

## STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation. I have been so employed since 2018. I am assigned to the FBI Joint Terrorism Task Force (JTTF), a local, state, and federal task force focusing on international and domestic terrorism in Northwest Indiana. While assigned to the JTTF, I have gained experience assisting with investigations into federal violations regarding international and domestic terrorism, violent crime, and public corruption. Throughout the course of my duties, I have conducted numerous arrest and search warrants, conducted numerous interviews, conducted physical surveillance, emplaced electronic tracking devices, participated in Title III wiretaps, and utilized a variety of investigative techniques. Prior to my employment as a Special Agent for the FBI, I served in the United States Army as a commissioned officer for 11 years. Throughout my time in the Army, I used a variety of intelligence assets to include human intelligence and signals intelligence to track terrorists and insurgents, develop their pattern of life (POL), and execute operations to neutralize, capture, or deter their illicit activities. I have been trained in the use of cell phone exploitation to extract intelligence, conduct link analysis on illicit organizations, and dismantle insurgent networks.

In my duties as a Special Agent, I am authorized by law or by the FBI to engage in or supervise the prevention, detection, investigation, or prosecution of a violation of Federal criminal laws. Currently, I am tasked, among other things, with investigating criminal activity in and around the U.S. Capitol grounds on January 6, 2021.

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.

At approximately 1:00 p.m., a crowd of violent rioters penetrated the restricted perimeter of the U.S. Capitol grounds – which was denoted by bike racks, snow fencing, officers, and “AREA CLOSED” signs – and assembled on the West Front of the U.S. Capitol. USCP formed a line of bike racks extending from the north end of the West Front to the South end to act as a barrier against the crowd. Officers were standing watch behind this line and fending off repeated attempts by the rioters to pull on the bike racks, either with their hands or with ropes and straps.

At approximately 2:00 p.m., some people in the crowd forced their way through, up, and over the barricades and law enforcement. The crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by USCP officers or other authorized security officials. At such time, the certification proceedings were still underway, and the exterior doors and windows of the United States Capitol were locked or otherwise secured. Members of law enforcement attempted to maintain order and keep the crowd from entering the United States Capitol. The crowd of rioters had amassed and collectively pushed and tore down the bike rack barriers, assaulted law enforcement officers, and otherwise violently breached the police line, opening the path to the Capitol building.

At approximately 2:30 p.m., significant sections of the police line on and near the U.S. Capitol’s Lower West Terrace broke as the rioters in the crowd swarmed and overwhelmed police officers. The police line guarding the West front had collapsed. Rioters quickly followed retreating officers up to the inaugural platform on the Lower West Terrace by climbing the stairwell and scaffolding in the Southwest section of the U.S. Capitol grounds.

A group of rioters then converged at a pivotal location – the Lower West Terrace “Tunnel.” The “Tunnel” is a stairway that had been converted into a narrow entryway due to construction of the temporary inaugural platform on the Lower West Terrace of the Capitol building. At the end of the Lower West Terrace Tunnel were two sets of glass double doors, emblazoned with the sign “Members Entrance Only,” which opened directly into the heart of the U.S. Capitol building.



*Image 1* (Diagram of U.S. Capitol building, Tunnel in red circle)



*Image 2* (The “Tunnel” as seen on CCTV footage prior to rioters entering)



*Image 3* (The “Tunnel”)

Rioters amassed outside the Tunnel with a variety of tools and weapons. By the time rioters began entering the Tunnel, at about 2:40 p.m., a group of officers had formed a line at a second set of glass doors inside the Tunnel. Rioters outside the Tunnel quickly summoned more rioters to join their efforts in pushing their way through the doors in the Tunnel. As the Tunnel quickly filled with rioters, it became the point of intense and prolonged violent clashes between rioters and police officers, as rioters attempted to break their way through the Tunnel and into the Capitol building.

Rioters began entering the Tunnel and attacking the officers. Rioters broke through the first set of glass doors and forced open the second set of doors, eliminating the barriers between police officers and rioters. From approximately 2:42 p.m. onward, groups of rioters consistently rotated into the Tunnel, collectively attempting to breach the police line and force their way into the building. The rioters used various weapons, as well as the force of their bodies, in an attempt to overcome the officers and make it inside the Capitol building. Many of the rioters assaulted MPD and USCP officers by hurling objects towards the officers, physically striking officers with batons and other blunt instruments, using strobe lights to distract and disorient the officers, using electrical shock devices, crushing officers between the doors and walls of the confined space, deploying chemical sprays and fire extinguishers against the officers, and collectively joining together to engage in violent “heave ho” pushes against the officer line.

#### **MIJARES’ Identification**

Following the January 6, 2021 assault on the U.S. Capitol, the FBI located video evidence of an individual, designated BOLO AFO-63, confronting police officers in the Tunnel around 2:44 p.m. BOLO AFO-63 was depicted at the Capitol wearing a light-colored gas mask, black hooded sweatshirt, and green/tan tactical vest. FBI Washington’s Office of Public Affairs published a photo of AFO-63 on the FBI’s official social media. *See Image 4.*



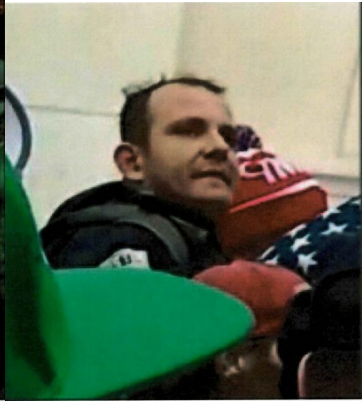
*Image 4*

On or about October 8, 2021, the FBI received a tip identifying BOLO AFO-63 as GREGORY MIJARES (MIJARES) of Crown Point, Indiana. According to records obtained through a search warrant served on AT&T, a cellphone associated with MIJARES—tied to a phone number ending in 6221—was identified as having used a cell cite consistent with providing service to the geographic area that included the interior of the U.S. Capitol on January 6, 2021.

On March 14, 2023, MIJARES was interviewed by investigators at his residence in Crown Point, Indiana. At the beginning of the interview, investigators presented MIJARES with a series of seven photographs taken at the U.S. Capitol on January 6, 2021, and asked MIJARES to identify the individual depicted in each photo. MIJARES identified himself as the man pictured in all seven photos. *See Images 5–11.*



*Image 5*



*Image 6*



*Image 7*



*Image 8.1 (one of two)*



*Image 8.2 (two of two)*



*Image 9*





*Image 10*



*Image 11*

### **MIJARES' Involvement in the Events of January 6, 2021**

During his March 14, 2023 interview with investigators, MIJARES admitted that he went to the U.S. Capitol on January 6, 2021. MIJARES told investigators that he travelled to Washington, D.C., on January 6, 2021, to protest the election and attend the rally held that day in support of former President Donald Trump. MIJARES said that he rented a car in Indiana and drove to D.C. with a friend on January 5, 2021, and stayed at an AirBNB in Virginia between January 5, 2021, and January 7, 2021. MIJARES reported that he and his friend met with two additional individuals, and they arrived together at the Trump rally at approximately 10:00 a.m. According to MIJARES, following the rally, he began walking with the crowd toward the Capitol. MIJARES admitted to entering Capitol grounds, wearing a gas mask, seeing law enforcement launch tear gas into the crowd, and getting into altercations with police officers both outside and inside the Tunnel. MIJARES also showed investigators photos he had taken on his phone of himself at the Capitol on January 6, 2021. The photos depicted a large crowd gathered on the Capitol's west lawn, MIJARES taking a photograph of himself with a gas mask on his head with a crowd in the background, and a crowd gathered near the external entrance to the Capitol building.

As part of its investigation, the FBI reviewed multiple body worn camera (BWC), CCTV, and open-source video footage depicting MIJARES' conduct at the Capitol on January 6, 2021. The material reviewed shows that MIJARES made his way up to the Lower West Terrace, pursued officers retreating into the Tunnel, assisted rioters in breaching two sets of doors in the Tunnel, and joined the mob's front lines multiple times as it attempted to force its way through the officers guarding the Tunnel.

Around approximately 2:40 p.m. on January 6, 2021, BWC footage depicts the defendant on the Capitol's Lower West Terrace. As officers attempted to fall back into the Tunnel, MIJARES stood in their path as he raised a flag over his head. *See Image 12.* Officers attempt to remove MIJARES from the path, and a physical altercation ensues between officers and MIJARES.



*Image 12*

Capitol CCTV shows that MIJARES then joined the first few rioters that pursued police into the Tunnel, entering the archway at approximately 2:41 p.m. *See Image 13.*



*Image 13*

BWC and open-source video shows that MIJARES then approached a set of glass doors that police had locked behind them as they moved further into the Tunnel. Moments later, rioters smashed one of the panes of glass in the doors. MIJARES then held up his middle finger at officers before pulling open the now-broken door for rioters to push forward. *See Images 14 and 15.*



*Image 14*



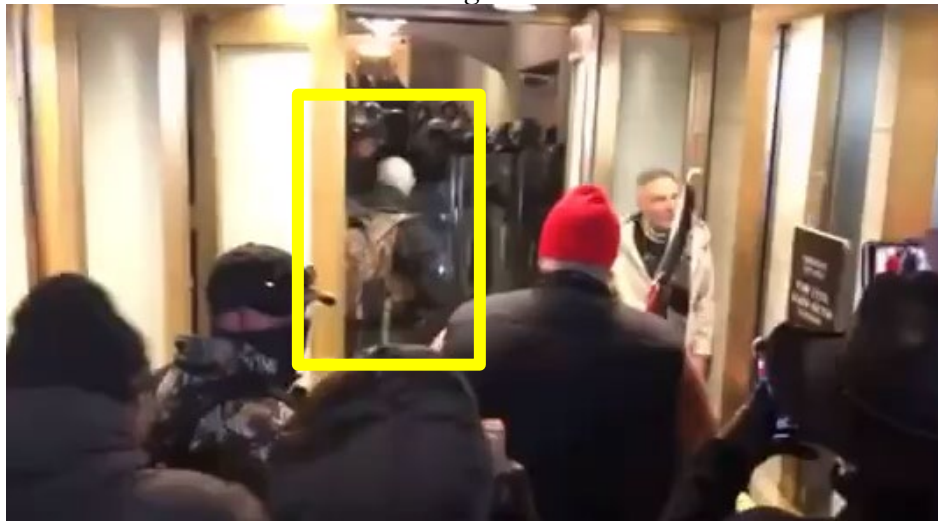
*Image 15*

MIJARES then approached a second set of Tunnel doors situated just behind the first, and pulled one of those doors open for his fellow rioters. *See* Image 16. MIJARES then raised his arms and pointed at officers while he appeared to shout at them. *See* Image 17.



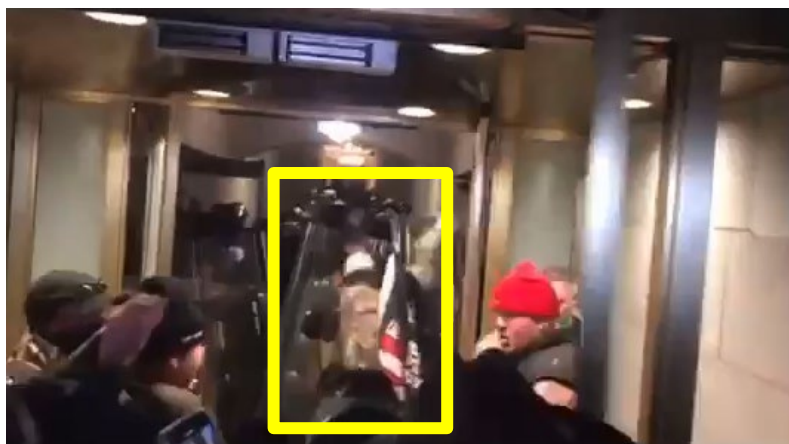


*Image 16*



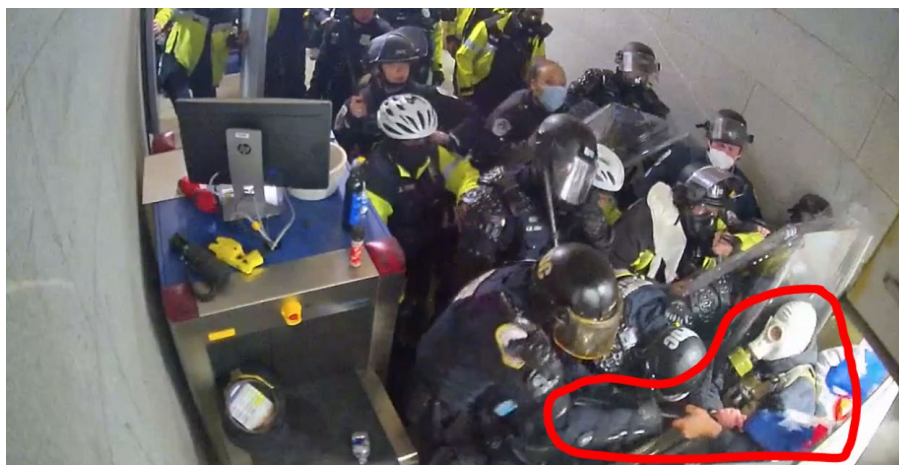
*Image 17*

As MIJARES grew closer, officers attempted to push him back using a riot shield. MIJARES responded by taking a step back and slamming his body back into the riot shield. See Image 18.



*Image 18*

Other rioters then swarmed MIJARES at the police line and began to physically fight officers as MIJARES continued to push against the riot shield. At some point, an officer struck MIJARES with a baton while MIJARES was facing the shield wall. MIJARES attempted to block the baton by raising his arms up in front of his head. Eventually, MIJARES grabbed the baton in an attempt to stop the officer from delivering blows. *See Image 19.*



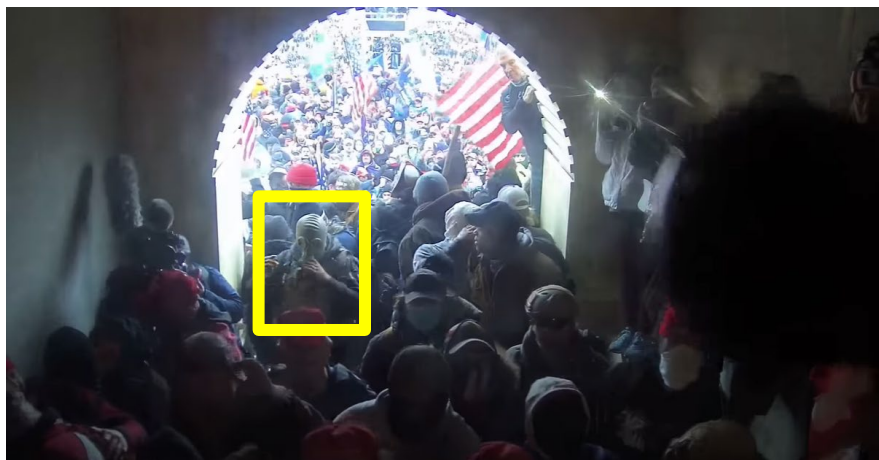
*Image 19*

MIJARES remained at the front of the line, pushing against police, until approximately 2:45 p.m., when he appeared on CCTV moving back in the crowd. However, about one minute later, MIJARES pushed back to the front of the mob. About 6 minutes later, MIJARES again moved backward in the mob, toward the Tunnel's entranceway, and began to speak with another rioter. At approximately 2:52 p.m., MIJARES exited the Tunnel and moved to the left of the entrance, where he remained for some time. *See Image 20.*



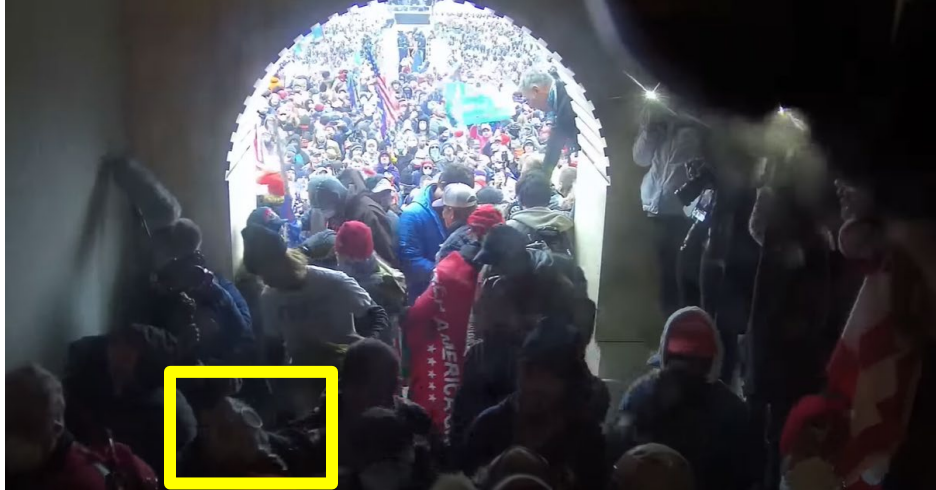
*Image 20*

At approximately 3:11 p.m., CCTV captured MIJARES as he re-entered the Tunnel. *See* Image 21. As MIJARES reentered the Tunnel, he would have seen the large phalanx of police officers continuing to defend the Tunnel entrance to the Capitol building.



*Image 21*

Moments later, MIJARES pushed against the rioter in front of him, and additional rioters joined the pushing effort around and behind him. Together, the mob pushed in a “heave ho” effort against the police line for approximately several minutes. *See* Image 22.



*Image 22*

Between about 3:12 p.m. and 3:13 p.m., MIJARES assisted other rioters in coordinating the passing of riot shields that had been taken from the police. *See* Image 23.



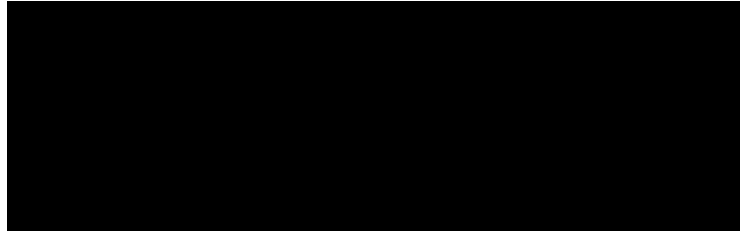
*Image 23*

MIJARES then pushed further toward the front of the mob, and, at approximately 3:16 p.m., rioters in the tunnel engaged in another “heave ho” effort against the police. After participating in this “heave ho,” MIJARES made his way back to the Tunnel entranceway, where he exited at approximately 3:19 p.m.

Based on the foregoing, your affiant submits that there is probable cause to believe that MIJARES 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.

Your affiant also submits that there is probable cause to believe that MIJARES 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. 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.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 5 day of September , 2023.

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U.S. MAGISTRATE JUDGE