

## STATEMENT OF FACTS

Your affiant, [REDACTED] is a Task Force Officer with the FBI'S Joint Terrorism Task Force. In my duties as a Task Force Officer, I investigate threats and acts of terrorism. Currently, among other duties, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Task Force Officer, 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.

### **DEAN ROBERT HARSHMAN's Identification**

On or about January 29, 2022, the FBI received at least two tips identifying DEAN ROBERT HARSHMAN as a participant in the riot at the U.S. Capitol on January 6, 2021. Photographs obtained by the FBI depict the individual identified as HARSHMAN along with others, outside and inside the U.S. Capitol Building on January 6, 2021. *See Images 1–3.* The individual identified as HARSHMAN appears as a bearded, white, male who was wearing a light gray Cabela's sweatshirt with dark gray sleeves, green backpack, and blue jeans.



**Image 1**



**Image 2**



**Image 3**

The FBI conducted interviews with two of HARSHMAN's daily associates with whom he frequently interacts. Those individuals were provided the above images and asked if they could

identify the person depicted. Both individuals interviewed positively identified HARSHMAN as the indicated subject in the photos.

### **Search of HARSHMAN's iCloud Account**

The FBI compared photographs of HARSHMAN with publicly-available media, including open-source video and U.S. Capitol Police surveillance video (CCTV). Subsequent investigation revealed multiple photos and videos of HARSHMAN inside and outside of the Capitol Building, many of which depict HARSHMAN holding up a cell phone, as if filming.

Open-source research and legally obtained subscriber information revealed a Verizon phone number [REDACTED] with a registered name of Dean Harshman, mailing address [REDACTED]. Open-source research and legally obtained subscriber information also revealed an email address associated with [REDACTED]. According to subscriber records obtained from Apple for logon ID [REDACTED] and the phone number ending in [REDACTED], the following device is associated with HARSHMAN's Apple ID/account: IPHONE 8 SPACE GRAY 64GB VZ, [REDACTED], DEVICE ID [REDACTED].

On March 20, 2023, a federal search warrant was served on Apple authorizing a search of an iCloud account associated with the Apple ID [REDACTED]. The search of HARSHMAN's iCloud account revealed multiple videos and photos captured by HARSHMAN's cell phone in Washington, D.C., and at the U.S. Capitol on January 6, 2021, as well as external images that HARSHMAN saved to his account.

On January 5, 2021, HARSHMAN saved two images to his iCloud account regarding the 2020 Presidential Election and the upcoming January 6, 2021 "Stop the Steal" rally concerning the certification of the 2020 Presidential election in support of then-President Donald Trump. *See* Images 4 and 5.

3 hours ago- and they're still coming!  
Stop The Steal!



**Image 4**



**Image 5**

## HARSHMAN's Involvement in Events of January 6, 2021

Several videos filmed by the defendant depict the defendant attending the “Stop the Steal” rally before walking to the Capitol. In one of HARSHMAN's videos, an individual on a megaphone can be heard saying, “Directly after Trump's speech we will be going to the Capitol. We will be going *inside* the Capitol Building.” In another of HARSHMAN's videos, HARSHMAN, while walking away from the rally, can be heard saying, “This is a historic march to the Capitol.”

Starting at around 12:50 p.m. EST, HARSHMAN began filming a series of videos documenting the mob's progress towards and into the Capitol. As he began filming near Capitol Grounds, HARSHMAN remarked, “D.C. police officers standing guard in front of our House,” as he filmed the Capitol's restricted perimeter, including bike rack barriers, snow fencing, and “Area Closed” signs. *See Image 6.*



**Image 6**

In videos filmed by HARSHMAN showing rioters advancing past security barriers near the Peace Circle area and the Pennsylvania Walkway toward the Capitol Building, HARSHMAN shouts, “This is the stuff they ain’t gonna show you on TV!” and “We’re taking our House back!” See Image 7.



**Image 7**

In one of these videos, HARSHMAN pans the camera down to focus on an “Area Closed” sign on the ground and shouts, “Area is NOT closed!” as he steps on the sign. See Image 8.



**Image 8**

HARSHMAN's videos show that he then made his way to the Upper West Plaza, where he stood near a line of police officers, conversed with other rioters about the law enforcement presence and the need to push past officers, and filmed police deploying pepper balls into the mob. See Images 9 and 10.



**Image 9**



**Image 10**



At one point, HARSHMAN can be heard saying, “They just threw a flashbang at us,” and “I’m not leavin’.” The crowd later starts to chant, “Stand down, stand down” at the police. As the mob grew rowdier, HARSHMAN filmed police deploying flashbangs and tear gas into the crowd. *See Images 11 and 12.*



**Image 11**



**Image 12**

Soon thereafter, HARSHMAN filmed the mob as it ascended a flight of stairs leading to the Capitol’s Upper West Terrace and Northwest Courtyard. *See Image 13 and 14.*



**Image 13**

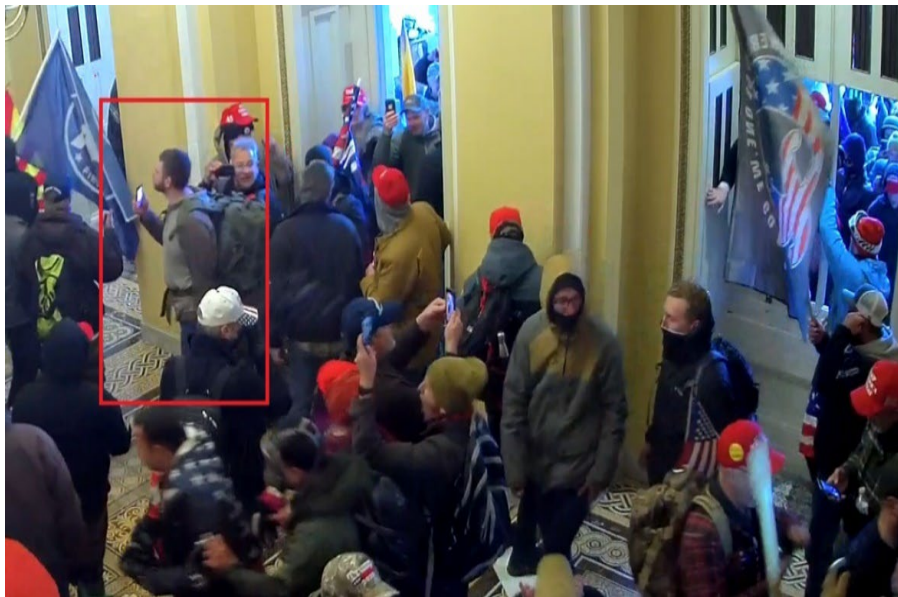


**Image 14**

Video that HARSHMAN recorded, as well as Capitol CCTV, shows that, at approximately 2:20 p.m., HARSHMAN entered the U.S. Capitol Building through the broken-open Senate Wing Door. *See* Images 15 and 16.



**Image 15**

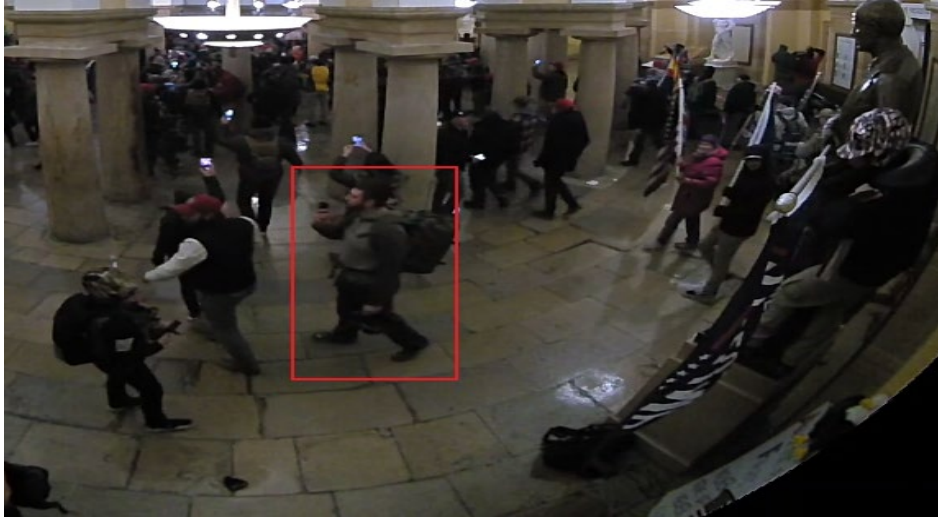


**Image 16**

HARSHMAN began to walk through the building and made his way to the U.S. Capitol Crypt. *See Images 17, 18, and 19.*



**Image 17**



**Image 18**



**Image 19**

At some point thereafter, HARSHMAN entered and filmed inside a nearby office. See Image 20.



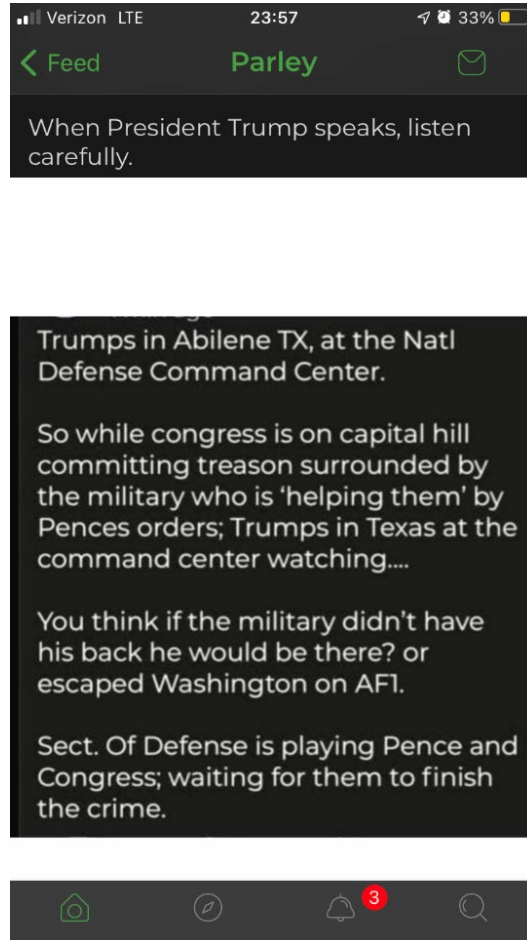
**Image 20**

HARSHMAN, after being in the Capitol for approximately 15 minutes, returned to the Senate Wing Door interior and queued up to eventually exit the Capitol through a broken window at approximately 2:35 p.m. See Image 21.



**Image 21**

In the evening on January 6, 2021, HARSHMAN saved an additional image to his iCloud account regarding the Electoral College certification. *See Image 22.*

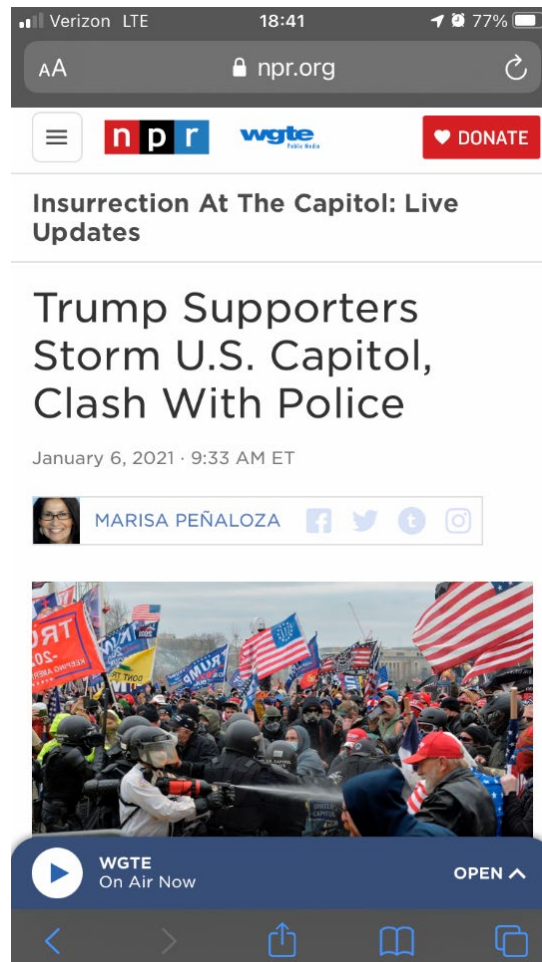


**Image 22**

On January 7, 2021, HARSHMAN saved images of a Twitter.com post concerning Vice President Pence and an article titled “Trump Supporters Storm U.S. Capitol, Clash with Police.” *See Images 23 and 24.*



**Image 23**



**Image 24**

Based on the foregoing, your affiant submits that there is probable cause to believe that HARSHMAN violated 18 U.S.C. § 1512(c)(2), which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings.

Your affiant submits there is probable cause to believe that HARSHMAN 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.

Finally, your affiant submits there is also probable cause to believe that HARSHMAN violated 40 U.S.C. § 5104(e)(2)(D) & (G), 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 (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 28<sup>th</sup> day of July 2023.

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ROBIN M. MERIWEATHER  
U.S. MAGISTRATE JUDGE