

## STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation assigned to the [REDACTED], joint terrorism task force. In my duties as a Special Agent, I investigate domestic terrorism. I have been employed in a law enforcement capacity since September 2005. As a law enforcement officer, I was authorized to investigate local, state and federal violations of laws of the United States. I have participated in a wide variety of criminal investigations concerning, among other things, robbery, drug and violent crimes, white collar crimes and other non-violent crime. In addition, I have participated in the preparation and execution of many searches and arrests. Among other things, 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 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.

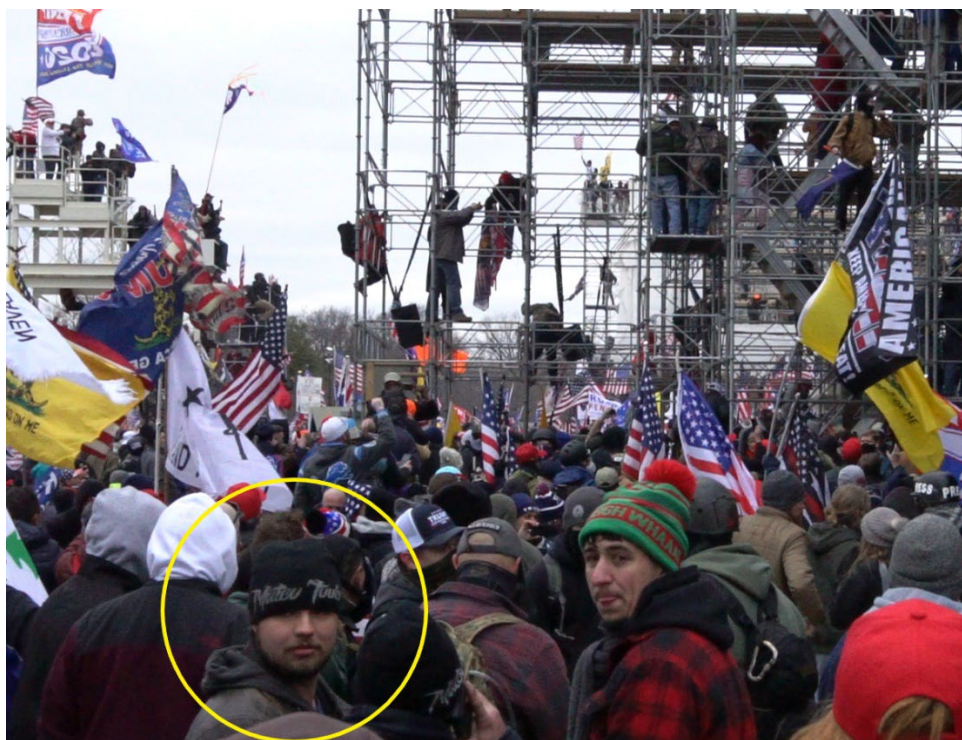
During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

Following the events of January 6, 2021, the FBI identified Brandon Barnhill of Slidell, Louisiana as a suspected participant in the riots at the United State Capitol. Barnhill traveled from his home in Louisiana to Washington D.C. to attend the former president's rally. After attending the rally, Barnhill traveled with the crowd toward the Capitol. *Image 1*, an excerpt from open-source footage, showed Barnhill walking through a crowd near the Ellipse.



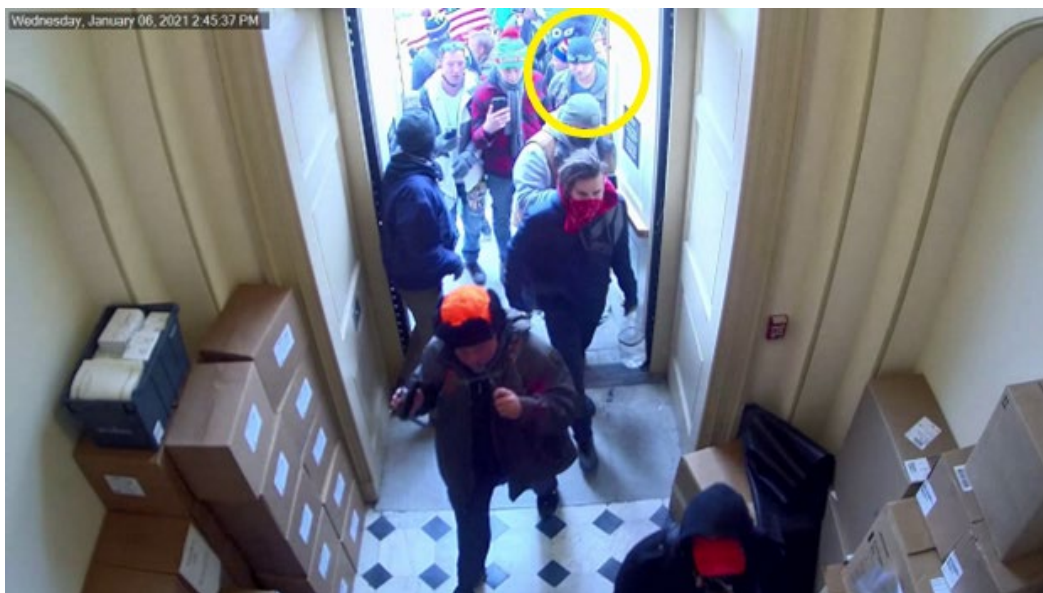
*Image 1: Barnhill walking through a crowd near the Ellipse.*

Once Barnhill arrived on Capitol grounds, open-source footage captured Barnhill on the West Plaza. In *Image 2*, Barnhill is on the south side of the West Plaza in the middle of the developing riot.



*Image 2: Barnhill located on the West Plaza.*

From here, Barnhill made his way to the Upper West Terrace. Once on the Upper West Terrace, Barnhill traveled to the Upper West Terrace Door at the center of the Capitol. *Image 3* and *4* showed Barnhill enter the Capitol at approximately 2:45 p.m. EST, nearly 1 minute before officers physically prevented rioters from accessing the Capitol interior through this entryway.<sup>1</sup>



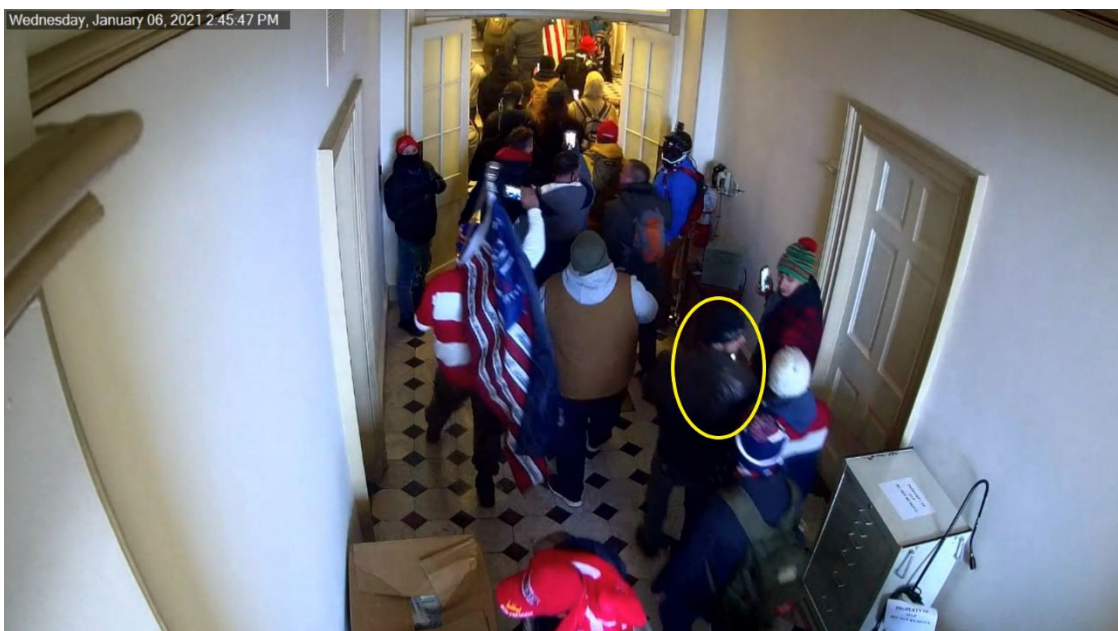
*Image 3: Barnhill at the Upper West Terrace Door.*

<sup>1</sup> A subsequent database query for mobile devices at the Capitol on January 6, 2021, confirmed a mobile device associated with Barnhill was present on Capitol grounds on January 6, 2021.



*Image 4: Barnhill entering the Capitol.*

After Barnhill entered the Capitol through the Upper West Terrace Door, *Image 5* – an excerpt from U.S. Capitol CCTV footage – captured Barnhill walking through a hallway and up a set of stairs leading to the Capitol Rotunda at approximately 2:46 p.m.



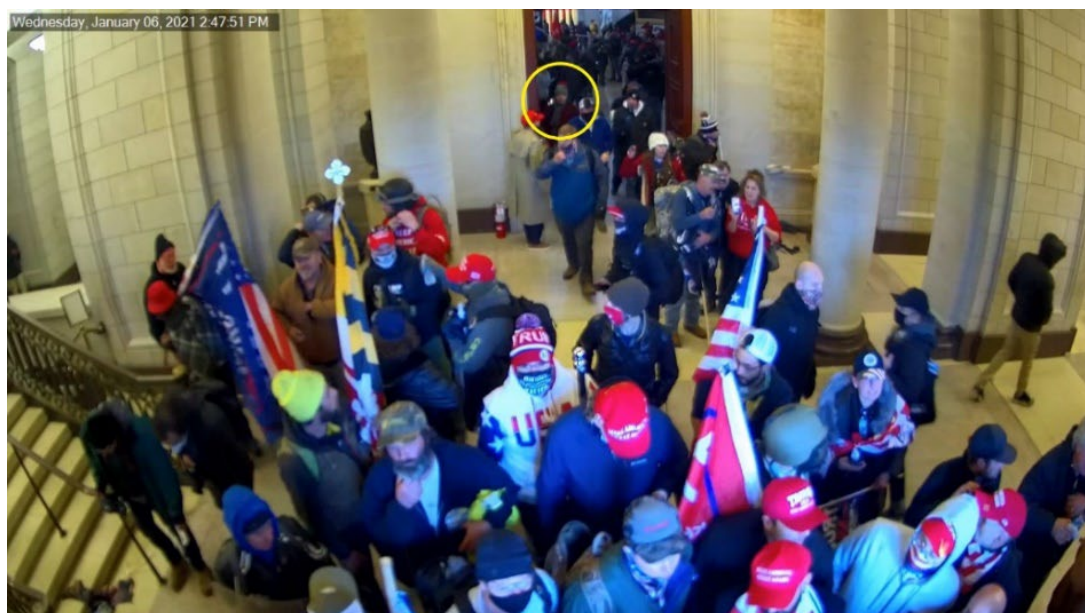
*Image 5: Barnhill walking through the Capitol.*

Once Barnhill reached the Rotunda, he remained in the Rotunda for several minutes carrying a cell phone where he recorded and took photos of the scene around him. *Image 6* depicted Barnhill moving around the Rotunda.



*Image 6: Barnhill in the Rotunda.*

At approximately 2:48 p.m., Barnhill entered the East Foyer as shown in *Image 7*. He briefly traveled back to the Rotunda on two instances after entering the East Foyer, each time returning to the East Foyer. Additionally, while in the East Foyer, Barnhill appeared to smoke a substance shown in *Image 8*.



*Image 7: Barnhill entering the East Foyer.*



*Image 8: Barnhill smoking in the East Foyer.*

Shortly thereafter, at approximately 2:53 p.m., Barnhill departed the Capitol interior through the East Doors as depicted in *Image 9*.



*Image 9: Barnhill leaving the Capitol interior.*

A person who knows Barnhill positively identified Barnhill in images at the Capitol on January 6, 2021. On June 25, 2024, I interviewed Barnhill in Slidell, Louisiana. Barnhill acknowledged traveling to Washington D.C. on January 5, 2021, to attend the former president's rally. Barnhill advised he attended the former president's rally and traveled to the Capitol after the rally. Barnhill advised that it, "was calm when he first arrived at the Capitol, until it wasn't." Barnhill observed the developing riot, including people yelling at police officers. Barnhill advised that while on Capitol grounds he felt the impacts of pepper spray in the air. Barnhill stated that a police officer, or what appeared to be a police officer, held the Upper West Terrace door open as Barnhill entered the Capitol. Barnhill acknowledged that that the person who appeared to be a police officer did not have a visible badge or any insignia to represent themselves as a police

officer. Barnhill's self-described movements through the Capitol generally corroborate the facts recounted in this affidavit.

Based on the foregoing, your affiant submits that there is probable cause to believe that Brandon Barnhill 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 Barnhill violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (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; (G) parade, demonstrate, or picket in any of the Capitol Buildings.

[REDACTED]

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 17<sup>th</sup> day of July 2024.

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HONORABLE MOXILA A. UPADHYAYA  
UNITED STATES MAGISTRATE JUDGE