

STATEMENT OF FACTS

Your affiant, Kurt Ormberg, is a Special Agent assigned to the Federal Bureau of Investigation's Joint Terrorism Task Force. In my duties as a Special Agent, I supervisor or assist in felony investigations, including international and domestic criminal and terrorism cases. 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 separate chambers of 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 Matthew Brackley

A search warrant served on Google returned a set of location data, which contains a list of devices estimated to be within the U.S. Capitol on January 6, 2021 using GPS data and information about nearby Wi-Fi access points and Bluetooth beacons. One such device, containing the cellular telephone number (207) 837-1238, was associated with the name Matthew Brackley (“BRACKLEY”) and the email addresses mebrackley@gmail.com and mattb@brackleyelectric.com.

FBI agents obtained BRACKLEY’s driver’s license photo from a law enforcement database, and ran it against video footage from the U.S. Capitol on January 6, 2021. This returned numerous videos of BRACKLEY inside the U.S. Capitol on January 6, 2021, including third party footage taken from other rioters and news media and the Capitol’s own Closed Circuit Television (CCTV). The affiant has reviewed this footage.

On January 5, 2022, FBI agents interviewed BRACKLEY in person at his residence in West Bath, Maine. The agents present at this interview, including the affiant, observed that BRACKLEY appeared to be the same individual present in the identified videos from the U.S. Capitol on January 6, 2021.

Brackley’s Conduct Related to January 6th

On January 5, 2021, BRACKLEY emailed his senators imploring them to “stand up to this blatant corruption and support a second term for President Donald J. Trump,” adding that “the people will.” The same evening, BRACKLEY flew from Portland, Maine to Washington, DC. The next morning, January 6, 2021, BRACKLEY attended the Stop the Steal rally on the National Mall.

After the rally, BRACKLEY walked to the U.S. Capitol, arriving on the West lawn at about 1:40 pm, where a large crowd was already gathered. BRACKLEY stood in the crowd near the Lower West Terrace, where a police line had formed to keep people from advancing towards the Capitol. In one video, BRACKLEY is seen on the Lower West Terrace as police fire flashbang grenades into the crowd in an attempt to disburse it.

However, BRACKLEY did not leave U.S. Capitol Grounds, but instead approached a set of stairs underneath the scaffolding erected to construct the inaugural stage. Other rioters climbed onto the scaffolding and tore up the white tarp covering it, giving BRACKLEY and others greater access to the stairs. He and other rioters flooded the stairs, and advanced towards the Capitol Building (figure 1).



Figure 1

BRACKLEY entered the U.S. Capitol via the senate wing doors at 2:23pm, only ten minutes after they were first breached (figure 2). From there, he entered the Crypt, where a large group of rioters had filled the room and pushed against a line of U.S. Capitol Police (USCP) Officers (figure 3).

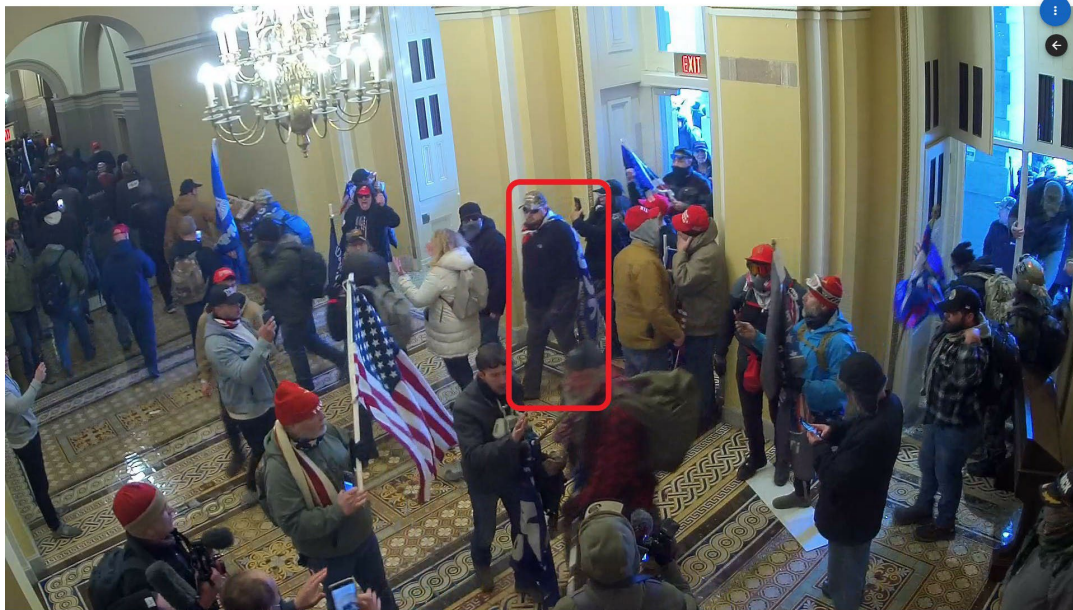


Figure 2



Figure 3

The rioters in the Crypt eventually overwhelmed the line of USCP officers, gaining further access to the Capitol. BRACKLEY and several dozen rioters entered a hallway behind the Crypt where they were again stopped by USCP officers. But again, BRACKLEY and the rioters pushed past the officers and continued down the hall (figures 4 & 5).

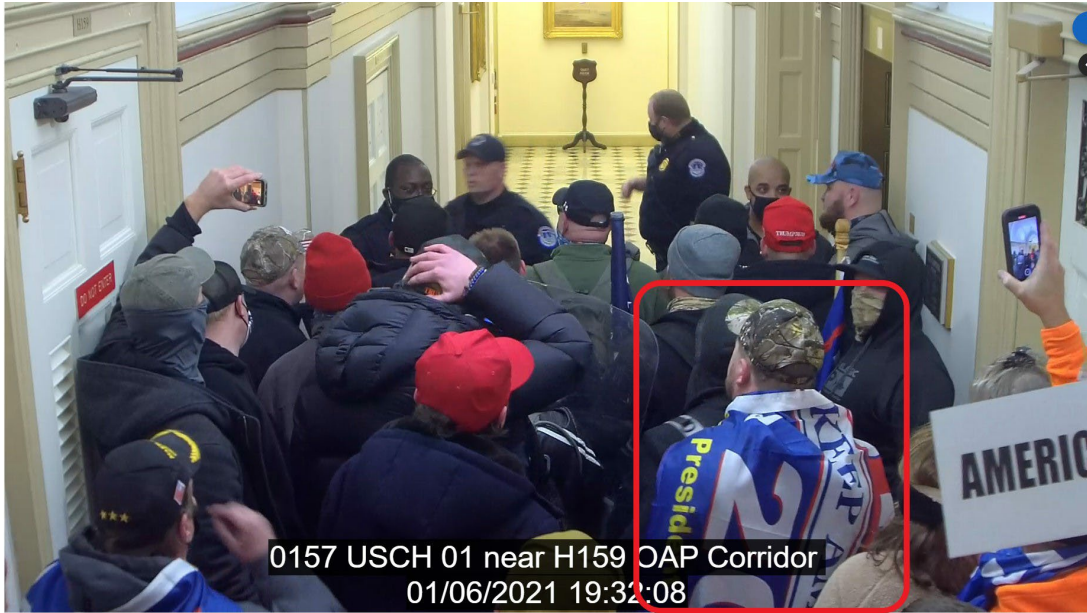


Figure 4



Figure 5

BRACKLEY reached and ascended a set of stairs that led to the Rotunda. There he turned North and walked down a hallway toward the Senate Chamber, which had just been evacuated several minutes earlier. As before, BRACKLEY, and others behind him, were stopped in the hallway by USCP officers. A video posted to “Newsflare” depicts the interaction between BRACKLEY (circled in yellow) and the officers, USCP officers EG and MS (see Figures 6-8 below).

The officers told BRACKLEY to “back up” and one officer gave him a small push backwards. Brackley did not retreat, and asked where Pelosi’s office was, as others behind him called her name. About 40 seconds into his conversation with the officers, BRACKLEY turned to the crowd behind him and shouted, “let’s go!” He then then leaned forward and with both arms pushed through the two officers, leading the crowd behind him towards the Senate Chamber (circled in blue in figures 6 and 8).

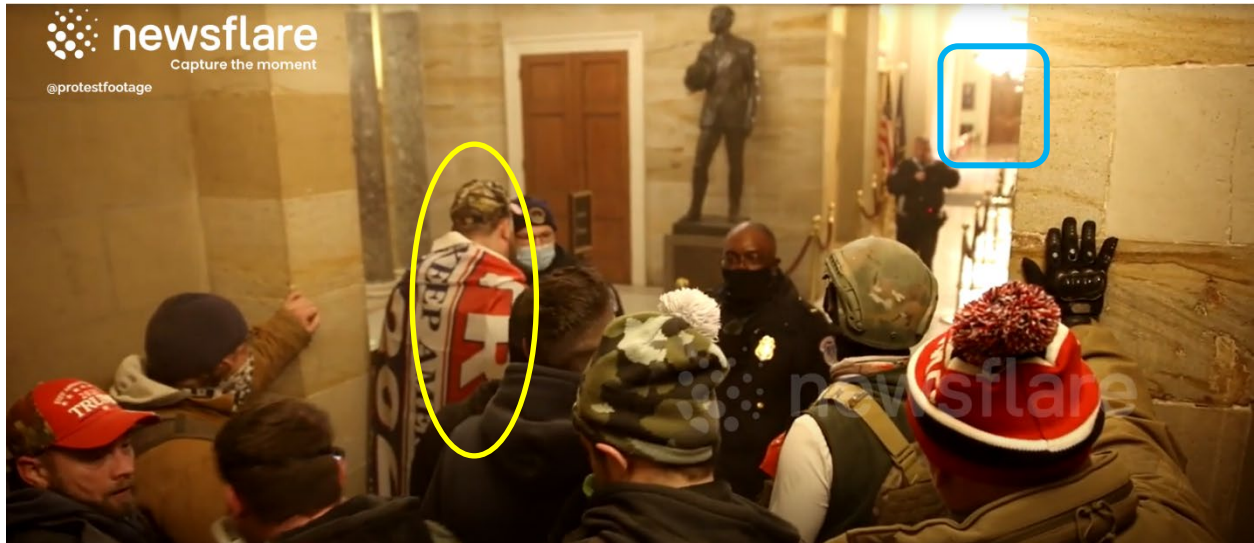


Figure 6



Figure 7



Figure 8

As BRACKLEY led the rioters past USCP officers EG and MS, a group of USCP officers in riot gear entered the hallway from the opposite end (near the Senate Chamber Door) and halted the crowd. Capitol security footage shows BRACKLEY (circled in yellow) leading rioters down the hall as additional USCP officers entered and intercepted them (figure 9). A police line formed as the rioters pushed against the officers, who tried to back the crowd away from the Senate Chamber (figure 10).



Figure 9



Figure 10

For about five or six minutes, a standstill ensued between the rioters and USCP officers in the hallway. Open source footage shows the same standstill, but from the other end of the hallway (see figures 11 and 12 below). BRACKLEY stood among the crowd as others shouted expletives directed at Members of Congress, including, “fuck McConnell.” The rioters then resumed pushing the USCP police officers backwards towards the Senate hallway, while chanting “USA.”



Figure 11



Figure 12

One USCP officer deployed chemical spray, causing BRACKLEY and a number of other rioters to retreat. BRACKLEY, appearing to feel the effects of chemical spray, retreated to a stairwell. Other rioters and a law enforcement officer provided BRACKLEY with assistance. BRACKLEY then continued down the stairs into the Crypt, where he turned and continued South. He exited the Capitol through the South Door at 3:05pm, over 40 minutes after first entering the building (figure 13).



Figure 13

Based on the foregoing, your affiant submits that there is probable cause to believe that BRACKLEY violated 18 U.S.C. § 111(a)(1), which makes it unlawful to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties. 18 U.S.C. § 1114 identifies “any person” as an officer or employee of the United States or of any agency in any branch of the United States Government (including any member of the uniformed services) while such officer or employee is engaged in or on account of the performance of official duties.

Your affiant submits there is also probable cause to believe that BRACKLEY 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 Joint Session of Congress where the Senate and House count Electoral College votes.

Your affiant submits there is also probable cause to believe that BRACKLEY 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; 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; & (4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds; 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 BRACKLEY violated 40 U.S.C. §§ 5104(e)(2)(D), (F) & (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; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



Kurt Ormberg
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 17th day of July 2023.

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE