

## STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent in the Naval Criminal Investigative Service and a Task Force Agent assigned to the Federal Bureau of Investigation. In my duties as a special agent and a task force agent, I investigate violations of federal law. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. 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.

**AARON MICHAEL SPANIER'S INVOLVEMNET IN THE JANUARY 6, 2021  
RIOT AT THE UNITED STATES CAPITOL**

**I. Spanier's Activities on January 6, 2021**

Pursuant to its investigation of the events of January 6, 2021, including individuals who illegally entered the Capitol building on January 6, the Federal Bureau of Investigation (FBI) identified AARON MICHAEL SPANIER as an individual who was present both within the Capitol building and on restricted Capitol grounds on January 6, 2021. SPANIER was identified as a white male, approximately 5'5" in height with light brown hair and blue eyes. On January 6, 2021, he wore a Colonial era outfit, including a blue and cream colored overcoat with gold buttons and a brown tri-corner hat, as shown in Figures 1 and 2. The identification of SPANIER is described in more detail in Section II, below.



*Figure 1*



*Figure 2*

I reviewed closed-circuit television (CCTV) surveillance footage from the United States Capitol and its grounds, as well as open-source footage from January 6, 2021. Open-source footage shows that SPANIER attended former President Trump’s “Stop the Steal” rally in Washington, D.C. on January 6, 2021. SPANIER is circled in yellow in Figure 3, a screenshot from that footage, as well as in all other images below.



*Figure 3*

Footage from January 6 also shows SPANIER present on areas of the Capitol grounds that I recognize as the Lower West Lawn (Figure 4) and the Upper Northwest Terrace (Figure 5) of the Capitol building. I know that both of these areas were within restricted Capitol grounds on January 6, 2021.



*Figure 4*



*Figure 5*

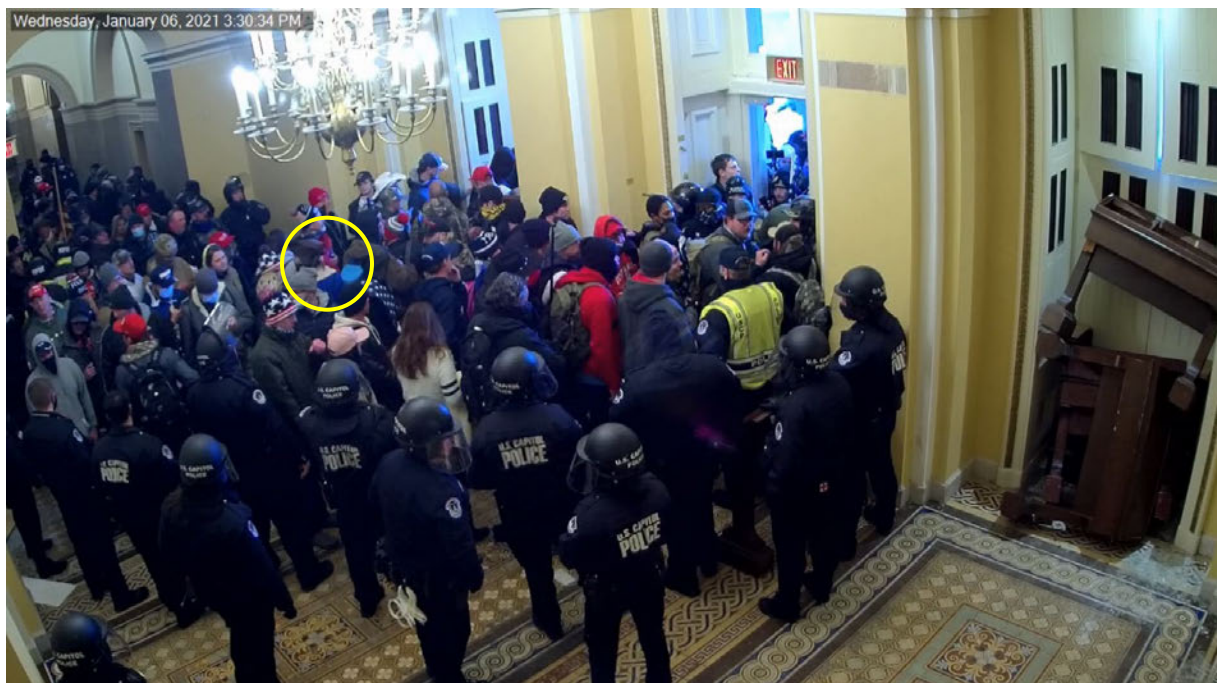
SPANIER entered the Capitol building at approximately 3:29 p.m. through the Senate Wing Door, near the Upper Northwest Terrace of the building, as shown below. According to open-source footage I reviewed, individuals chanted “fuck Antifa” and alarms sounded in the

background as SPANIER entered the building. The Senate Wing Door was visibly damaged with window glass broken.

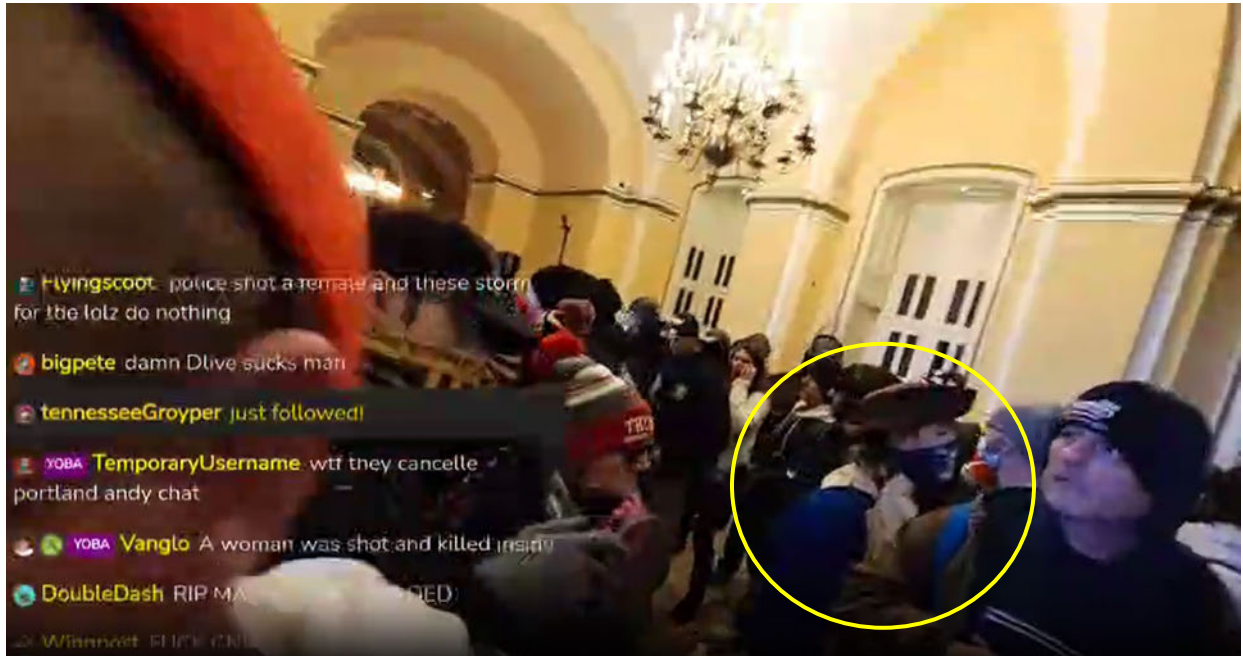


*Figure 6*

After entering the building, SPANIER turned to his right, as shown in Figures 7 and 8. Police officers blocked the hallway to SPANIER's left.

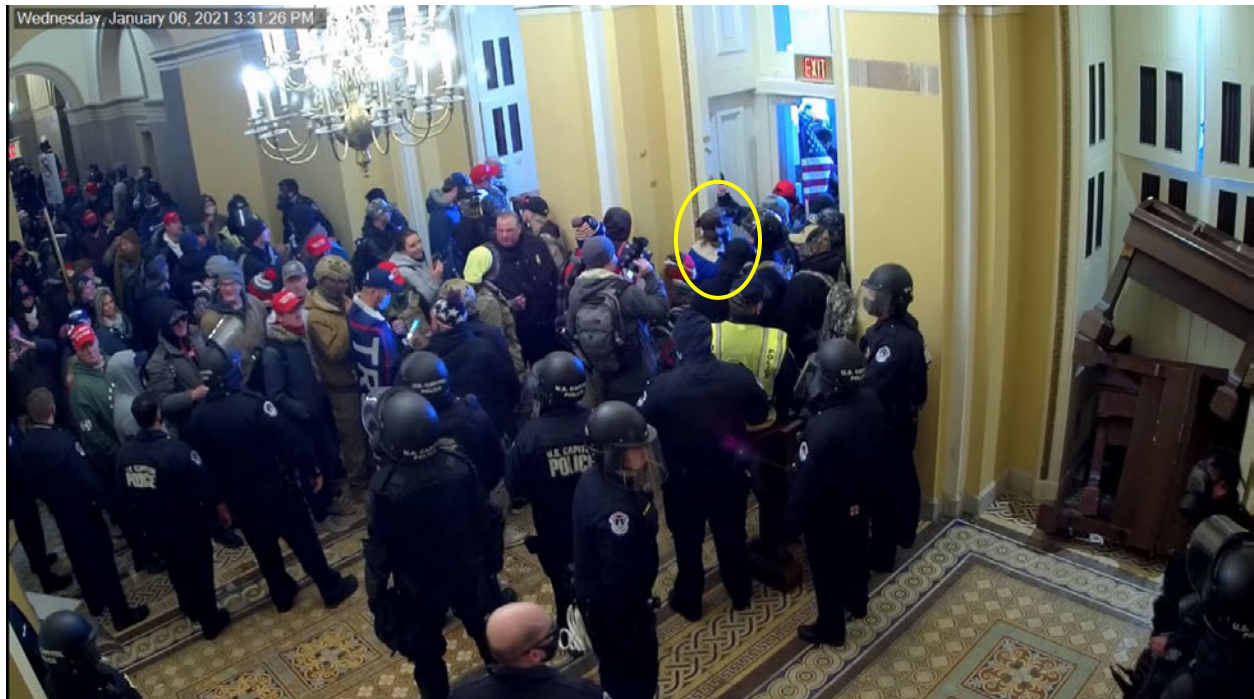


*Figure 7*



*Figure 8*

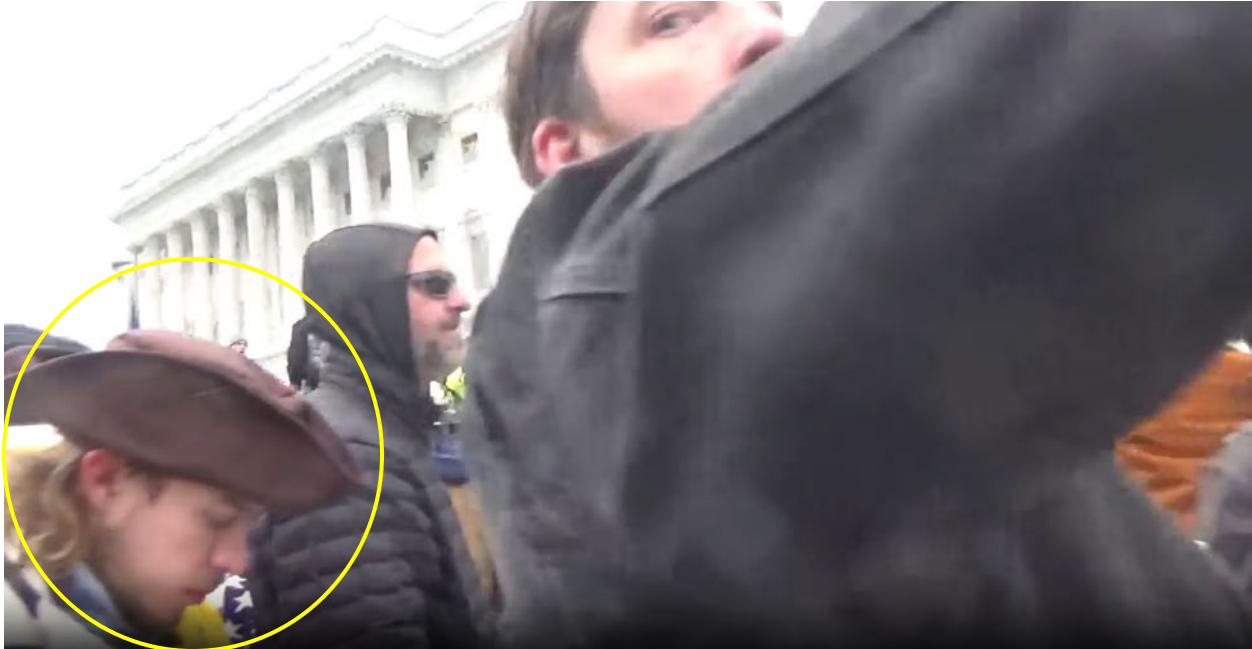
SPANIER exited the building through the same door through which he entered at approximately 3:31 p.m.



*Figure 9*

My review of footage from January 6, 2021 suggests that SPANIER likely remained within restricted Capitol grounds after exiting the building. For instance, the image below is a screenshot

from footage depicting a confrontation on the Upper Northwest Terrace of the Capitol building and showing SPANIER in the vicinity of that confrontation approximately two minutes later. I know, based on my investigation, that the confrontation depicted there occurred at approximately 3:47 p.m., over fifteen minutes after he exited the Capitol building through the Senate Wing Door.



*Figure 10*

## **II. Identification of Aaron Spanier**

The FBI received three separate tips – on January 7, 2021 (from TIPSTER 1), January 11, 2021 (from TIPSTER 2), and February 16, 2023 (from TIPSTER 3) – identifying SPANIER as an individual present at the Capitol on January 6, 2021. All three Tipsters identified SPANIER by first and last name and stated that they had previously gone to school with SPANIER. TIPSTER 1 and TIPSTER 2 both stated that SPANIER was “bragging” about his involvement in the events of January 6. TIPSTER 3 stated that SPANIER “said he was part of the January 6<sup>th</sup> storming of the Capitol and he is known for posting crazy things.”

The FBI conducted a background investigation into SPANIER, including a review of SPANIER’s social media accounts and work history. The FBI identified SPANIER as an active-duty Lance Corporal in the United States Marine Corps stationed in North Carolina. SPANIER enlisted in the United States Marine Corps in January 2022.

SPANIER was interviewed on January 25, 2024 by myself and a FBI Special Agent. During that interview, SPANIER stated that he attended the rally on January 6, 2021 with a group of friends, and that afterwards the group of friends walked towards the Capitol building but turned around before reaching the Capitol. At first, SPANIER stated that he could not recall what he wore that day and denied that he ever entered the building. When later shown the images below, however, he identified himself in both images and admitted that he did enter the building for a short period of time.



Figure 11




Figure 12



Based on the foregoing, your affiant submits that there is probable cause to believe that SPANIER 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 SPANIER 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 (G) parade, demonstrate, or picket in any of the Capitol Buildings.

  
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 4<sup>th</sup> day of September 2024.

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MOXILA A. UPADHYAYA  
U.S. MAGISTRATE JUDGE