

STATEMENT OF FACTS

1. Your affiant, [REDACTED], is a Special Agent assigned to the [REDACTED] Joint Terrorism Task Force, which investigates a variety of criminal and national security matters, including the investigation of violent crimes and major offenses such as threats to human life, threats to damage property, actual and attempted bombings, and efforts to use violence in support of, or to counter a particular ideology. Since becoming an agent, I have participated in numerous criminal investigations, including many involving organized criminal enterprises, violent gangs, kidnappings, bank robberies, drug trafficking, and international terrorism. Among other duties, I have also served as the affiant for search warrants, including search warrants for electronic evidence. 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.
2. The facts in this affidavit come from my training and experience, and information obtained from other federal agents, law enforcement officers, and witnesses. This affidavit is intended to show that there is probable cause for the requested warrant and does not set forth all of my knowledge on this matter.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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.
8. 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 CHARLES LEE ROY MOZINGO III (MOZINGO)

9. According to records obtained through a search warrant served on Google, a mobile device associated with the email account cmozingoXXX@gmail.com (redacted, the “cmozingo email”), was 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, 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 a device associated with the cmozingo email account was within or around the U.S. Capitol Building on January 6, 2021 between the time of 2:33 p.m. and 3:28 p.m.
10. A review of the Google account associated with the mozingo email account identified a Google Mail account with a profile picture of an individual near the U.S. Capitol Building (Image 1) wearing a red hat, an American flag gaiter around his neck, two black straps consistent with a backpack, a dark blue vest over a dark gray short sleeve hoodie, and a gray long sleeve T-shirt. Additionally, the individual is carrying a blue TRUMP 2020 flag on a flagpole. Subscriber information obtained for the cmozingo email account indicated that the cmozingo email account belonged to CHARLES LEE ROY MOZINGO III (MOZINGO) on January 6, 2021.



Image 1

11. Investigators interviewed an individual (“Person 1”) who previously worked with MOZINGO. Person 1 confirmed that MOZINGO is the individual holding the flag in Image 1. Person 1 was also shown a still image from the interior of the U.S. Capitol building on January 6, 2021 depicting a person in attire similar to MOZINGO’s in Image 1 (Image 2). Person 1 stated that it was “harder to tell” if that person was MOZINGO.



Image 2

CHARLES MOZINGO’S CONDUCT ON JANUARY 6, 2021

12. I have reviewed both open-source media and United States Capitol Police closed circuit video (“CCV”) video footage of the events that took place in the U.S. Capitol on January 6, 2021. Based on that review, I have observed the following:

13. On January 6, 2021, at approximately 2:56:07 p.m., MOZINGO entered the U.S. Capitol Building, through the Parliamentary door on the west side. MOZINGO was wearing a red hat, an American flag gaiter around his neck, two black straps consistent with a backpack, a dark blue vest over a dark gray short sleeve hoodie, and a gray long sleeve T-shirt. (Image 3). This outfit is consistent with MOZINGO's profile picture on his Google Account. (Image 1). Mozingo appeared to be taking photos or videos on his cell phone while entering the U.S. Capitol Building.



Image 3

14. At approximately 3:01:04 p.m., MOZINGO left the U.S. Capitol Building using the same door. (Image 4). MOZINGO was wearing the same clothing as before. (Image 2).

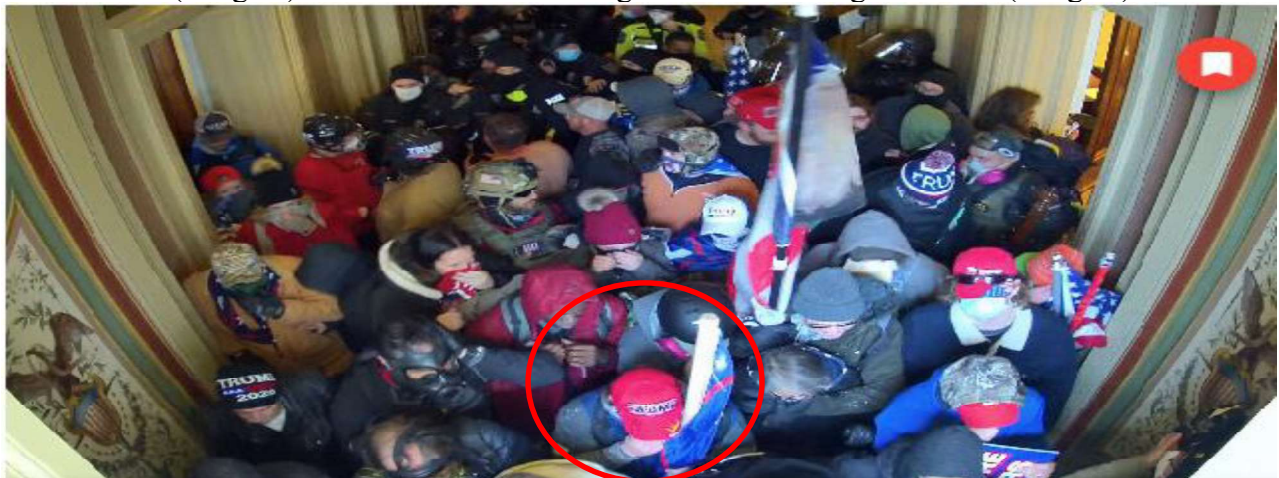


Image 4

15. At approximately 3:06:38 p.m., MOZINGO was still within the restricted perimeter and on Capitol Grounds at the Upper Terrace on the West Plaza of the U.S. Capitol Building. (Image 5).



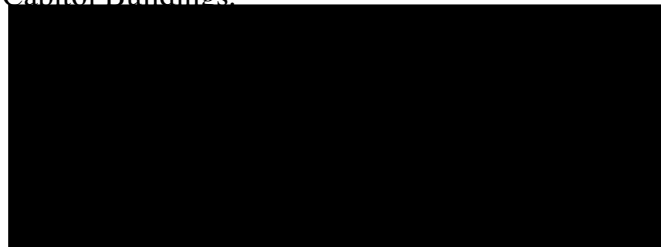
Image 5

16. At approximately 3:27:17 p.m., MOZINGO was still on Capitol Grounds at the outer West Plaza. MOZINGO appeared to be moving away from the Capitol Building. (Image 6).



Image 6

17. Based on the foregoing, your affiant submits that there is probable cause to believe that MOZINGO 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.
18. Your affiant submits there is also probable cause to believe that MOZINGO 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 13th day of February 2024.

A handwritten signature in blue ink, appearing to read 'ZMF'.



Zia M. Faruqui

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE