

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Task Force Officer with the Federal Bureau of Investigation's Joint Terrorism Task Force. I have been so employed since 2019. Before becoming a Task Force Officer, I was an Investigator/Correction Officer for the New York State Department of Corrections and Community Supervision. In my current assignment with the Joint Terrorism Task Force, I am responsible for investigating violations of federal criminal laws, including matters related to domestic terrorism. As a Task Force Officer and Investigator, I have received official training and gained experience on how to conduct investigations, collect evidence, execute search warrants, conduct interviews, and make arrests. I am currently tasked with, among other things, investigating criminal activity that occurred in and around the U.S. Capitol building and grounds on January 6, 2021. In my duties as a Task Force Officer, I am authorized by law or by the FBI 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 approximately 1:00 p.m., a crowd of violent rioters penetrated the restricted perimeter of the U.S. Capitol grounds – which was denoted by bike racks, snow fencing, officers, and “AREA CLOSED” signs – and assembled on the West Front of the U.S. Capitol. USCP formed a line of bike racks extending from the north end of the West Front to the South end to act as a barrier against the crowd. Officers were standing watch behind this line and fending off repeated attempts by the rioters to pull on the bike racks, either with their hands or with ropes and straps.

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., some people in the crowd forced their way through, up, and over the barricades and law

enforcement. The crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by USCP officers or other authorized security officials. The crowd of rioters had amassed and collectively pushed and tore down the bike rack barriers, assaulted law enforcement officers, and otherwise violently breached the police line, opening the path to the Capitol building.

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.

MITCHELL BOSCH's Identification

According to records obtained through a search warrant that was served on Google, on January 6, 2021, in and around the time of the aforementioned events, two devices associated with the names “Mitchell Bosch” and “Men Instant Advice” and Google email addresses mitchellbosch1@gmail.com and mitchellbosch@gmail.com, respectively, were indicated as present at the U.S. Capitol grounds on January 6, 2021. Both Google accounts listed a recovery phone number ending -7481. According to records from T-Mobile, that phone number was subscribed by and billed to MITCHELL BOSCH with a listed address in Brooklyn, New York.

The FBI reviewed open-source images reportedly posted by an individual believed to be BOSCH via Instagram account “men_instant_advice.” One post, dated January 19, 2021, depicted an image of a hamburger and restaurant menu with the caption, “Enjoying my last meal before the FBI comes for me.” According to records provided by Meta for the Instagram account “men_instant_advice,” the account was subscribed by BOSCH, with a registered email of mitchellbosch@gmail.com and the phone number ending -7481.

December 27, 2021, public posts from an account on Twitter included images and videos of an individual that the user identified as BOSCH. The images and video compared the individual with other public images of BOSCH and showed BOSCH on U.S. Capitol grounds on January 6, 2021, wearing a red hat and/or a red beanie, a black/dark green jacket, and black gloves. *See* Image 1.

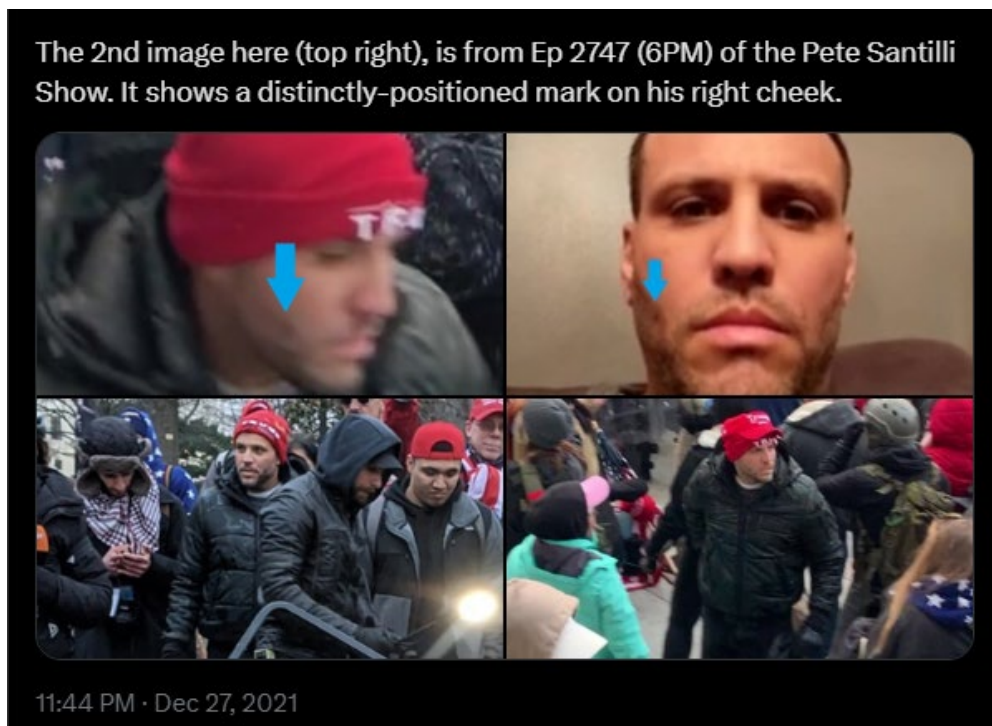


Image 1

Photos and videos posted by the Twitter user depicted BOSCH and others pushing against U.S. Capitol Police Officers and Metropolitan Police Department Officers outside the U.S. Capitol building.

In March 2023, the FBI received a tip that an individual matching BOSCH's physical description was visible in similar open-source photos and video taken of U.S. Capitol grounds on January 6, 2021. This open-source material likewise depicted BOSCH wearing a red hat over a red beanie and a black/dark green jacket. *See Image 2.*



Image 2

On July 21, 2023, the FBI interviewed an individual (Witness 1) that was once close friends with BOSCH. Witness 1 was shown two separate photographs taken from the Capitol on January 6, 2021. Witness 1 identified the individual depicted in both photographs as BOSCH. *See* Image 3 and 4.



Image 3

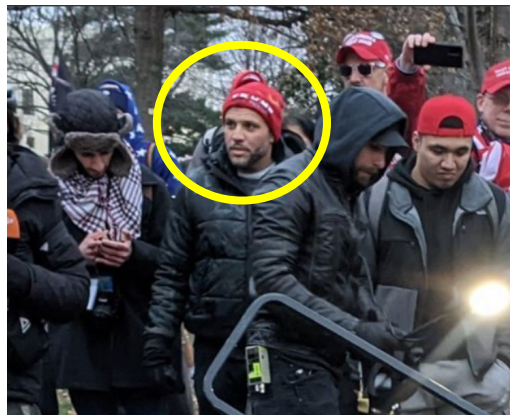


Image 4

On August 27, 2021, the FBI conducted a short interview with BOSCH, during which BOSCH was asked if he attended the rally in D.C. on January 6, 2021. BOSCH stated “yes” and said that he drove down to D.C. by himself. Your affiant was part of the FBI team present for BOSCH’s interview, and, based on your affiant’s in-person observation of BOSCH during the interview, I can confirm that the individual depicted in the images above and below is BOSCH.

MITCHELL BOSCH’s Participation in the Events of January 6, 2021

As part of its investigation, the FBI reviewed multiple MPD body-worn camera (BWC), U.S. Capitol Police closed circuit television security video (CCTV), and open-source media depicting BOSCH’s conduct at the Capitol on January 6, 2021. The material reviewed shows that BOSCH joined rioters on restricted Capitol grounds at the Northwest Courtyard when USCP and MPD officers made a concerted effort to push rioters away from that part of the Capitol grounds around 4:20 p.m. During this push, BOSCH can be seen in multiple instances opposing the police advance by pushing directly against officers, assisting other rioters in pushing against officers, and encouraging other rioters to oppose the police.

By approximately 4:00 p.m., a large crowd of rioters had assembled outside the Capitol’s Senate Wing Door on an exterior area on the Upper West Terrace known as the Northwest Courtyard. This area is indicated below in Image 5:

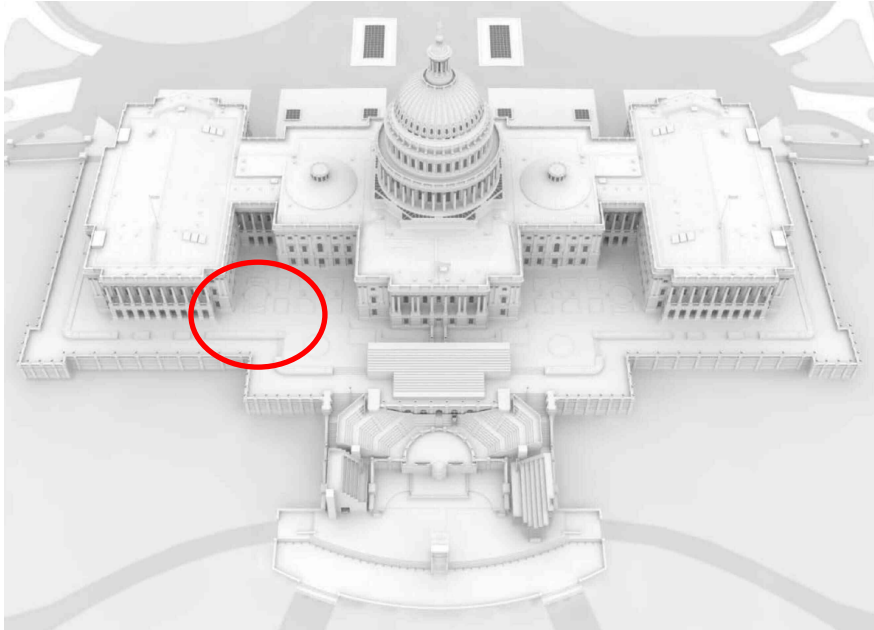


Image 5

Both USCP and MPD officers mobilized in preparation to push the crowd around the northwest of the Upper West Terrace towards the north/northeast of the Capitol. Officers initiated the push indicated in Image 6, below, at approximately 4:20 p.m.

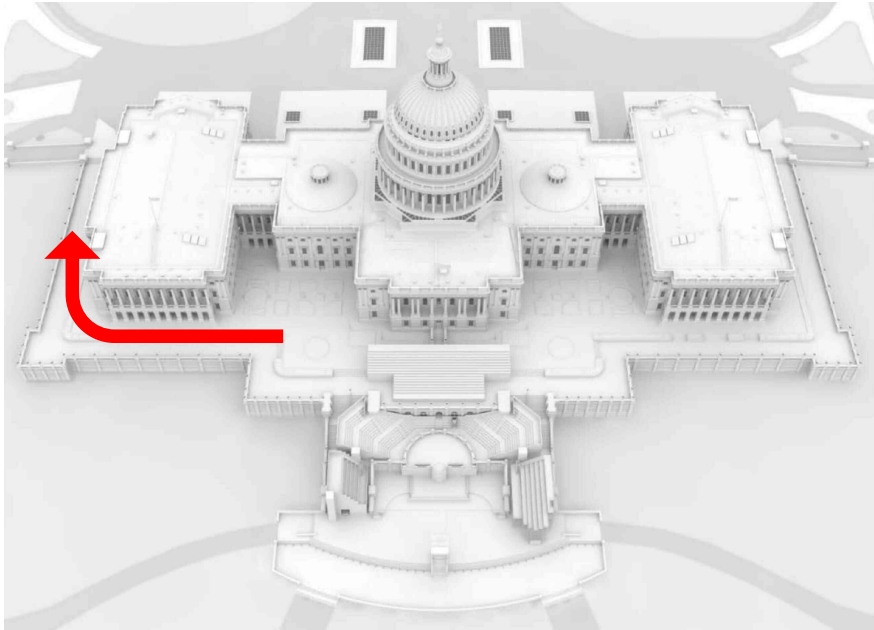


Image 6

Approximately one minute into the officers' advance, open-source video depicts BOSCH joining rioters moving up to oppose the police line as they chant "U.S.A. U.S.A." See Image 7.



Image 7

As BOSCH moves into the police line he puts his hands up toward an officer's riot shield and uses his body to push into the shield as rioters around him do the same. See Image 8.

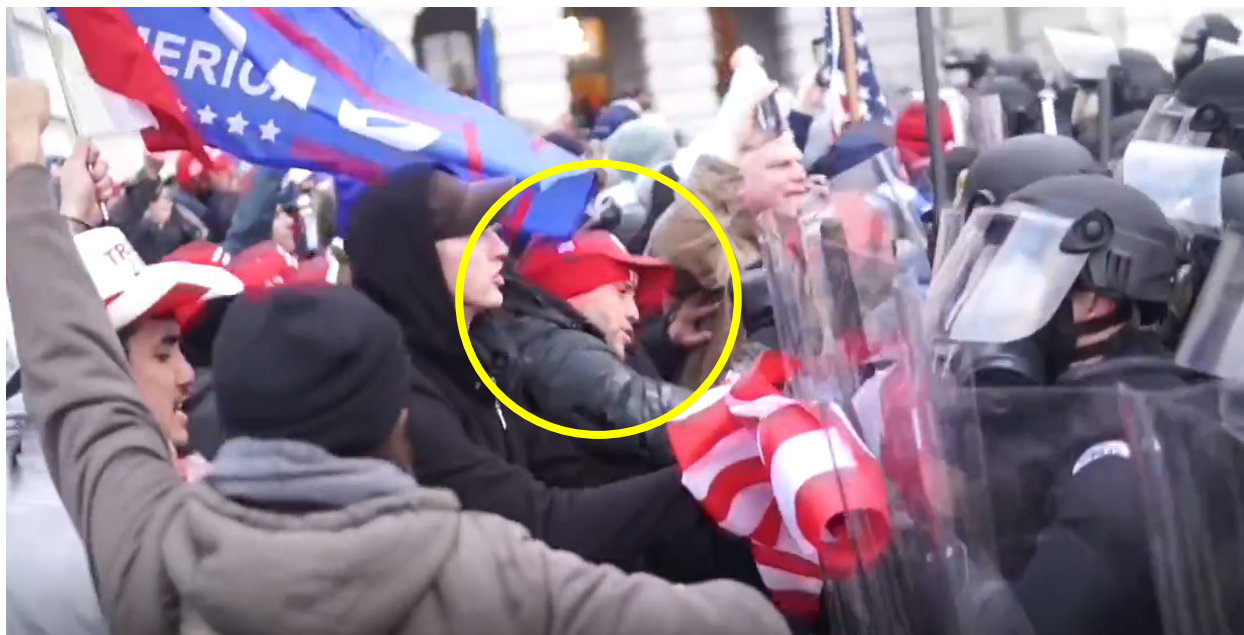


Image 8

BOSCH stayed at the front of the mob as the rioters used their collective effort to shove that portion of the police line back several feet. *See Image 9.*



Image 9

At approximately 4:23 p.m., BWC footage shows that BOSCH had moved back in the crowd and began gesturing and shouting at the crowd behind him. Around approximately 4:23:45, as BOSCH continued to gesture, he shouted, “hold the line!”

At approximately 4:26 p.m., as officers reestablished their line and resumed their attempt to push the mob completely out of the Northwest Courtyard, BWC footage depicts BOSCH as he moved up in the crowd and braced behind another rioter before rushing again to the very front as another confrontation between officers and rioters began. *See Image 10.*



Image 10

During these events, video footage from multiple sources shows that the police deployed chemical sprays and other crowd control equipment against the mob, and the mob used their own sprays against officers and threw a variety of objects at them.

By approximately 4:34 p.m., officers had successfully forced the rioters around the Capitol building's northwest corner and had begun pushing them further away from the building to the north. At approximately 4:35 p.m., another fight began along the police line on the side still closest to the Capitol building. BWC footage from this time depicts BOSCH rushing forward to engage officers. *See* Image 11. By this point, BOSCH appears to no longer be wearing his red hat—just his red beanie.



Image 11

Moments later, BOSCH pushed into the police line and continued to surge forward, *see* Image 12, and an MPD officer struck BOSCH with a baton, *see* Image 13.



Image 12



Image 13

After officers successfully pushed BOSCH back to the other side of the police line, BOSCH once again pushed into officers, *see* Images 14 and 15, before retreating backward into the crowd.



Image 14



Image 15

Open-source video depicts these events from another angle and includes audio of BOSCH shouting, “hold the line!” as he charges into officers. *See* Image 16.

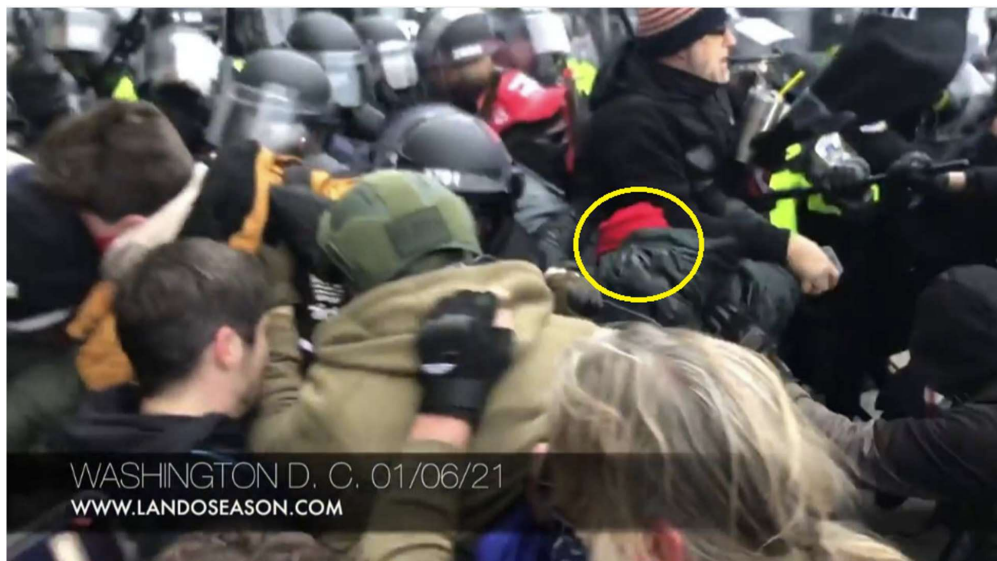


Image 16

Further open-source video and images show that BOSCH remained on Capitol grounds for some time after his 4:35 p.m. altercation with officers on the Capitol's north side. BOSCH is shown talking on his cell phone while moving along the north side of the Capitol and congregating with others on the Capitol's northeast side around a pile of media equipment. *See* Images 17, 18, and 19.



Image 17



Image 18



Image 19

During his August 27, 2021 interview noted above, BOSCH became agitated when investigators inquired about his travel to D.C. on January 6, 2021, and began stating that “[law enforcement’s] efforts should be on what’s going on in Afghanistan, and not what happened in D.C.” BOSCH voiced his displeasure with the purpose of the interview and stated there were not enough “men like him around” that will “challenge leadership.” BOSCH advised he was feeling fine and did not need any assistance.

During the same July 21, 2023 interview with Witness 1 noted above, Witness 1 recalled that BOSCH told Witness 1 that the FBI came to interview him and made additional statements suggesting January 6, 2021, was a “beautiful day” and it was “men being men.” Witness 1 also told the FBI that BOSCH said he “climbed the wall” on January 6, 2021, but Witness 1 was unsure what BOSCH meant.

Based on the foregoing, your affiant submits that there is probable cause to believe that BOSCH 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 18 U.S.C. § 1114 as an officer or employee of the United States while engaged in or on account of the performance of official duties.

Your affiant also submits there is probable cause to believe that BOSCH 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 18 U.S.C. § 231, 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 also submits that there is probable cause to believe that BOSCH violated 18 U.S.C. §§ 1752(a)(1), (2), and (4), which make 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; and (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; or attempt or conspire to do so. For purposes of 18 U.S.C. § 1752, 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.

Finally, your affiant also submits there is probable cause to believe that BOSCH violated 40 U.S.C. §§ 5104(e)(2)(D) and (F), which make 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 (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.



Task Force Officer
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 12 day of February, 2024.

U.S. MAGISTRATE JUDGE