

STATEMENT OF FACTS

On Wednesday, January 6, 2021, I was on duty, in full uniform, serving as part of Civil Disturbance Unit (CDU) 53 deployed to U.S. Capitol grounds in response to a mass demonstration where protesters had stormed the U.S. Capitol.

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. Vice President Mike Pence was present and presiding in the Senate chamber.

With the joint session underway and with Vice President Mike Pence presiding, a large crowd gathered outside the U.S. Capitol. Temporary and permanent barricades surround 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 approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades and officers of the U.S. Capitol Police, and the crowd advanced to the exterior façade of the building. At such time, the joint session was 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, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows. 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 session resumed.

After several hours of attempting to remove demonstrators from Capital grounds, at approximately 1800 hours, CDU officials increased their efforts by broadcasting over a loud speaker that the demonstrators were in violation of the mayor's curfew order. They continued to broadcast that message for approximately one hour. At approximately 1920 hours, a combined effort involving MPD CDU and DC National Guard troops began to encircle the remaining crowd, located on the grounds of the U.S. Capitol Building at the U.S. Capitol Visitor Center, so as to begin mass arrest procedures for the remaining demonstrators who refused to leave.

District of Columbia Mayor Muriel Bowser declared a public emergency in the District of Columbia (Mayor's Order 2021-001, pursuant to 24 DCMR § 2203.2), which resulted in a District-wide curfew commencing at 6:00 p.m. on Wednesday, January 6, 2021 and ending at 6:00 a.m. on Thursday January 7, 2021.

At approximately 1925 hours (7:25p.m.), I was assisting escorting individuals past an MPD line when I noticed a man, later identified by his Maryland driver's license as CHRISTOPHER ALBERTS, to be slow in responding to orders to leave the premises. As I approached ALBERTS

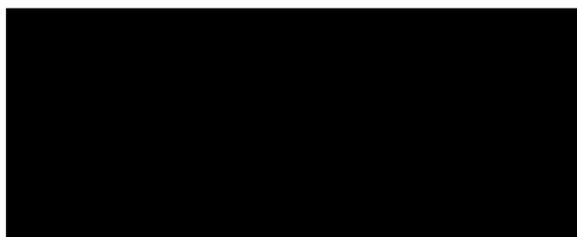
from his rear, I noticed a bulge on ALBERTS' right hip. Based on my training and experience, I recognized the bulge was consistent with that of a hand gun. While pushing ALBERTS towards the line, I tapped the bulge with my baton and felt a hard object that I immediately recognized to be a firearm. At the time, ALBERTS was also wearing a bullet-proof vest and carrying a backpack.

At that point, I told two MPD officers next to him that ALBERTS had a firearm on his person. ALBERTS, apparently hearing that, immediately tried to flee, but I was able to detain him with the help of two other officers. A black Taurus G2C 9mm (Serial#AAL085515) was recovered from D-1's right hip. Additionally, a separate magazine was located on D-1's left hip. Both the gun and the spare magazine were in held in two separate holsters. The handgun had one round in the chamber with a twelve round capacity magazine filled with twelve rounds; the spare magazine also had a twelve round capacity and was filled with twelve rounds. MPD Officers also seized a gas-mask from the defendant's person as well as the defendant's backpack containing a pocket-knife, one packaged military meal-ready to eat (MRE), and one first-aid medical kit.

The MPD Gun Recovery Unit was dispatched and ALBERTS was subsequently placed under arrest for Carrying a Pistol without a License, Possession of a firearm on Capital Grounds, Curfew Violation, Possession of Unregistered Ammunition, and Possession of a High Capacity Ammunition Feeding Device, and was transported to 5D for processing.

While in custody at the Fifth District ALBERTS was advised of his *Miranda* rights, which he waived. ALBERTS stated that he was in possession of the firearm for personal protection and he did not intend on using the firearm to harm anyone.

Based on the foregoing, I submit that there is probable cause to believe that the ALBERTS violated 40 U.S.C. § 5104(e)(1)(A)(i), which makes it a crime to, among other things, carry or have readily accessible a firearm or other dangerous weapon on Capitol Grounds.



METROPOLITAN POLICE
DEPARTMENT

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 7th day of January 2021.

A handwritten signature in blue ink that reads "G. Michael Harvey".

Digitally signed by G. Michael
Harvey
Date: 2021.01.07 13:42:53 -05'00'

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE