

STATEMENT OF FACTS

Your affiant, [REDACTED], is a special agent assigned to the Federal Bureau of Investigation (“FBI”) New York Field Office. In my duties as a special agent, I investigate national security matters. 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 are 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 U.S. 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 U.S. 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.

Open-source video and U.S. Capitol security cameras captured multiple images of MATTHEW SCHMITZ (“SCHMITZ”) of Lindenhurst, NY, participating in the riot at the U.S. Capitol on January 6, 2021.

Security video surveillance from inside the U.S. Capitol shows that SCHMITZ was inside the U.S. Capitol for approximately forty-one seconds. He entered via the Senate Wing Door at approximately 2:14:44 pm, as captured in **Image 1**.



Image 1: SCHMITZ entering the Capitol building via the Senate Wing Door at 2:14:44 pm.

Once SCHMITZ was inside, he turned left, walking north down a corridor for a few seconds, as captured in **Image 2**, which is a screenshot from a video taken by “BG On the Scene”.

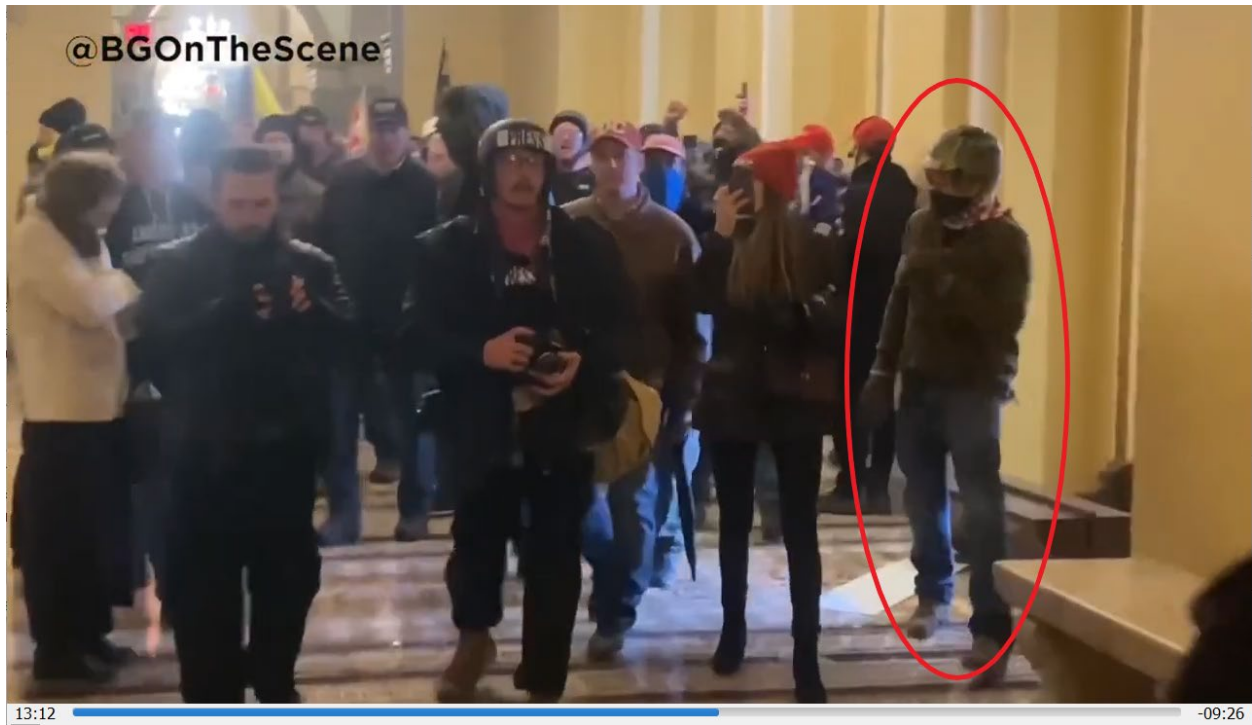


Image 2: SCHMITZ walking down a corridor inside the Capitol building, as captured in the “BG On the Scene” video at time stamp 13:12.



Image 3: SCHMITZ walking down a corridor inside the Capitol building.

SCHMITZ was wearing jeans, a dark green camouflage sweatshirt, an American flag bandanna around his neck, a camouflage helmet, a black face mask, and tinted glasses.

Approximately twelve seconds after the scene captured in **Image 2**, tear gas came billowing down the hallway, also captured in the “BG On the Scene” video.



Image 4: The same hallway captured in **Image 2**, now filled with tear gas, in the “BG On the Scene” video at time stamp 13:24.

After the deployment of the tear gas, SCHMITZ turned around and walked back toward the Senate Wing Door. He exited the Capitol building at 2:15:25 pm by climbing through a window next to the Senate Wing Door, as captured in **Image 5**.



Image 5: SCHMITZ climbing out of a window next to the Senate Wing Door in the Capitol building.

Immediately upon exiting, SCHMITZ stood outside the Senate Wing Door, wiping down his jacket with what appears to be an American flag handkerchief.



Image 6: SCHMITZ outside the Senate Wing Door after exiting through the window.

Law enforcement officers from the FBI spoke with [REDACTED], a defendant who was charged with conduct related to January 6, 2021, and pleaded guilty.¹ [REDACTED] stated that [REDACTED] was familiar with SCHMITZ. [REDACTED] identified SCHMITZ to be the person depicted in **Image 7**, wearing jeans, a dark sweatshirt, an American flag bandanna around his neck, and holding a camouflage helmet. [REDACTED] stated [REDACTED] had met SCHMITZ prior to January 6, 2021, and also spent time with him on the National Mall on January 6, 2021.

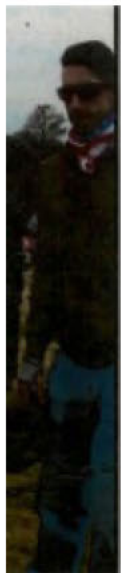


Image 7: SCHMITZ on the National Mall before entering the Capitol.

¹ [REDACTED] was charged under case number [REDACTED] and pleaded guilty to a misdemeanor charge on [REDACTED].

Open-source video captured SCHMITZ and [REDACTED] walking from the Peace Circle to the West Lawn of the Capitol on January 6, 2021.



Image 8: SCHMITZ (red) and [REDACTED] (blue) walking from the Peace Circle to the West Lawn.

The FBI obtained images of SCHMITZ, including **Image 9**, on the National Mall on January 6, 2021, from the device of another rioter. SCHMITZ is wearing jeans, a dark green camouflage sweatshirt, an American flag bandanna around his neck, and sunglasses with tinted lenses.



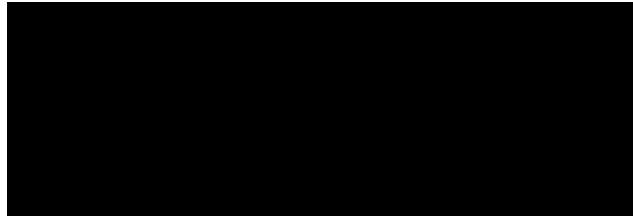
Image 9: SCHMITZ on the National Mall before entering the Capitol.

A vehicle registered to SCHMITZ registered License Plate Reader (“LPR”) hits on the westbound on the Verrazzano Bridge on January 4, 2021, which is on the route from Long Island (where Lindenhurst, NY, is located), to Washington, D.C. The same vehicle registered LPR hits eastbound on the Verrazzano Bridge, on January 7, 2021, which is on the route from Washington, D.C., to Long Island.

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



FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 21st day of June 2023.

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE