

## STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation (FBI), assigned to the Kansas City Division. As an FBI Special Agent, I have received training and gained experience in a variety of criminal laws and procedures, including investigations into matters involving criminal gangs and various terrorism-related offenses. Currently, part of my official duties include investigating criminal activity in and around the U.S. Capitol Building 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 are 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 THIS CASE

On January 14, 2021, Individual 1, who wished to remain anonymous, provided information that Eric Lee Peterson (hereinafter referred to as “Peterson”) and other individuals were at the Capitol for the riots. Individual 1 did not know if they went into the building or if they were only there for the demonstration. Individual 1 captured a photo from Peterson’s Facebook with what appears to be the Washington Monument in the background.

FBI Kansas City interviewed Individual 1 in October 2022. Individual 1 knew Peterson and identified Peterson in screenshots taken from video footage on January 6, 2021, including in Figure 1 and Figure 2 below.



Figure 1



Figure 2

Peterson was also identified in facial recognition databases with positive results for name and facial recognition in Capitol CCTV and publicly available media footage. FBI Kansas City reviewed the footage and identified Peterson entering the Capitol through the Rotunda doors on the East side.

In October 2022, FBI Kansas City reviewed Capitol CCTV and publicly-available third-party videos. The following screenshot from publicly-available video captures Peterson who can be seen wearing a dark hooded sweatshirt underneath a pink shirt while standing amongst rioters positioned outside the Rotunda doors. *See* Figure 3.



Figure 3

While Peterson stood outside the locked Rotunda doors, nearby rioters chanted “This is our

house!” as the building alarm audibly blared from within the Capitol building. See Figure 4 below.



Figure 4

According to my knowledge of the investigation of the riot, the Rotunda doors were first breached by rioters who shattered the glass to the doors at approximately 2:25 PM (ET). Members of the United States Capitol Police (USCP) worked to resecure and close the Rotunda doors. However, CCTV and publicly-available video taken by people in the crowd shows that USCP officers were overwhelmed with rioters continuing to enter the Capitol, which continued for over twenty minutes. At approximately 3:03 PM (ET), CCTV shows that Peterson entered the Capitol building while walking right by a police officer posted at the doors as he headed to the Rotunda. See Figure 5 through Figure 7 below.



Figure 5

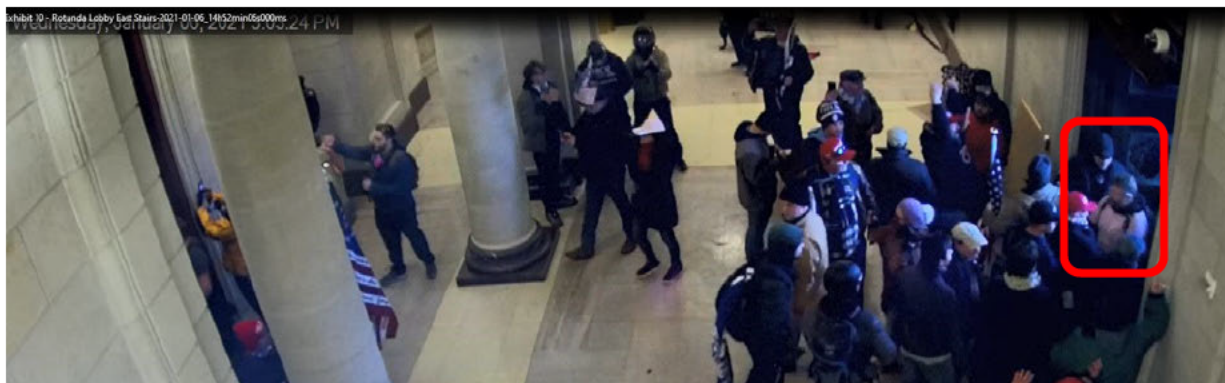


Figure 6

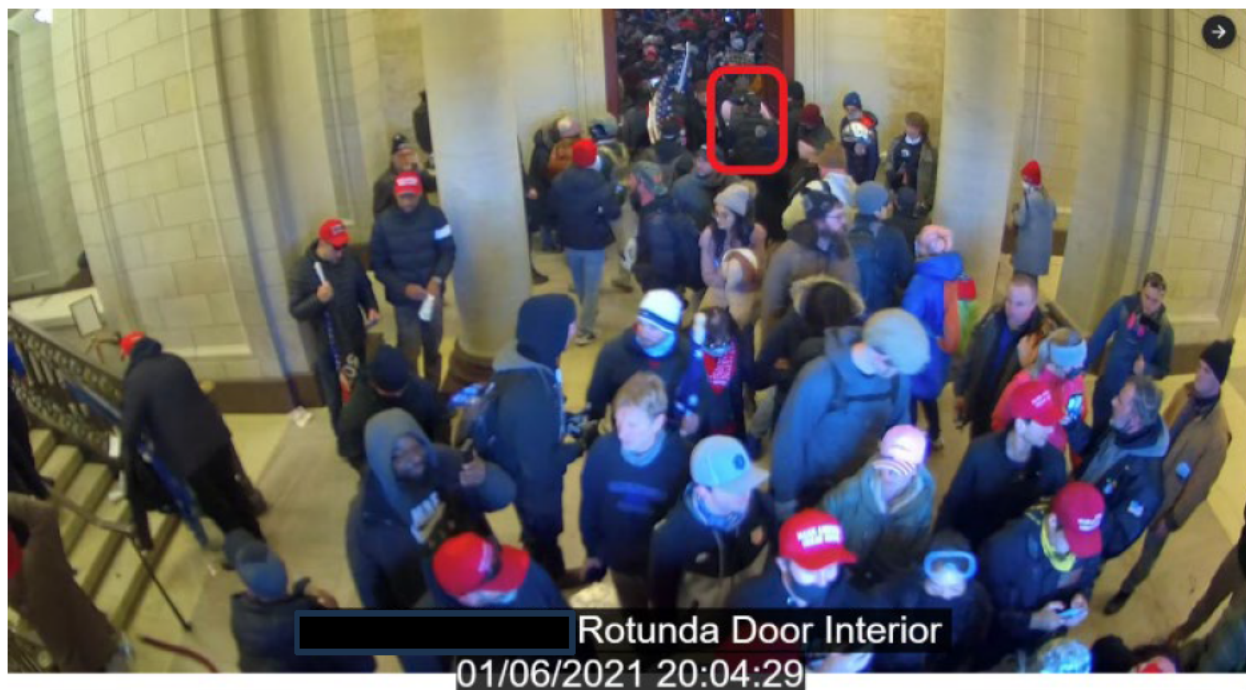


Figure 7

Beginning at approximately 3:02 PM (ET), as Peterson entered the Capitol Building but before he was inside the Rotunda, dozens of police officers entered the Rotunda and began dispersing the rioters located in that area. See Figure 8 through Figure 10 below. Peterson entered the Rotunda at approximately 3:04 PM (ET) and appeared to take photographs with his cellphone while there.

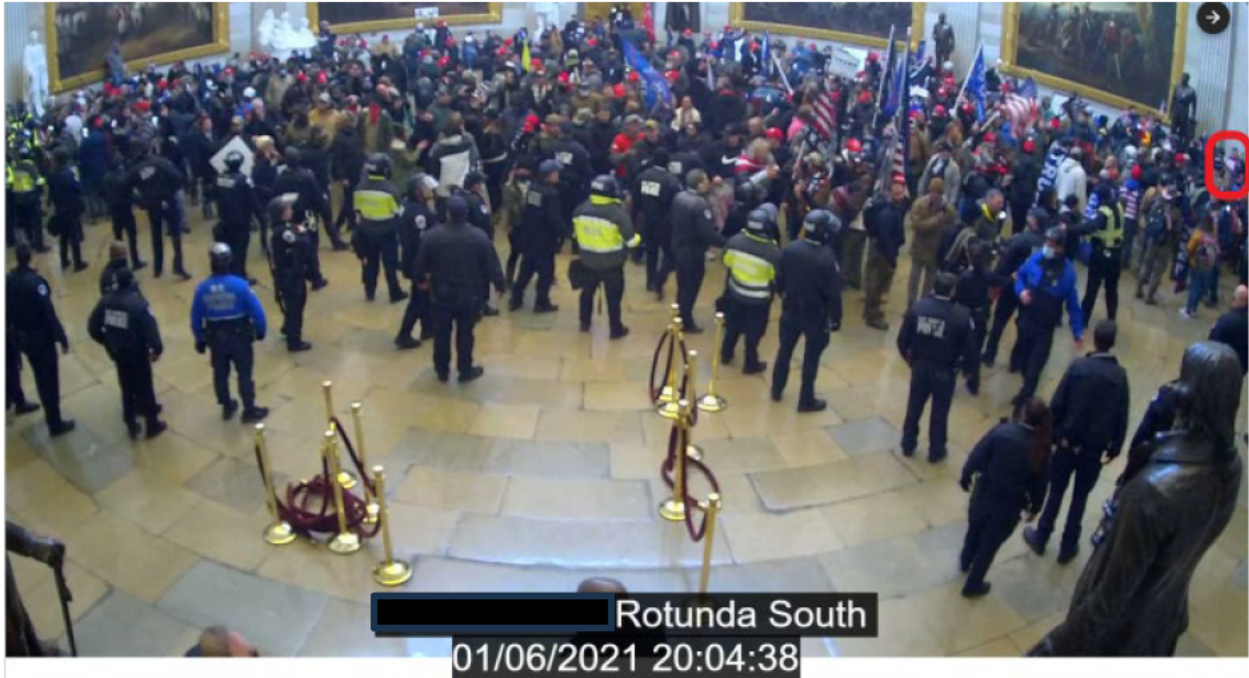


Figure 8

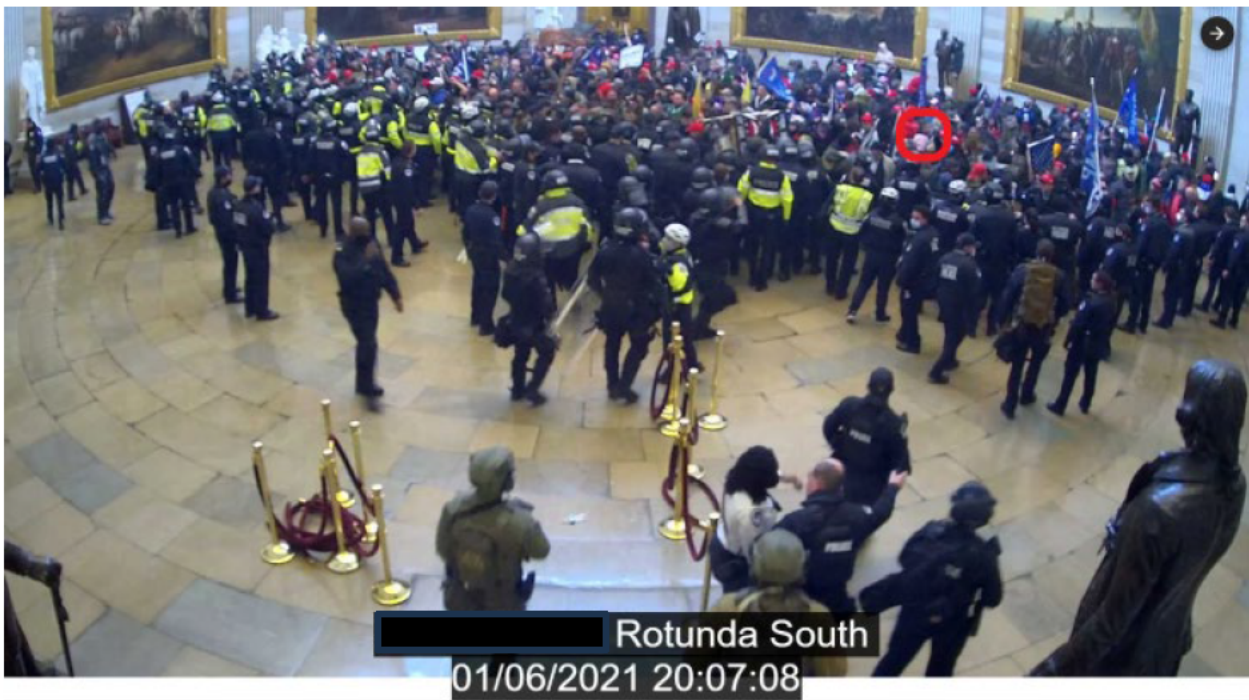


Figure 9



Figure 10

At approximately 3:07 PM (ET), Peterson and other rioters exited the Capitol Rotunda while monitored by members of the USCP circled below in yellow. See Figure 11 and Figure 12.



Figure 11

CCTV footage shows that USCP closed the doors to stem the tide of rioters entering the building. However, at approximately 3:11 PM (ET) after the Rotunda doors were opened again, Peterson exited the Capitol building through the same doors he had previously entered.



Figure 12

Based on law enforcement’s investigation, Peterson resides in both Missouri and Michigan and travels back and forth between the two states frequently. He is listed with the Missouri Secretary of State’s Office as the founder of a café in Kansas City, Missouri. According to the caption of an interview found online and Peterson’s LinkedIn page, he is also the President and owner of a Roseville, Michigan-based retail sales business. See Figure 13 and Figure 14 below.



Figure 13

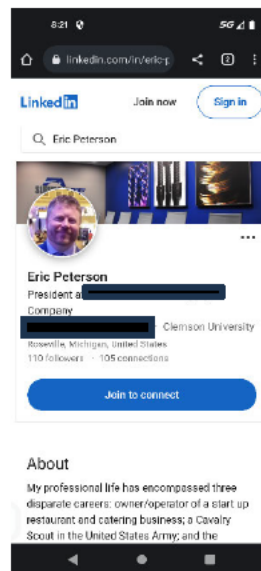


Figure 14

FBI Kansas City reviewed cell phone tower data available within FBI holdings of devices that were captured within the US Capitol Building on January 6, 2021. FBI Kansas City observed that the device with phone number XXX-XXX-2784 appeared to be near the Capitol building on

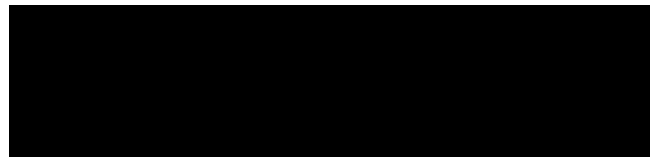


that day between approximately 1:00 PM and 6:30 PM.

According to Verizon Wireless subscriber records, the -2784 phone number identifies Eric Lee Peterson as the contact person for the business account of the same retail sales business owned by Peterson, with another individual listed as the subscriber. The mailing address for the monthly billing statements is in Roseville, Michigan. According to publicly available records, the individual listed as the subscriber was the previous owner of that company; according to state records, that individual died in 2017. Based on a review of the Verizon records for the -2784 number, three voice calls occurred on January 6, 2021, which originated in Washington, D.C. The first of the three calls was a one-minute voice call on January 6, 2021, beginning at approximately 10:50 AM. There was also a 14-minute voice call that same day starting at approximately 6:13 PM. A third call on January 6<sup>th</sup> was 24 minutes in length and began at approximately 8:52 PM. Based on the location of the phone when those calls were made and based on Peterson's connection to the wireless account as the contact person, I believe this is further support for the fact that Peterson is the person who unlawfully entered the Rotunda doors.

Based on the foregoing, I submit that there is probable cause to believe that Peterson violated 18 U.S.C. §§ 1752(a)(1) and (2), which make 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 Peterson violated 40 U.S.C. §§ 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly 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 3rd day of July 2024.

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HON. MOXILA A. UPADHYAYA  
U.S. Magistrate Judge