

STATEMENT OF FACTS

Introduction and Agent Background

Your affiant, [REDACTED] is a Special Agent with the Federal Bureau of Investigation. I have been a Special Agent since [REDACTED]. I have investigated national security matters of individuals and groups involved in both international and domestic terrorism. Additionally, I have completed FBI administered counterterrorism classroom and online training, while at the FBI Academy. Currently, I am assigned to the South Carolina Joint Terrorism Task Force (JTTF). My duties on the JTTF include investigating criminal violations of federal laws of the United States. As an FBI Agent, I have participated in investigations of individuals who are motivated by extremist ideology and groups who commit or conspire to commit criminal acts, including acts of terrorism. I have conducted and participated in physical and electronic surveillance, executed search warrants, and debriefed informants. Additionally, I have received training, both formal and informal, in counter terrorism cases through the FBI's training academy in Quantico, Virginia. Through my investigations, training, and experience, I have become familiar with individuals motivated by extremist ideology who violate United States Federal law. 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 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.

Identification of Jason Brian Barrett

In or about October 2023, the FBI identified an unknown male (SUBJECT 1), later identified as JASON BRIAN BARRETT, who participated in the riot, wearing a dark green hoodie, a brown jacket, a white and blue baseball cap, sunglasses, grey and black Kobalt gloves, blue jeans with tears along the front, and a light grey backpack.



Images 1-3: Screenshots of open-source footage showing SUBJECT 1 on Capitol grounds on January 6, 2021

The FBI located SUBJECT 1 in archived open-source footage and body worn camera footage from the events at the Capitol and found numerous videos showing SUBJECT 1's conduct on January 6, 2021, including assaulting a police officer on the southwest corner of the Western Plaza of the U.S. Capitol. Video footage shows that, while rioters were attempting to overwhelm officers and breach the police line, SUBJECT 1 grabbed a Metropolitan Police Department officer from behind. At another time, SUBJECT 1 was observed picking up a bicycle patrol officer's police helmet and throwing it in the general direction of security barriers and posts manned by police officers.

The FBI identified an individual from social media account associate with “Jason Barrett” that appeared to depict the likeness and image of SUBJECT 1 in posts made on January 5 and 6, 2021. The “Jason Barrett” from the social media account posted a publicly available video on January 5, 2021, wherein “Jason Barrett” discussed his impending travel to Washington D.C. and appeared to be wearing the same white and blue baseball hat as SUBJECT 1 was seen wearing at the U.S. Capitol on January 6, 2021. Your affiant compared photos and video footage from the social media account with photographs and video footage from January 6, 2021, and concluded that they depict the same person.



Images 4-7: Top images are screenshots of open-source footage showing SUBJECT 1 on Capitol grounds on January 6, 2021, and bottom images are screenshots of a video posted on a social media account associated with “Jason Barrett” from January 5, 2021 regarding a trip to Washington, D.C.

Additionally, the FBI made consensual contact with a male believed to be BARRETT in May 2024. This male appeared to have the same physical likeness of SUBJECT 1 from the video footage taken on January 6, 2021. The FBI Agents concluded that BARRETT appeared to be the individual labeled SUBJECT 1 and depicted in the photographs and videos at the Capitol.

BARRETT’s Participation in The Capitol Riot

On January 6, 2021, by around 1:00 p.m., a mob breached the U.S. Capitol grounds and flooded the West Plaza.



Image 8: Screenshot of Capitol surveillance footage showing the West Front flooded with rioters

As officers attempted to fend off the crowd, BARRETT can be seen climbing over a short wall, retrieving a blue “Trump 2020” flag, assisting other rioters over the wall, and making his way closer to the line of police officers.





Images 9-11: Screenshots of open source footage showing BARRETT on Capitol grounds climbing over a short wall, retrieving a flag, and assisting another individual climb over the wall

At about 1:12 p.m., police officers from the Metropolitan Police Department arrived on the scene to assist the Capitol Police. Together, the officers formed another line of bike rack barricades and moved the crowd back.



Image 12: Screenshot of Capitol surveillance footage showing the West Front flooded with rioters as officers established a bike rack line and moved the crowd back

Even with the crowd moved behind barriers, the rioters continued to attack the police officers using various weapons, and eventually the crowd pulled away the bike racks barricades. As officers continued to fend off constant attacks from the crowd, BARRETT remained at the front of the mob.



Image 13: Screenshot of open-source footage showing BARRETT at the front of the mob, facing a line of police officers

As the crowd grew increasingly agitated and aggressive towards the police officers, the mob made a concerted effort forward. At this time, BARRETT forcefully grabbed a Metropolitan Police Department (MPD) bicycle patrol officer from behind, wrapped his arm around the officer's neck, and maintained control over the officer. The officer repeatedly yelled, "GET OFF ME!" as BARRETT continued his attack. Nearby officers came to the officer's aid and saved the officer from BARRETT's attack.





Images 14-16: Screenshots of body worn camera footage (first image) and open source footage (second and third images) showing BARRETT grabbing a police officer by the neck

After the police officer broke free from BARRETT's attack, BARRETT dropped back from the police line, picked up a white helmet, and threw it in the general direction of security barriers and posts manned by police officers.





Images 17-19: Screenshots of body worn camera footage showing BARRETT picking up a helmet from the ground and throwing it towards police officers

After having been flanked and attacked for over an hour-and-a-half, the mob surged forward through the bike rack barriers and broke the police line, gaining access to the Capitol.

For the reasons set forth above, I submit there is probable cause to believe that BARRETT violated:

1. 18 U.S.C. § 111(a)(1), which makes it a crime to forcibly assault or interfere with any person designated in section 1114 of this title 18 while engaged in or on account of the performance of official duties. Persons designated within section 1114 include any person assisting an officer or employee of the United States in the performance of their official duties.

2. 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 Joint Session of Congress where the Senate and House count Electoral College votes. "Civil disorder" means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual.

3. 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; (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; 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 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.

4. 40 U.S.C. § 5104(e)(2), which makes it a crime for an individual or group of individuals 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.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 23rd day of August 2024.

HONORABLE G. MICHAEL HARVEY
MAGISTRATE JUDGE