

STATEMENT OF FACTS

I am employed as a Special Agent of the Federal Bureau of Investigation (FBI) and have been employed by the FBI since 2016. Currently, I am assigned to a squad that investigates Counterterrorism matters as part of the FBI Washington Field Office. I have a Bachelor's degree from the United States Military Academy, and a Master's degree from King's College in London. Prior to joining the FBI, I spent six years in the United States Army. I have extensive training and experience in Counterterrorism and white collar investigations. As a Special Agent, I am authorized to investigate violations of laws of the United States and am authorized to execute warrants issued under the authority of the United States.

The United States Capitol (the Capitol), which is located at First Street, SE, in Washington, D.C., is secured 24 hours a day by United States Capitol Police (Capitol Police). Restrictions around the Capitol include permanent and temporary security barriers and posts manned by Capitol Police. Only authorized people with appropriate identification are allowed access inside the Capitol. On January 6, 2021, the exterior plaza of the Capitol was closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the Capitol. 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 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 of the United States Michael R. 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 Pence present and presiding over the Senate, a large crowd gathered outside of the Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the Capitol building, and Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

Between 1:00 and 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades and Capitol Police officers, and the crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by Capitol Police Officers or other authorized security officials.

At such time, the certification proceedings were still underway, and the exterior doors and windows of the Capitol were locked or otherwise secured. Capitol Police officers attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the Capitol, including by breaking windows and by assaulting members of the Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the House and Senate, including Vice President Pence serving as the President of the Senate, were instructed to—and did—evacuate the chambers. Accordingly, all proceedings of the United States Congress, including the joint session, were effectively suspended until shortly after 8:00 p.m. the same day.

In light of the dangerous circumstances caused by the unlawful entry to the Capitol, including the danger posed by individuals who had entered the Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the Capitol, and law enforcement could confirm the building had been secured. The proceedings resumed at approximately 8:00 p.m. after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session 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 Capitol building without authority to be there.

On January 5, 2021, a Facebook user with the profile name “JORGE RILEY” posted on his public profile the following message: “Do you really not get what is going to happen on the 6th? I absolutely am looking forward to that and NO MATTER WHAT THERE IS NOTHING THAT CAN STOP IT!!!!” A screenshot of that message is below in Figure One:

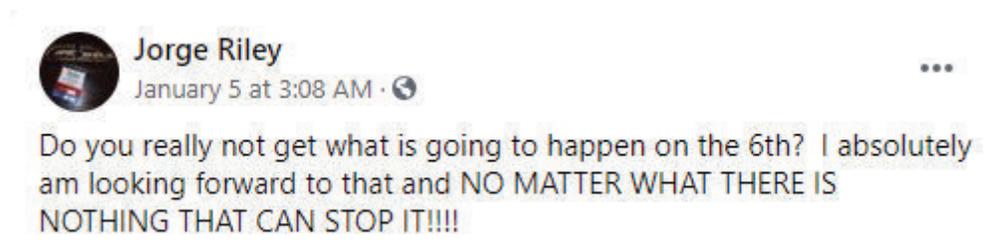


Figure One

From January 6 through at least January 8, 2021, RILEY posted over 150 messages, photographs, and videos on his public Facebook account, detailing his actions in Washington D.C. on January 6. In one message on the morning of January 6, RILEY posted, in part, “I’m here to see what my President called me to DC for. Hello from Sacramento!!!” RILEY then posted a series of videos showing that he was in fact in Washington, D.C., attending a rally where he recorded various speakers. Along with one of those videos, RILEY included the message, “Today at noon, the Election is being challenged!!!” A screenshot of that post is below in Figure Two:



Figure Two

Later on January 6, RILEY posted another video of a large number of people walking toward what appears to be the Capitol building along with the message, “There’s 100’s of thousands of people marching on the Nation’s Capitol!!!” Approximately thirty minutes later, RILEY posted, “Hey We’re storming the Capitol.... What are you doing?” A screenshot of that post is below in Figure Three:



Figure Three

In addition to messages, RILEY posted photographs both on his profile and in an “album” entitled, “Who’s House? OUR HOUSE.” Those photographs include, but are not limited to, scenes of RILEY and other individuals approaching the Capitol, standing on the Capitol grounds, and walking inside the Capitol building. In what appears to be a first-person photograph, for example, RILEY is standing behind a number of other rioters as they attempt to enter what looks to be the Capitol doors. That photograph is depicted below in Figure Four:



Figure Four

In a “selfie” style photograph posted on January 6, 2021, RILEY is clearly visible in a black leather jacket with black paint on his face and white feathers in his black braided hair, standing with other individuals in what appears to be the inside of the Capitol building. This same individual appears in other “profile pictures” throughout JORGE RILEY’s Facebook profile. RILEY added a message to the photograph, stating “I’m in the front where do you think I am.” That photograph and post are below in Figure Five:



Jorge Riley

January 6 at 4:24 PM · 🌐



I'm in the front where do you think I am



Figure Five

In another first-person photograph posted on January 8, 2021, RILEY is standing with others in front of Capitol Police officers confronting individuals inside the Capitol building. That photograph is depicted below in Figure Six:

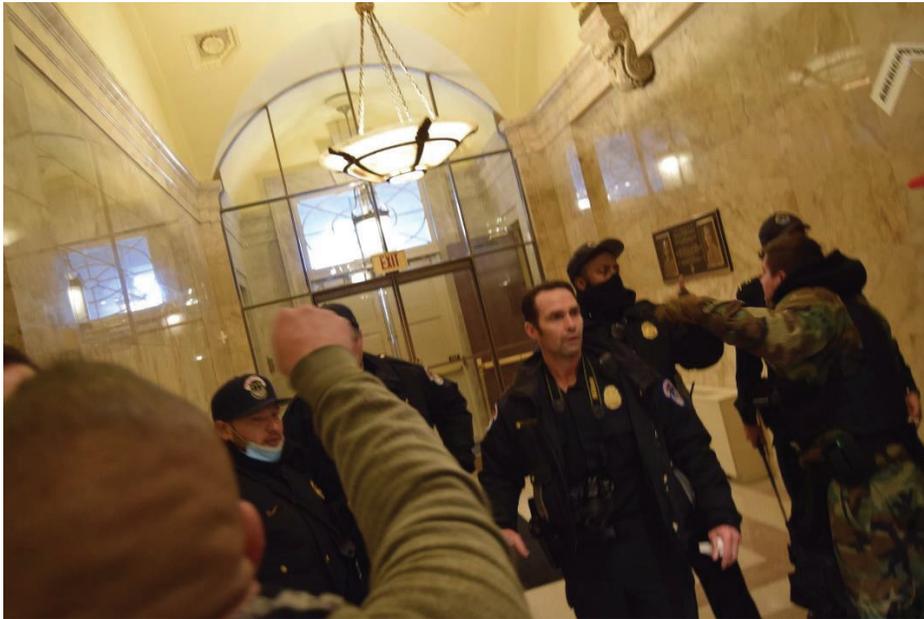


Figure Six

In another selfie photograph posted on January 6, 2021, RILEY is standing on what appears to be a west-facing balcony of the Capitol, overlooking a large number of people on the Capitol grounds. That photograph is below in Figure Seven. In a similar selfie from that balcony, RILEY added, “For the record at this point I had been already peppersprayed once or twice.”



Figure Seven

Open-source research also revealed a video entitled, “Video of man describing in detail breaking into the Capitol Building.”¹ In the video, a man with the same black leather jacket, black braided hair, white feathers, and remnants of black face paint, is standing on what appears to be the Capitol grounds while he details how he broke into and damaged the Capitol, and assaulted federal law enforcement officers. The subject of this video is the same individual, RILEY, who is depicted in the above messages, photographs, and videos.

In relevant part, RILEY states, “We breached over there I think. We broke windows, we went into the door, we pushed our way in, and then we just kept going further and further ... we went into, there was like a corridor building.” RILEY continued, “We pushed our way to Nancy Pelosi’s office ... and then we were sitting in there yelling “fuck you Nancy Pelosi.” At this point, RILEY flashes both of his middle fingers to the screen as if to reenact what he had done while yelling in the Capitol. Later in the video, RILEY details that he “got pepper sprayed three times, and [he] got fire-extinguished [*sic*].” “When we went into one of the rooms,” he explained, “when they were trying to get all the legislators creeping away, one of our guys came in, there was like three of us in a room and everybody else was cops, so they ... fire-extinguished [*sic*] everybody in the room, and that’s how the cops got away and we were able to keep going. It was pretty badass.” RILEY then offered, “when we got up inside, they did come in and they set up this line, and they were like trying to push us out of the room. For a long time there was like a hell a long power struggle, and we were pushing back and forth on each other, and we were being crushed and people were being trampled on and shit, and it was horrible.” RILEY then claimed that they did not have problems with the officers and that the officers were nice and not injured after the struggle was over.

RILEY concluded the interview as follows: “It was mostly a peaceful, physical takeover of the Capitol. We stopped the steal, because they were in there and they weren’t going to stop the steal, so we stopped the steal. We took our country back. Fuck you guys.”

A screenshot of the video at the point where RILEY describes yelling about Nancy Pelosi while inside the Capitol is provided below in Figure Eight:

¹ This video is publicly-accessible and can be viewed in its entirety at the following URL: https://www.reddit.com/r/CapitolConsequences/comments/kx22a1/video_of_man_describing_in_detail_breaking_into/.



Figure Eight

As described above, in the days following January 6, RILEY continued to post messages and photographs about the events on January 6 to his public Facebook profile. On January 8, for example, RILEY posted in response to another message, “We came to take our country back!!” In another post on the same day, RILEY posted, “Don’t leave the GOP I just did what I did so I could say TAKE IT OVER.” Finally, in an additional post on January 8, RILEY posted “I won’t say I did nothing while communism over ran my country. I won’t say I stood by. Come take my life. I’m right here” – after which, RILEY posted an address in Sacramento, California. Shortly thereafter, RILEY posted “You will all die.”

Your affiant reasonably believes that the individual who posted the above messages, photographs, and videos is in fact JORGE AARON RILEY of California. First, the images of RILEY in the Capitol and the video of RILEY describing his actions all display unique attire and a clear view of the individual’s face. A search of the California Department of Motor Vehicles results in a 2019 California driver’s license for JORGE AARON RILEY of California. The driver’s license photograph associated with RILEY is below in Figure Nine. The person in the photograph appears to be the same individual in the Capitol on January 6, 2021. Additionally, a public LinkedIn page for a “Jorge Riley” depicts a photograph that appears to be the same individual in the photographs and video above, and notes that he is from Sacramento, California. A screenshot of that LinkedIn page is below in Figure Ten:



Figure Nine



Figure Ten

Figure Ten also lists RILEY as the “Corresponding Secretary at California Republican Assembly,” a political organization. On January 14, 2021, local news organizations in Sacramento, California reported that the California Republican Assembly (CRA) confirmed the man seen in the video detailed above and captured in Figure Eight is a member of their organization named JORGE RILEY of Sacramento, California. According to the local news, the California Republican Assembly demanded in a press release that “Jorge Riley of Sacramento resign his membership in CRA immediately.”² Sacramento’s Fox40 also reported that, on January 14, 2021, the CRA confirmed that one of its members, JORGE RILEY, “did take part in

² This reporting is publicly-accessible and can be viewed at the following URL: <https://sacramento.cbslocal.com/2021/01/14/sacramento-jorge-riley-storming-capitol/>.

the events at the Capitol,” and that after the President of the CRA demanded his resignation, RILEY did in fact resign.³

On January 17, 2021, law enforcement interviewed an active member of the CRA who reported that they had known RILEY for at least four to five years. The witness knew RILEY’s residence from previously being inside and provided the same address as the Sacramento, California address RILEY listed publicly on his Facebook profile – the same profile with the above messages, photographs, and videos. Law enforcement observed an individual they believed to be RILEY enter that address on January 17, 2021. The witness confirmed that RILEY was a member of the CRA and served in a board position as the Recording Secretary of the State. The witness also stated that they knew RILEY was going to Washington, D.C. on January 6, 2021. After law enforcement showed the witness the interview video described above, the witness confirmed that the individual interviewed was the same RILEY the witness knew.

Based on the foregoing, your affiant submits there is probable cause to believe that JORGE AARON RILEY violated 18 U.S.C. § 1512(c)(2), which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings.

Your affiant submits that there is probable cause to believe that JORGE AARON RILEY 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 attempt or conspire 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.

³ This reporting is publicly-accessible and can be viewed at the following URL: <https://fox40.com/news/local-news/video-appears-to-show-sacramento-man-describing-how-he-joined-insurrection-at-us-capitol/>.

Finally, your affiant submits there is also probable cause to believe that JORGE AARON RILEY violated 40 U.S.C. § 5104(e)(2), 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 18th day of January 2021.

A handwritten signature in black ink, appearing to read "Robin M. Meriweather", written over a circular official seal.

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ROBIN M. MERIWEATHER
UNITED STATES MAGISTRATE JUDGE