

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation (FBI) assigned to the San Diego Field Office (SDFO), Counterterrorism Division. In my duties as a Special Agent, I am currently assigned to the Joint Terrorism Task Force, specifically specializing in domestic terrorism. 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.

JOSHUA K. YOUNGERMAN

On January 27, 2021, through the search warrant execution on another individual's phone, agents discovered a group registered to Telegram Messenger ("Telegram"), a messaging app that offers end-to-end encryption of chats and messages, named the "The California Patriot- DC Brigade" ("DC Brigade"). The "About" section of the Telegram group stated: "This group will serve as the Comms for able bodied individuals that are going to DC on Jan 6. Many of us have not met before and we are all ready and willing to be engaged in this fight. We will come together for this moment that we are called upon." An individual with the username "Joshua Youngerman," who as described below I have identified as JOSHUA K. YOUNGERMAN ("YOUNGERMAN") of Imperial Beach, California, was a member of the DC Brigade Telegram group. On January 1, 2021, the owner of the DC Brigade Telegram group posted, "As you join, please provide the following. 1. Previous Law enforcement/military? What branch and specialty-. 2. Special skills relevant to our endeavors-. 3. Picture of yourself and name (if you are ok) so we can familiarize ourselves. 4. Date and time of arrival." YOUNGERMAN responded the same day, in the DC Brigade Telegram group, by posting the below photograph of himself and writing, "Joshua. Will be ready for whatever is to come. No police nor military experience however have had to throw hands on multiple occasions and have a little bit of MMA training. I'll be bringing a couple knives and whatever other self defense tools I can get my hands on. I'll also be in radio. My friend is also going as well and we both plan on making sure ppl are safe."

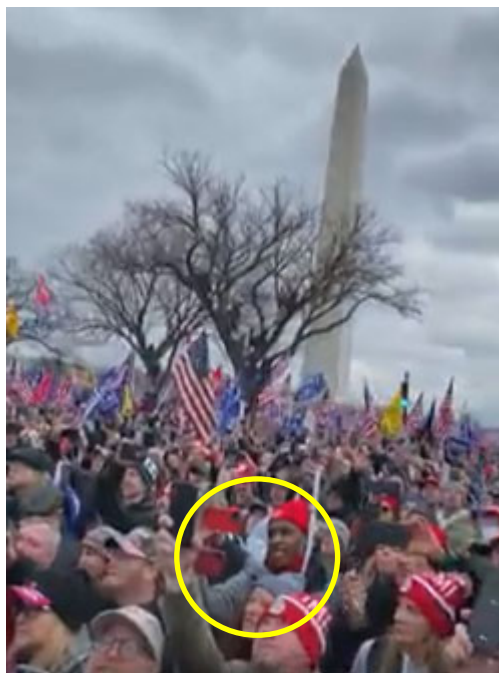


In a separate post on January 1, 2021, YOUNGERMAN wrote, "I'll be arriving on the 5th at 7:30pm."

On June 28, 2021, YOUNGERMAN came to the FBI San Diego Field Office and was voluntarily interviewed by FBI Special Agents. YOUNGERMAN confirmed that he used Telegram and told Special Agents that he was invited into multiple Telegram groups by the DC Brigade group owner, who he had met at a local protest. YOUNGERMAN stated that these various Telegram groups discussed coordination for the January 6, 2021 rally in Washington, D.C. to include travel, meet ups, and the use of handheld radios. Specifically, YOUNGERMAN claimed the DC Brigade Telegram group was a chat to discuss safety for protestors against counter-protestors.

At that interview, YOUNGERMAN told the Special Agents that he traveled to Washington D.C. on January 5, 2021 by American Airlines, where he met up with a friend and stayed at a Hyatt Regency. Records from the Courtyard Washington Downtown / Convention Center in Washington D.C. show that YOUNGERMAN stayed at the hotel for one night on January 5, 2021. YOUNGERMAN said that he and a friend attended the rally and listened to then-President Donald Trump speak. YOUNGERMAN and his friend then walked to their hotel and grabbed their flags before proceeding to the U.S. Capitol building. At the U.S. Capitol building, YOUNGERMAN said that he saw protesters being sprayed with gas and climbing on the U.S. Capitol building. YOUNGERMAN said that they stayed in the area for approximately 30 minutes before returning to their hotel. YOUNGERMAN told Special Agents that he did not enter the U.S. Capitol building.

A review of open-source video footage confirmed that YOUNGERMAN did attend then-President Trump's speech at the Ellipse. YOUNGERMAN is circled in yellow below.



A review of the U.S Capitol's CCTV footage revealed that, at approximately 2:33 PM EST, a man wearing a red hat, grey jacket, red undershirt, camouflage pants, and carrying a black-and-white flag that read, "Black Voices for Trump," who I have identified as YOUNGERMAN for the reasons described below, climbed a rope up the wall that leads onto a stairway on the northwest

side of the U.S. Capitol building, leading to the Upper West Terrace. The below is a still image from U.S. Capitol's CCTV footage. YOUNGERMAN is circled in yellow.



Contrary to YOUNGERMAN's claim that he did not enter the U.S. Capitol building, a review of the U.S Capitol's CCTV footage revealed videos of YOUNGERMAN inside the building. Specifically, at approximately 2:37 PM EST, YOUNGERMAN entered the U.S. Capitol building through the Upper West Terrace Door. The below is a still image from U.S. Capitol's CCTV footage, showing YOUNGERMAN entering the U.S. Capitol building. YOUNGERMAN is circled in yellow.



After entering through the Upper West Terrace Door, YOUNGERMAN proceeded to the Rotunda. The below are still images from U.S Capitol's CCTV footage. YOUNGERMAN is circled in yellow.



According to U.S. Capitol CCTV footage, YOUNGERMAN exited the U.S. Capitol Building at approximately 2:39 PM EST through the Upper West Terrace Door. Below is a still

image from U.S. Capitol CCTV footage, depicting YOUNGERMAN exiting the U.S. Capitol building. YOUNGERMAN is circled in yellow.



I have compared the above photographs of YOUNGERMAN against YOUNGERMAN's driver's license, and I have confirmed they show the same individual. A Special Agent present for the June 28, 2021 interview of YOUNGERMAN confirmed that the individual depicted in the above photographs is YOUNGERMAN, based on the Agent's review of the CCTV footage and the Agent's personal knowledge of YOUNGERMAN's appearance.

Through my investigation, I have identified a Twitter account operated by YOUNGERMAN with the username @fakejoshuayoung. Shortly after January 6, 2021, this account was suspended by Twitter. Through an open source search, I have identified tweets sent associated with this account. Following the 2020 election, YOUNGERMAN used this Twitter account to advocate for an "audit" of the 2020 presidential election results and for the "#StopTheSteal" movement. For example, on or about November 4, 2020, YOUNGERMAN wrote, "There is definitely election fraud going on." On or about November 24, 2020, YOUNGERMAN wrote, "If there is truly no fraud in this election then why is there so much pushback for a full investigation and audit of the votes. If @JoeBiden and the Democratic Party wanted to prove they won fair and square then they would be in support of one." He continued, in the same thread, "So, until then there will continue to be division. Continue to be protests. We will keep on fighting till we have secure confidence in this election or the truth is revealed for the world to see. #StopTheSteal #StopTheSteal2020 #FightBack." On or about December 3, 2020, YOUNGERMAN wrote, "Until our demands are met and a full-scale forensic audit is done on the 2020 election, Biden will never be my president and I will not work with you Democrats. We will continue to fight till the truth is revealed. #FightBack #stopthesteal." On or about December 11, another Twitter user wrote, "The decision from the SCOTUS is unacceptable. It may not be our

style; but the only way to get them to listen is to play their game and actually protest and destroy shit. Then we may get their attention....either that or civil war could be otw....” YOUNGERMAN responded, “I’m ready. #fightback.” On or about December 17, 2020, in response to another individual’s tweet regarding a Supreme Court decision to not take up a case challenging the 2020 election results, YOUNGERMAN wrote, “Then I guess us Patriots will just riot then. Show what their actions has caused.”

YOUNGERMAN also used his Twitter account to discuss the events of January 6, 2021. On or about December 19, 2020, then-President Trump tweeted, “Peter Navarro releases 36-page report alleging election fraud ‘more than sufficient’ to swing victory to Trump <https://washex.am/3nwaBCe>. A great report by Peter. Statistically impossible to have lost the 2020 Election. Big protest in D.C. on January 6th. Be there, will be wild!” YOUNGERMAN responded, “I’ll do my best to be there!!!” On or about December 27, 2020, then-President Trump tweeted, “See you in Washington, DC, on January 6th. Don’t miss it. Information to follow!” YOUNGERMAN responded, “LETS GOOOOOOO! I’ll be there with the Cali squad!” Following the events at the Capitol, on or about January 7, 2021, YOUNGERMAN wrote, in a series of consecutive posts, “@realDonaldTrump is not responsible for what happened at the Capital. He is definitely not responsible for the violence. I think that was definitely made clear when we refused to leave even when the President told us to three times. This is now beyond Trump. We are fighting for liberty, our constitution, our rights, freedom and country. Beside from the very concentrated acts of violence (almost all of them done by those not really Trump supporters) we were peaceful. I am in full support of storming and occupying the Capital from the inside and out. That was the original intent for many. We came to claim back our house. The world saw what happens when you treat Americans like peasants. At this point we don’t care what the media or anyone says. We are ready to take back what is our and run out whoever undermines our country and constitution. We will continue to fight back. WE THE PEOPLE will do what the bill of rights allows us to do and put the government in check and regain control. @realDonaldTrump you woke up Patriots, you fought for us and we are great full. It’s time for you to take a break and for us to carry on the fight. We are great full for you and all you have done. This is not you conceding. It’s you resting after 4 years of fighting. As for everyone else. January 6th marked the beginning of the war against the elites. The fight has only begun. Don’t be discouraged by the media’s spin of the events. Continue to fight and DO NOT GIVE UP!” Following a tweet from another individual who identified YOUNGERMAN as attending then-President Trump’s rally on January 6, YOUNGERMAN wrote on or about January 9, 2021, “Yep I went and I’m proud that I went both as a Patriot and a Christian. We along with almost everyone there went to fight for a cause and I’m not phased by you attempting to publicly shame either of us for doing so.”

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

Additionally, your affiant submits there is also probable cause to believe that YOUNGERMAN 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

Additionally, your affiant submits there is also probable cause to believe that YOUNGERMAN violated 40 U.S.C. § 5104(d), which makes it a crime to step or climb on, remove, or in any way injure any statue, seat, wall, fountain, or other erection or architectural feature, or any tree, shrub, plant, or turf, in the Capitol Grounds

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Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 24 day of July 2023.

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE