

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to the Federal Bureau of Investigation. I have been a Special Agent with the Federal Bureau of Investigation ("FBI") since January of 2005. I am currently assigned to the Miami Field Office Fort Pierce Resident Agency of the FBI. Prior to joining the FBI, I was employed by the United States Border Patrol as a Border Patrol Agent, by the Drug Enforcement Administration ("DEA") as a Diversion Investigator, and by the United States Department of Housing and Urban Development Office of Inspector General as a Special Agent. As a part of my duties and responsibilities as a Special Agent with the FBI, I investigate violations of federal laws. Currently, I am tasked with investigating criminal activity, including crimes committed 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 violations of federal criminal laws, including those pertaining to criminal activities at the U.S. Capitol building on January 6, 2021. The information contained in this affidavit is based on my personal involvement in this investigation, as well as through information conveyed to me by other law enforcement officers and witnesses, including but not limited to other FBI Agents, Task Force Officers, and other law enforcement personnel, as well as records, photographs, and video footage.

Background: Events at the U.S. Capitol on January 6, 2021

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.

Facts Specific to Andrew Joshua Johnson and Whitney Johnson

As set out in more detail below, based on my review of publicly available video footage, United States Capitol Police (“USCP”) surveillance footage, and body worn camera (“BWC”) footage of police officers who responded to the United States Capitol on January 6, 2021, I have observed two particular individuals – later identified as Andrew Joshua Johnson and Whitney Johnson (collectively referred to as “the Johnsons”) – among a large group of rioters who committed illegal acts there that day. Specifically, both Andrew Joshua Johnson and Whitney Johnson illegally entered the U.S. Capitol grounds and building despite clearly marked signage and numerous other indicators that the area was closed to the public, and physically interfered with police officers who were responding to the riots at the U.S. Capitol.

A. Identification of Andrew Joshua Johnson and Whitney Johnson

The Johnsons initially came to the FBI’s attention on or around June 28, 2023, when a tipster contacted the FBI’s Washington Field Office and identified the Johnsons as having been present at the January 6, 2021 U.S. Capitol riots.

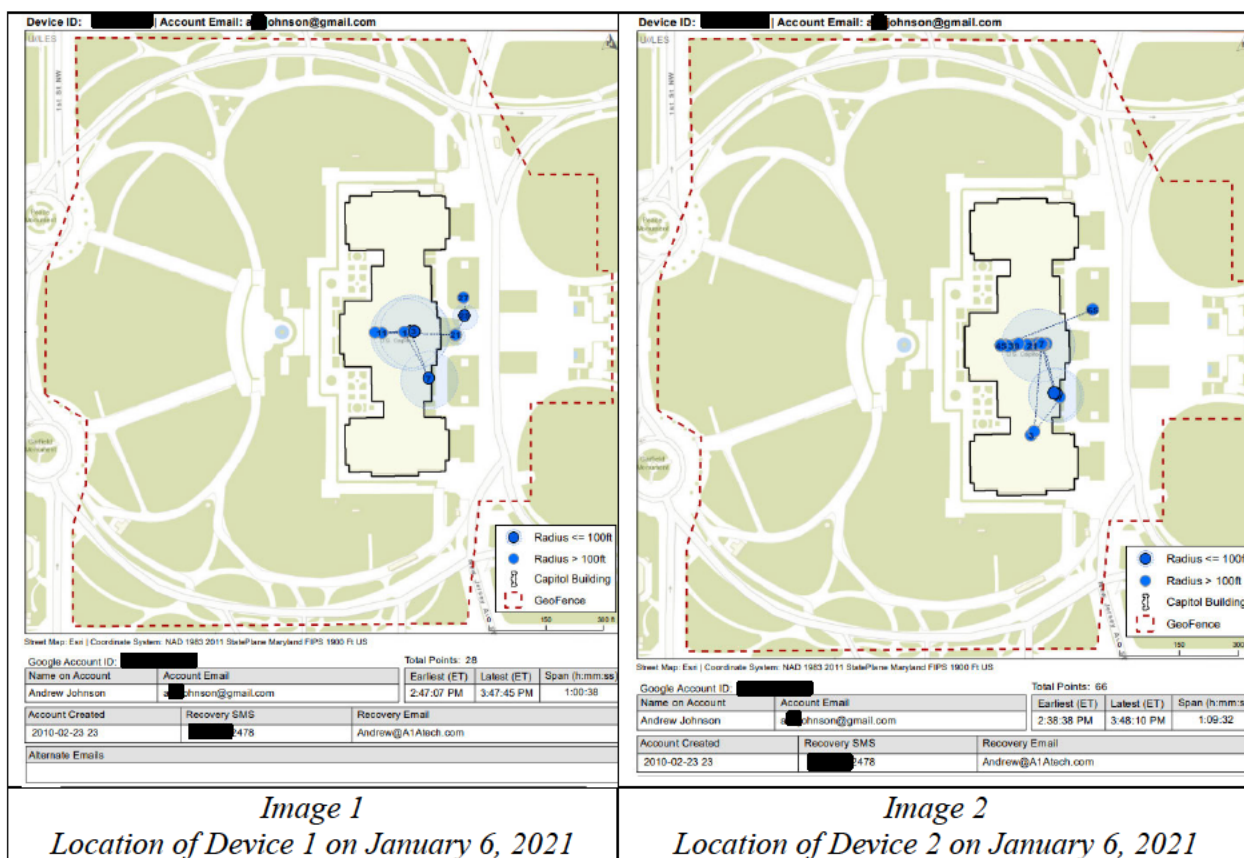
According to records obtained through a search warrant served on Google LLC, two mobile devices (“Device 1” and “Device 2”), both associated with the Google account with email address aXXjohnson@gmail.com,¹ a recovery phone number with area code 772 ending in 2478 (the “2478 number”), and recovery email Andrew@A1Atech.com were present at the U.S. Capitol on January 6, 2021.

Google estimates device location using sources including GPS data and information about nearby Wi-Fi access points and Bluetooth beacons. This location data varies in its accuracy, depending on the source(s) of the data. As a result, Google assigns a “maps display radius” for each location data point. Thus, where Google estimates that its location data is accurate to within 10 meters, Google assigns a “maps display radius” of 10 meters to the location data point. Finally,

¹ Here, the “XX” indicates that a portion of the email address has been redacted for purposes of this Court filing. Your affiant knows the true address.

Google reports that its “maps display radius” reflects the actual location of the covered device approximately 68% of the time.

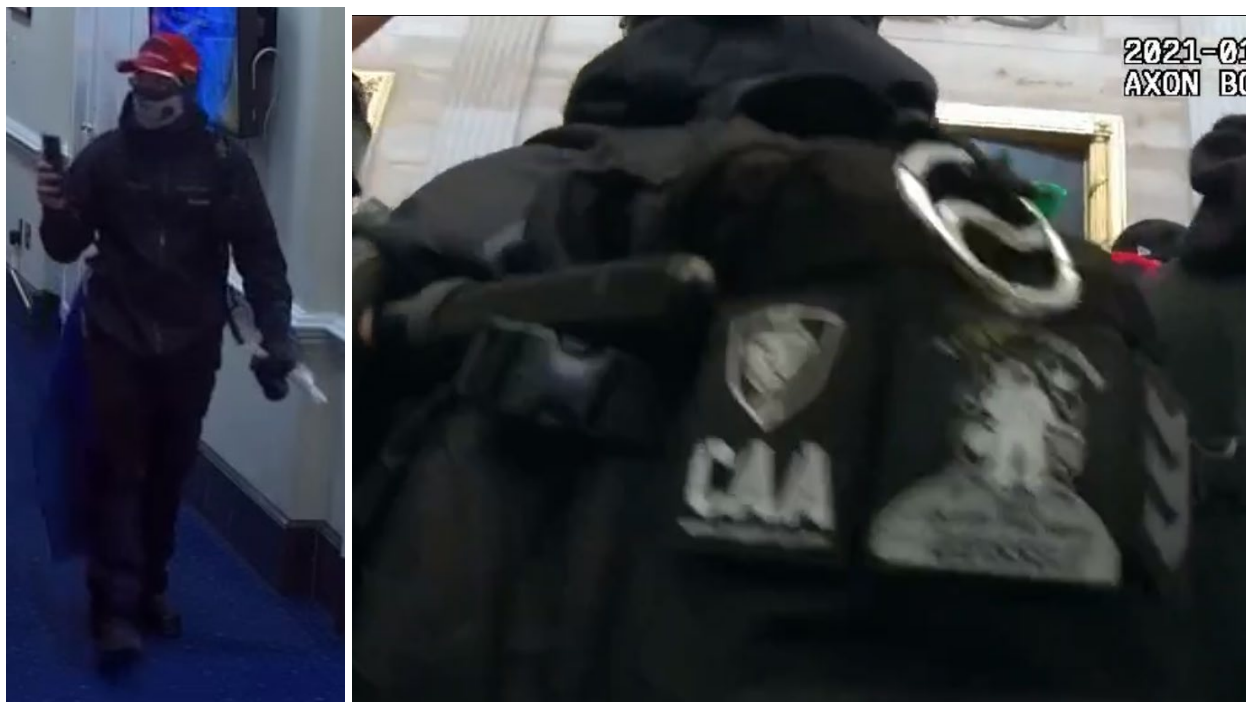
In this case, Google location data shows that Device 1 was located in the restricted area around the Capitol building and inside of the Capitol building between the hours of 2:47:07 p.m. and 3:47:45 p.m. and that Device 2 was located in the restricted area between the hours of 2:38:38 p.m. and 3:48:10 p.m., at locations reflected by each darker blue circle in Image 1 and Image 2 respectively, below, with the “maps display radius” reflected by each lighter blue ring around each darker blue circle. Google records show that the “maps display radius” for this location data include data points that encompass an area that is partially or entirely within the U.S. Capitol building at these times. In addition, as illustrated in the maps below, the listed locations were entirely within areas of the U.S. Capitol Grounds which were restricted on January 6, 2021.



Pursuant to a grand jury subpoena to AT&T, Whitney Johnson at an address in Vero Beach, Florida (the “Vero Beach address”) was the listed user of the 2478 number from April 2012 until February 2023. As of December 2023, the parcel summary for the Vero Beach address available on the Indian River County Property Appraiser’s website lists Andrew J Johnson as the primary owner and Whitney Johnson as an additional owner of the property at the Vero Beach address. Additionally, according to the Florida Division of Corporations, A1A Tech of Florida, LLC is currently registered in Whitney Johnson’s name at that same address. Andrew Johnson is also listed as an authorized person for the business at that address. On or around January 6, 2021, Andrew J. Johnson at the Vero Beach address was listed as an authorized person for A1A

Technologies & Electric, LLC on their annual report. As of January of 2024, the Vero Beach address is also listed on both Whitney Johnson and Andrew Joshua Johnson's Florida driver's licenses. I have personally viewed Whitney Johnson and Andrew Joshua Johnson's driver's license photos.

Based on my review of publicly available video footage, USCP surveillance footage, and BWC footage from January 6, 2021, I have learned that, on that day, Andrew Joshua Johnson ("Andrew Joshua Johnson" or "Andrew") was wearing a red Trump baseball cap over a white beanie with black stripes around the bottom, a black long-sleeved hooded zip-up jacket, a black and white gator-style facemask, black-framed eye glasses, and a black backpack with distinctive firearms related patches, as depicted below:



Images 3 & 4 – Andrew Joshua Johnson on January 6, 2021

Andrew Joshua Johnson was also carrying white zip ties in his hands and wearing a handheld radio on his chest at points in the above-referenced footage.

I have also learned that, on January 6, 2021, Whitney Johnson ("Whitney Johnson" or "Whitney") was wearing a dark colored jacket with a hood, a red Trump cap underneath, dark pants, an American flag scarf around her neck, and white tennis shoes, as depicted below:



Image 5 – Whitney Johnson on January 6, 2021

On October 6, 2023, I met with a Lieutenant and Task Force Officer from the Indian River County Sheriff's Office and requested assistance in identifying the Johnsons. The Lieutenant and Task Force Officer reviewed images from USCP surveillance and BWC footage captured in and around the U.S. Capitol on January 6, 2021, for reference.

On October 11, 2023, the Indian River County Lieutenant and Task Force Officer went to the Vero Beach address and interacted in person with the Johnsons as they were exiting the driveway of the Vero Beach address in their work vehicle for the business they own, A1A Technologies & Electric, LLC ("A1A Tech"). That vehicle was registered to and displayed graphics for A1A Tech. Andrew was driving the vehicle, while Whitney was sitting in the front passenger seat. Andrew did not give his name, but indicated that he lived at the Vero Beach address, and was married to Whitney. Whitney gave the Lieutenant her business card, which listed her name and other contact information.

The Indian River County Lieutenant and Task Force Officer confirmed both Andrew Joshua Johnson's and Whitney Johnson's appearances matched the appearances of the individuals in the Capitol footage. Additionally, the Lieutenant and Task Force Officer reviewed the Johnsons' driver's license photos and confirmed that the two individuals they encountered were in fact Andrew Joshua Johnson and Whitney Johnson.

B. The Johnsons' Conduct on January 6, 2021

Open source footage from the morning of January 6, 2021 shows the Johnsons riding the Metro to Washington, D.C.



Images 6 & 7 – The Johnsons Riding the Metro to D.C. the Morning of January 6, 2021

Open source video footage shows the Johnsons attending then-President Trump’s “Stop the Steal” rally on January 6, 2021. While the rally itself took place at the Ellipse, the Johnsons were toward the front of the unsecured overflow area across Constitution Avenue from the Ellipse, on the National Mall, near the Washington Monument. In that footage, President Trump’s remarks are audible from a location behind the Johnsons, and Andrew Joshua Johnson can be seen reacting to a number of President Trump’s comments. (Whitney Johnson is standing directly next to her husband such that she would have heard what he heard.) For example, when Trump said, “To use a favorite term that all of you people really came up with, we will stop the steal,” Andrew Joshua Johnson put his fist in the air and sounded an air horn. Andrew did this again after President Trump said, “We will not let them silence your voices.” President Trump is audible on the video discussing the certification of the election, specifically saying, “If Mike Pence does the right thing, we win the election. All he has to do is... send it back to the states to re-certify.”

Another open source video captured the Johnsons as they marched from the rally to the Capitol.

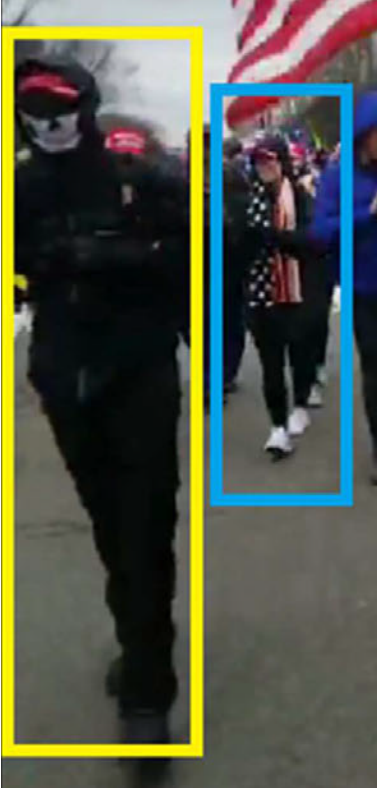


Image 8 – The Johnsons Walking from Trump’s Speech to the U.S. Capitol

USCP surveillance footage shows Andrew Joshua Johnson entering the U.S. Capitol building through the Rotunda Doors at approximately 2:45 p.m. At numerous points throughout his approximately 36 minutes in the Capitol building, he can be seen using his cell phone.

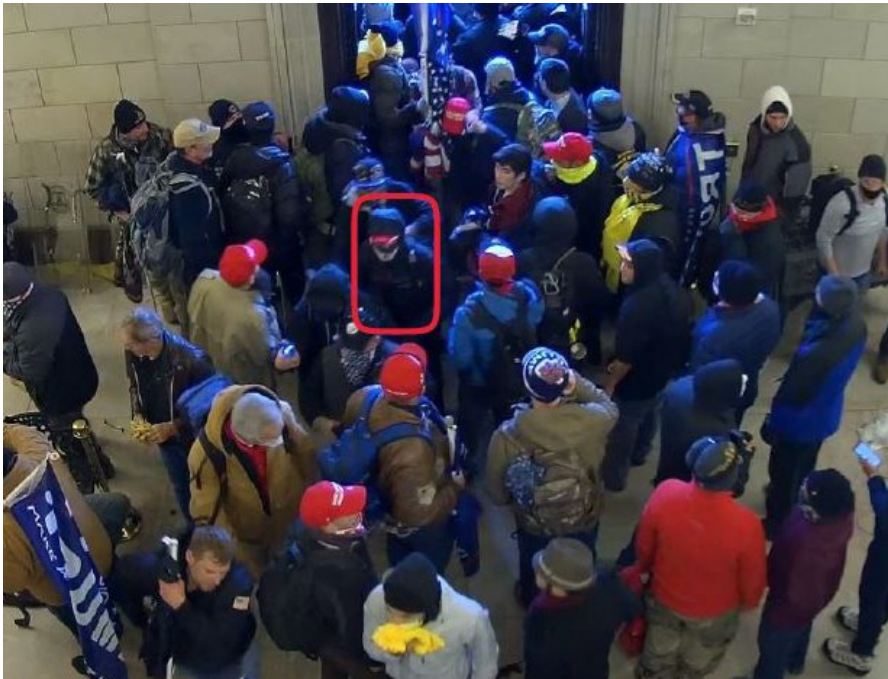


Image 9 – Andrew Joshua Johnson Entering the U.S. Capitol

Once inside the Capitol, at 2:48 p.m., Andrew Joshua Johnson ascended the Gallery Stairs, where he confronted a USCP Officer. While the footage is silent, the video shows that the two appeared to exchange some words, and after this interaction, Andrew Joshua Johnson returned down the Gallery Stairs to the Rotunda Lobby.

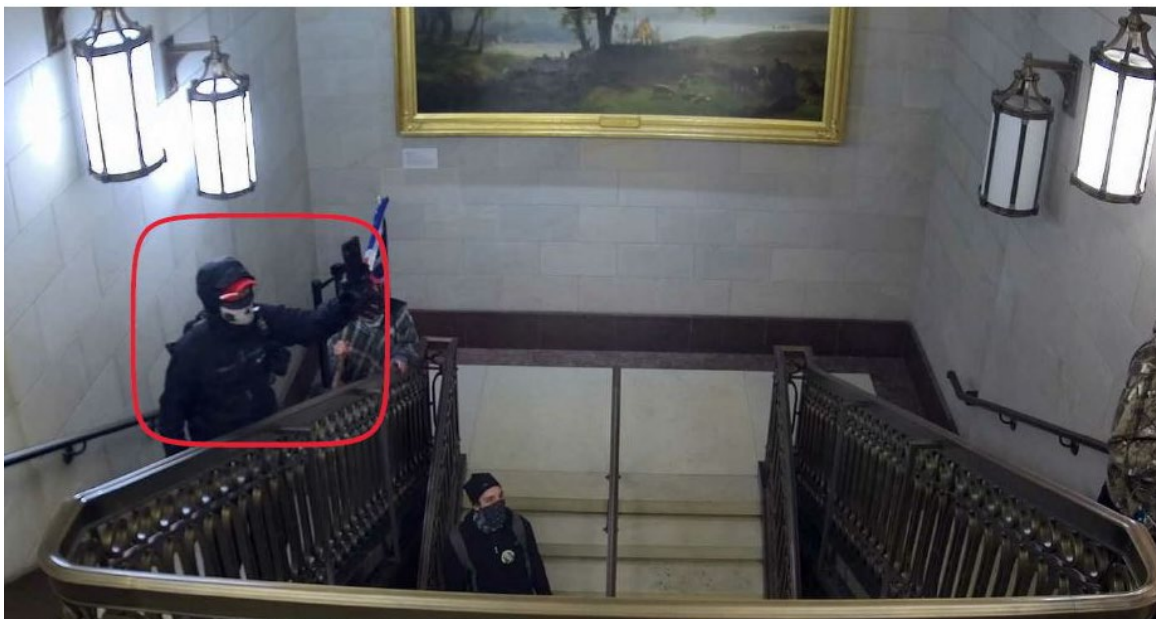


Image 10 – Andrew Joshua Johnson on U.S. Capitol Gallery Stairs

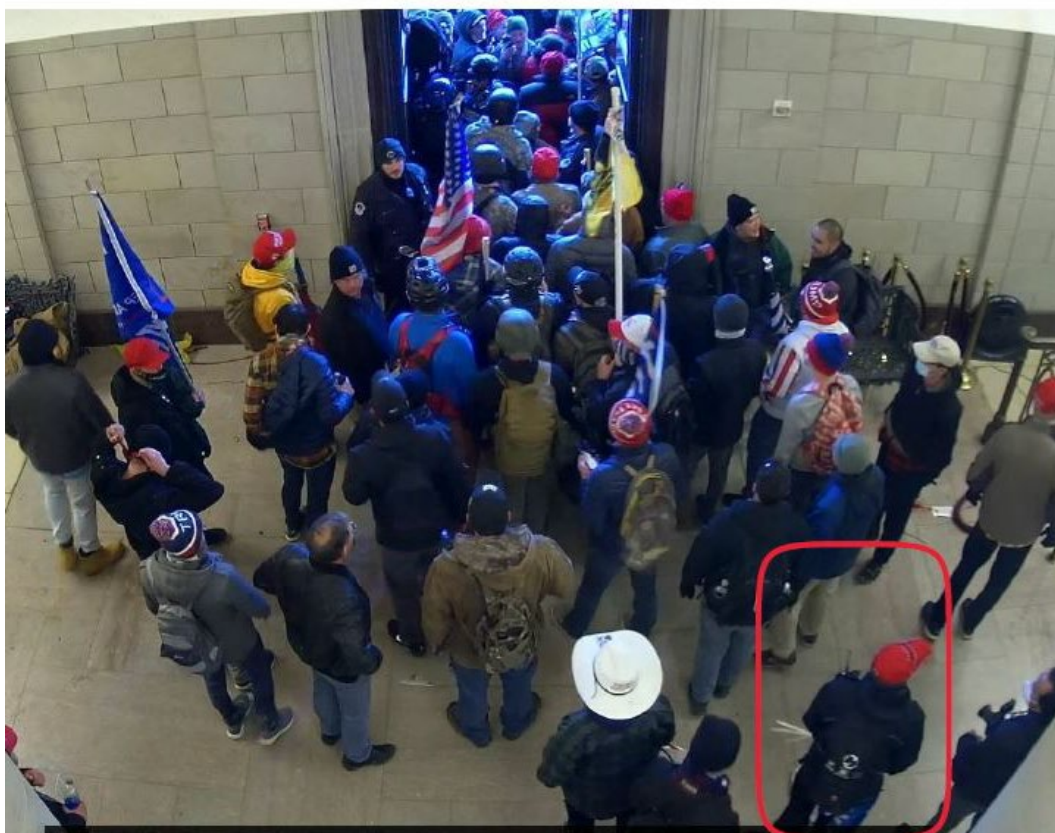


Image 11 – Andrew Joshua Johnson in the Rotunda Lobby

Then at 2:58 p.m., he went through the H202 fire door, and headed down the H205 Corridor. At 2:59 p.m., he entered an office along the H205 Corridor which at the time belonged to House Minority Leader Kevin McCarthy, after which he returned to the Rotunda Lobby traveling the same way he had come.



Images 12 & 13 – Andrew Joshua Johnson Using the H202 Fire Door and in the H205 Corridor

At 3:02 p.m., Whitney Johnson entered the Capitol building through the Rotunda Doors. At multiple points throughout Whitney Johnson’s approximately 15 minutes in the Capitol building, she can be seen using her cell phone. Upon her entry into the Capitol building, Whitney and Andrew Joshua Johnson joined together in the Rotunda Lobby and proceeded into the Rotunda itself. In the below photos, Andrew Joshua Johnson is outlined in red and Whitney Johnson is outlined in blue.

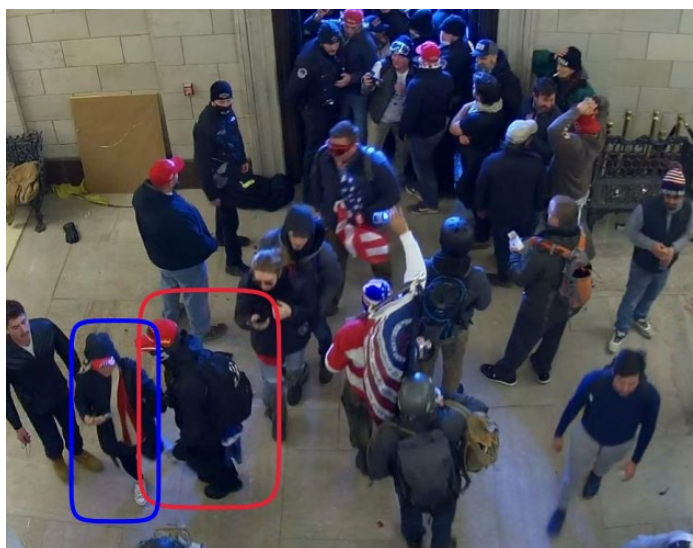


Image 14 – The Johnsons Meeting Up in the Rotunda Lobby



Image 15 – The Johnsons Shortly After Entering the Rotunda

Shortly after the Johnsons entered the Rotunda, a Civil Disturbance Unit from the Metropolitan Police Department (MPD) entered and began – along with USCP – forming a police line and moving rioters from the Rotunda back toward the Rotunda Lobby and Doors. By 3:06 p.m., the Johnsons had separated; Whitney Johnson was against the outer wall of the Rotunda, whereas Andrew Joshua Johnson was in the thick of the crowd shaking his fist and yelling at police. Then, at 3:08 p.m., when an altercation broke out between another rioter and an officer in front of him, Andrew Joshua Johnson is seen and heard on video yelling “What the fuck?” and “Oathbreaker!” repeatedly at an MPD Officer, aggressively positioning himself in front of and close to the officer’s face, and pointing at the officer.



Image 16 – Andrew Joshua Johnson Yelling and Pointing at MPD Officer

By 3:09 p.m., the Johnsons reunited in the Rotunda. Shortly thereafter, they separated again, and Andrew Joshua Johnson made his way back toward the police line.

After that, Andrew Joshua Johnson was part of a mob of rioters who physically pushed back against the police line as the officers attempted to clear the rioters from the Rotunda. Andrew Joshua Johnson is seen on BWC footage in the front of the rioters as police pushed them out of the Rotunda into the Rotunda Lobby. At 3:10 and 3:11 p.m., he can be seen physically resisting as multiple police officers attempt to push him forward.



Image 17 & 18 – Andrew Joshua Johnson Resisting Police Clearing the Rotunda

At 3:11 p.m., he is visible on MPD Officer F. D.'s BWC video. He yelled “You’re a fucking oathbreaker! Do you feel good about yourselves?” at two USCP Officers, and then got in a physical altercation with them. Specifically, as USCP Officers attempted to clear Andrew Joshua Johnson from the Rotunda, Andrew Joshua Johnson put out his left arm, which made contact with the USCP officers, who had to physically restrain Andrew Joshua Johnson in response.



Image 19 – Andrew Joshua Johnson Engaging in a Physical Altercation With USCP Officers

At 3:12 p.m., on MPD Officer J.J.'s video, Andrew Joshua Johnson pushed into the crowd in front of him, which included police officers. At 3:13–3:14 p.m., he can be seen yelling at police officers on MPD Officer S.H.'s body worn camera. A few minutes later, Andrew Joshua Johnson called the officers "Nazi Stormtroopers" and demanded that they "... arrest the fucking criminals that occupy this building instead of protecting them!" At 3:15 p.m., MPD Officer R.M. ordered Andrew Joshua Johnson to keep moving, then told him, "Stop pushing into me... Do not get in my face like that!"

Meanwhile, also at 3:12 p.m., MPD Officer C.R. was trying to clear rioters from the outer wall of the Rotunda when she encountered Whitney Johnson behind a statue. In response to Officer C.R.'s efforts to clear Whitney Johnson from that area, Whitney Johnson yelled expletives at the officer and hit Officer C.R. with an open hand. This attack was captured on Officer C.R.'s body worn camera.

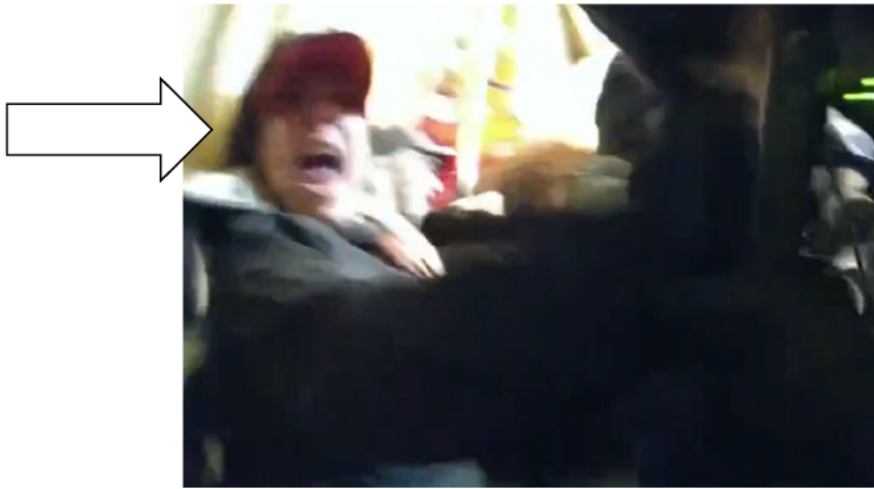


Image 20 – Whitney Johnson Hitting Officer C.R.

Open source footage shows Whitney Johnson later exiting the Rotunda into the Rotunda Lobby. She appears to be crying. Many around her appear to have been sprayed with chemical irritants.

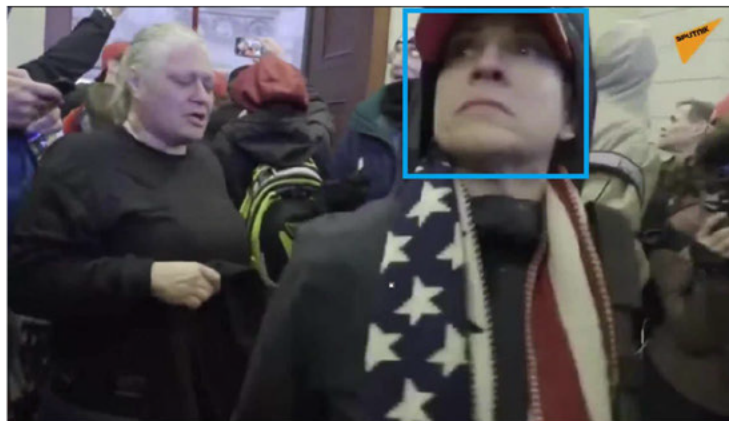


Image 21 – Whitney Johnson Exiting Through the Rotunda Lobby

Surveillance footage shows Whitney Johnson exiting through the Rotunda Doors shortly thereafter, at approximately 3:17 p.m.

BWC footage shows Andrew Joshua Johnson struggled against police Officers as they tried to push him out of the Rotunda at 3:18 p.m.



Image 22 – Andrew Joshua Johnson Struggling Against the Police Line

Finally, BWC footage shows him getting escorted out of the Rotunda by police at 3:20 p.m.

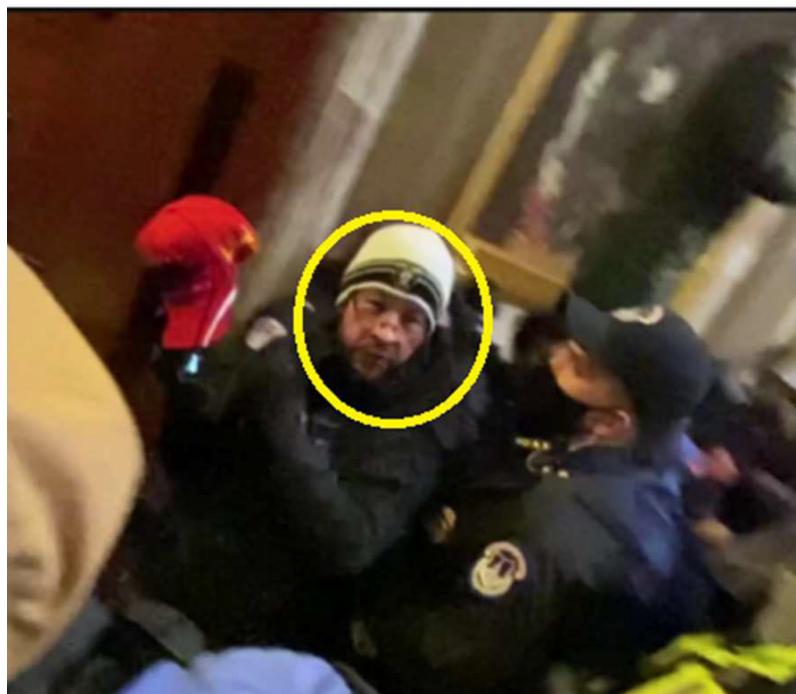


Image 23 – Andrew Joshua Johnson Being Escorted Out of Rotunda by Police

Open source video from TruNews shows him shouting “Fuck you, this is my house!” as an officer escorted him out of the Rotunda into the Rotunda Lobby, then calling officers “Fucking oath breakers!” Then, after pumping his fist in the air, he can be seen on CCTV exiting the U.S. Capitol through the Rotunda Door and heading down the steps at approximately 3:22 p.m.

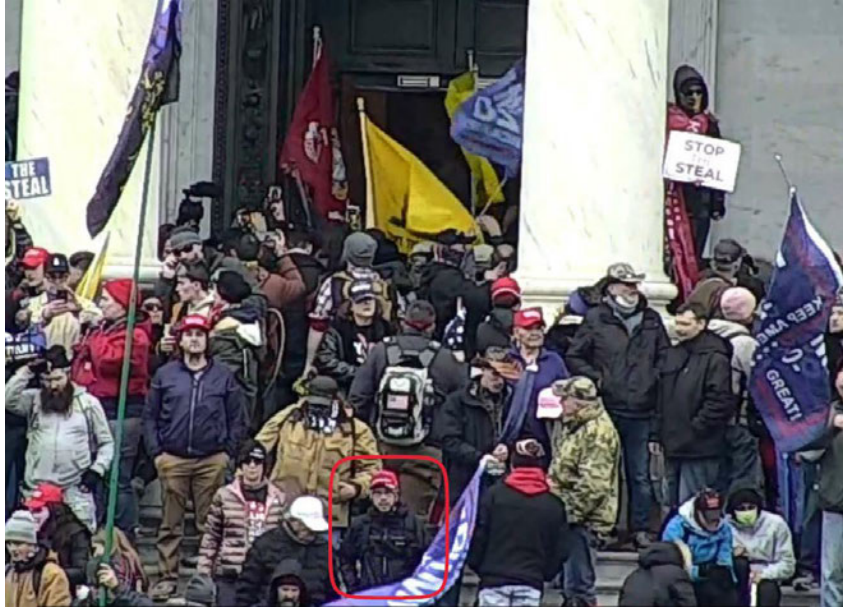


Image 24 – Andrew Joshua Johnson Leaving the U.S. Capitol Building

Based on the foregoing, your affiant submits that there is probable cause to believe that Andrew Joshua Johnson violated 18 U.S.C. § 1752(a)(1) and (2), which make 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. 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 Andrew Joshua Johnson violated 40 U.S.C. § 5104(e)(2)(C)(i), (D), and (G), which make it a crime to willfully and knowingly (C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of (i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; (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.

Your affiant submits there is probable cause to believe that Andrew Joshua Johnson 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.

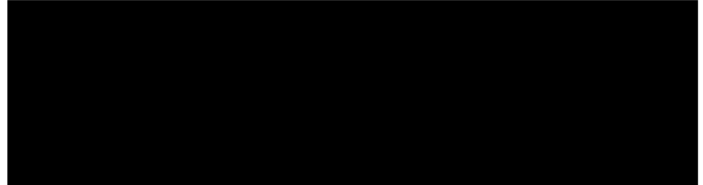
Based on the foregoing, your affiant submits that there is probable cause to believe that Whitney Johnson violated 18 U.S.C. § 1752(a)(1), (2), and (4) which makes it a crime to: (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; (2) knowingly, and 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; and (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 Whitney Johnson violated 40 U.S.C. § 5104(e)(2)(D), (F), 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; (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.

Your affiant submits that there is also probable cause to believe that Whitney Johnson violated 18 U.S.C. § 111(a)(1), 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, where such acts involve physical contact with the victim or the intent to commit another felony. 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.

Finally, your affiant submits there is probable cause to believe that Whitney Johnson 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.



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 16th day of February 2024.

HONORABLE ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE