

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to the [REDACTED] [REDACTED] (“FBI”). As part of my duties as an FBI Special Agent, I investigate criminal violations relating to international and domestic terrorism and other threats to national security and public safety. Prior to joining the FBI, I was a Special Agent with the United States Secret Service from 2015 to 2020. Among other assignments, I was detailed to the FBI Joint Terrorism Task Force as an investigator in the FBI [REDACTED]. Currently, I am tasked with investigating, among other things, criminal activity in and around the Capitol grounds on January 6, 2021. As a FBI 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 are 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 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 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 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 Capitol Building 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 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 Capitol Building without authority to be there.

Facts Specific to this Case

An individual subsequently identified as Christopher Belliveau (“BELLIVEAU”) joined a group of rioters on the Northwest Lawn of the Capitol grounds. At the time, rioters in that area, including BELLIVEAU, were congregated behind temporary fencing comprised of interlocking bicycle racks, as shown in Image 1, below.



Image 1 (BELLIVEAU, wearing a helmet, indicated by red arrow)

A group of Capitol Police Officers formed a makeshift line behind the fencing, but other rioters encircled the police from above, as shown in Image 2, below.



Image 2 (BELLIVEAU indicated by yellow square)

BELLIVEAU wore, among other things, a brown hooded jacket, khaki cargo-style pants with pockets, a black helmet, and a red scarf or bandana visible under his helmet. A video found on a phone that was seized by law enforcement from another participant in the attack on the Capitol (“Rioter Video 1”) shows that at approximately 2:10 p.m., the rioters crossed the bicycle rack fencing and advanced on the police. BELLIVEAU was at the front of the rioters who did so. BELLIVEAU carried a bullhorn in this left hand and gestured at the police officers with his right hand as he approached them, as shown in Image 3, below.

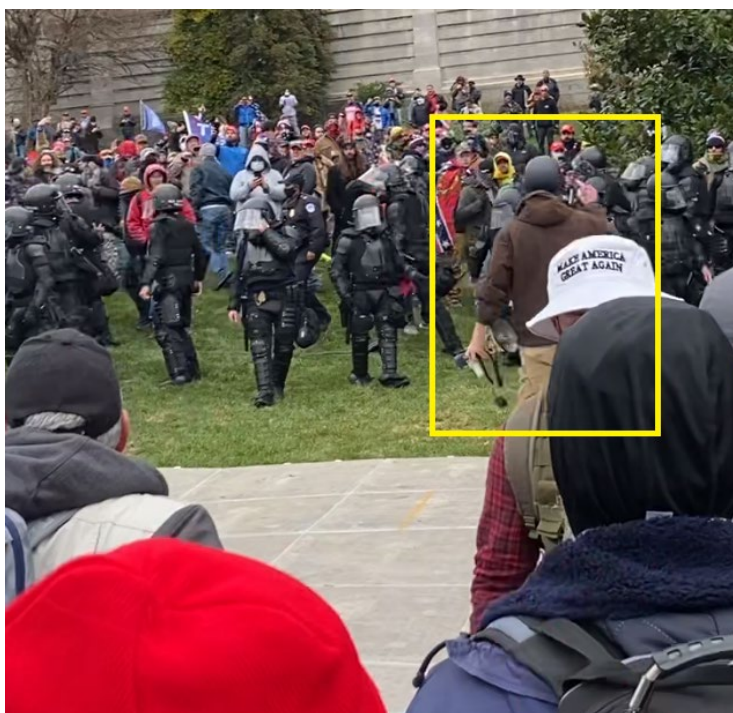


Image 3 (BELLIVEAU indicated by yellow square)

BELLIVEAU approached a U.S. Capitol Police Officer, Officer 1, and pointed directly at her. Distinctive features of BELLIVEAU's attire include a red bandana around his neck, which was visible under his black helmet, and a colored mask over his mouth, as shown in Image 4.



Image 4 (BELLIVEAU indicated by yellow square pointing at Officer 1)

BELLIVEAU walked back in the direction from which he had come and then he approached the police officers again. Video obtained by the FBI shows that BELLIVEAU held a green canister in his right hand as he approached a group of police officers, some of whom were on the ground attempting to restrain a rioter, as shown in Images 5 and 6, below.



Image 5 (BELLIVEAU indicated by yellow square)



Image 6 (green cannister and bullhorn carried by BELLIVEAU indicated by red square)

As shown in Image 6, above, when BELLIVEAU held out the green cannister, an orange object was visible at his feet. I know from my training and experience that a commercially available form of bear pepper mace comes in a green cannister with an orange safety cap, which must be removed before the mace is discharged, as shown in Image 7 below.



Image 7 (as shown at Walmart.com)

BELLIVEAU discharged an orange spray from the green cannister at Officer 1. From my training and experience, I believe that the spray used by BELLIVEAU was a form of bear spray.

Officer 1 pursued BELLIVEAU. As BELLIVEAU ran backwards toward the crowd and away from Officer 1, he continued to discharge orange spray at Officer 1. The orange spray hit and made physical contact with Officer 1, as shown in Images 8 and 9, below.



Image 8 (BELLIVEAU discharging spray at Officer 1)



Image 9 (BELLIVEAU continuing to discharge spray at Officer 1; BELLIVEAU's black and white sneakers indicated in yellow square)

Before Officer 1 could reach BELLIVEAU, another rioter knocked her to the ground, as shown in Images 10 and 11, below.



Image 10 (BELLIVEAU indicated in yellow; Officer 1, indicated in blue, pursuing BELLIVEAU; rioter preparing to check Officer 1 indicated in red)

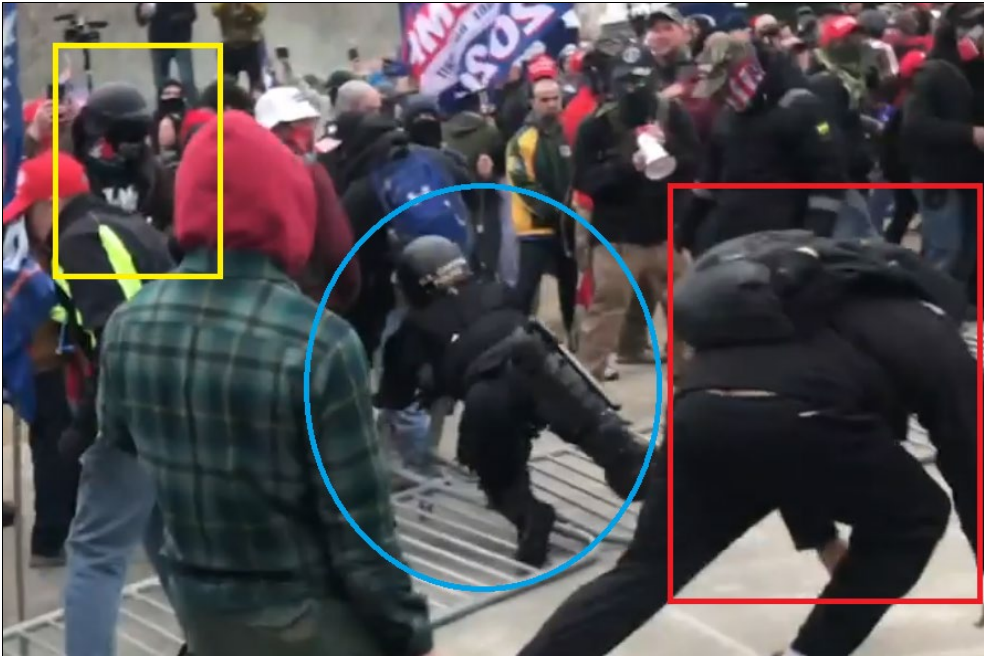


Image 11 (Officer 1 knocked to the ground, indicated in blue; rioter who checked Officer 1 indicated in red; BELLIVEAU indicated in yellow)

During the scene on the Northwest Lawn where BELLIVEAU discharged spray at Officer 1, Rioter Video 1 and other video obtained by the FBI show the following seven identifiable features (among others) in BELLIVEAU's clothing and the items he carried:

- Beige cargo-style pants with pockets
- Brown hooded sweatshirt
- Dark helmet with a tinted visor or goggles
- Red-colored bandana visible around the chin and neck area, near the helmet chin strap
- Colored mask covering BELLIVEAU's mouth area
- Black Nike sneakers with white swoosh
- Bullhorn with distinctive blue and cream coloring

At approximately 2:09 p.m., a group of rioters overran a police line on a set of stairs at the Capitol known as the Northwest Stairs, which is in the vicinity of the Northwest Lawn. In the minutes that followed, hundreds of rioters subsequently advanced up the Northwest Stairs to an area of the Capitol known as the Upper West Terrace. Video obtained by the FBI captures BELLIVEAU advancing up the Northwest Stairs, as shown in Image 12, below.



Image 12 (BELLIVEAU advancing up the Northwest Stairs)

At approximately 2:13 p.m., rioters broke the windows next to a door to the Capitol Building known as the Senate Wing Door and breached the Capitol Building. BELLIVEAU, as shown on surveillance video, entered the Capitol Building at approximately 2:17 p.m. As he entered, he wore his helmet with the tinted visor or goggles covering his face and carried the bullhorn and a hockey stick with a flag wrapped around it, as shown in Images 13 and 14, below.

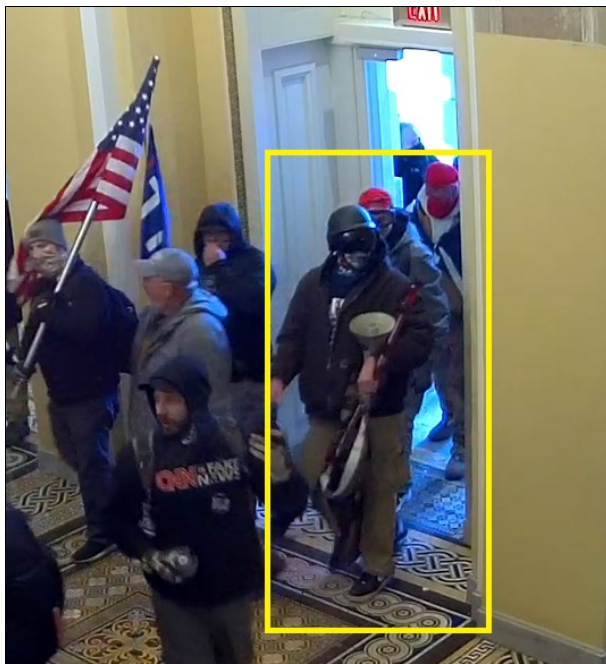


Image 13 (BELLIVEAU breaching the Capitol Building through the Senate Wing Door carrying bullhorn and stick with flag)

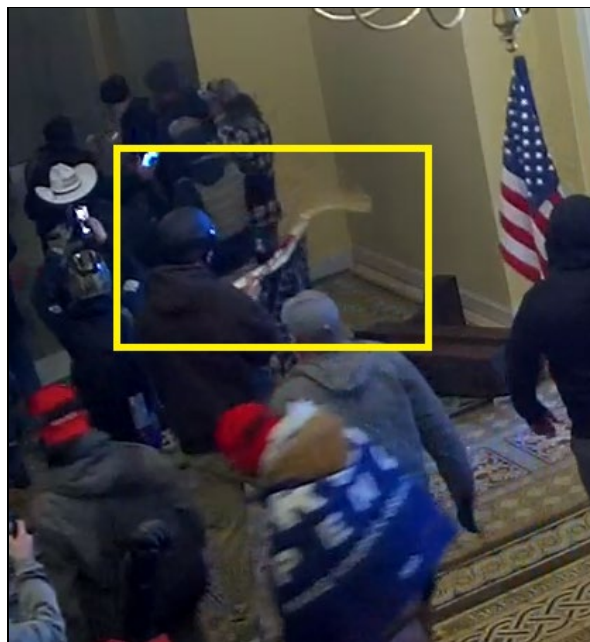


Image 14 (BELLIVEAU with hockey stick extended)

BELLIVEAU travelled to an area of the Capitol known as the Crypt, where rioters confronted a police line. He stayed inside the Capitol for approximately 15 minutes before exiting through a window next to the Senate Wing Door, as shown in Images 15, 16, 17, and 18 below.



Image 15 (BELLIVEAU in Crypt holding bullhorn; black and white sneakers visible)

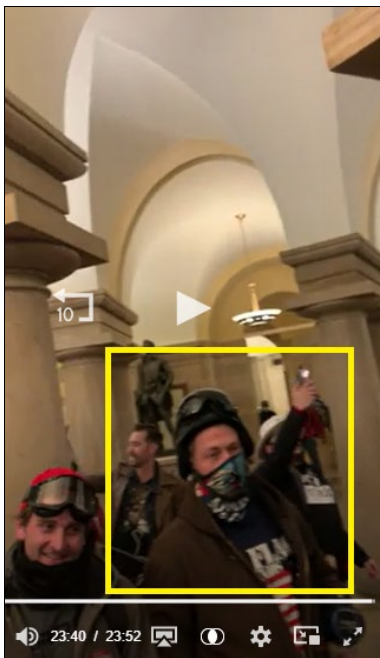


Image 16 (BELLIVEAU in Crypt; colored mask, brown jacket, and helmet visible)

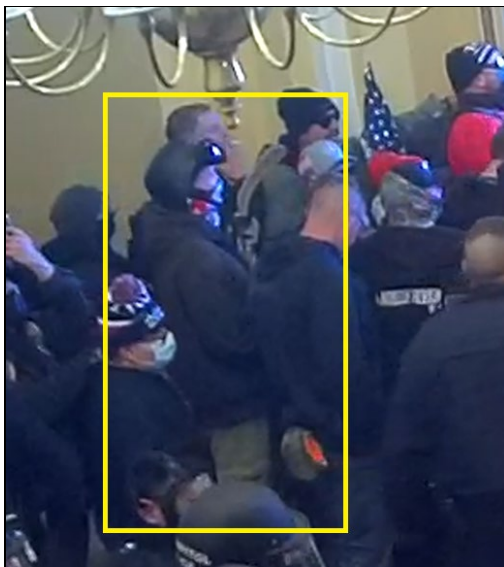


Image 17 (BELLIVEAU near Senate Wing Door; red bandana and mask visible)



Image 18 (BELLIVEAU near Senate Wing Door holding bullhorn)

Based on my review of video obtained by the FBI and my investigation in this case, I have observed that the same seven distinctive features of BELLIVEAU's clothing and personal items that can be seen during BELLIVEAU's conduct on the Northwest Lawn can also be seen during BELLIVEAU's activity inside the Capitol Building, to wit:

- Beige cargo-style pants with pockets

- Brown hooded sweatshirt
- Dark helmet with a tinted visor or goggles
- Red-colored bandana visible around the chin and neck area, near the helmet chin strap
- Colored mask covering BELLIVEAU's mouth area
- Black Nike shoes with white swoosh
- Bullhorn with distinctive blue and cream coloring

A publicly-available video that I have reviewed shows BELLIVEAU speaking on Capitol Grounds during the riot, near a large flag that rioters had placed over the temporary scaffolding that was in place to support the Inaugural Stage. BELLIVEAU can be seen in the video wearing his dark helmet and carrying the hockey stick with the flag wrapped around it, as shown in Image 19, below.



Image 19 (BELLIVEAU speaking during publicly-available interview)

In the video, BELLIVEAU stated, “I’m here to make sure the Chinese Communist Party does not take over this country through Joe Biden.”

The FBI also obtained video recorded on the night of January 5, 2021, which shows, among other things, groups of persons near the area of Washington D.C. known as “Black Lives Matter” plaza chanting “F*ck Antifa” and confronting police officers that were trying to control the crowd. In this video footage, BELLIVEAU is shown wearing what appears to be the same black helmet and the same black and white Nike sneakers that he wore on January 6, and carrying what appears to be the same hockey stick with a flag wrapped around it and same bullhorn that he carried on January 6, as shown in Images 20, 21, and 22, below.



Image 20 (BELLIVEAU on January 5)



Image 21 (BELLIVEAU on January 5; black and white Nike sneakers indicated in red)

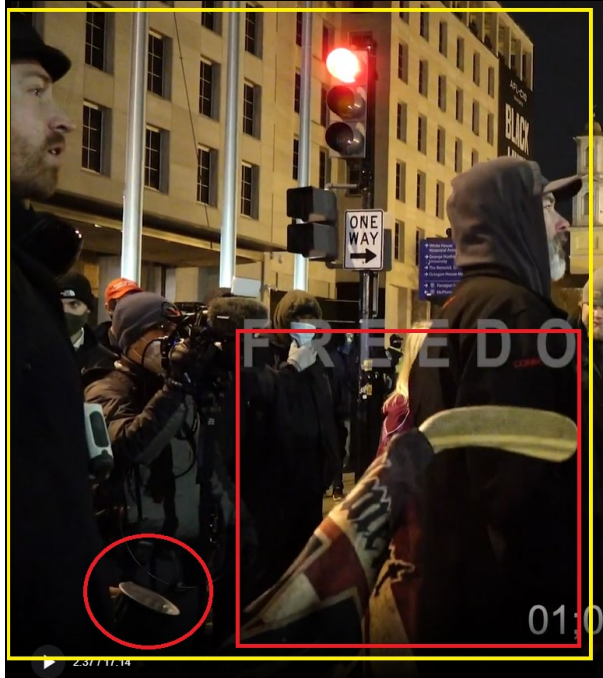


Image 22 (BELLIVEAU on January 5 holding bullhorn and hockey stick with flag wrapped around it)

The FBI has obtained phone records showing that a phone number ending in -8094 was registered to BELLIVEAU in approximately February 2020 and was active in and after January 2021. Other records obtained by the FBI show that this phone number was picked up by cell towers around the U.S. Capitol on January 6, 2021.

In addition, records obtained by the FBI show that BELLIVEAU identified an address in Walpole, Massachusetts in registering accounts with an online consumer goods company and an electronic communications provider in 2016 and 2015, respectively. Other records obtained by the FBI show that BELLIVEAU used an address in Norwood, Massachusetts in connection with an account with a telecommunications provider in 2020. Based on my knowledge of the area, and publicly available information, Norwood and Walpole are within approximately five miles of each other. On or about May 30, 2024, the FBI showed the image identified as Image 19 above to a police officer in Walpole, Massachusetts. The officer positively identified the individual as BELLIVEAU, whom he described as a personal acquaintance. The officer stated, in sum and substance, that he had known BELLIVEAU from the local area for many years.

Based on the foregoing, your affiant submits that there is probable cause to believe that CHRISTOPHER BELLIVEAU violated 18 U.S.C. §§ 1752(a)(1) and (b)(1)(A) and 2, which makes it a crime to knowingly enter or remain in any restricted building or grounds without lawful authority to do so, and to use or carry a deadly or dangerous weapon or firearm in relation to that offense. I also submit that there is probable cause to believe that BELLIVEAU violated 18 U.S.C. §§ 1752(a)(2) and (b)(1)(A), which makes it a crime to 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 to use or carry a deadly or dangerous weapon or firearm in relation to that

offense. I also submit that there is probable cause to believe that BELLIVEAU violated 18 U.S.C. §§ 1752(a)(4) and (b)(1)(A), which makes it a crime to knowingly engage in any act of physical violence against any person or property in any restricted building or grounds, and to use or carry a deadly or dangerous weapon or firearm in relation to that offense. 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 CHRISTOPHER BELLIVEAU 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 there is probable cause to believe that CHRISTOPHER BELLIVEAU 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.

Your affiant submits that there is probable cause to believe that CHRISTOPHER BELLIVEAU violated 18 U.S.C. § 111(a)(1), (b) and 2, 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, while using a deadly or dangerous weapon or inflicting bodily injury. 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.

Special Agent _____
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 6th day of June 2024.

HONORABLE ZIA M. FARUQUI
UNITED STATES MAGISTRATE JUDGE