

## STATEMENT OF FACTS

Your affiant, Elizabeth Becker, is a Special Agent (SA) assigned to the Fort Washington Resident Agency of Philadelphia FBI. In my duties as a special agent, I have received specialized training from the FBI, including training in the investigation and identification of narcotics traffickers and violent gangs. During my tenure with the FBI, I have been assigned to the High Intensity Drug Trafficking Area (“HIDTA”)/Safe Streets Violent Drug Gang Task Force (“SSVDGTF”) of the Philadelphia Division, which investigates, among other violations of federal law, violent drug gangs and criminal organizations including those involved in the importation, distribution and manufacturing of controlled substances, outlaw motorcycle gangs, and homicides and shootings resulting from the drug trade. In January 2021, I completed a 6-month on the job training (OJT) with the Criminal Cyber Unit, investigating cyber-intrusion, cyber-stalking, and financial crimes. From December 2020 until December 2021 I was assigned to the Organized Crime squad investigating Eurasian and Russian Organized Crime. Currently I am assigned to the White Collar unit based out of the Fort Washington residence agency (RA).

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.

Affiant received information from the Washington Field Office indicating JAMES “JIM” ROBINSON of Schwenksville, Pennsylvania had been identified by a confidential human source (CHS) as present at the Capitol Riots on January 6th, 2021. Still shots were provided by CHS from various forms of social media, depicted ROBINSON inside and on the steps of the Capitol Building.

Affiant obtained a Pennsylvania driver’s license photo for ROBINSON. Affiant then reviewed surveillance video from the Capitol, body cameras as well as videos posted on social media. An individual matching ROBINSON’s appearance in his Pennsylvania driver’s license photo is seen numerous times with long gray hair pulled back into a low ponytail, wearing black pants, a black hooded sweatshirt with a large, bright yellow, distinguishable insignia on the back. One video taken outside of the Capitol shows a large group of people attempting to push through the east entrance of the Rotunda, ROBINSON is seen wearing what appears to be a black balaclava covering his face.

On May 3<sup>rd</sup>, 2022 at approximately 2:30PM EST, ROBINSON was interviewed by the Affiant and Special Agent John McKinley. ROBINSON was accompanied by his attorney, Douglas Dolfman and his intern, Isabel Apothaker. The interview took place at the FBI Fort Washington field office.

In the interview, ROBINSON admitted being inside the Capitol building on January 6, 2021. ROBINSON stated a friend, John Collins, told him that a group of individuals were going to Washington DC to listen to speeches. Collins introduced ROBINSON to "Phil" (later identified via Pennsylvania Department of Transportation license photo as Phillip Walker) who was planning to drive down to DC early on January 6th.

According to ROBINSON, early on the morning of January 6, 2021, he went to Walker’s house south of Philadelphia. From there Walker drove ROBINSON and a male and a female (names unknown) to a metro stop outside of Washington D.C. where they took the metro to the National Mall to watch the speeches. ROBINSON described the crowd at the speeches as spirited but did not seem out of control. After the conclusion of the speeches, the crowd started to move towards the Capitol building and ROBINSON, Walker and the unknown male and

female moved along with it. ROBINSON stated he stopped approximately 8 to 9 blocks from the Capitol to eat food he had brought with him, becoming separated from Walker and the other two individuals.

ROBINSON stated he could hear people screaming and crying for help near the Capitol. According to ROBINSON his training in martial arts had taught him that when people need assistance, he should do what he could to help. ROBINSON remembers going to the Capitol building and up a set of stairs where he got sucked into a large group of people who were trying to gain access into the Capitol through doors in a large archway. ROBINSON stated he entered the Capitol into a room he described as not the main Rotunda but possibly one of the smaller rooms next to it. ROBINSON understood that he was not supposed to be making entry into the Capitol but felt he could help people who were crying out.

ROBINSON was unsure how long he was in the building. Upon exiting ROBINSON received a ride from another group of people he had heard discussing driving north on I-95. ROBINSON was dropped off at his vehicle parked at Walker's house. ROBINSON did not see Walker, or the other individuals once returning to Pennsylvania and has not spoken to them since.

ROBINSON was shown video and still photos showing a person who was believed to be him inside and outside of the Capitol. Below are those images shown to ROBINSON and his comments in reference to each image.

1- Still image taken from the following link:

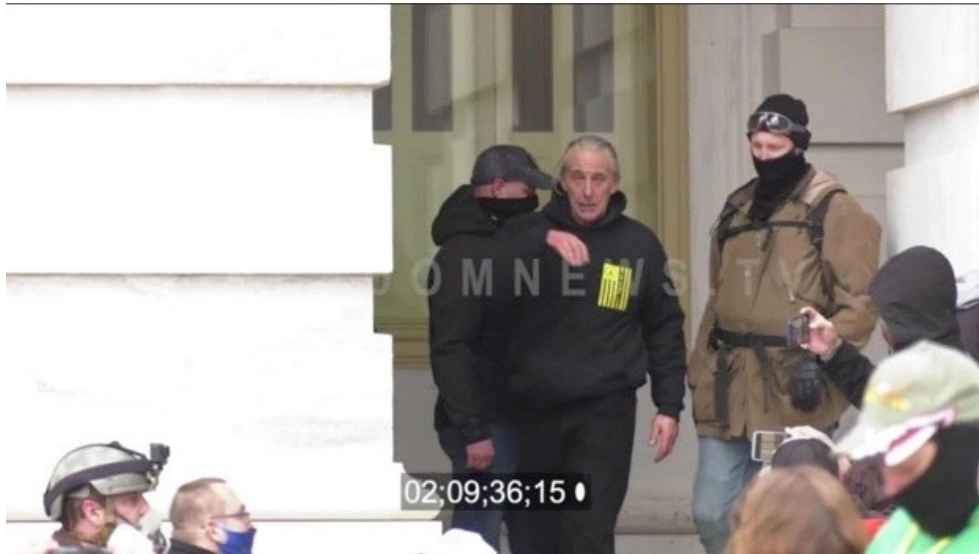
<https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Kenneth%20Harrelson%20Government%20Opposition%20to%20Motion%20for%20Reconsideration%20of%20Conditions%20of%20Release.pdf>



ROBINSON was shown this still shot, where a large group of people are entering into the Rotunda through the east doors. ROBINSON positively identified himself as the male circled in yellow. (The individual circled in red is unrelated but was circled when shown).

2- Still image taken from video found on following link (timestamp approximately 1:09:43):

<https://youtu.be/jBRJmrvFfo8?t=4183>



ROBINSON positively identified himself walking out in the black hooded sweatshirt shown above. ROBINSON said he did not know either of the males he walked out with.

3- Still images shown below were all taken from the following link. Timestamps for each image documented above each image.

<https://archive.org/details/capital-hill-occupy-ovfr-18>





Timestamp approximately 8:06



Timestamp approximately 8:51



Timestamp approximately 16:40

ROBINSON positively identified himself as the individual circled in yellow in the previous images.

Having spent time face to face with ROBINSON during his interview, Affiant can positively identify him as the individual that ROBINSON self-identified as set forth above.

Additionally, during further video review, the affiant has identified ROBINSON in the ROTUNDA on CCTV surveillance video not shown to ROBINSON during his interview. In the video, after entering the rotunda through the east doors, ROBINSON is seen enthusiastically pumping his fists into the air, while appearing to yell out.



Timestamp approximately 19:41:17

ROBINSON secures a velvet rope, normally used to block people from unauthorized areas in the Capital and walks around carrying the rope. See below still shot images.



Timestamp approximately 19:42:25



Timestamp approximately 19:43:29



Timestamp approximately 19:43:58

ROBINSON continued to walk in circles around the Rotunda, pumping his fists and high fiving other individuals until he came to a stop around timestamp 19:45:51.

ROBINSON appears to raise his cellphone and take a photograph of the ceiling.



Timestamp approximately 19:45:51



ROBINSON continues to walk and speak to others in the rotunda. At approximate timestamp 19:48:16 ROBINSON appears to start a chant while aggressively pumping his fists.



Timestamp approximately 19:48:16

After approximately eight (8) minutes, ROBINSON begins to exit the Rotunda. ROBINSON is seen speaking with another male, wearing jeans, green jacket with black sleeves and short light brown hair. ROBINSON, who is not holding the velvet barrier rope at this time, and the unknown male, exit the screen towards the North Rotunda doors.

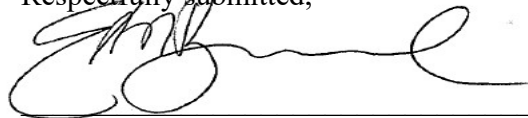


Timestamp approximately 19:48:34

Based on the foregoing, your affiant submits that there is probable cause to believe that JAMES “JIM” ROBINSON 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.

Your affiant submits there is also probable cause to believe that ROBINSON violated 40 U.S.C. § 5104(e)(2) (D) 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; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Respectfully submitted,



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ELIZABETH M. BECKER  
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 29<sup>th</sup> day of July 2022.

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HONORABLE G. MICHAEL HARVEY  
U.S. MAGISTRATE JUDGE