

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to the Raleigh Resident Agency of the Federal Bureau of Investigation (FBI). In my duties as a FBI Special Agent, I am tasked with investigating violations of the laws of the United States, collecting evidence in cases in which the United States is or may be a party and performing other duties imposed by law. Currently, 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 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.

On July 7, 2021, the FBI Raleigh RA received information from Google that a telephone number associated with Jimmy Dale Baugham was inside the U.S. Capitol building on January 6th. The phone number, XXX-XXX-4902, is subscribed to by Jimmy Dale Baugham and email address electromanXXX@yahoo.com based on a review of Tracfone records. Baugham resides in Roanoke Rapids, North Carolina. According to subscriber records from Yahoo, Inc., electromanXXX@yahoo.com was registered to Jimmy Baugham of Roanoke Rapids in February 2002 and has a recovery phone number which is the same number ending in -4902.

In August of 2021, a review of the publicly available information on Facebook identified a Facebook account operated under the name Jimmy Baugham, which I confirmed through Facebook records was registered to the same phone number ending in -4902. Based on my review of those records, although Baugham was a regular user of Facebook with approximately five to fifteen messages per day, there was nothing publicly available on his “timeline” from December 31, 2020 to January 25, 2021. Under the “photos,” however, there were four (4) images posted on or about January 5, 2021, of what appeared to be Baugham. *See Figure 1.*



Figure 1 - Baugham Facebook post dated January 5, 2021

I obtained records of this account from Meta, Inc., which revealed communications referring to the Capitol and the 2020 Presidential election. On December 27, 2020, Baugham had the following exchange of messages:

Friend: The next 45 days are gonna be interesting as hell. Trump has done said they are gonna have to drag him out of the WH

Baugham: only have to Jan.6 to see what happens.they won't have to drag him out.he will leave

Friend: I think he is slowly accepting it but just because he has exhausted about every avenue there is he can go...but I think you might see a damn civil war also..lol

Baugham: hoping he gets in by electoral votes when the states say he won their state

it is not over till Jan 6

On or about January 5, 2021, Baugham posted to his Facebook account, “we all be at the rally tomorrow together[.]” The next day, on the evening of January 6, 2021, he posted the following:

Time 2021-01-06 23:40:52 UTC

Type Comments

Summary Jimmy Baugham replied to [REDACTED]'s comment.

`@[REDACTED] what do you mean called the dogs on you.They had over 3k police from New Jersey down to va police plus 1800.national.guard.Make sure.you know what you are talking when you talk it has been announced that it.was antifa dressed as trump supporters that came in on busses about 2pm and they tore the gates down and it was on then.`

I have reviewed publicly-available video taken by individuals in the crowd on January 6 and U.S. Capitol Police CCTV footage showing the same events. I have also compared this footage to photos I recovered from Baugham's Facebook account. Based on this, Baugham arrived at the National Mall early on the morning of January 6, 2021. Baugham entered the restricted area of the Capitol Grounds from the West and was amongst the rioters gathered on the Northwest Lawn. See Figure 2 below, which was recovered from Baugham's Facebook records.



Figure 2 – Photograph taken by Baugham on January 6, 2021 near the restricted area

Baugham is seen on CCTV entering the Capitol Building via the Senate Wing Door at approximately 3:31 pm. At the time Baugham entered the Capitol Building, the windows had been shattered, rioters were climbing through the windows, the building alarm was blaring, and a line of uniformed police were blocking and directing rioters to leave. Notwithstanding the police presence, Baugham appeared to take photographs inside the Senate Wing Doors while the police were apparently directing him and other rioters to get out. See Figure 4 and Figure 5 below.

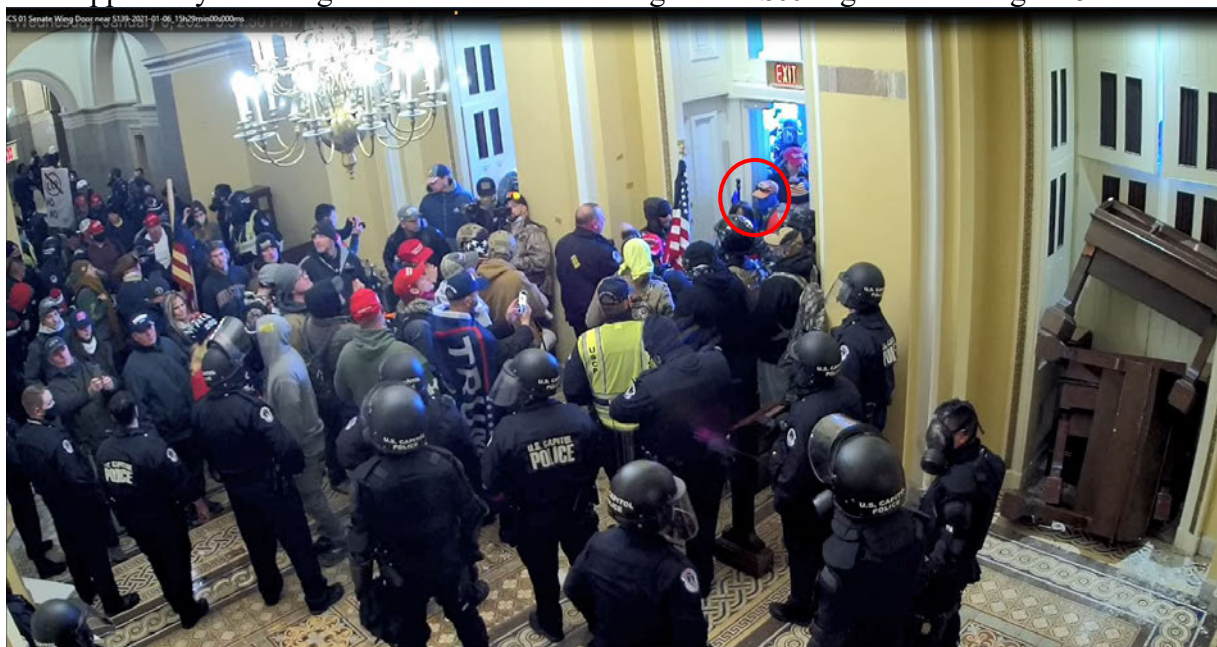


Figure 1 - Baugham (circled in red) as he entered via the Senate Wing Door contrary to the flow of most other rioters

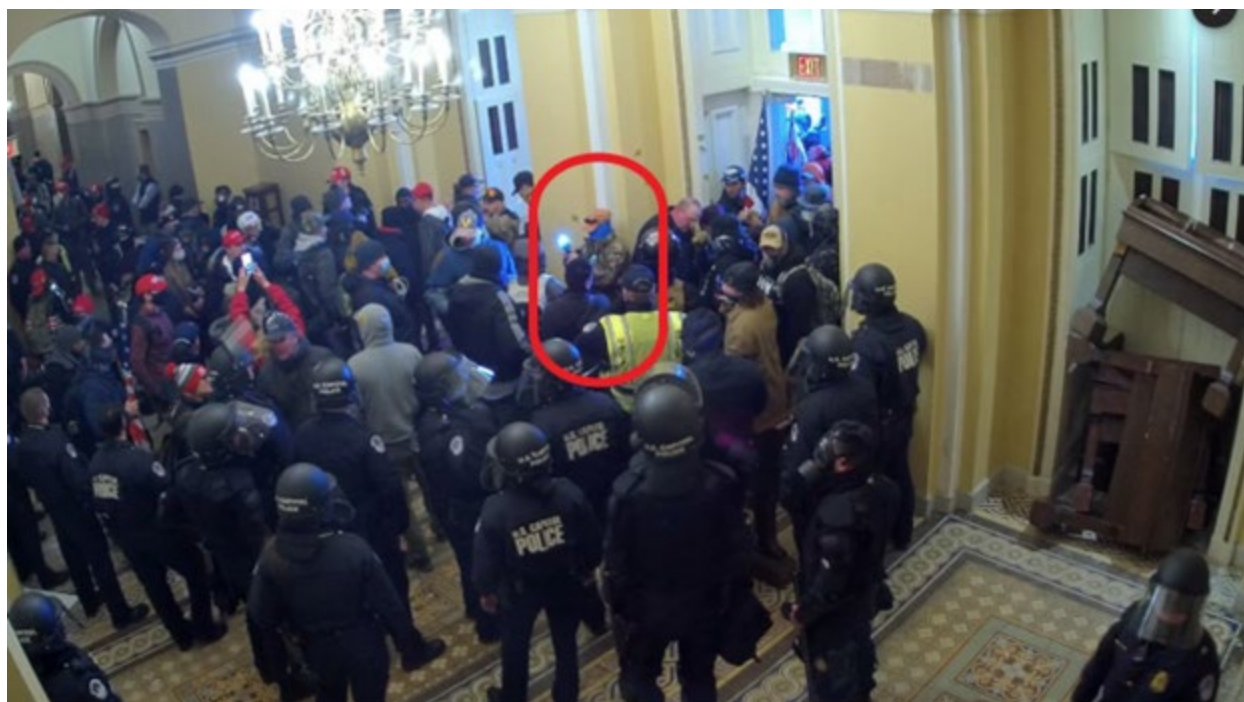


Figure 2 – Baugham (circled in red) using his cellphone across from a line (highlighted in blue) of police

While inside, Baugham held what appears to be a blue flag on a black pole, and his cellphone with which he appeared to take photographs. See Figure 6 below.

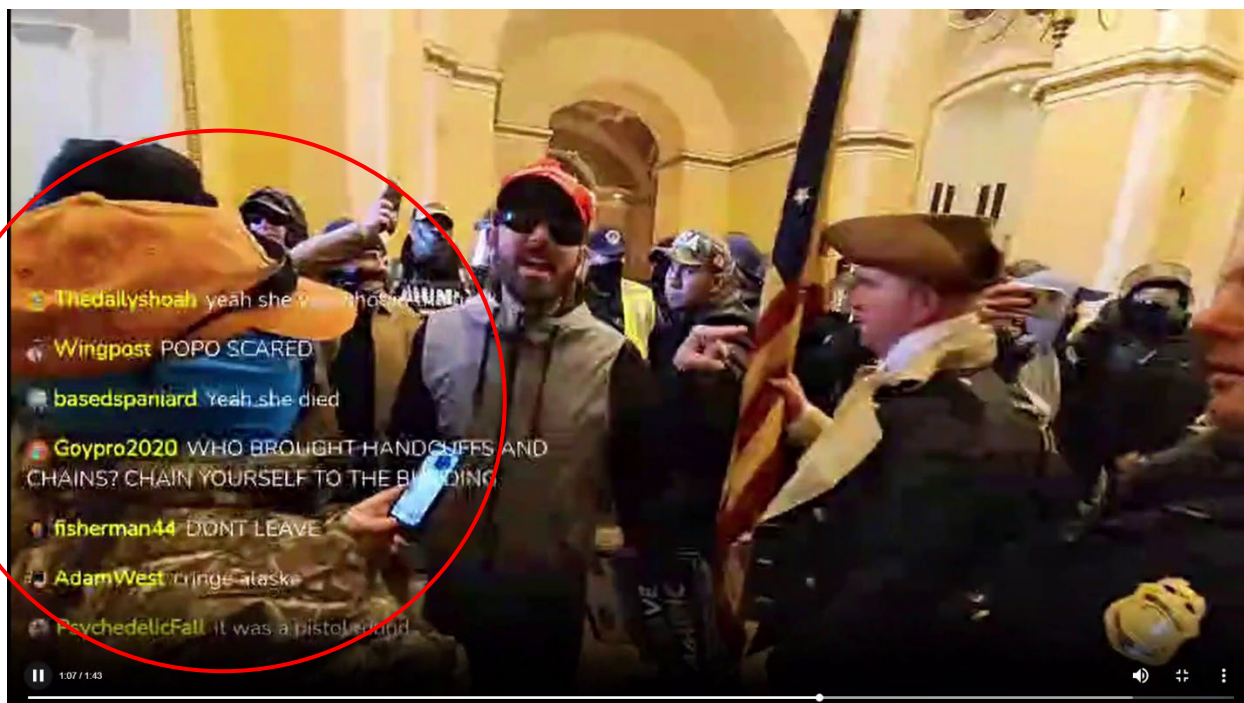


Figure 6 – Open-source video of Baugham (circled in red) just after he entered via the Senate Wing Door

Baugham was initially near the Senate Wing Door entryway but later walked towards the Crypt at 3:34 pm where he appeared to record more images with his cellphone. See Figure 7 below.

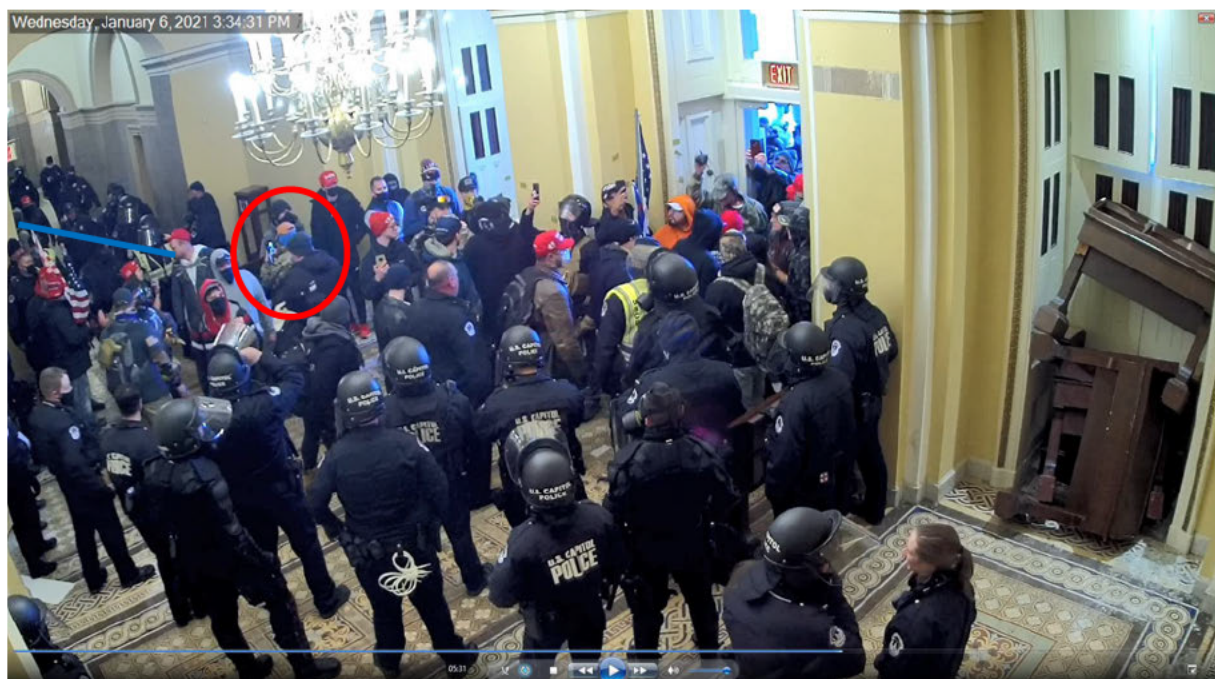


Figure 7 – Baugham (circled in red) and police line (highlighted in blue)

Baugham was directed out of the Capitol building by the police via the same door he entered at approximately 3:36 p.m. He was inside the Capitol building for approximately five minutes. See Figure 8 below.

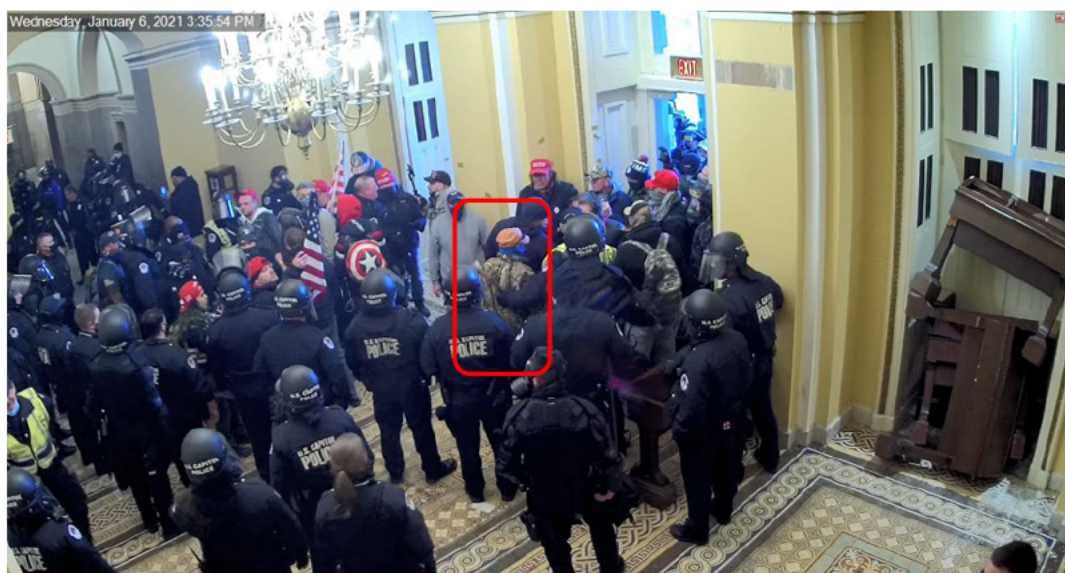


Figure 8 – Baugham (circled in red) facing the doorway with the hand of police officer at his back

On October 8, 2021, Baugham was interviewed by the FBI. He stated he traveled with a friend from Roanoke Rapids, North Carolina to Washington, D.C. on January 5, 2021 to attend the “Stop the Steal” rally. Baugham said he had drinks at a hotel bar on the evening of January 5, 2021 and posted photographs of himself at the bar. This is consistent with photos I reviewed from

his Facebook account on January 5, 2021, referenced above. He confirmed his Yahoo email address and phone number as XXX-XXX-4902.

Baugham admitted that he attended and listened to the speeches at the rally on January 6, 2021, and went to the U.S. Capitol later that afternoon. He estimated he was outside the Capitol building for approximately an hour or an hour and a half, and he saw pepper spray being deployed and people climbing the wall to reach the building. Baugham claimed the police moved the barricades and were allowing people to go up the steps to the Capitol.

Baugham admitted that he entered the U.S. Capitol building at around 3:30 pm. He claimed that he asked a police officer if he could go inside and take a photograph, and that the police officer waved him forward. Baugham claimed he only walked about three steps into the U.S. Capitol and walked out. Baugham provided the FBI with three images from his cellphone taken on January 6, 2021. *See Figures 9-11.*



Figure 9 – Baugham cellphone photograph taken inside the Senate Wing Door



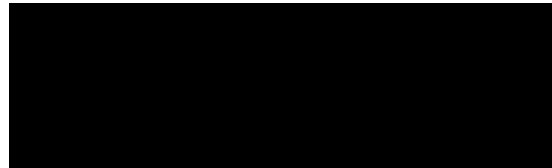
Figure 10 – Baugham cellphone photograph taken inside the Senate Wing Door



Figure 11 – Baugham cellphone photograph taken after exiting the Capitol Building

Based on the foregoing, your affiant submits that there is probable cause to believe that Jimmy Dale Baugham 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 Jimmy Dale Baugham 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; 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 _____ day of September 2024.

Hon. G. Michael Harvey
United States Magistrate Judge