

## STATEMENT OF FACTS

Your affiant, Jeremy David Moore, is a Special Agent with the Federal Bureau of Investigation. As a Special Agent, 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. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021.

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, shortly 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.

According to records obtained through a search warrant served on Google, a mobile device associated with kblakelykds@gmail.com (user “Kevin Blakely,” UID: 174441000000, sign-in phone number ending in -2303<sup>1</sup>) was present at the U.S. Capitol on January 6, 2021. 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 and 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 the actual location of the covered device approximately 68% of the time. In this case, Google location data shows that a device associated with kblakelykds@gmail.com was within the U.S. Capitol from approximately 2:45 p.m. to 4:38 p.m. Google records show that of the 36 location data points within the Capitol corresponding to kblakelykds@gmail.com, the “maps display radius” for this location data was between 100 and 200 feet, which encompasses an area that is mostly within the U.S. Capitol building.

Law enforcement records show the area code for the phone number ending in -2303 is an area code servicing the greater Dallas, Texas area.

Your affiant was able to locate a publicly available Facebook page for BLAKELY. In a February 2021, Facebook post, BLAKELY appears in a photograph wearing a black sweatshirt with the letters “FMB” in front of a red brick faced property consistent with his residence in McKinney, TX.

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<sup>1</sup> The records included the full number, but for purposes of this public filing only the last four digits are included.



Photo 1: A public Facebook post to KEVIN BLAKELY's Facebook account.

During the course of the investigation, law enforcement recovered video footage from both outside and within the U.S. Capitol Building on January 6, 2021. In this footage, law enforcement has located images of an individual who appears fully consistent with BLAKELY's appearance (based on a review of publicly available images of BLAKELY).

Specifically, in the footage at the U.S. Capitol, BLAKELY is wearing what appears to be the same black "Figueroa Mountain Brewery" ("FMB") sweatshirt, as well as, black pants and black, white and red sneakers. BLAKELY's face is not obscured by a mask or any other covering. Additionally, the video footage shows BLAKELY with a phone in his hand, consistent with the location data described above (placing BLAKELY in the area of the Capitol between 2:45 p.m. and 4:38 p.m.).



Photo 2: Open source video capture depicting BLAKELY outside the Capitol Building with phone in his hand.

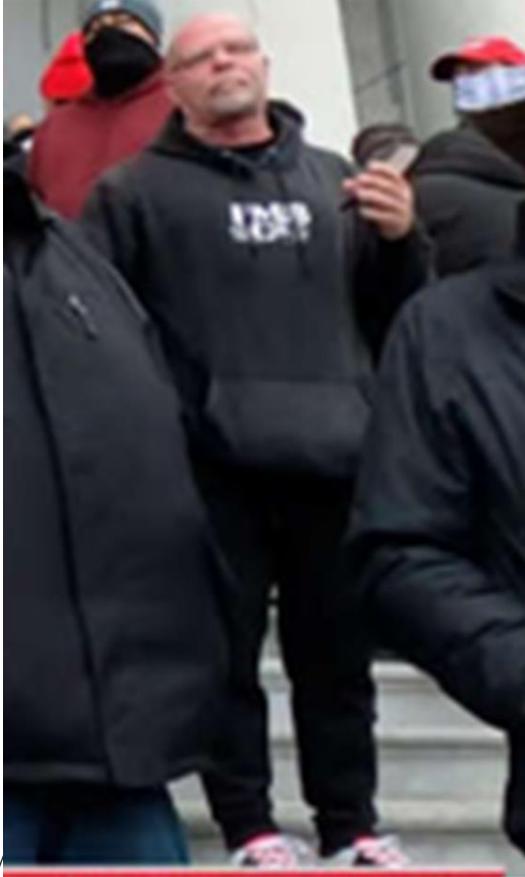


Photo 3: Zoomed in image of Blakely standing in front of the U.S. Capitol wearing a black sweatshirt with a white “FMB” logo.



Photo 4: Open source video depicting BLAKELY inside the Capitol Building.

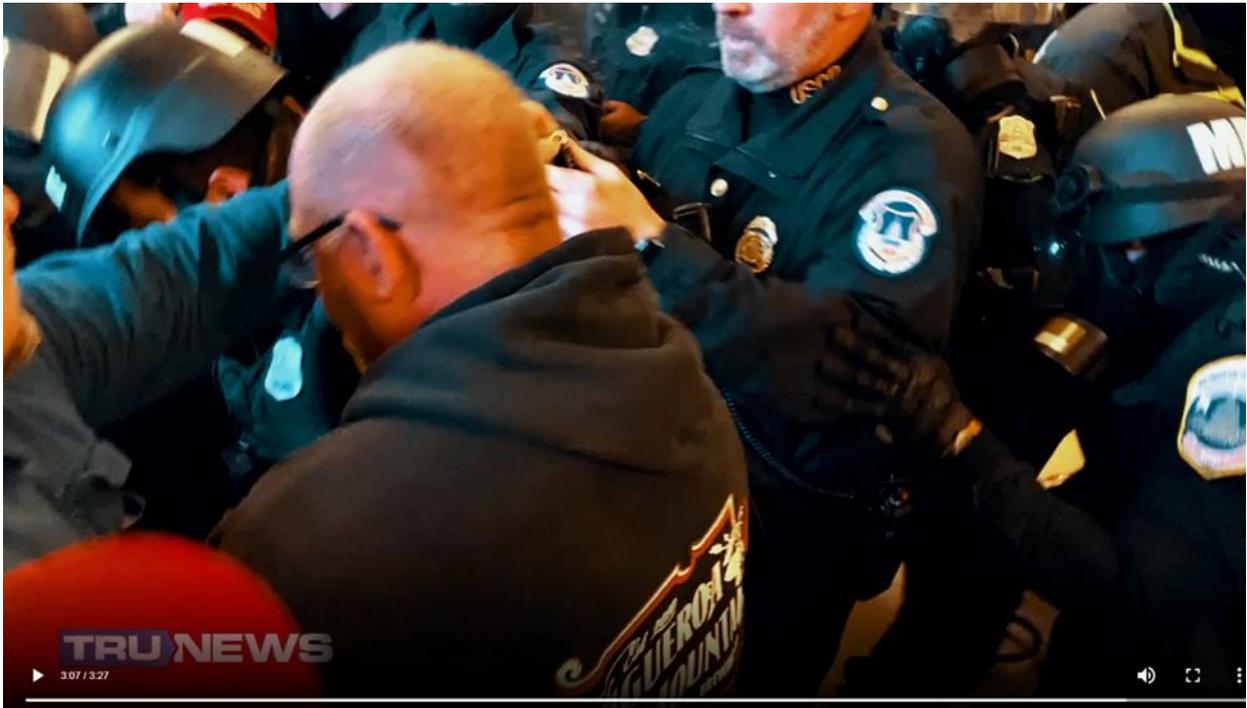


Photo 5: BLAKELY inside the Capitol building, wearing a black “Figueroa Mountain Brewery” (FMB) sweatshirt.

Based on a review of additional publicly available websites, your affiant has located an Instagram post that captures BLAKELY in front of the Capitol building.

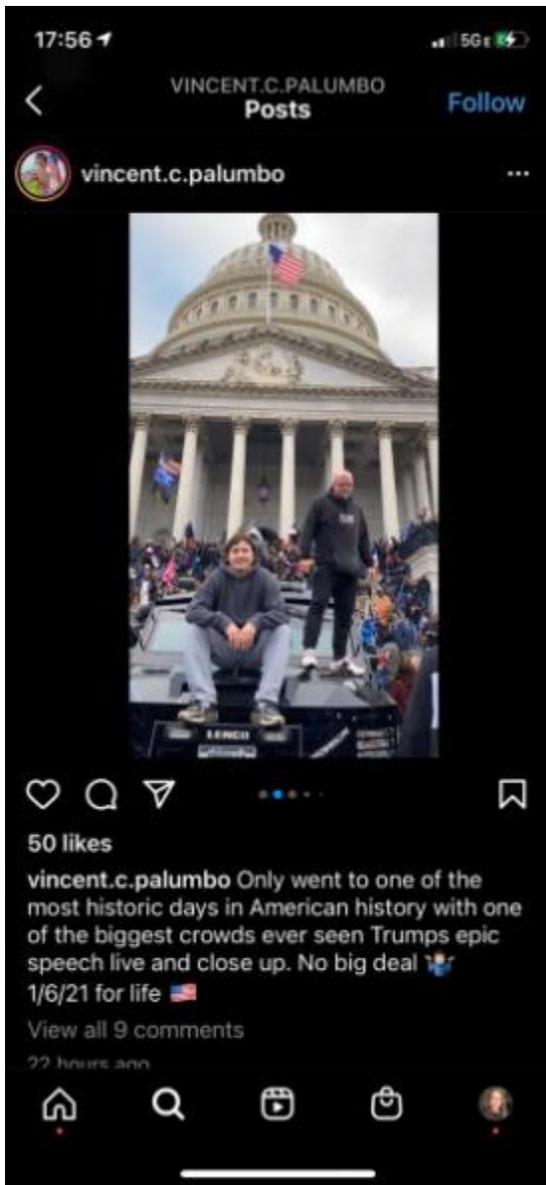
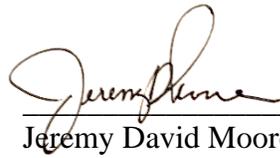


Photo 6: BLAKELY outside the Capitol building, wearing a black FMB sweatshirt.

Based on the foregoing, your affiant submits that there is probable cause to believe that KEVIN SAM BLAKELY 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 KEVIN SAM BLAKELY violated 40 U.S.C. § 5104(e)(2)(D), (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.



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Jeremy David Moore  
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 March 2021.

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ROBIN M. MERIWEATHER  
U.S. MAGISTRATE JUDGE