

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Task Force Officer assigned to FBI Joint Terrorism Task Force (JTTF). In my duties as a Task Force Officer, I investigate complaints and crimes related to national security and terrorism related violations. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Task Force Officer, 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.

FACTS SPECIFIC TO THIS APPLICATION

According to records obtained through a search warrant served on Google, a device associated with the email address *****swinehart@gmail.com, which is associated with DYLAN SWINEHART (“SWINEHART”), was identified as having utilized a cell site consistent with providing service to the geographical area that includes the interior of the Capitol building on January 6, 2021.

The following images are screenshots from videos, including open-source videos and Closed-Circuit Television (“CCTV”) videos. The images depict SWINEHART wearing a red and black hooded sweatshirt, a black ballcap, and a light-colored medical mask.

At approximately 3:10 p.m. on January 6, 2021, SWINEHART entered the Capitol building through the North Door as a blaring alarm sounded. Other rioters had pushed their way into the Capitol through the door, which is located on the north side of the building. Once inside, SWINEHART held a cellphone over his head, appearing to capture pictures or video. *See* Images 1 and 2.

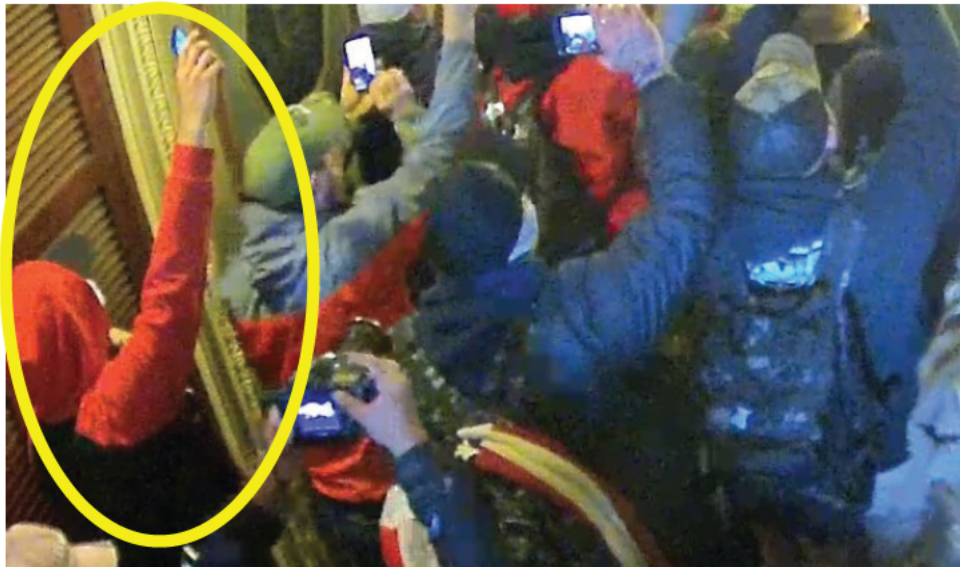


Image 1: A screenshot from Capitol CCTV shows SWINEHART (circled in yellow) inside the Capitol, holding a cellphone over his head.



Image 2: A screenshot from an open-source video shows SWINEHART (circled in yellow) in the Capitol.

At the other end of the hallway, a group of police officers faced off with the crowd and SWINEHART. After a short time, that group of officers pushed the crowd out of the building, including SWINEHART. SWINEHART left the Capitol at approximately 3:12 p.m., about 2 minutes after he entered.

On November 3, 2023, SWINEHART was interviewed at his home by an FBI Task Force Officer about his participation in the events of January 6. SWINEHART told the officer that he no longer had the red hooded sweatshirt he wore that day and that he had discarded it because it was contaminated with a high level of chemicals sprayed by Capitol Police.

During the interview, SWINEHART identified himself in multiple photographs, including the following screenshot taken from Capitol CCTV. See Image 3.

this is me
Dylan Swinehart
10/3/23



Image 3: One of the images showing SWINEHART in the Capitol in which SWINEHART identified himself, including his handwritten notes.

Based on the foregoing, your affiant submits that there is probable cause to believe that DYLAN SWINEHART 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.

Your affiant submits there is also probable cause to believe that DYLAN SWINEHART violated 40 U.S.C. § 5104(e)(2)(D), which makes it a crime to 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 40 U.S.C. § 5104(e)(2)(G) parade, demonstrate, or picket in any of the Capitol Buildings.


TASK FORCE OFFICER
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 19 day of August 2024.

G. Michael Harvey, U.S. Magistrate Judge