

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent assigned to the Boston Federal Bureau of Investigation (“FBI”) Field Office, Providence Resident Agency. I have been an FBI Special Agent since September 2020. In my duties as a Special Agent, I have participated in criminal investigations relating to counterterrorism, specifically domestic terrorism. Through my training and experience, I am familiar with the strategy, tactics, methods, ideology and practices of domestic terrorism and anti-government extremists. Currently, one of the duties I am tasked with is investigating criminal activity in and around the United States Capitol grounds on January 6, 2021. As a Special Agent with the FBI, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of federal criminal laws.

The United States Capitol is secured 24 hours a day by United States Capitol Police (USCP). Restrictions around the United States Capitol include permanent and temporary security barriers and posts manned by USCP. Only authorized people with appropriate identification were allowed access inside the United States Capitol. On January 6, 2021, the exterior plaza of the United States 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 United States Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the United States Capitol building, and USCP were present and attempting to keep the crowd away from the United States Capitol building and the proceedings underway inside.

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 the USCP attempted to maintain order and keep the crowd from entering the Capitol; however, shortly around 2:00 p.m., individuals in the crowd forced entry into the United States Capitol, including by breaking windows and by assaulting members of the USCP, 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.

Earlier this day, at approximately 1:00 p.m., a crowd of violent rioters assembled on the West Front of the United States 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.

At approximately 2:30 p.m., significant sections of the police line on and near the United States Capitol's Lower West Terrace broke as the rioters in the crowd swarmed and overwhelmed the law enforcement officers. Some of the rioters were able to penetrate the scaffolding, a position that gave them access to the stairs to the upper terraces where there are several key doors, including the doorway to the Lower West Terrace, also referred to as the "tunnel." Officers from the USCP and the Washington, DC Metropolitan Police Department (MPD) formed a police line in the tunnel blocking that entrance to the United States Capitol building and were repeatedly fending off assaults by some of the rioters.

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 scores of individuals inside the United States Capitol building without authority to be there, in violation of Federal laws. Photographs and videos of several of these persons were disseminated via social media and other open source online platforms.

FACTS SPECIFIC TO TIMOTHY J. DESJARDINS

Based on an initial review of publicly available video footage, USCP surveillance footage, and body worn camera ("BWC") footage of officers who responded to the United States Capitol on January 6, 2021, a white male with brown hair, who was wearing a black leather jacket, a flat cap hat, and an "Air Jordan" camouflage backpack, who has been identified as TIMOTHY J. DESJARDINS, as described below, can be seen repeatedly assaulting law enforcement officers guarding the United States Capitol Building.

A review of videos posted on YouTube revealed DESJARDINS assaulted multiple law enforcement officers who were in the tunnel by striking the officers repeatedly with what appears to be a significant amount of force and using what appears to be a broken wooden table leg. During this time, the law enforcement officers were also being assaulted by a crowd of other violent rioters

who were also attempting to push themselves into the tunnel and hurling various objects, such as a baton and a table at the officers. These YouTube videos were compared to footage from BWCs worn by officers who were in the tunnel. Based on those comparisons, it is believed that the events captured in the videos occurred at approximately 4:46 p.m.



Figure 1:

https://www.youtube.com/watch?v=DBIg2s_B0IY&t=536s



Figure 2:

https://www.youtube.com/watch?v=DBIg2s_B0IY&t=536s



Figure 3:

https://www.youtube.com/watch?v=DBIg2s_B0IY&t=536s

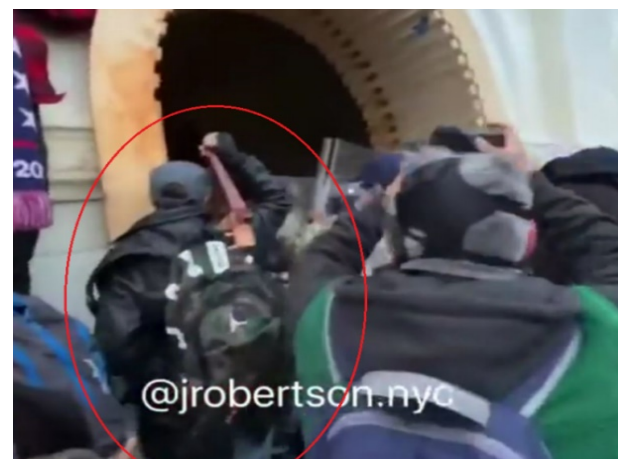


Figure 4:

https://www.youtube.com/watch?v=DBIg2s_B0IY&t=536s



Figure 5:

https://www.youtube.com/watch?v=DBIg2s_B0IY&t=536s



Figure 6:

https://www.youtube.com/watch?v=DBIg2s_B0IY&t=536s

A review of BWC footage belonging to Officer-1 revealed that at approximately 4:46 p.m., DESJARDINS was observed assaulting Officer-1 using what appeared to be an object that resembles the size of a broken wooden table leg that is captured in the YouTube videos. Officer-1's BWC captured multiple strikes by DESJARDINS, including a strike at 4:47:25 p.m., shortly after another rioter threw a table at the officers. Officer-1's BWC footage corresponds with the YouTube videos mentioned above.



Figure 7: Officer-1 BWC



Figure 8: Officer-1 BWC



Figure 9: Officer-1 BWC

Near the time of the assault, Officer-1 was standing in close proximity to Officer-2. A review of Officer-2's BWC revealed DESJARDINS approaching the officers a second time with the broken table leg.



Figure 10: Officer-2 BWC

After January 6, 2021, the below images of DESJARDINS appeared on the internet. Based on these images, the FBI created a profile for DESJARDINS as moniker "AFO-348." The FBI posted those images to its website and to social media to garner public assistance in identifying DESJARDINS.



Figure 11: <https://mobile.twitter.com/capitolhunters/status/1394002632797212673?lang=en>



Figure 12: <https://seditionhunters.org/mpdslide42/>

The FBI located known images of DESJARDINS from his Rhode Island driver's license and a set of Providence, Rhode Island, booking and correctional institution photos from October 2021, each of which is set forth below. Based on the comparison of those known images of DESJARDINS with the images captured in the riot footage from January 6, 2021, DESJARDINS appears to be the person depicted in AFO-348.



Figure 13: RI Drivers License Photograph



Figure 14: BOLO 348:
<https://www.fbi.gov/wanted/capitol-violence-images/348.png/view>

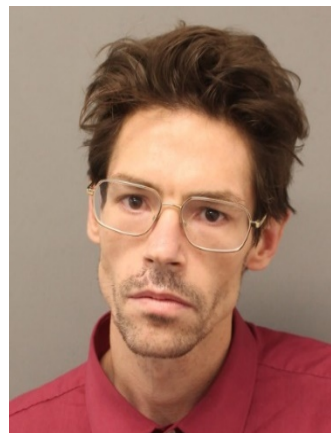


Figure 15: ACI Booking photo October 2021

DESJARDINS' identification has been further corroborated by evidence recovered on January 7, 2021. Specifically, the FBI learned that on January 7, 2021, DESJARDINS' backpack was recovered by an officer with the Metropolitan Police Department (MPD) in Washington D.C. The backpack that was found appears to be the backpack that DESJARDINS was seen wearing and possessing at the United States Capitol on January 6, 2021. On January 7, 2021, at approximately 6:30 a.m., an individual reported to MPD that an unknown male (UM-1) was sleeping in front of 1200 G Street NW, Washington, D.C. 20005 and when UM-1 departed this location, UM-1 left his backpack. The backpack was an "Air Jordan" brand camouflage backpack and contained the following items: an identification card for DESJARDINS, two black walkie talkies, three axes, a flashlight, assorted clothing, prescription bottles, and a credit card. The discovery of the backpack was captured by the responding officer's BWC.



Figure 16: Officer-3 BWC



Figure 17: Officer-3 BWC



Figure 18: Officer-3 BWC



Figure 19: Officer-3 BWC

In addition, on May 29, 2021, an FBI police officer submitted a tip to the FBI National Threat Operations Center to report the identity of AFO-348 as Timothy Desjardins (age 35, with an address in Providence, Rhode Island). The officer indicated that on January 7, 2021, at approximately 2:17 a.m. officers interviewed DESJARDINS because DESJARDINS attempted to go over the chains on E Street behind FBI Headquarters in Washington D.C. The interview was initiated because of the potential security breach. DESJARDINS provided the officer with his Rhode Island driver's license at the onset of the interview. During the interview, DESJARDINS stated that he was there (presumably referring to the United States Capitol) but would not go into detail. At the time, DESJARDINS had one or two hatchets with paracord wrapped handles on the side of his dark colored backpack and DESJARDINS mentioned that he was good with them. During this encounter, DESJARDINS was wearing a flat cap hat that appears to be the same hat

worn by DESJARDINS at the United States Capitol. DESJARDINS was allowed to leave after the officer determined that there were no active wants or warrants for DESJARDINS at that time.

A comparison of DESJARDINS face, as depicted in his Rhode Island driver's license photograph, a photograph from January 6, 2021, and two mugshot photos from Providence Police Department and Adult Correctional Institute in October 2021, show a distinctive scar located on DESJARDINS' right upper lip. A side-by-side comparison can be seen below.



Additional comparison of DESJARDINS' side profile, as depicted in the following October 2021 Providence Police Department mugshot photo and January 6, 2021 photo, DESJARDINS demonstrate the same facial features including the distinctive scar located on his right upper lip, lip and ear structure, and nose curve.



Based on the foregoing, your affiant submits that there is probable cause to believe that DESJARDINS violated 18 U.S.C. § 111(a) and (b), which makes it a crime to, with a deadly or dangerous weapon, forcibly assault, resist, oppose, impede, intimidate or interfere with a Federal law enforcement officer as designated in Section 1114 of Title 18, while engaged in or on account of the performance of official duties. For purposes of Section 1114 of Title 18, an officer or employee includes any person assisting such an officer or employee in the performance of such duties or on account of that assistance.

Your affiant submits there is also probable cause to believe that DESJARDINS 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 Joint Session of Congress where the Senate and House count Electoral College votes.

Your affiant submits that there is also probable cause to believe that DESJARDINS violated 18 U.S.C. § 1752(a)(1) and (4), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds, or attempts or conspires to do so; and (b)(1)(A) during and in relation to the offense, did use and carry a deadly and dangerous weapon, to wit: a broken table leg. 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.

Lastly, your affiant submits there is also probable cause to believe that DESJARDINS violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly 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.

[REDACTED]

[REDACTED]

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 19th day of November 2021.

HONORABLE ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE