing the mob through the Brumidi Corridor – out the fire doors – to the Upper West Terrace. Graham was one of the rioters crowded in this location as shown in the above image. Shortly thereafter, CCTV footage recorded Graham leaving the Capitol building.

However, Graham did not leave Capitol grounds. Despite observing the ongoing chaos, Graham remained on, or near, the Upper West Terrace for a significant period. Police Body Worn Camera (“BWC”), depicted below, captured Graham on the Upper West Terrace along a police line with the mob at 4:27 p.m., nearly an hour and a half after Graham initially exited the Capitol. At this time, officers attempted to escort rioters, including Graham, off Capitol grounds.



Graham on the Upper West Terrace at 4:27 p.m.

As part of the investigation, I observed an individual who appeared to be Graham at a local Subway near Graham's former residence. I made this observation based on my familiarity with Graham's facial features. Additionally, during this surveillance, I captured the below photo of Graham on his cell phone wearing the same Adidas black beanie worn by Graham at the Capitol on January 6, 2021. To confirm Graham's identity, I conducted a ruse call to the phone number associated with Graham. My partner observed Graham remove his phone from his ear, look at the screen, and advise the individual on the phone that he was receiving a call from a Baltimore based number. Graham did not answer my call and continued his conversation. The phone number I used to call Graham is a Baltimore based number.



Graham at a local Subway wearing the same hat he wore on January 6, 2021.

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

I submit there is also probable cause to believe that Graham violated 40 U.S.C. § 5104(e)(2) (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.



Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 18th day of June 2024.

HONORABLE ROBIN M. MERIWEATHER
UNITED STATES MAGISTRATE JUDGE