

OHND Case No. 1:24 MJ 4036

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent of the Federal Bureau of Investigation (“FBI”) in the [REDACTED] Division since 2022. Prior to working in the [REDACTED] Division, I was a police officer with the FBI in Washington, D.C. I am primarily assigned to investigate matters related to domestic terrorism. Currently, I am tasked with investigating criminal activity in and around the U.S. 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, detention, 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 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.

WITNESS REPORTS

After the events on January 6, 2021, the FBI received numerous tips from members of the public concerning the individuals who unlawfully entered restricted grounds and the Capitol building. On or about January 14, 2021 a tipster submitted Image 1 to the FBI. The tipster also wrote, in part, “[t]he man in the center is Patrick Duffy of Cleveland Heights, Ohio. This photo was taken on January 6 and he posted it on his Facebook page. I dont [sic] know if he was involved in storming of the Capitol but he was at the gathering beforehand.”

On or about July 18, 2023, the FBI interviewed someone who is personally familiar with DUFFY and identified DUFFY, circled in yellow, in Images 1-3.



Image 1



Image 2



Image 3

DUFFY'S ACTIVITIES LEADING UP TO JANUARY 6, 2021

Based on my review of publicly available social media, DUFFY participated in a “MAGA March” in Washington, D.C. on November 14, 2020, with a friend (“Friend 1”).

Based on my review of photos of Friend 1 and DUFFY on Friend 1’s public-facing Facebook page, DUFFY and Friend 1 flew to Washington, D.C. on November 13, 2020. Based on Friend 1’s social media page, while in Washington, D.C., DUFFY and Friend 1 went to the United States Supreme Court building on November 14, 2020, “where AJ¹ gave his speech.” Friend-1’s social media post further stated, “We caught AJ’s speech later when it posted. Definitely Fire.” Based on my investigation, Alex Jones gave a speech at the steps of the Supreme Court on November 14, 2020. Based on my investigation, “AJ” likely refers to Alex Jones. In the speech, Alex Jones repeatedly discussed what he believed was election fraud that occurred in specific states in November 2020.

On December 9, 2020, an account named “Patrick Duffy” “liked” Friend 1’s Facebook post that stated, “Come on Mike and Ohio AG. JOIN the Texas lawsuit. You know a Republican winning Ohio is a clear sign he won the national election . . .”

Based on my investigation, on January 5, 2021, DUFFY flew to Washington, D.C. from Cleveland, Ohio with Friend 1. On his Facebook page, Friend 1 posted a photo of him at the airport with DUFFY on January 5, 2021, with a caption that stated, “First save the world, then get back to some skiing. #Tohelluride! #DC”. Later, on January 5, 2021, Friend 1 posted a photo of himself in front of a stage with a caption stating, “We’re doing this rodeo.” Friend 1 confirms in the comment section that he is in Washington, D.C.

DUFFY'S ACTIVITIES IN WASHINGTON, D.C. ON JANUARY 6

As part of the investigation, I reviewed DUFFY’s Ohio driver’s license photograph and Images 1-3 to familiarize myself with DUFFY’s appearance and the clothing worn by DUFFY on January 6. I have also reviewed video footage and still images that were taken in the vicinity of the Capitol on January 6, 2021, including body-worn camera (“BWC”) footage from Metropolitan Police Department (“MPD”) officers who responded to the Capitol on that date and footage and social media posts that has been made publicly available on the internet. I also reviewed footage from Capitol Closed-Circuit Television (“CCTV”) from January 6, 2021.

Based on a photo posted on Friend 1’s Facebook page, DUFFY and Friend 1 were at the White House Ellipse on January 6, 2021:

¹ This is a link to the video of the speech:
<https://www.facebook.com/DrJosephDutton/videos/alex-jones-best-speech-ever-patriot-1776/915856345485975/>.

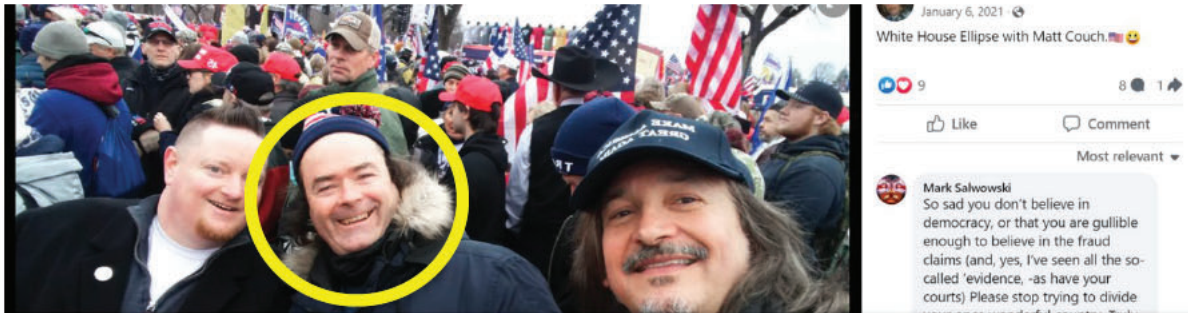


Image 4: DUFFY circled in yellow

Based on my review of open-source video, DUFFY traveled down Pennsylvania Avenue towards the Capitol building at or around 1:00 p.m.



Image 5: Screenshot from an open-source video, DUFFY circled in yellow

Based on my review of open-source video, DUFFY then marched towards the front of the crowd for several minutes in close proximity to Alex Jones and others with megaphones. At some points in the video, it appeared that DUFFY was with Friend 1. One of the members of the crowd with a megaphone shouted, "we're coming for all you commie traitors in congress that have stabbed us in the back" and "we're coming."



Image 6: Screenshot from on open-source video, he followed closely behind crowd members shouting through megaphone, DUFFY circled in yellow

Based on my review of the open-source video, Alex Jones shouted through his megaphone, “we’re coming with truth and justice and non-violent, civil disobedience . . . This is history . . . We are not surrendering”. In response, DUFFY appeared to raise his fist and shout.



Image 7: Screenshot from on open-source video, DUFFY circled in yellow

Based on open-source video, DUFFY made it to Capitol grounds. DUFFY approached the east side of Capitol grounds. He eventually made his way through the crowd to the steps on the east side of the Capitol building.

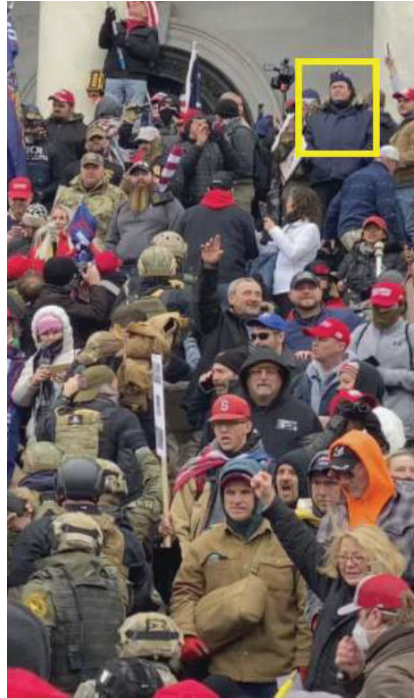


Image 8: Screenshot from open-source video, DUFFY circled in yellow

Based on my review of open-source video, DUFFY continued to approach the door to the Capitol building. Rioters around him shouted, “USA, USA” which transitioned into “Whose house? Our house!” DUFFY moved closer to a door on the east side of the Capitol building.

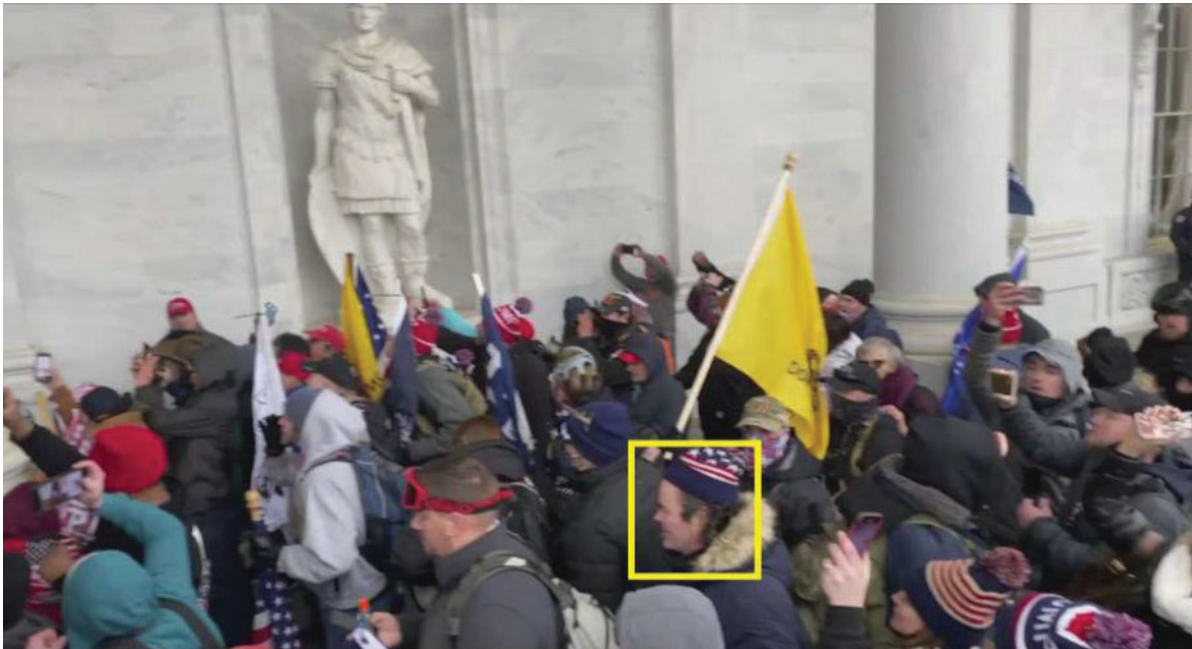


Image 9: Screenshot from open-source video, DUFFY circled in yellow

Alarms blared and the crowds surrounding DUFFY chanted, “our house,” “let’s go,” “open the door,” “go,” and “push through.”



Image 10: Screenshot from open-source video, DUFFY circled in yellow

Based on CCTV footage and open-source video, at least three police officers stood at the entrance of the door attempting to hold the line. One of these officers had a shield. Rioters grabbed the shield and a struggle ensued. DUFFY reached forward towards the shield with his fellow rioters as the crowd pulled the shield away from the officer.



Image 11: Screenshot of open-source video, DUFFY circled in yellow

Based on an open-source photo and CCTV footage, DUFFY continued to push toward the door with his fellow rioters and eventually entered the Capitol building at approximately 2:45 p.m. through the East Rotunda Doors.



Image 12: Screenshot of open-source photo, DUFFY circled in yellow

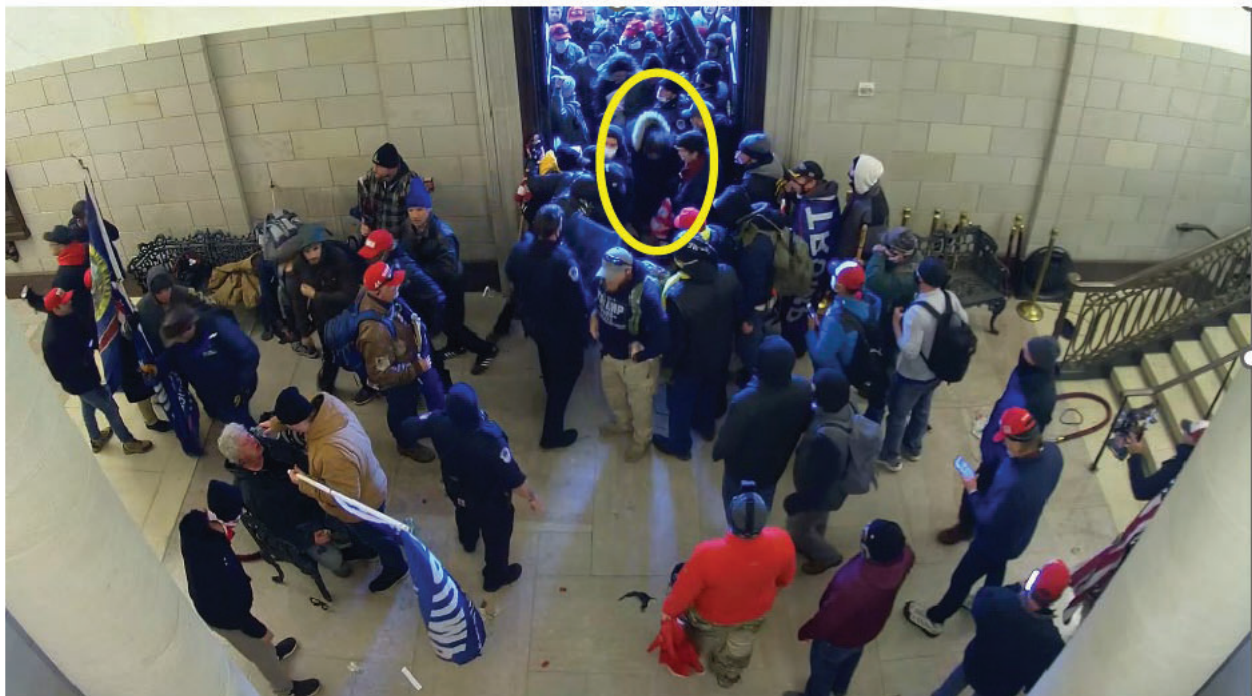


Image 13: Screenshot of CCTV footage, DUFFY circled in yellow

After entering, DUFFY traveled to the area of the Capitol building called the Rotunda. He remained in the Rotunda for a few minutes and then traveled north of the Rotunda to the area outside of the Old Senate Chambers. DUFFY and his fellow rioters attempted to travel down the hallway, but the police held the rioters back and deployed a chemical irritant. Based on the open-source video, DUFFY then placed a black face covering over his mouth and lower face.



Image 14: Screenshot of open-source video, DUFFY circled in yellow

Next, based on my review of CCTV footage, DUFFY went down to the first floor via the Old Supreme Court Chamber stairs.

Based on my review of CCTV footage, DUFFY eventually exited on the west side of the Capitol building through a broken window.

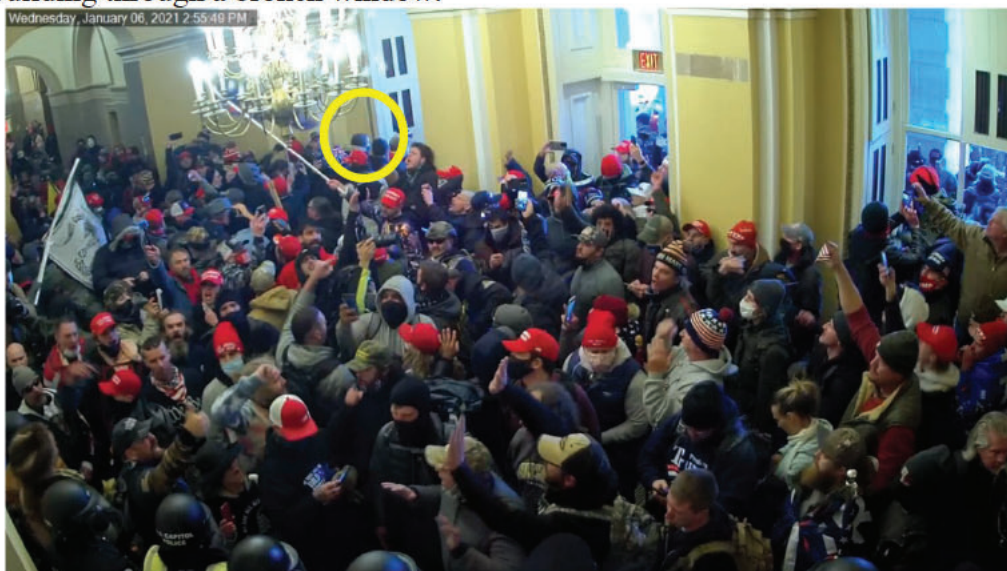


Image 15: Screenshot of CCTV footage, DUFFY circled in yellow

PROBABLE CAUSE OF VIOLATIONS OF LAW

Based on the foregoing, your affiant submits that there is probable cause to believe that DUFFY 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; 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 DUFFY 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.

Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 4th day of March 2024.

Rob M. Meriweather 2024.03.04
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HONORABLE ROBIN M. MERIWEATHER
UNITED STATES MAGISTRATE JUDGE