

## STATEMENT OF FACTS

Your affiant, [REDACTED], is a [REDACTED]

[REDACTED]. 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. As part of my duties as a Special Agent, I investigate criminal violations relating to international and domestic terrorism and other threats to national security and public safety.

### *Background – The Riot at the U.S. Capitol on January 6, 2021*

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 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 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.

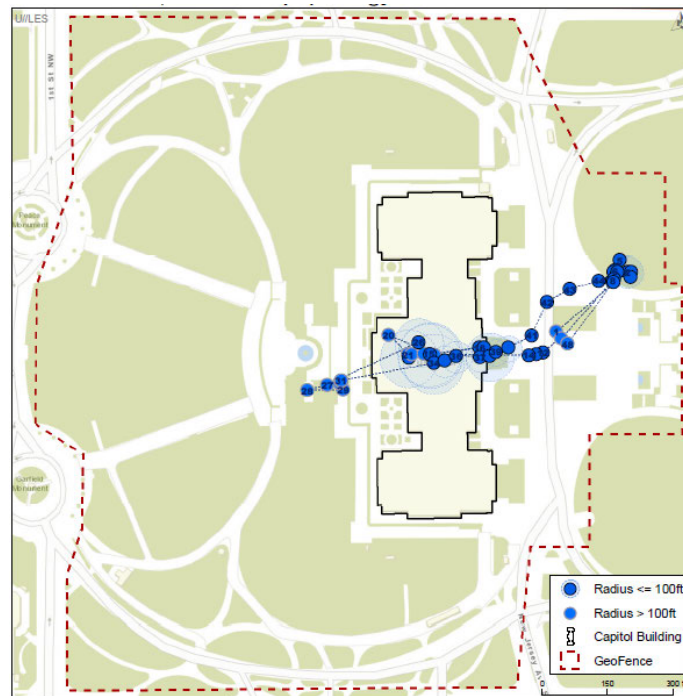
Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress 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 Clayton Jones Jr.***

In an effort to identify individuals who unlawfully entered the U.S. Capitol building, a search warrant for records in the possession of Google was issued in the United States District Court for the District of Columbia. The search warrant requested information for devices found within a specific restricted geographic area, namely within the U.S. Capitol building, between 2:00 p.m. and 6:30 p.m. EST on January 6, 2021.

According to records obtained through this search warrant, CLAYTON JONES JR. (“JONES”) is the subscriber for the email address, CXXXXXXXXXXXXXXXXX@gmail.com, which was assigned to a cell phone present at the U.S. Capitol on January 6, 2021. Google estimates device location using sources including GPS data and information about nearby Wi-Fi access points and Bluetooth beacons. This location data varies in its accuracy, depending on the source of the data. As a result, Google assigns a “maps display radius” for each location data point. Thus, where Google estimates that its location data is accurate to within 10 meters, Google assigns a “maps display radius” of 10 meters to the location data point. Finally, Google reports that its “maps display radius” reflects the actual location of the covered device approximately 68 percent of the time. As depicted in Image 1 below, Google location data shows that the cell phone and Google account, to which JONES subscribed, was near or within the U.S. Capitol building from approximately 1:01:35 p.m. to 3:23:32 p.m. on January 6, 2021.



*Image 1*

Based on the above, the FBI opened an investigation of JONES. Video identified from U.S. Capitol Police CCTV surveillance footage placed an individual matching JONES's appearance inside and around the U.S. Capitol on January 6, 2021. In all photographs and videos, JONES is circled in yellow wearing a black jacket, camouflage hat, jeans, and he has a thick grey beard.

Image 2 below is a screenshot from U.S. Capitol Police CCTV surveillance footage. At approximately 2:40 p.m. EST, JONES entered the Capitol building on the east side through the Rotunda Doors. By that time, an alarm was sounding and the glass in the Rotunda Doors had been broken. Upon entering, JONES appeared to hold his cell phone above his head to record video and/or take photographs.



*Image 2*

About one minute later, JONES walked further into the building, entering the Rotunda of the Capitol about one minute later. For the next several minutes, JONES remained in the Rotunda and continued to use his cell phone to record video and/or take photographs, as shown below in Image 3. At one point, JONES high-fived two other individuals in the Rotunda.



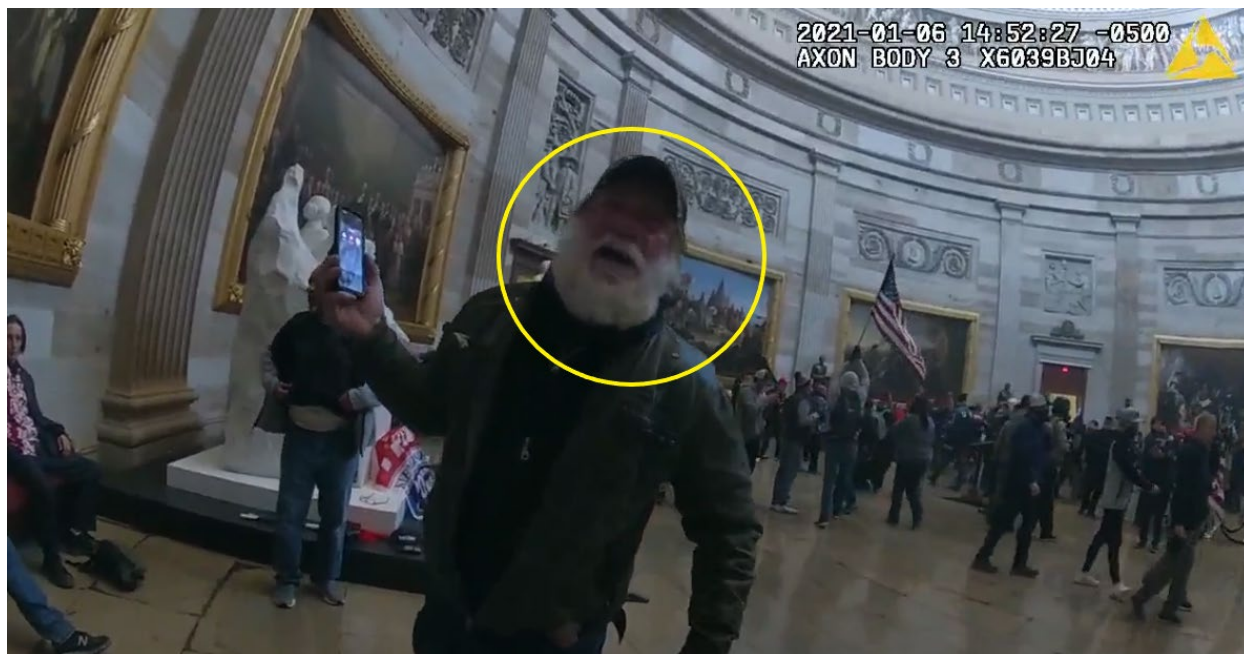
*Image 3*

At approximately 2:49 p.m. EST, JONES exited the Rotunda walking north towards the Senate Chamber, as depicted below in Image 4. At that time, a large cordon of police officers was guarding the passageway between the Rotunda and the Senate Chamber and tear gas was deployed in the vicinity.



*Image 4*

About two minutes later, JONES returned to the Rotunda for the next twenty minutes, continuing to use his cell phone to record video. At 2:52 p.m. EST, body-worn camera captured JONES approaching a line of police officers in riot gear guarding the west entrance to the Rotunda, as shown in Image 5 below. JONES interacted with one of those officers saying, “this is a non-violent protest.” The officer did not respond verbally, but appeared to gesture with his hands to stop and then gave JONES a thumbs up.

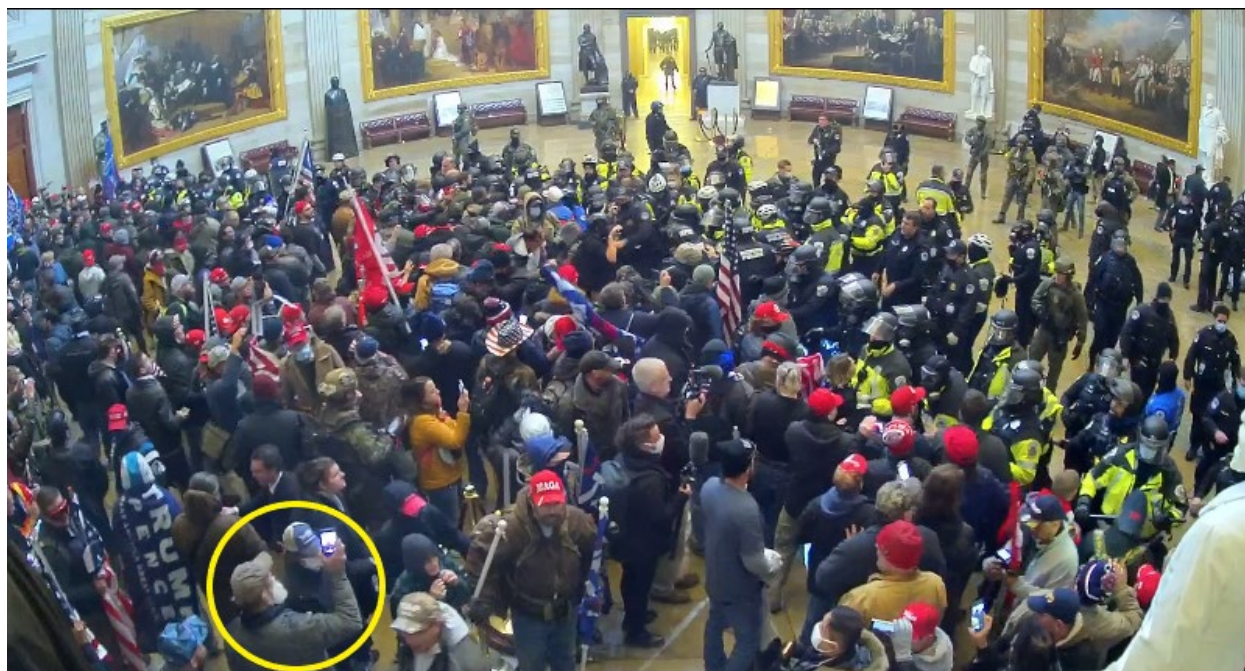


*Image 5*

Around 3:06 p.m. EST, a large group of police officers in riot gear formed a line in the Rotunda to clear the area. As officers used their batons to physically push rioters towards the Rotunda Doors, several rioters retaliated by assaulting officers. As depicted in Image 6 below, JONES appeared to look in the direction of the fighting. He immediately turned around and left the mob in the center of the Rotunda. But he did not leave the Rotunda. For the next several minutes, JONES remained around the perimeter of the Rotunda, again using his cell phone to record video as the line of officers advanced and continued to push the mob toward the exit, as shown in Image 7 below.



*Image 6*



*Image 7*

Around 3:13 p.m. EST, the police line forced JONES to exit the Rotunda and he returned to the area near the Rotunda Doors, as pictured below in Image 8. At 3:17 p.m. EST, JONES exited the Capitol through the Rotunda Doors, having been inside the building for approximately 37 minutes.



*Image 8*

On April 15, 2022, after being advised of the identity of the interviewing agents and the nature of the interview, the FBI interviewed JONES, who voluntarily provided the following information. JONES stated that he traveled from his residence to Northern Virginia to visit a friend, whom he declined to identify, on or about January 5, 2021. He planned on participating in the protest of the 2020 presidential election. JONES explained that he believed the election results were falsified and that President Trump won the election.

On the morning of January 6, 2021, JONES and his friend took the train into Washington, D.C. He witnessed hundreds of people enter the Capitol, but stated that he did not participate in beating or forcing open the doors. JONES further stated that U.S. Capitol Police officers did not try to stop people from entering the building. JONES entered the building and began recording video using his cell phone. JONES explained that most of the activity he observed was “a bunch of old guys on their cell phones.” JONES claimed that he neither witnessed nor participated in any acts of violence or vandalism. JONES advised the FBI that he deleted all the video footage on his cell phone after learning about the investigation into riot at the Capitol on January 6, 2021. JONES stated that in hindsight he wished he had kept the video to prove he did not participate in any criminal activity and that the people he encountered were all peaceful. The FBI asked JONES whether he still owned the jacket he wore on January 6 and he responded that he did. JONES agreed to allow the agents to photograph the jacket. That photograph is reproduced below. Finally, JONES stated he and his friend left the Capitol around 3:00 or 3:30 p.m. EST to catch a train back to Northern Virginia.



*Image 9*

On May 14, 2024, after being advised of the identity of the interviewing agents and the nature of the interview, the FBI interviewed JONES for a second time. JONES was shown five printed screenshots of CCTV surveillance footage from the interior of the Capitol building on January 6, 2021. An individual believed to be JONES was circled in red in each screenshot. JONES advised the individual circled in the pictures was indeed him and accurately depicted his appearance and attire on that day. JONES also expressed regret for entering the Capitol that day. He again stated that he attended the political rallies in Washington, D.C. on January 6, 2021, and followed the crowd of people that eventually made their way into the Capitol. He reaffirmed that he did not damage any governmental property, steal any governmental property, or assault anyone. He acknowledged that what he did was wrong and again apologized for entering the Capitol.

Moreover, your affiant conducted the second interview of JONES on May 14, 2024, and interacted with JONES face-to-face. Your affiant states with a high degree of confidence that JONES shares a direct resemblance to the individual circled in yellow in the images above. Additionally, through my own investigation, including reviewing driver's license photographs, JONES appears to be the same individual circled in the images above and in other footage collected on January 6, 2021.

### ***Violations of Federal Criminal Law***

Based on the foregoing, your affiant submits that there is probable cause to believe that JONES 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. 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 JONES violated 40 U.S.C. §§ 5104(e)(2), 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; 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 20<sup>th</sup> day of August 2024.

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HON. G. MICHAEL HARVEY  
UNITED STATES MAGISTRATE JUDGE