

Case: 1:23-mj-00086
Assigned To : Harvey, G. Michael
Assign. Date : 4/25/2023
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, Stephen Green, is a Special Agent with the Federal Bureau of Investigation (“FBI”) Denver Office, and has been so employed for approximately ten years. 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.

On January 20, 2021, the FBI received an online tip that on January 7, 2021, the passenger in seat 10A on American Airlines flight AA 5576, traveling from Washington Dulles to Charlotte, North Carolina, claimed that he had participated in the riot at the Capitol and that he entered Congressional offices. The tipster described the individual as white, in his late twenties, having light brown hair and a beard, and wearing a green camouflage "MAKE AMERICAN GREAT AGAIN" baseball hat. According to the tipster, the passenger in seat 10A mentioned he had a layover in Phoenix, Arizona, and that his final destination was in Colorado.

Legal records obtained from American Airlines revealed that JONATHAN BONNEY ("BONNEY") of Grand Junction, Colorado was seated in seat 10A on flight number AA 5576 on January 7, 2021. Legal records obtained from American Airlines also provided Bonney's telephone number as a number ending in 5300, and confirmed BONNEY's address as being in Grand Junction, Colorado. Finally, the records confirmed that on January 5, 2021, Bonney flew from Grand Junction, Colorado to Baltimore, Maryland, and that on January 7, 2022, BONNEY, flew from Washington-Dulles to Grand Junction, Colorado, with a layover in Phoenix, Arizona.

On January 21, 2021, agents obtained a copy of BONNEY's Colorado driver's license photograph. Subsequently, , two FBI agents contacted BONNEY in-person at his residence in Grand Junction. Those same agents later reviewed closed circuit surveillance ("CCTV") footage from inside the U.S. Capitol building on January 6, 2021, and the agents were able to positively identify BONNEY in multiple videos taken inside the Capitol building that day.

Specifically, agents discovered video showing that at approximately, 2:28 p.m., BONNEY was standing outside the East side of the Capitol wearing a green camouflage baseball hat that read "MAKE AMERICAN GREAT AGAIN," a gray jacket, jeans, and tan boots. BONNEY's appearance in the video was consistent with the witness tipster statement from the American Airlines passenger and was consistent with BONNEY's Colorado driver's license photograph. The agents who met with BONNEY at his home also confirmed BONNEY was the individual in the CCTV footage.. A screenshot of this CCTV footage is provided below.



CCTV footage further showed that Bonney, on the East side of the Capitol Building, looked through a glass pane on a locked upper house door, motioning for rioters inside to open the door. A screenshot from the CCTV footage is below.



At 2:41 p.m., CCTV footage showed other rioters who were already inside the Capitol building forced the door open, and Bonney entered the Capitol, as depicted in the screenshot below.



CCTV footage showed that at approximately 2:51 p.m., Bonney appeared to be looking at a mobile phone. This led your affiant to search for BONNEY's name and known phone numbers in an FBI repository of data obtained pursuant to legal process from Google, T-Mobile, Spring, AT&T and Verizon that spanned from 2:00-6:30 p.m. EST on January 6, 2021, and the search returned negative results. Possible reasons for BONNEY's phone not appearing in in this collection of data could be caused by BONNEY putting his phone in "Airplane mode" while near the capital which would have disabled cellular functions. Further, BONNEY could have utilized a phone unknown to the FBI, or search return data from some providers may be incomplete.

In addition, agents obtained data pursuant to legal process from Verizon Wireless for BONNEY's phone identified talk activity from January 4th to 8th. The phone communicated through Verizon circuits located in Grand Junction on January 4th and 8th. From January 5th to 7th the phone communicated through Verizon circuits located in Washington DC or northern Virginia.

CCTV footage showed Bonney holding a cell phone while inside the Capitol Building, as depicted in the screenshot below.



CCTV footage from the Capitol then showed BONNEY walking west down a hallway of the Capitol Building, as depicted in the screenshot below.



At approximately 2:53 p.m., BONNEY exited the Capitol building out the same door he had first entered, as depicted in the screenshots below. BONNEY was inside the Capitol building for a total of approximately 12 minutes.



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



Stephen Green
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 25th day of April, 2023.

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE