

STATEMENT OF FACTS

Your affiant, [REDACTED], is a [REDACTED] with Federal Bureau of Investigation's Tampa Field Office. Since 2016 I have also served as a Detective for the Lee County Port Authority. I have worked as a Task Force Officer since 2021. Currently I investigate domestic terrorism as part of the FBI's Joint Terrorism Task Force. As a Task Force Officer, I am authorized by law or by a government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of federal criminal laws.

I. Background on the Events of 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 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.

II. Jeremy Michael Miller, a/k/a Jeremiah Michael Flowers

A. Identification of AFO-457 as Jeremy Michael Miller

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 and on restricted grounds without authority to be there.

In August 2021, the Washington Field Office of the FBI identified an unknown male that charged and pushed law enforcement officers on January 6, 2021 at the United States Capitol. Among other things, police Body Worn Camera from that day showed the man grabbing ahold of an officer's riot shield and attempting to disarm the officer of his equipment. The FBI posted a "Be on the Lookout" ("BOLO") on the internet of the individual, depicted below, at the time referred to as "457-AFO."¹



¹ "AFO" stands for "assault on a federal officer."



Images 1-4: 457-AFO

Based on my review of publicly available video footage and still images, USCP surveillance footage, and BWC footage of officers that responded to the Capitol on January 6, 2021, I have observed that, on January 6, 2021, 457-AFO was wearing a black jacket, red hat, black ski mask, and black glasses or goggles. Using facial recognition software from photos from the Capitol, FBI agents found that these photos potentially matched a police booking photo for Jeremiah Michael Flowers, aged 41, in Florida. Agents then found a driver's license photograph for "Jeremy Michael Miller." (Florida Department of Highway Safety and Motor Vehicles records show that Jeremiah Michael Flowers changed his name to Jeremiah Michael Miller in 2016). Based on his booking photo and driver's license photo, I believe that Miller is AFO-457.

On February 10, 2022, I tried to interview Miller by phone. Miller said that he did not want to meet. But I found that Miller potentially worked at the Crossbones Tattoo Shop in Fort Myers Beach, Florida, as state employment records showed that someone with his social security number worked there. On June 16, 2022, I and an FBI Special Agent went to the store and found Miller working. I asked Miller if he was "Jeremy Miller," which Miller verbally confirmed he was. I then advised Miller of my and the FBI Special Agent's identity and asked Miller if he remembered speaking with me several months earlier. He said he did. Miller continued to refuse to speak to me, however, about the riot at the Capitol, and I left. Based on this in-person interaction with Miller, I believe that he is 457-AFO. Finally, on two occasions in 2024, I conducted surveillance on the home of a female associate of Miller. From approximately 50 feet away, I observed Miller leave the house. These two additional encounters confirmed my belief that Miller is 457-AFO.

B. Miller's Conduct on January 6, 2021

According to U.S. Capitol Police ("USCP") CCTV footage, video and photos taken by people in the crowd, and body-worn camera footage from D.C. Metropolitan Police Department ("MPD") officers, by 1:55 p.m. on January 6, 2021, numerous rioters had entered the Capitol

grounds. Police officers attempted to keep them from moving closer to the Capitol building by erecting metal bike-rack barricades across the Lower West Plaza of the Capitol grounds. At that time, Miller fought officers at the barricade established along the Lower West Plaza. Specifically, Miller and other rioters grabbed a bike rack, and tried to pull it away from the police. (Images 5 and 6).



Image 5: Miller (circled in yellow) pulls on a bike rack (circled in orange)



Image 6: Miller pulls on bike racks

Police reestablished the line, but approximately one minute later, at 1:56 p.m., video footage shows that Miller linked arms with other rioters and pushed their backs into the barricades. (Images 7 and 8).

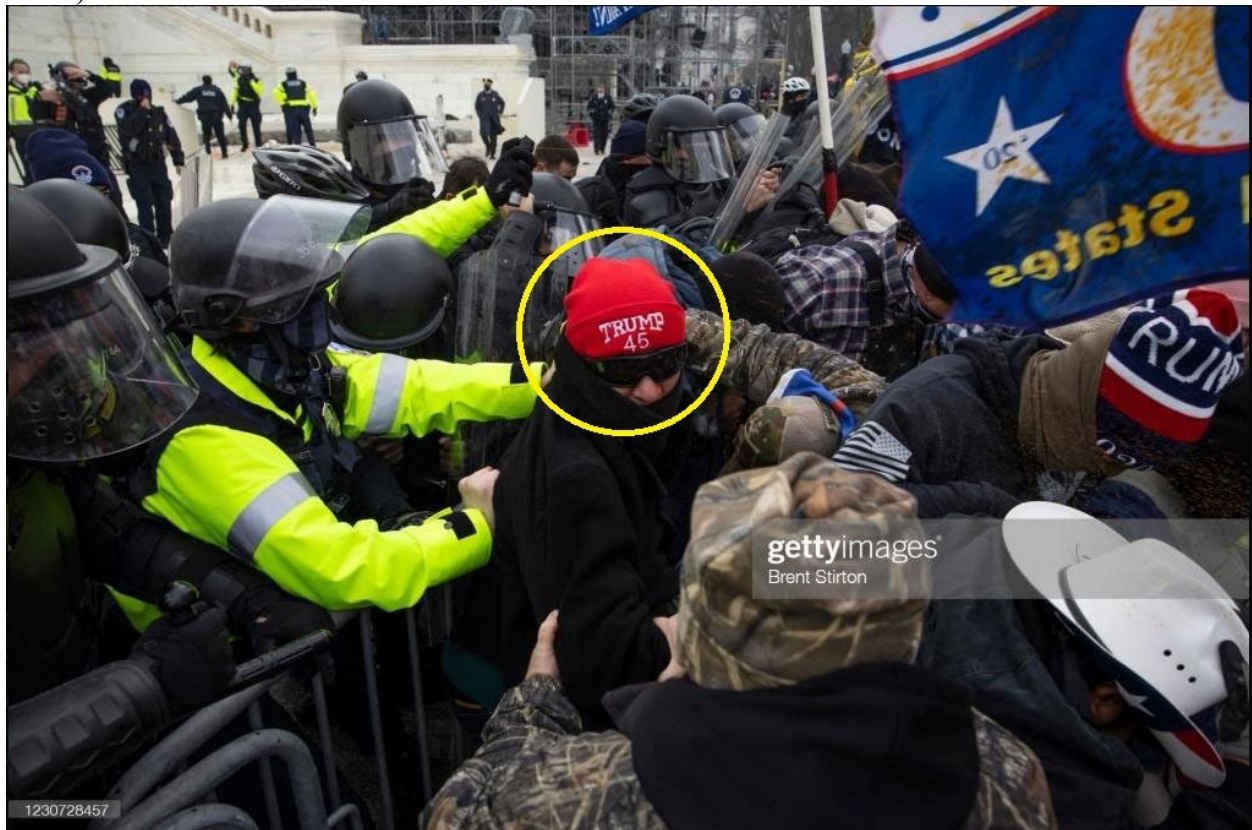


Image 7: Miller pushes bike rack against police



Image 8: Miller pushes bike rack against police



Image 9: Miller pushes bike rack against police

Video footage shows that Miller and the other rioters were unable to break through the bike racks. At 2:16 p.m., still separated from the police, Miller picked up what appears to be a metal pole and threw it at the officers on the other side of the barricade.



Image 10: Miller throws a metal pole at officers

Eventually, video footage shows, the police line on the Lower West Plaza collapsed and Miller—along with hundreds of other rioters—advanced closer to the Capitol. By approximately 4:20 p.m., Miller had made his way to the building’s Upper West Terrace, where a line of officers was advancing north to corral rioters. Some rioters violently resisted to stop or slow the police, including Miller. Miller pushed his body against a police riot shield, attempting to stop or push through a line of officers.



Image 11: Line of officers preventing rioters from moving south



Image 12: Miller pushes against an officer's riot shield

Video footage shows that Miller then tried to pull a riot shield away from another police officer, grabbing with both hands in an attempt to wrest the shield away. After several failed attempts, he retreated back into the crowd.



Image 13: Miller tries to grab a riot shield


Based on the foregoing, your affiant submits that there is probable cause to believe that Miller violated 18 U.S.C. § 1752(a)(1), (2) and (4), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; (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; and (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; or attempt or conspire 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 Miller violated 40 U.S.C. § 5104(e)(2)(F) which makes it a crime to willfully and knowingly engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

Your affiant submits there is probable cause to believe that Miller violated 18 U.S.C. § 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any

function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Secret Service's protection of the Vice President and his family and the Capitol Police's protection of the U.S. Capitol.

Your affiant submits that there is probable cause to believe that Miller violated 18 U.S.C. § 111(a)(1), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in section 1114 of Title 18 while engaged in or on account of the performance of official duties, where such acts involve physical contact with the victim or the intent to commit another felony. Persons designated within section 1114 of Title 18 include federal officers such as USCP officers, and include any person assisting an officer or employee of the United States in the performance of their official duties.


FEDERAL BUREAU OF INVESTIGATION

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

MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE