

Case: 1:23-mj-00046
Assigned To : Harvey, G. Michael
Assign. Date : 2/27/2023
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, Daniel Wright, is a Special Agent assigned to the Philadelphia Field Office of the Federal Bureau of Investigation . 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 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.

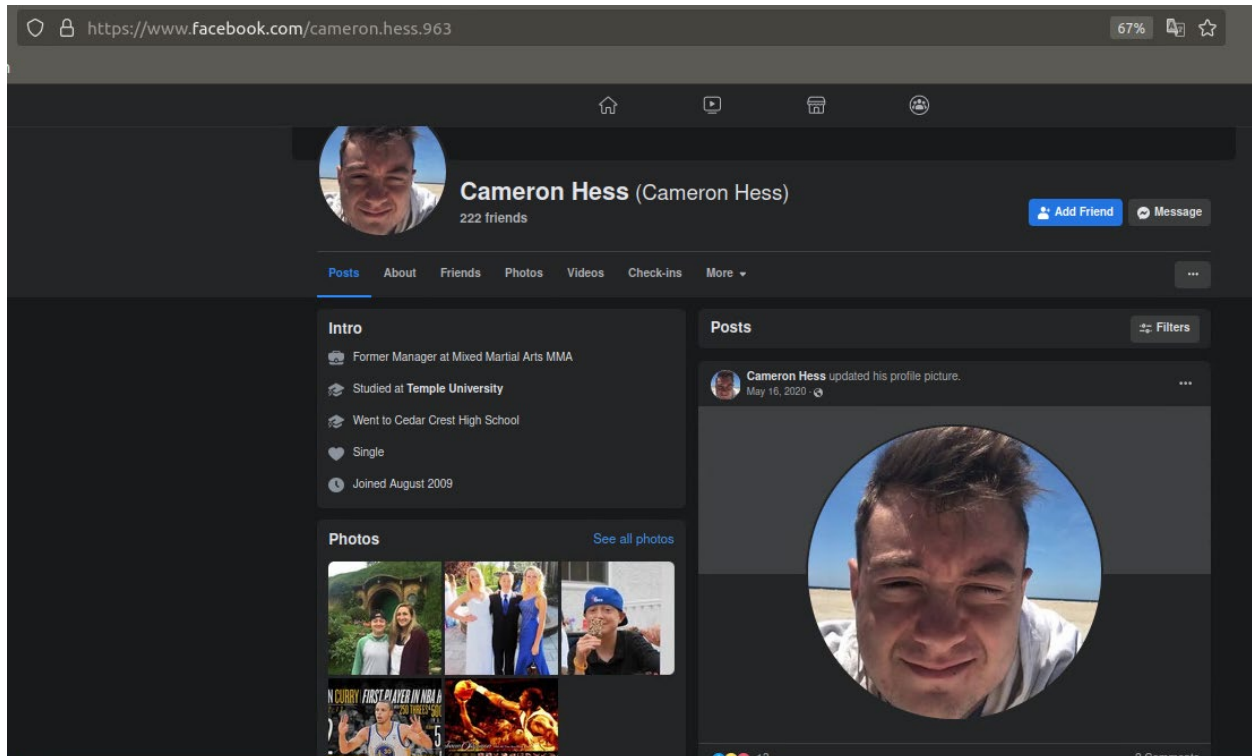
Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress 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.

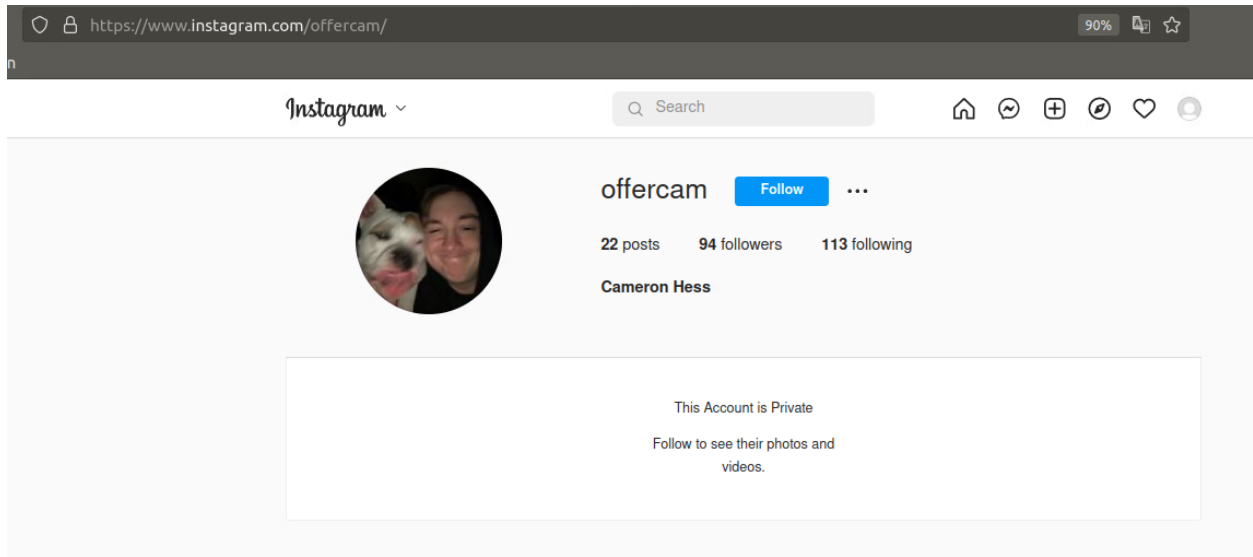
During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of

violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

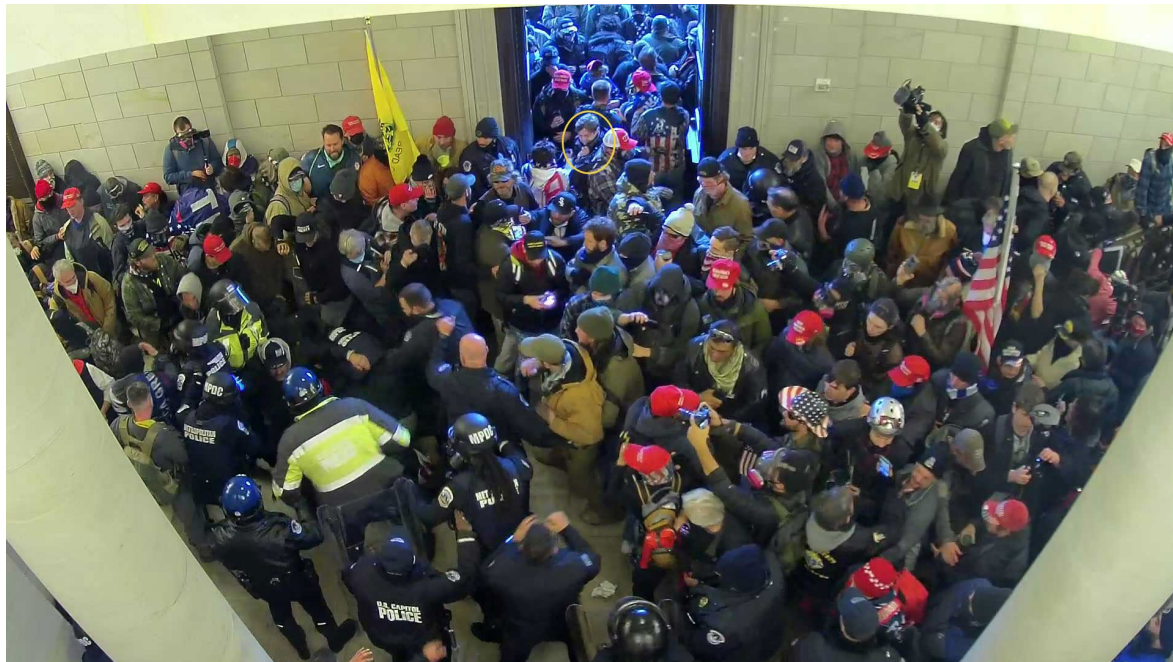
Two witnesses submitted tips to the FBI tip line identifying Cameron Hess (HESS) as an individual who entered the US Capitol Building on January 6, 2021. Additionally, a CHS provided information that linked a known photograph of HESS to multiple social media photographs and video posts showing that same individual entering the US Capitol Building and assaulting law enforcement.

Social media photos associated with HESS

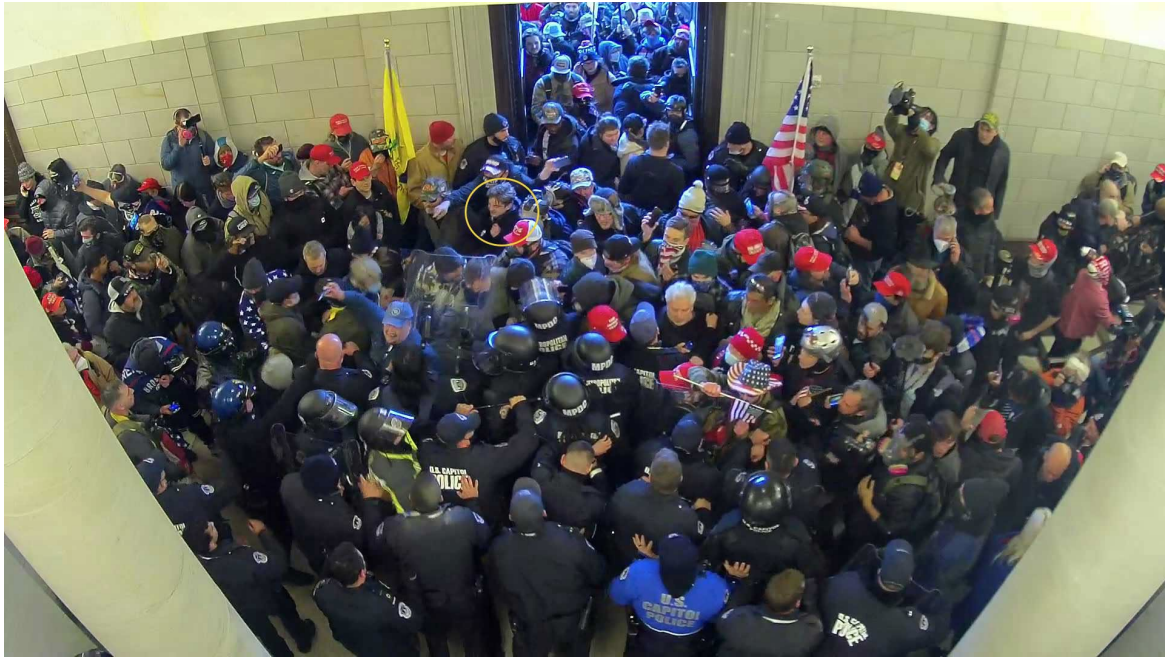




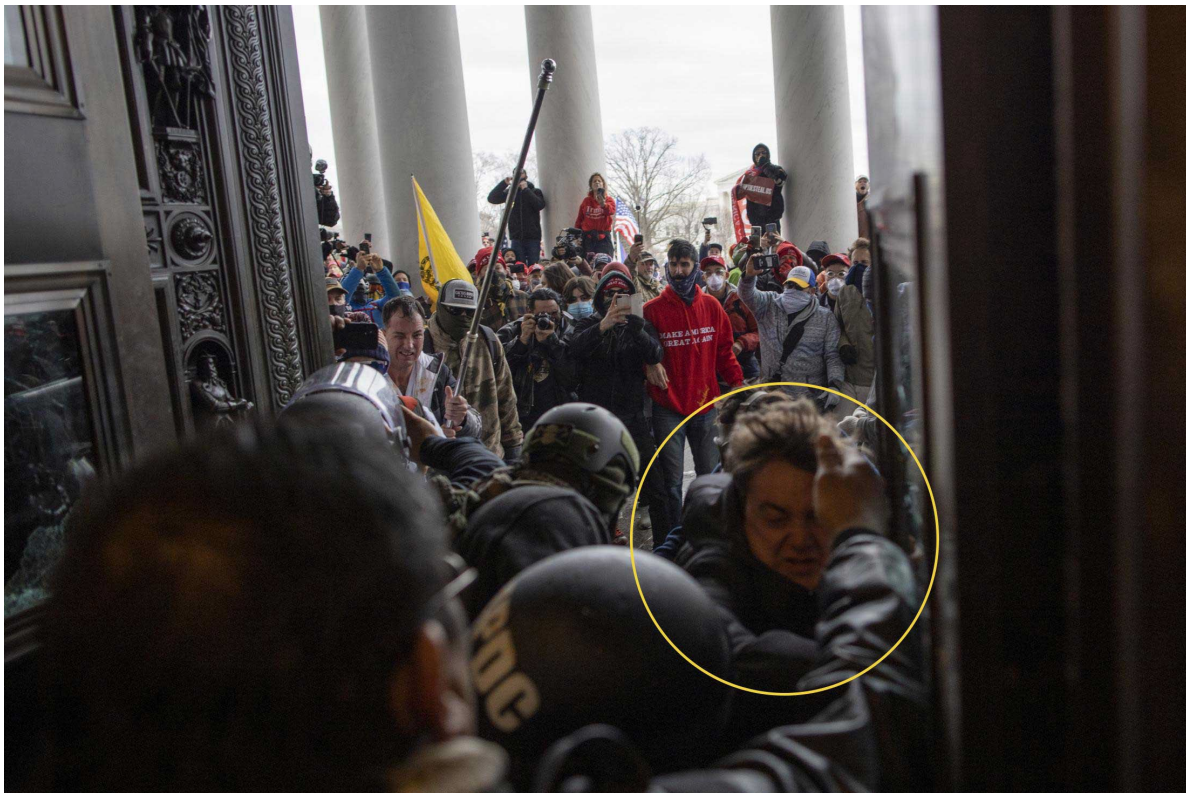
Agents were also able to identify the subject via US Capitol CCTV video footage entering the US Capitol Building through the rotunda doors. A short time later, riot police push HESS out of the Capitol building.



HESS is observed attempting to gain access to the Capitol building in the screen shot above at approximately 15:24 on January 6, 2021. This occurred while law enforcement officials were attempting to direct the rioters out of the door of the Capitol building.



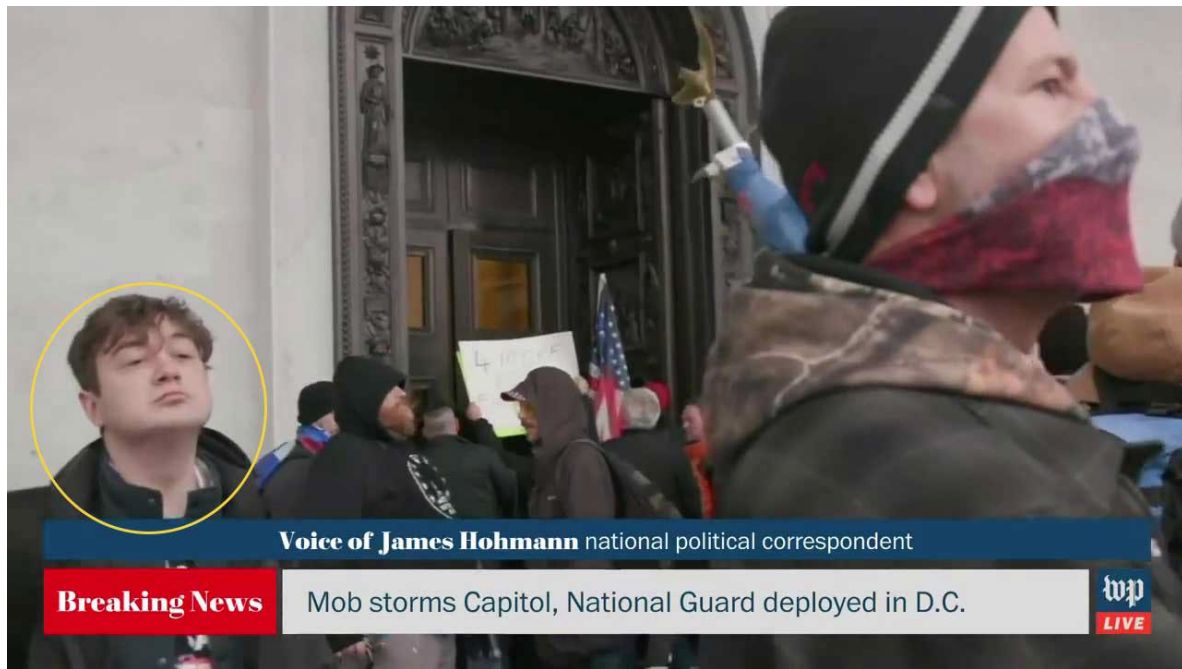
HESS is observed walking in the Capitol building at approximately 15:25. At this time, police deployed pepper spray bullets to compel the rioters to leave.



HESS is observed in the above photo assaulting police to re-gain access to the Capitol building; this photo was shown to witnesses for identification.

HESS returns to the rotunda doors as the police are attempting to close the doors and physically engages with a Municipal Police Officer as he attempts to make entry into the US Capitol again. HESS attempts to hold the door open as the officer working to close the door orders HESS to stop. The police then successfully push HESS out of the rotunda doors.

Agents interviewed the two tipsters, who were high school friends of HESS. Agents showed them pictures of the person thought to be HESS inside and outside the US Capitol Building on January 6, 2021. Both witnesses positively identified the person in the US Capitol Building as HESS.



Hess standing outside the rotunda door; this photo was shown to witnesses for identification.



Hess shielding his face from pepper spray bullets or wiping them to try to clear the pepper.

Agents ran a phone number associated to HESS via an open source database and received confirmation via subpoena records that the phone number belonged to HESS on January 6, 2021. The phone number came back with a positive hit for being within the US Capitol grounds on January 6, 2021.

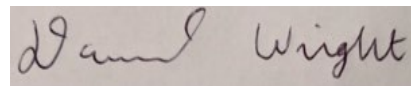
HESS's photograph was run through facial recognition from CCTV and police officer body camera footage from January 6, 2021 with positive results. The results showed HESS around the rotunda door of the US Capitol. HESS was observed inside the Capitol building for 7 minutes including the assault against police at the entrance.

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

I also submit that there is probable cause to believe that HESS violated 18 U.S.C. § 111(a)(1), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with a designated person while that person is engaged in the performance of official duties, or on account of that person's performance of official duties. For the purposes of Section 111 of Title 18, a designated person includes officers or employees of the United States or of any agency in any branch of the United States Government. This includes officers of the U.S. Capitol Police, and also includes members of the Metropolitan Police Department when, as in the events described above, such officers were assisting a federal officer or employee in the performance of the federal officer's duties.

I also submit there is probable cause to believe that HESS 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.



Special Agent Daniel Wright
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 27th day of February 2023.

HONORABLE G. MICHAEL HARVEY
UNITED STATES MAGISTRATE JUDGE