

STATEMENT OF FACTS

Your affiant is a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since 2017. During that time, I have investigated corruption of local and federal officials, fraud against the government, bribery, threat to life cases, and violations of Color of Law and Civil Rights, as a part of the FBI Washington Field Office Public Corruption and Civil Rights program. I have prepared and assisted in the preparation of court orders and search warrant applications. Additionally, during the course of these and other investigations, I have conducted or participated in physical and electronic surveillance, assisted in the execution of search and arrest warrants, debriefed informants, interviewed witnesses and suspects, and reviewed other pertinent records. Through my training, education, and experience, I have become familiar with the efforts of persons involved in criminal activity to avoid detection by law enforcement. I am assisting in the investigation and prosecution of events which occurred at the United States Capitol on January 6, 2021.

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. Vice President Mike Pence was present and presiding in the Senate chamber.

With the joint session underway and with Vice President Mike Pence presiding, a large crowd gathered outside the U.S. Capitol. Temporary and permanent barricades surround 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 approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades and officers of the U.S. Capitol Police, and the crowd advanced to the exterior façade of the building. At such time, the joint session was 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, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows. 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 session 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

Based on information I have reviewed, I estimate that between 2:00 p.m., and no later than 4:00 p.m., the defendant, Josiah Colt, entered the United States Capitol without authorization to do so. He was photographed hanging off a balcony and landing on the floor of the Senate chambers (Exhibit A).

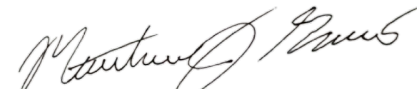
In a video posted to Facebook and circulated widely on other social media platforms, the defendant claims he was the first person to sit in the House Speaker's chair and calls House Speaker Nancy Pelosi a traitor. The defendant appears to be mistaken as he was also photographed in the seat reserved for the vice president, and not Speaker Pelosi (Exhibit B).

According to public reporting, the defendant has admitted his involvement in the riots, and apologized for it. In a statement given to CBS2 News he stated: "I love America, I love the people, I didn't hurt anyone and I didn't cause any damage in the Chamber. I got caught up in the moment and when I saw the door to to [sic] the Chamber open, I walked in, hopped down, and sat on the chair. I said my peace then I helped a gentlemen get to safety that was injured then left."

Agents from the FBI's Washington Field Office conducted a telephonic interview with a relative of the defendant following submission of information to the FBI's online tip system. The relative confirmed that the individual in the aforementioned photographs hanging from the balcony and sitting in the vice president's seat is the defendant.

Based on the foregoing, your affiant submits that there is probable cause to believe that the Josiah Colt violated 18 U.S.C. § 1752(a)(1), which makes it a crime to knowingly enter or remain in any restricted building or grounds without lawful authority to do so.

Based on the foregoing, your affiant submits that there is also probable cause to believe that Josiah Colt violated 40 U.S.C. § 5104(e)(2), which makes it a crime for an individual or group of individuals 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; (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; or (G) parade, demonstrate, or picket in any of the Capitol Buildings.



Special Agent Matthew J. Gano
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 9th day of January, 2021.

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE

EXHIBIT A



EXHIBIT B

