

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.

Timothy Finnegan
DOB: XXXXXX

)
) Case: 1:24-mj-00100
) Assigned To : Harvey, G. Michael
) Assign. Date : 3/19/2024
) Description: Complaint W/ Arrest Warrant
)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of in the
in the District of Columbia, the defendant(s) violated:

Code Section

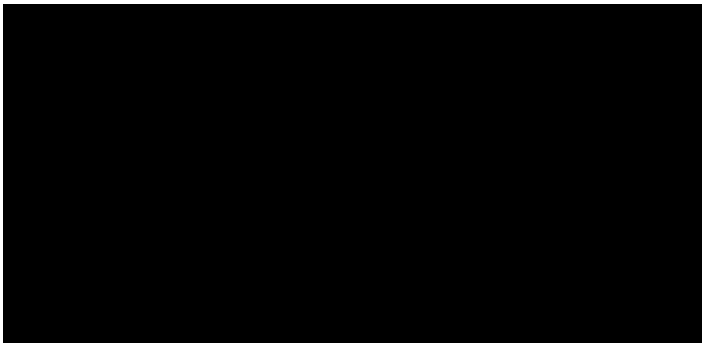
Offense Description

- 18 U.S.C. § 1752(a)(1) - Entering or Remaining in a Restricted Building or Grounds,
- 18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds,
- 40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct in a Capitol Building,
- 40 U.S.C. § 5104(e)(2)(G) - Parading, Picketing, or Demonstrating in a Capitol Building.

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone.

Date: 03/19/2024

Judge's signature

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge

Printed name and title

Case: 1:24-mj-00100
Assigned To : Harvey, G. Michael
Assign. Date : 3/19/2024
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STATEMENT OF FACTS

I, [REDACTED], am a Special Agent assigned to the Federal Bureau of Investigation (“FBI”). In my duties as a Special Agent, I investigate domestic and international terrorism. 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 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.

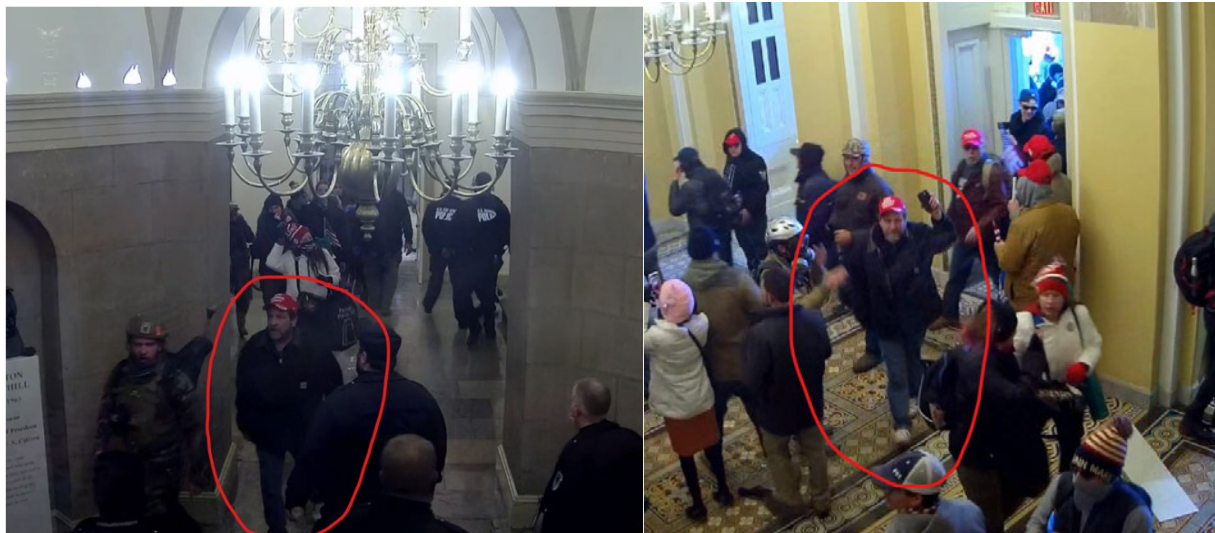
Identification of Timothy Finnegan

Since January 6, 2021, the FBI has been investigating and identifying those who were inside of the Capitol without authority and disrupted the proceedings. During that investigation, and pursuant to legal process, the FBI learned that a device associated with a phone number with an 862-area code and ending in 7068 and associated with Timothy Finnegan. I know that the 862-area code is a northern New Jersey area code.

An internet search led to a website detailing a 2015 driving-related arrest of Timothy Finnegan (“Finnegan”) in Wharton, New Jersey. The website included a picture of Finnegan as well as a date of birth.

On February 10, 2021, two law enforcement officers interviewed Finnegan in Hackettstown, New Jersey. During the interview, Finnegan stated that he and his then-girlfriend traveled to Washington, D.C., on January 5, 2021. On the morning of January 6, 2021, Finnegan and his then-girlfriend went to watch the former president give a speech. Following the speech, Finnegan walked his then-girlfriend back to their hotel and then went with some individuals he had met during the speech to protest at the Capitol building. Finnegan said that he reached the Capitol building at approximately 2:30 p.m. and saw other people entering the building. He said that there were no barricades up and that Capitol Police Officers were standing by as the crowd entered. Finnegan said that he followed the crowd into the building and saw other individuals throwing furniture and stealing items. Finnegan claimed that he attempted to stop these individuals but was met with obscenities and was told to mind his own business. Finnegan said that he saw an older woman who appeared to be in in distress and helped her to a group of Capitol Police Officers to receive medical aid. After that, Finnegan said he went down a set of escalators to a corridor heavily guarded by Capitol Police. Finnegan said that, at that point, he was overcome by the residual effects of the tear gas that had been deployed before his arrival to the Capitol Building. Finnegan then exited the building and went back to the hotel. Finnegan said he was inside the Capitol for approximately 20 or 30 minutes. Finnegan reiterated that he was there to peacefully protest and that he did not cause damage and did not steal items from the Capitol.

On December 12, 2022, an FBI agent interviewed a Detective with the Independence Township Police Department who had previously personally interacted with Finnegan. That Detective identified the individual circled in red in Images 1 and 2 (below) as Finnegan.



Images 1 (left) and 2 (right): screenshots from Capitol security footage shown to the Detective from the Independence Township Police Department

On May 4, 2023, I interviewed Finnegan in Washington, New Jersey. During that interview, Finnegan confirmed that the 7068 number is his. He also confirmed that he went to the Capitol on January 6, 2021, to have his voice heard but not to engage in violence. Finnegan said that he saw destruction of property and people stealing things such as books. Finnegan said that he saw someone throw a chair at a chandelier. Finnegan also stated that three of eight videos he recorded remained on his cellphone. Finnegan allowed the FBI to record those videos.

Based on the investigation, including the Detective identifying the individual in Images 1 and 2 as Finnegan, my personal interaction with Finnegan, and Finnegan's admissions to entering the Capitol, I believe that the individual circled in red in Images 1 and 2 is Finnegan.

Timothy Finnegan's Conduct on January 6, 2021

Capitol security footage shows that Finnegan entered the Capitol through the Senate Wing Door at approximately 2:25 p.m. on January 6, 2021.



Image 3: Screenshot from Capitol security footage showing Finnegan (circled in red) entering the Capitol on January 6, 2021

One of the videos that Finnegan recorded on his cellphone is of the scene inside the Capitol near the Senate Wing Door. The alarm can be heard blaring in the background and a loud voice says “We are in the Capitol, people. We are in the [expletive] Capitol.” Finnegan walked towards the Crypt and then went down a flight of stairs to the Orientation Lobby:

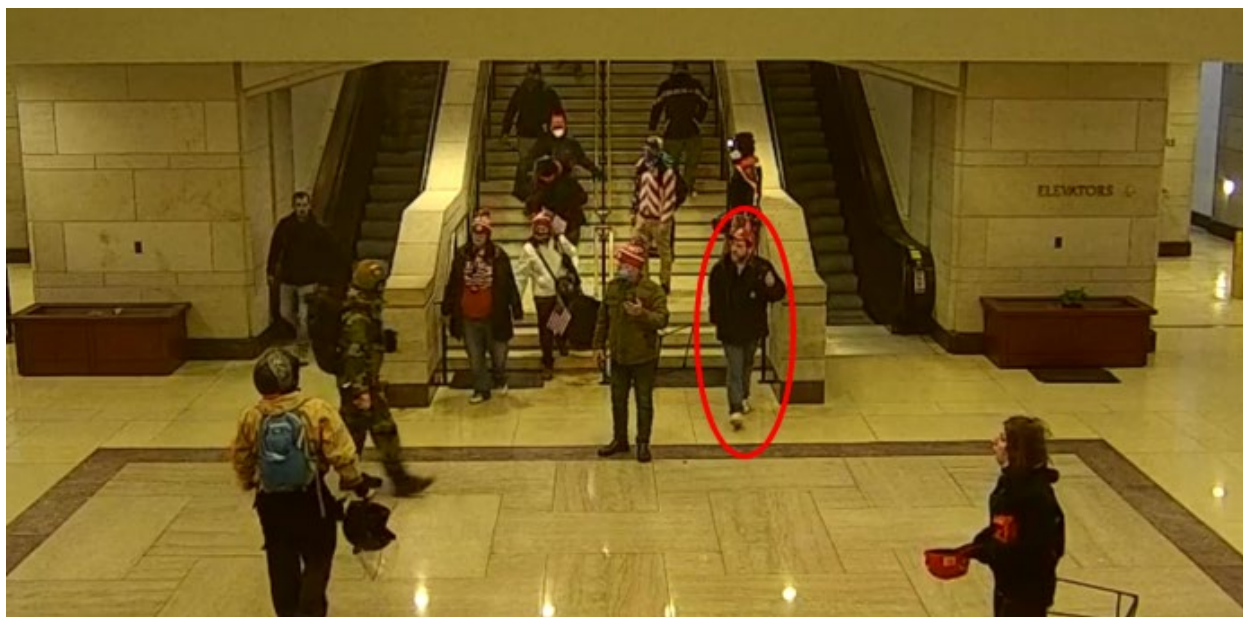


Image 4: Screenshot from Capitol security footage showing Finnegan (circled in red) walking towards the Orientation Lobby

After a short time, Finnegan turned around and went up the escalator and went into the Crypt. From there, Finnegan walked by the Memorial Doors and, at approximately 2:41 p.m.,

Finnegan made his way towards the East Front Doors, where he stopped to apparently record the scene on his cellphone.



Image 5: Screenshot from Capitol security footage showing Finnegan (circled in red) standing near the East Front Doors while filming with his cellphone

Finnegan remained in the area near the East Front Doors for approximately 4 minutes and smoked a cigarette while there.

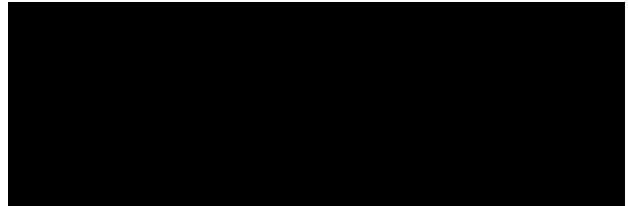


Image 6: Screenshot from Capitol security footage showing Finnegan (circled in red) smoking a cigarette while inside the U.S. Capitol

From there, Finnegan walked back by the Memorial Doors and through the Crypt, exiting the Capitol through the Senate Wing Door at approximately 2:56 p.m.

Based on the foregoing, I submit that there is probable cause to believe that Timothy Finnegan 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 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; 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.

I submit there is also probable cause to believe that Timothy Finnegan 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.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 19th day of March 2024.

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE