

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

✓ Joseph Julius Lapoint, (02/10/1981)
Nicole Marie Joyner, (06/13/1978)

Defendant(s)

SD FL Case 24-MJ-6110-AO
Case: 1:24-mj-00068

Assigned To : Judge Zia M. Faruqui

Assign. Date : 2/23/2024

Description: COMPLAINT W/ARREST WARRANT

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the
_____ in the District of Columbia , the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 1752(a)(1) (Entering and Remaining in a Restricted Building or Grounds)

18 U.S.C. § 1752(a)(2) (Disorderly and Disruptive Conduct in a Restricted Building or Grounds)

40 U.S.C. § 5104(e)(2)(D) (Disorderly Conduct in a Capitol Building)

40 U.S.C. § 5104(e)(2)(G) (Parading, Demonstrating, or Picketing in a Capitol Building)

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.

Complainant's signature

Brian Smith, Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone.

Date: 02/23/2024

Zia M. Faruqui
2024.02.23
12:38:14 -05'00'

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

Assigned To : Judge Zia M. Faruqi

Assign. Date : 2/23/2024

Description: COMPLAINT W/ARREST WARRANT

I, Federal Bureau of Investigation (“FBI”) Special Agent Brian Smith, am currently assigned to the Jacksonville Field Office/Ocala RA. Specifically, I am tasked with investigating criminal activity in and around the United States Capitol grounds (“the Capitol”) on January 6, 2021. 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 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.

**IDENTIFICATION OF JOSEPH LAPOINT AND NICOLE JOYNER
AND THEIR INVOLVEMENT IN THE EVENTS OF JANUARY 6, 2021**

In January 2021, a tipster ("Tipster-1") informed the FBI that his/her relative, Joseph LAPOINT, posted on his Facebook account (<https://www.facebook.com/joe.lapoint.7>) videos of himself claiming that he had entered the Capitol Building on January 6, 2021. Tipster-1 further reported that LAPOINT had videos of himself and his girlfriend/fiancé, "Nicole Marie" (later identified as Nicole Marie JOYNER) approaching and entering the Capitol. Tipster-1 provided the FBI with Photo #1 (see below), which Tipster-1 reported viewing on LAPOINT's Facebook account page.

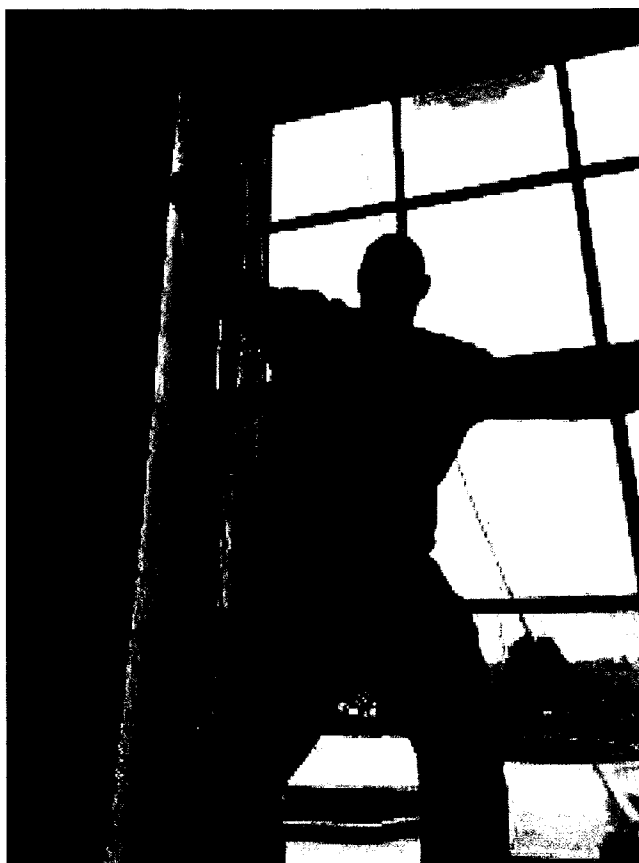


Photo #1: LAPOINT standing on a window ledge inside of an office within the U.S. Capitol building

Based on my training, experience, and ongoing investigation of the January 6, 2021 riot, I am familiar with the U.S. Capitol Building and its surroundings. I recognize Photo #1 as depicting an adult male (later identified as LAPOINT) standing on a window ledge inside an office within the U.S. Capitol building.

Tipster-1 also identified LAPOINT's cellular phone number as 561-454-9473. According to records obtained through a search warrant that was served on Google, a mobile device associated

with phone number 561-454-9473 was present at the U.S. Capitol on January 6, 2021. Google subscriber records for the account linked with this phone number reveal that the e-mail address associated with the account is lapoint954@gmail.com, which I recognize to be a derivative of LAPOINT's last name, and the name listed on the account is "Big Joe," which I recognize to be a common nickname for large people named "Joseph," like LAPOINT. Google subscriber records for the account further revealed a second phone number associated with the account: 754-301-9841.

Google estimates device location using sources including GPS data and information about nearby Wi-Fi access points and Bluetooth beacons. This location data varies in its accuracy, depending on the source(s) of the data. As a result, Google assigns a "maps display radius" for each location data point. Thus, where Google estimates that its location data is accurate to within 10 meters, Google assigns a "maps display radius" of 10 meters to the location data point. Finally, Google Reports that its "maps display radius" reflects actual location of the covered device approximately 68% of the time.

Google location data shows that a device associated with lapoint954@gmail.com was within the U.S. Capitol between 1:01 p.m. EST and 4:37 p.m. EST. Google records show that the "maps display radius" for this location data was available and encompasses an area that is entirely within the U.S. Capitol Building.

Based on Tipster-1's information and the identifying information for the lapoint954@gmail.com account gleaned from Google, FBI agents identified a second Gmail account associated with LAPOINT by using the name "Joseph Lapoint" as a search parameter within Google's subscriber records. This search revealed a Google account with the following identifying information:

- a. Account email: hooknbook954@gmail.com
- b. Recovery phone number: 954-245-5800
- c. Recovery email: fireeyedangel@gmail.com

According to records obtained through a search warrant that was served on Google, a mobile device associated with phone number 954-245-5800 (i.e. the recovery phone number on LAPOINT's hooknbook954@gmail.com account) was within and around the U.S. Capitol on January 6, 2021, from 2:17 p.m. to 4:37 p.m. This time period overlaps with the time span LAPOINT's other cell phone was within and around the U.S. Capitol on January 6, 2021 (as described above).

An FBI agent searched law enforcement records and determined that on June 24, 2018, LAPOINT had contact with the Broward County (FL) Sheriff's Office. During that interaction, LAPOINT provided telephone number 954-245-5800 (i.e. the recovery phone number on LAPOINT's hooknbook954@gmail.com account) as his contact number.

On or about August 30, 2021, a second tipster ("Tipster-2") contacted the FBI about LAPOINT and JOYNER and identified them as having unlawfully entered the U.S. Capitol

Building on January 6, 2021. Tipster-2 provided the FBI with screenshot photos of JOYNER or involving JOYNER that he/she captured from JOYNER's accounts on social media sites Parler (see Photo #2 below), Instagram (see Photo #3 below), and DLive (see Photo #4 below).

Based on a comparison of the clothing JOYNER and LAPOINT are captured wearing in Photo #2 with the clothing they are captured wearing in Photos # 1, 4, and 5-9 (see below), it appears that Photo #2 depicts JOYNER and LAPOINT in Washington, D.C. on January 6, 2021, shortly before or after they entered the U.S. Capitol Building.



Photo #2: captured from Parler, depicting JOYNER and LAPOINT on the grounds of the U.S. Capitol.

Photo #3, which is drawn from the Instagram account fireeyedangel and dated January 7, 2021, and which includes a description of how supposed members of Antifa entered the U.S. Capitol on January 6, 2021, features the comment by fireeyedangel, "They were escorted by police I saw it my self [*sic*]," which I interpret as a claim by the user of fireeyedangel (i.e. JOYNER) that she was present at the U.S. Capitol Building on January 6, 2021.

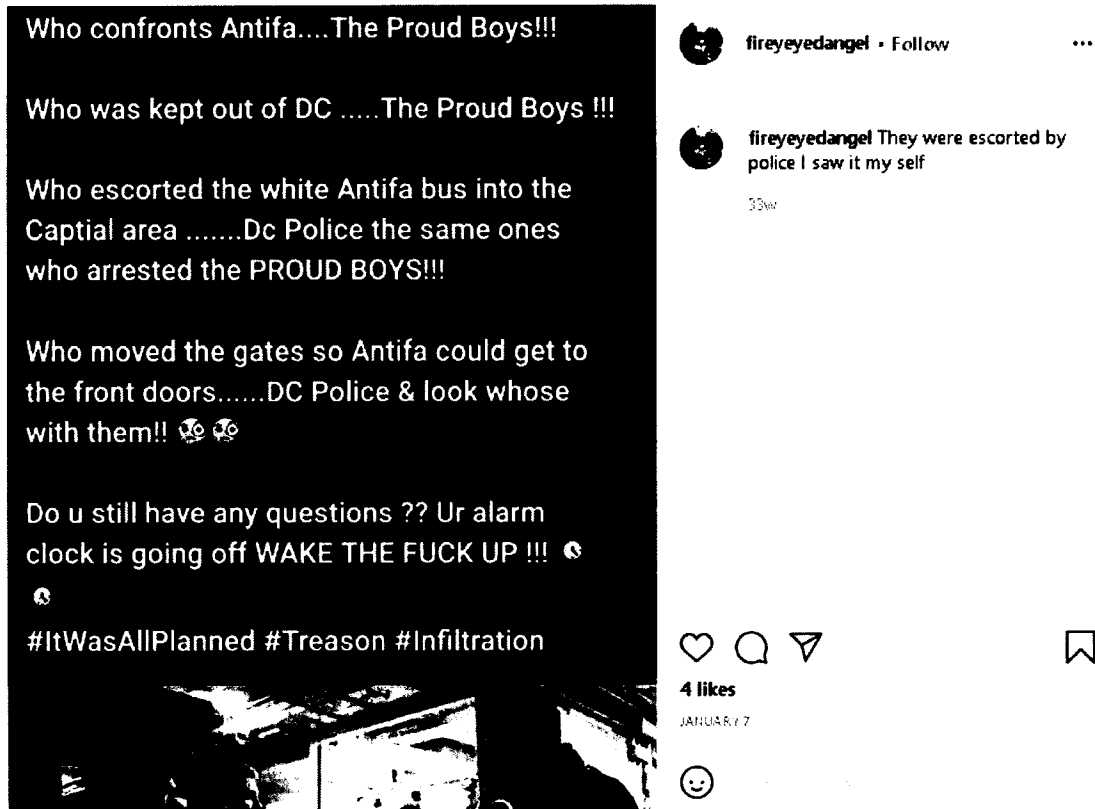


Photo #3: captured from Instagram account fireeyedangel (JOYNER)

Photo #4, which is a screenshot of a livestream broadcast on social media site DLive, appears to depict JOYNER and LAPOINT (both circled in yellow) among the mob unlawfully inside the U.S. Capitol Building on January 6, 2021.

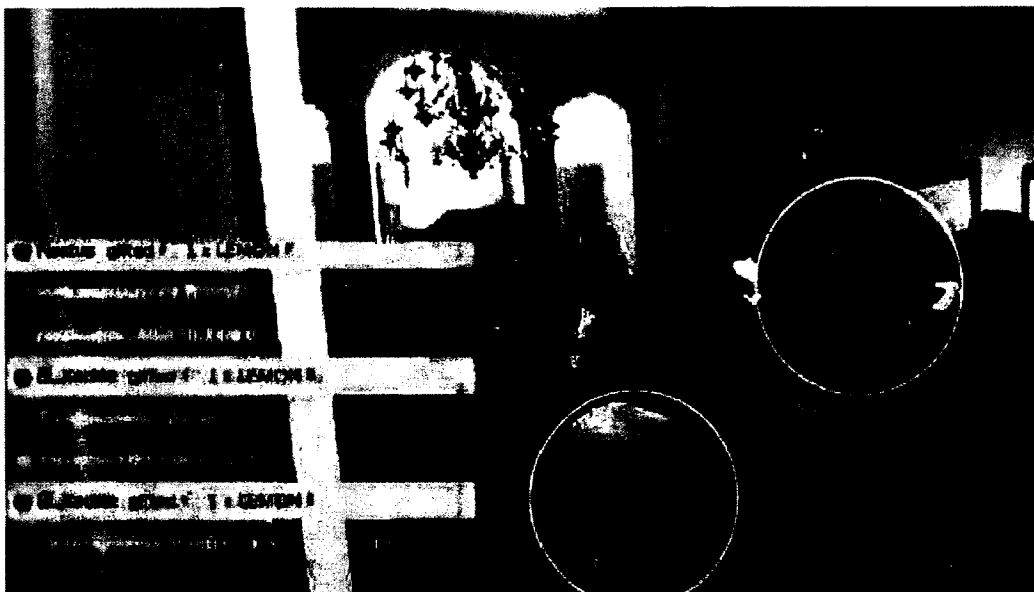


Photo #4: JOYNER and LAPOINT (both circled in yellow) inside the U.S. Capitol on January 6, 2021.

After reviewing the information provided by Tipster-1 and Tipster-2, I used a law enforcement database to view the driver's license photographs of LAPOINT and JOYNER. I then compared their driver's license photographs to the people depicted in Photos #1-4 and confirmed that Photos #1-4 appear to depict LAPOINT and JOYNER.

I performed an open-source search of social media sites, including Facebook, Instagram, Parler, and TikTok, to look for accounts associated with LAPOINT and JOYNER, as well as photographs and/or videos depicting their activities in Washington, D.C. on and around January 6, 2021. Via that open-source searching, I located Facebook, Instagram, and TikTok accounts that appear to be owned and operated by LAPOINT based on a combination of the usernames, profile photographs, posted photographs, public activity, and tips. Via that same open-source searching, I located Facebook, Instagram, and Parler accounts that appear to be owned and operated by JOYNER based on a combination of the usernames, profile photographs, posted photographs, public activity, and tips.

Lawfully obtained records from Instagram reveal that JOYNER's Instagram account, fireyeyedangel, is associated with telephone number 954-729-5434. According to records obtained via a search warrant for cellular tower data within the area of the U.S. Capitol, a mobile device associated with -5434 was located in and around the U.S. Capitol on January 6, 2021, between 2:17 p.m. and 3:05 p.m. This time period overlaps with the time span LAPOINT's cell phones were within and around the U.S. Capitol on January 6, 2021, as described above.

On January 6, 2022, one year after the riot at the U.S. Capitol, LAPOINT posted a video of himself and JOYNER on his TikTok account, @big_joe954, along with the title "HAD A BLAST one year ago" and the caption "me and babe stormed the Capitol with the rest of America" (see Photo #5 below). Based on the consistency of their clothing with other photographs of LAPOINT and JOYNER on January 6, 2021, it appears to me that this video depicts LAPOINT and JOYNER on the grounds of the U.S. Capitol Building on January 6, 2021



Photo #5: Screen capture of video from January 6, 2021, posted on LAPOINT's TikTok account.

Based on the above five photos of LAPOINT and JOYNER, a law enforcement officer used facial recognition software to search open-source videos and photographs of the riot at the U.S. Capitol on January 6, 2021, that had been posted online by individuals and news organizations for more images of LAPOINT and JOYNER. That search resulted in additional images of LAPOINT and JOYNER unlawfully on the grounds of the U.S. Capitol or inside of the U.S. Capitol building on January 6, 2021, including Photos #6-7 below.

Based on my training and experience, as well as my familiarity with the U.S. Capitol Building gained via my participation in this investigation, I recognize Photo #6 as depicting the second level of the U.S. Capitol Building, just outside of the Senate Wing Door, one of the primary breach/entry points for the rioters on January 6, 2021. I recognize JOYNER and LAPOINT as the two people circled in yellow.

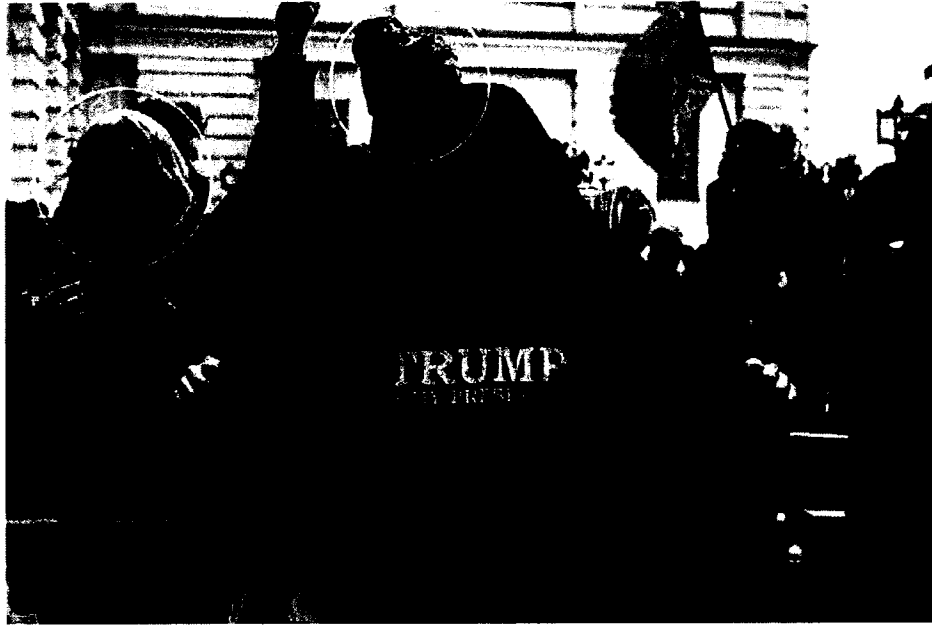


Photo #6: JOYNER and LAPOINT (circled in yellow) on the grounds of the U.S. Capitol Building on January 6, 2021

Based on my training and experience, as well as my familiarity with the U.S. Capitol Building gained via my participation in this investigation, I recognize Photo #7 as depicting JOYNER and LAPOINT inside the U.S. Capitol Building on January 6, 2021.



Photo #7: JOYNER and LAPOINT inside the U.S. Capitol Building on January 6, 2021.

Law enforcement officers reviewed surveillance video from cameras mounted within the U.S. Capitol Building and observed LAPOINT and JOYNER entering and exiting the U.S.

Capitol Building on January 6, 2021, through the Senate Wing Doors at approximately 3:07 p.m. Photos #8-9 below are screenshots from that surveillance footage.

- a. JOYNER appears to have blonde and pink hair and to be wearing a black coat, brown boots, and a dark backpack. She appears to be holding her cell phone out and away from her body. JOYNER's clothing and physical appearance in the surveillance footage matches how she appears in Photos #2, 4, 5-7, and 10-12.
- b. Meanwhile, LAPOINT appears to be wearing sunglasses, a black long sleeve shirt, and a camouflage stocking cap. He appears to be talking on a cellular phone. LAPOINT's clothing and physical appearance in the surveillance footage matches how he appears in Photos #1, 2, 4, 5-7, and 10-12.



Photo #8: JOYNER and LAPOINT (circled in yellow) entering the U.S. Capitol Building on January 6, 2021, through the Senate Wing Doors.

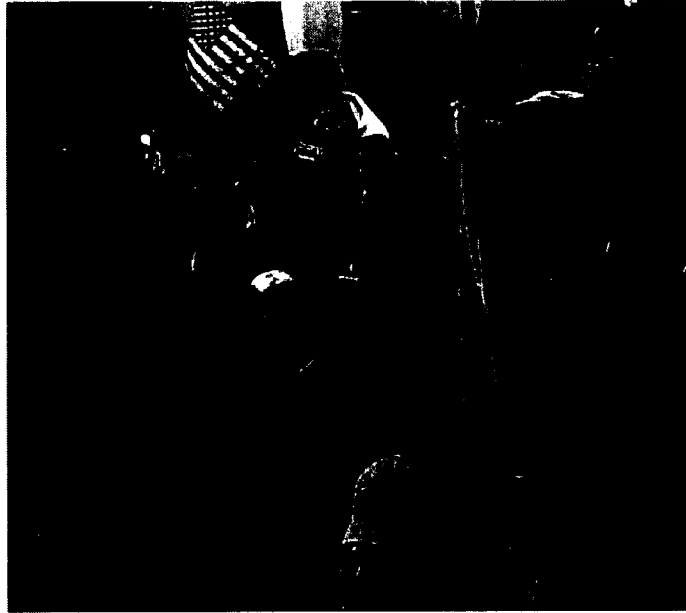


Photo #9: Close-up of the people circled in yellow in Photo #8.

The Office of the Architect of the U.S. Capitol reviewed open-source video footage and found video of LAPOINT (*see* Photo #10 below) and JOYNER (*see* Photo #11 below), along with many other rioters, unlawfully inside what he/she recognized to be Office S145 within the U.S. Capitol building, based on his/her extensive familiarity with the building.



Photo #10: LAPOINT inside Office S145.



Photo #11: JOYNER inside Office S145.

The video footage shows LAPOINT climbing on the windowsill and posing for a photograph, as depicted in Photo #1, but does not show LAPOINT or JOYNER hitting, kicking, smashing, or otherwise damaging anything in Office S145. Nevertheless, after the riot concluded, a representative the Office of the Architect U.S. Capitol found damage to Office S145 inflicted by the rioters. The representative determined that unknown rioters had broken a door frame and caused a strike plate to go missing, which would collectively cost \$350 to repair, and had broken an exterior window, which would cost \$1,493 to repair.

Surveillance footage (see Photo #12 below) shows JOYNER and LAPOINT exiting the U.S. Capitol building at approximately 3:27 p.m. They spent approximately 20 minutes unlawfully inside the building.

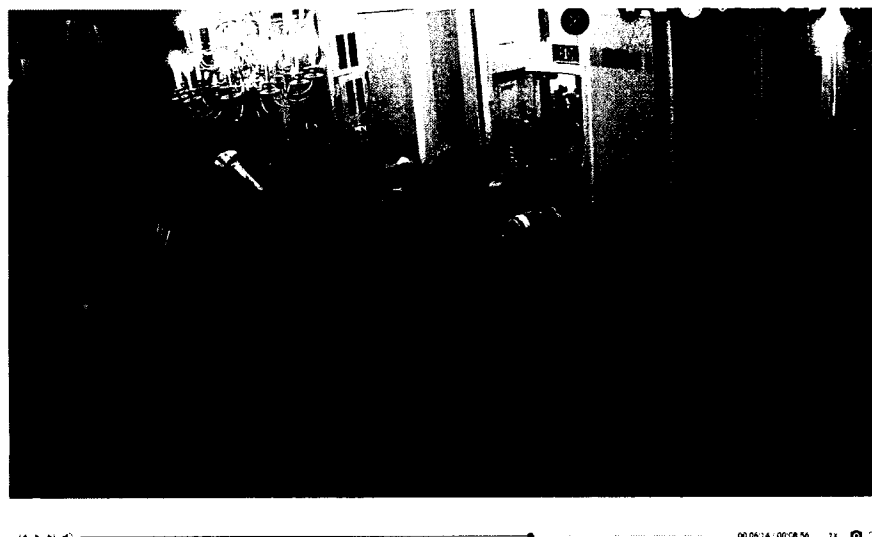


Photo #12: JOYNER and LAPOINT (circled in red) exiting the U.S. Capitol building.

Based on the foregoing, there is probable cause to believe that JOSEPH LAPOINT and NICOLE JOYNER 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 18 U.S.C. § 1752, 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.

Additionally, there is probable cause to believe that JOSEPH LAPOINT and NICOLE JOYNER violated 40 U.S.C. § 5104(e)(2)(D) and (G), which make 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.



Special Agent Brian Smith
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 13th day of September.



Zia M. Faruqi
2024.02.23
12:39:17 -05'00'

HONORABLE ZIA M. FARUQUI
UNITED STATES MAGISTRATE JUDGE