

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent assigned to the Federal Bureau of Investigation's Augusta, Georgia Resident Agency in Augusta, Georgia, and I have held that position since 2016. 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 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.

Identification of Jorge Jose Fournier

Subsequent to the events of January 6, 2021, the Federal Bureau of Investigation (FBI) interviewed a tipster who advised that after attending a rally on the Mall on that date, he went to the Capitol, but left the area without entering the building once “everything exploded” and “got crazy.” As he walked towards Union Station, the tipster met an individual wearing tactical gear and a body-armor type of vest. The individual provided the tipster with his telephone number and sent the tipster text messages with images and videos taken at the Capitol on January 6, 2021. The tipster provided the individual’s phone number and thumbnails of the images and videos received from this individual.

Subscriber information for the telephone number that the tipster provided identified JORGE JOSE FOURNIER (FOURNIER) as the individual assigned to that number. FBI agents contacted FOURNIER and obtained his consent to conduct an in-person interview. During the interview, FOURNIER provided a personal telephone number and the number for a business cellular telephone ending in 7618 (the full number is known to your affiant). According to records obtained pursuant to a search warrant, during the breach of the Capitol and its grounds, FOURNIER’s phone with the number ending in 7618 utilized a cell site consistent with service provided to a geographic area including the interior of the U.S. Capitol building.

During the interview, FOURNIER acknowledged entering the Capitol on January 6, 2021. He confirmed that he was the individual standing in the photograph identified as Image 1 below:



Image 1: Photograph that FOURNIER confirmed depicted him

Image 1 shows FOURNIER standing inside of the U.S. Capitol's Rotunda.

FOURNIER's Conduct on January 5-6, 2021

According to a witness who was personally acquainted with FOURNIER, others driving to a rally in Washington, D.C. picked up FOURNIER from his home in Georgia on January 5, 2021. The following day, the group attended the rally on the Mall. Although his speech was difficult to hear, they heard then-President Trump state that he would speak at the Capitol so they left the Mall before his speech concluded to find a good location at the Capitol.

They arrived at the Capitol's west side and approached a barricade near the Peace Monument, according to the witness. Not long after their arrival, the barricade was pushed over and a crowd continued toward the Capitol. FOURNIER continued past the barricade towards the Capitol's West Front. The witness, alarmed by the lack of security and police, remained outside the barricade, walked around the Capitol to its East Front and did not see FOURNIER until later in the day. A third-party video captured FOURNIER in the crowd near the Peace Monument. Images 2 and 3 are screenshots from that video showing barricades near the Peace Monument in

Image 2 and FOURNIER standing between the Monument and those barricades in Image 3 not long before the first breach of the Capitol grounds occurred at that location.



Image 2: Screenshot of barricaded walkway near the Peace Monument appearing 7 seconds into the third-party video



Image 3: Screenshot showing FOURNIER, in a red box, near the Peace Monument at 13 seconds into the third-party video

FOURNIER advanced past breached barricades to the Capitol's West Plaza where United States Capitol Police (USCP) and Metropolitan Police Department (MPD) officers attempted to disperse the growing crowd on Capitol grounds with tear gas and flash-bangs. During these efforts,

recordings from another rioter's cellular phone show FOURNIER at the West Plaza at approximately 1:35 p.m., as shown below.



Image 4: Screenshot of FOURNIER in red box at the West Front after police had begun to deploy crowd dispersal devices



Image 5: Screenshot of FOURNIER in red box at the West Front as police deploy one of several crowd dispersal devices at approximately 1:35 p.m.

From his location shown above, FOURNIER moved past an exterior concrete stairway on the Capitol's northwest corner. On January 6, 2021, the stairway was adjacent to scaffolding covered in white tarp. The stairway leads to the Capitol Building's Upper West Terrace. Uniformed police officers formed a line at the bottom of the stairway and scaffolding to attempt to keep the mob from ascending; other officers attempted to defend the stairway from a higher landing. Bike rack barriers blocked the top of the stairway. A group of USCP officers also attempted to secure the northwest lawn. Shortly after 2:00 p.m., FOURNIER entered the area of the Capitol's northwest lawn, adjacent to the north side of the stairway. Image 6 shows an exterior view of the stairway and police officers on the landing attempting to prevent the mob from reaching the Upper West Terrace.



Image 6: USCP officers on the landing of the northwest stairway, indicted in a yellow box, with bike rack barriers, also indicated in yellow, at the top of the stairway

Numerous recordings captured FOURNIER in the crowd on the northwest lawn, where he climbed onto a concrete structure and recorded the scene on his cellular phone. Images 7-10, screenshots from a public video, show FOURNIER standing on the concrete structure looking in the direction of USCP officers retreating while members of a mob breached barricades, threw objects at officers, and threatened them with a metal pole.



Image 7: Open source video screenshot at 18-second mark showing FOURNIER, indicated in red, looking in the direction of a mob throwing objects at police officers, whom he continues to face until the video's 52-second mark

A USCP surveillance camera also captured FOURNIER facing towards officers on the northwest lawn at 2:09 p.m., as shown below in Image 8:



Image 8: Surveillance footage screenshot from 2:09 p.m. showing FOURNIER, indicated in red, facing in the direction of officers on the northwest lawn



Image 9: Screenshot at 20 second mark from the same video depicted in Image 7; the red arrow indicates the location of a metal pole



Image 10: Screenshot at 28 second mark from the same video depicted in Image 7 with a red arrow indicating a rioter picking up the metal pole shown in Image 8 and a yellow arrow indicating a toppled bike rack barrier

Ninety seconds after the screenshot shown above in Image 10, FOURNIER faced and filmed the northwest stairway which, by then, rioters had completely overrun, as shown below in Images 11 and 12.

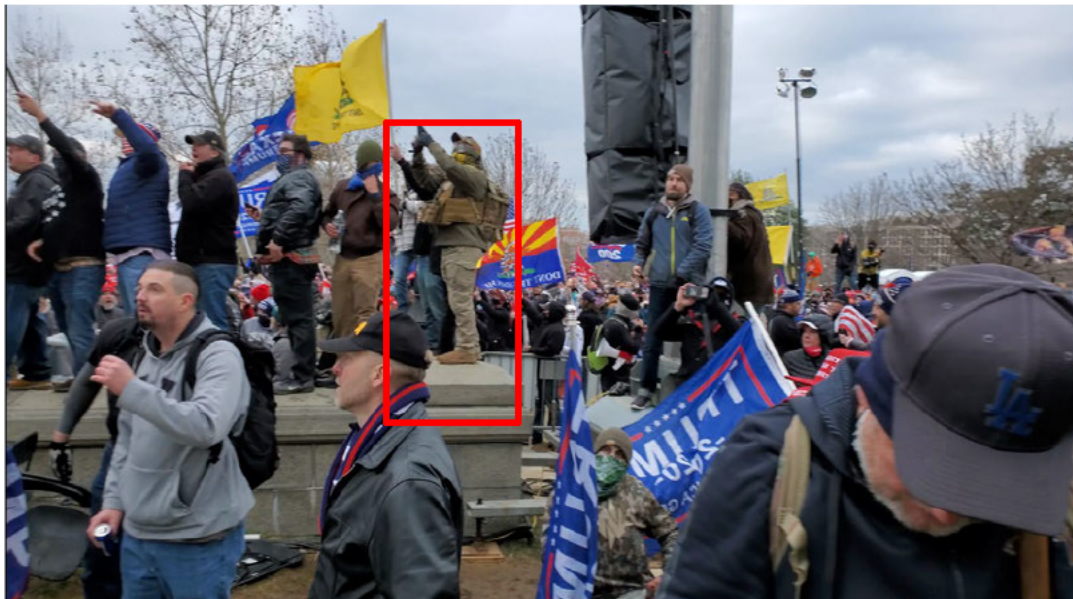


Image 11: Screenshot at mark for 1 minute 28 seconds from the same video depicted in Image 7 showing FOURNIER, indicated in red, facing the northwest stairway



Image 12: Screenshot at mark for 1 minute 31 seconds from the same video depicted in Image 7 showing rioters surging up the northwest stairway

After seeing other rioters ascending the northwest stairway, FOURNIER descended from the concrete structure and scaled a wall forming the north side of the stairway and climbed up its outermost ledge before dropping to the stairs to reach the Capitol's Upper West Terrace, as shown in Images 13-16.



Image 13: Screenshot of FOURNIER, partially visible and indicated in a red box, climbing onto the outer ledge of the northwest stairway in video from another rioter



Image 14: Screenshot of Fournier, indicated in a red box, taken from the same video depicted in Image 13



Image 15: Screenshot from USCP surveillance footage capturing Fournier, indicated in a red box, on the outer ledge of the northwest stairway



Image 16: Screenshot from USCP surveillance footage capturing FOURNIER, indicated in a red box, as he ascended the final section of the northwest stairway

FOURNIER accessed the Capitol’s Upper West Terrace from the top of the stairs. From the Upper West Terrace, he entered the Capitol Building through its Upper West Terrace Door at 2:38 p.m., as shown in Image 17.



Image 17: Screenshot from USCP surveillance footage recording FOURNIER’S entrance, indicated with a red arrow, into the Capitol at 2:38 p.m.

As he entered the Capitol, a freelance journalist recorded FOURNIER, as shown in Image 18. The journalist also recorded a USCP officer who was asked less than a minute before FOURNIER'S entry if it was permissible to be in the building. The officer responded, "No, you can't come in. No one can come in."



Image 18: Screenshot from USCP surveillance footage showing a freelance reporter standing behind a police officer and recording FOURNIER, indicated in a red box

FOURNIER passed through the double doors shown at the back of Image 18 and ascended a staircase leading directly to the Rotunda, which he entered at 2:39 p.m., as shown in Image 19.



Image 19: Screenshot from USCP surveillance footage (enlarged and brightened for clarity) showing FOURNIER inside the Rotunda at 2:39 p.m.

The freelance reporter depicted in Image 18 also entered the Rotunda less than a minute ahead of FOURNIER. The reporter briefly questioned FOURNIER on camera, asking him, “What’s the plan,” and FOURNIER responded, “What’s the plan? I have no idea. We got all day. Tonight. Tomorrow.”



Image 20: Screenshot from reporter's footage showing FOURNIER in the Rotunda

FOURNIER briefly left the Rotunda and entered Statuary Hall, as shown in Images 21 and 22.

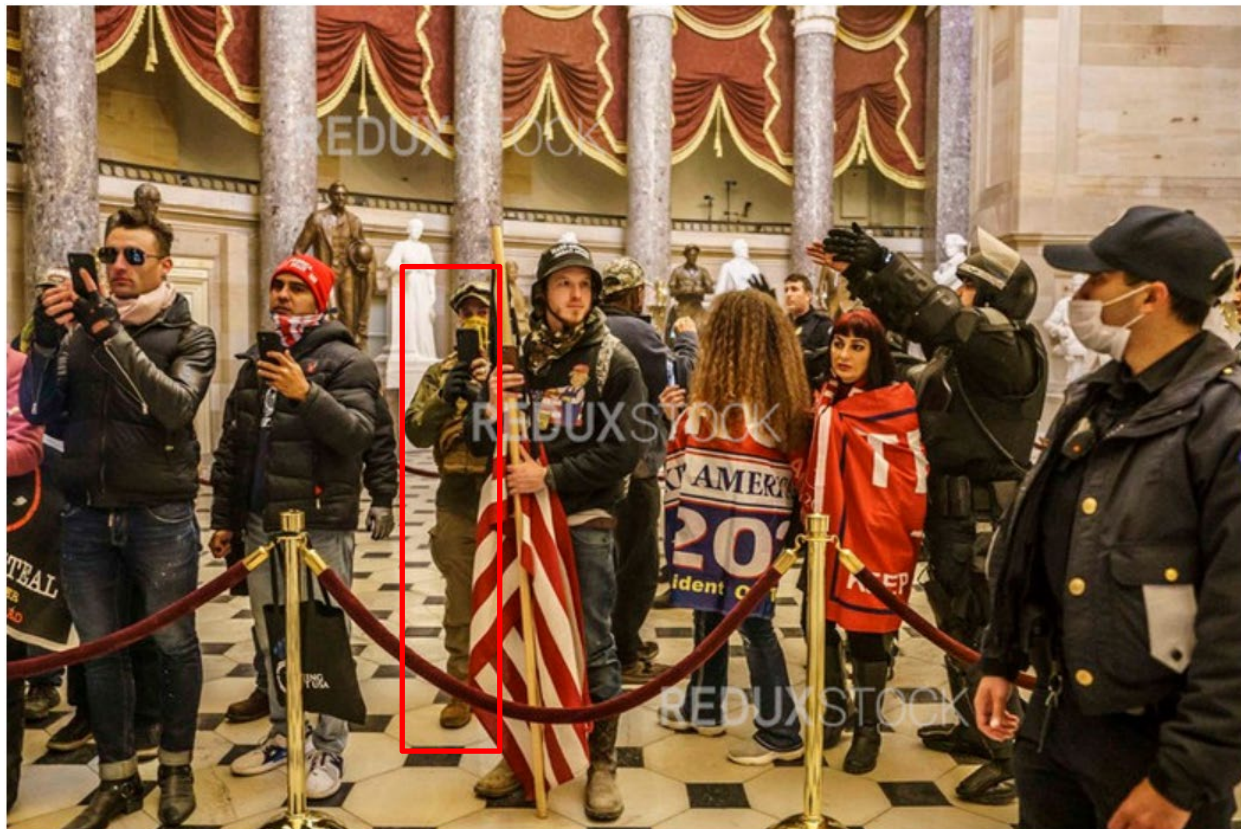


Image 21: Professional photographer's photograph capturing FOURNIER, indicated in a red box, in Statuary Hall



Image 22: Screenshot from USCP surveillance footage capturing FOURNIER, indicated under red arrow, at approximately 2:56 p.m.

By 2:58 p.m., FOURNIER had re-entered the Rotunda, as shown in Image 23.

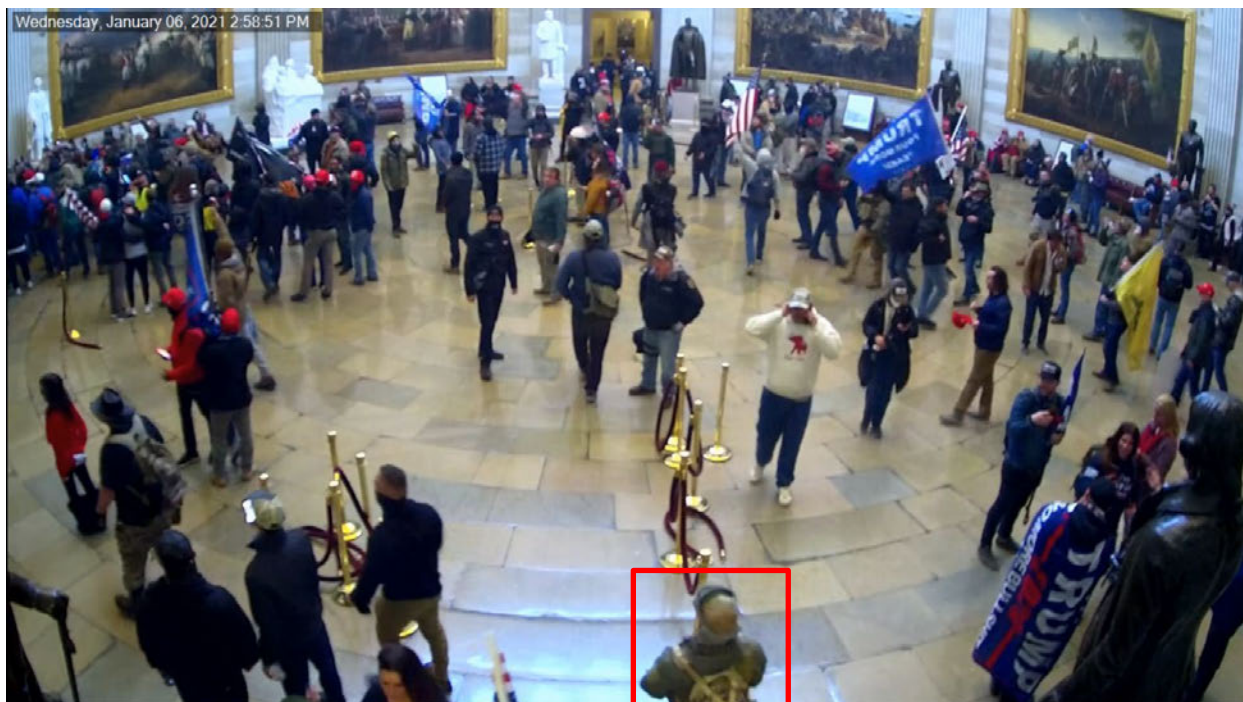


Image 23: Screenshot from USCP surveillance footage of FOURNIER, indicated in a red box, re-entering the Rotunda at 2:58 p.m.

By 3:02 p.m., a large group of MPD officers began to arrive in the Rotunda to assist USCP officers with the objective of clearing rioters from the area. FOURNIER observed the officers as their numbers increased and as they clashed with rioters. He then raised his right arm, and at 3:05 p.m. he began to deploy chemical spray which struck a USCP officer in the face, as shown below in Images 24a and 24b:



Image 24a: Screenshot from USCP surveillance footage at 3:05 p.m. of Fournier, indicated in a red box, spraying a USCP officer in the face

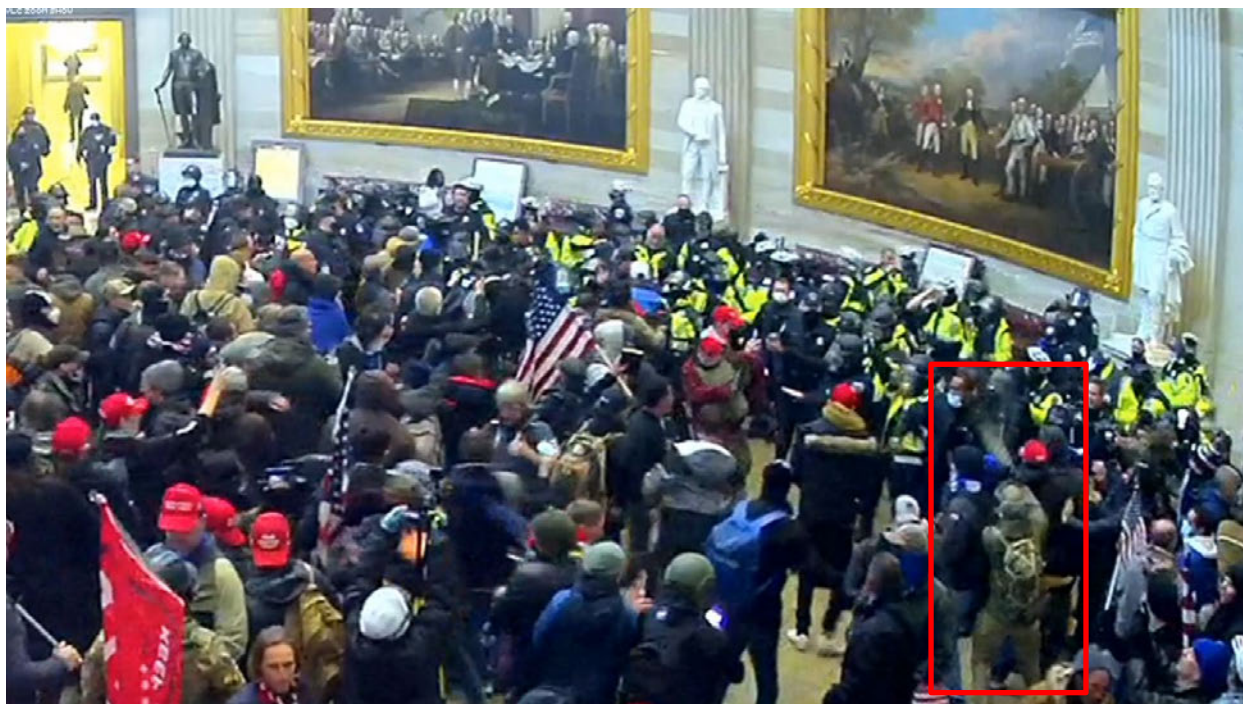


Image 24b: Screenshot of enlarged USCP surveillance footage from 3:05:58 p.m. of Fournier, indicated in a red box, spraying a USCP officer in the face

As FOURNIER sprayed, the USCP officer covered his head and doubled over. At approximately that time, two MPD officers rushing into the Rotunda provided assistance to the sprayed USCP officer, taking him near one of the doors leading out of the Rotunda.



Image 25: Screenshot (with contrast adjusted) from an MPD officer's body-worn camera showing the officer, indicated in a yellow box, under the effects of the spray Fournier deployed

After spraying the officer, FOURNIER walked quickly towards the center of the Rotunda. As he did, he was recorded on video that was later posted on the internet. The video showed FOURNIER holding a dark cylindrical object, as shown below in Image 26.



Image 26: Screenshot, with contrast adjusted, from open-source video showing FOURNIER holding a cylindrical object, circled in red, in his right hand

After reviewing a screenshot similar to the one shown in Image 26, a witness with knowledge of the product identified the object in FOURNIER's right hand as a Sabre Security Equipment Corporation O.C. (oleoresin capsicum) spray canister.

Soon after FOURNIER sprayed the USCP officer, MPD and USCP officers were able to force the crowd out of the Rotunda. FOURNIER left the Capitol Building at approximately 3:17 p.m.

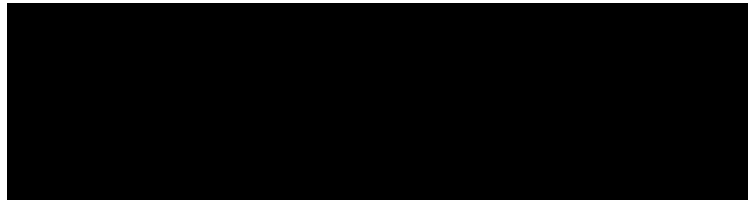
Based on the foregoing, Your affiant submits that there is probable cause to believe that JORGE JOSE FOURNIER violated 18 U.S.C. § 111(a)(1) and (b), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in section 1114 of Title 18 while engaged in or on account of the performance of official duties, while using a deadly or dangerous weapon or inflicting bodily injury. 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.

Your affiant submits there is probable cause to believe that JORGE JOSE FOURNIER 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 also submits that there is probable cause to believe that JORGE JOSE FOURNIER 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; or attempts or conspires 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 JORGE JOSE FOURNIER 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 14th day of January 2025.

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE