

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Task Force Officer with the Federal Bureau of Investigation (FBI) assigned to the New York Joint Terrorism Task Force (JTTF). In my duties as a Task Force Officer, I have gained training and experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, the exploitation of lawfully obtained evidence and data, and various other procedures. In addition to my regular duties, I am also currently reviewing public tips, videos, and documentation, among other evidence, associated with the riots and civil disorder that occurred on January 6, 2021, in and around the United States Capitol. As a Task Force Officer, 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, 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.

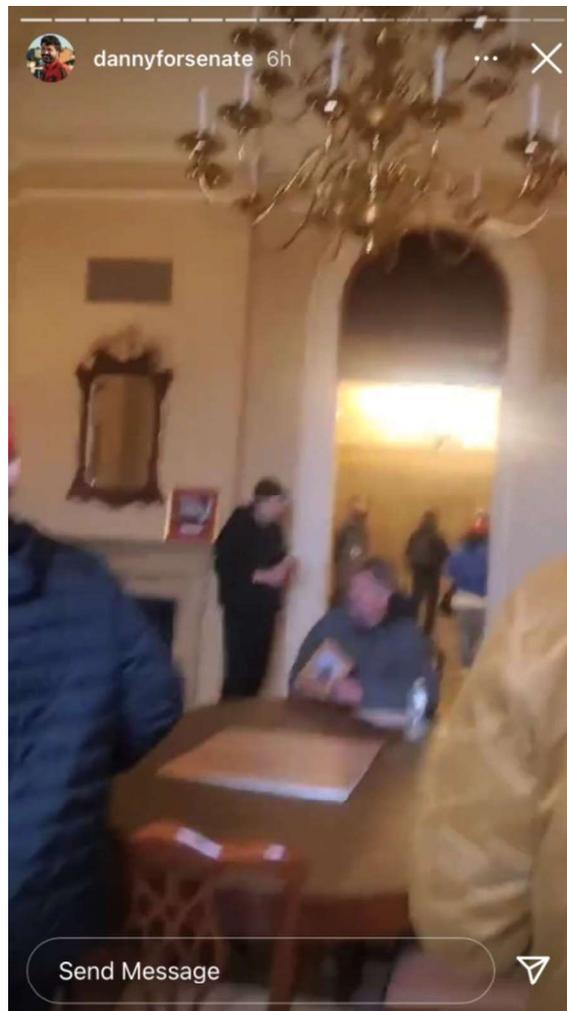
Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress 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.

Two tipsters provided information about posts purportedly made by DANIEL CHRISTMANN to Instagram account “dannymforsenate,” including screenshots from videos depicting images inside the U.S. Capitol on January 6, 2021. According to records provided by Facebook, Instagram account “dannymforsenate” is registered to “Daniel Christmann.”

Tipster 1 anonymously provided the following screenshots (“SCREENSHOT 1” and “SCREENSHOT 2,” respectively) reportedly made by CHRISTMANN on the Instagram account “dannymforsenate,” depicting what appears to be an interior room of the U.S. Capitol, as well as the view from an interior window of the U.S. Capitol overlooking an exterior plaza/terrace on the U.S. Capitol grounds (numerous law enforcement personnel and protesters are also visible in the background):



Screenshot 1



Screenshot 2

Your affiant’s colleague, an FBI special agent also assigned to the New York JTTF, provided SCREENSHOT 1 and SCREENSHOT 2 to a U.S. Capitol Police (USCP) agent with knowledge of the interior and exterior layouts of the U.S. Capitol Building and surrounding grounds, requesting identification of the location depicted in the screenshots. The USCP agent believed these screenshots were taken from inside the U.S. Capitol in a room designated for use by Senate members as needed.

Tipster 1 also provided the following two screenshots (“SCREENSHOT 3” and “SCREENSHOT 4,” respectively) reportedly made by CHRISTMANN on the Instagram account “dannyforsenate:”



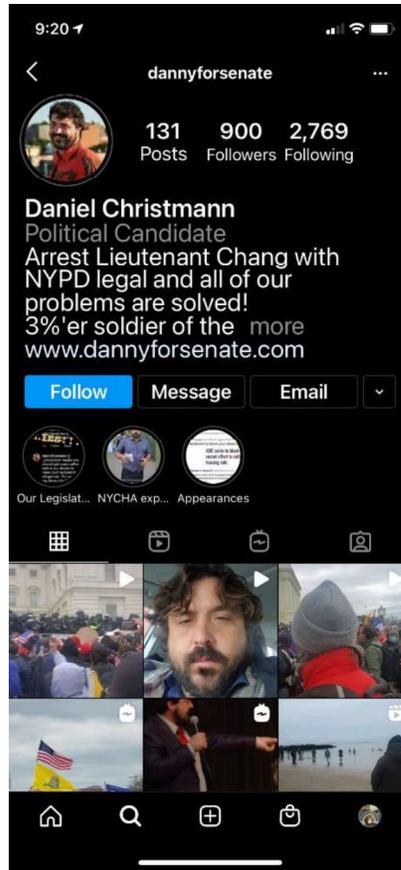
Screenshot 3



Screenshot 4

Your affiant's same colleague (an FBI special agent also assigned to the New York JTTF) also provided SCREENSHOT 3 and SCREENSHOT 4 to the same USCP agent, requesting identification of the location depicted in the screenshots. The USCP agent believed SCREENSHOT 3 and SCREENSHOT 4 were both taken in the main corridor on the first floor of the U.S. Capitol Building, which runs the length of building north to south.

Tipster 2, whose relationship to CHRISTMANN is unknown, provided the following screenshot of the profile page of Instagram account "dannymforsenate" – which bears the name "Daniel Christmann" and, based on the profile page's name and layout and my training and experience, appears to have CHRISTMANN's image as the profile picture:



Your affiant compared a booking photograph of CHRISTMANN, captured by the New York City Police Department (NYPD) on August 15, 2020, to the profile picture on the Instagram account discussed immediately above, and the two are consistent.

Tipster 3, whose relationship to CHRISTMANN is unknown, submitted a video of a man inciting violence. In this video footage, an unidentified individual, not CHRISTMANN, can be heard yelling, “We want Nancy... we want the rest of them.” Based on the nature of the video and my knowledge of the events on January 6, 2021, I believe “Nancy” refers to Nancy Pelosi, Speaker of the United States House of Representatives, and “the rest of them” refers to other members of the United States Congress working in the U.S. Capitol building. The video footage is consistent with other publicly available video footage where crowds of people subsequently breached the barriers set up by law enforcement and unlawfully entered and rioted in the U.S. Capitol building.

I have reviewed this video and two still images are below. Based on the picture of CHRISTMANN posted on the profile page of Instagram account “dannymforsenate,” the arrest photograph of CHRISTMANN captured on August 15, 2020, by the NYPD, and CHRISTMANN’s New York, California, and Tennessee drivers’ license photographs your affiant located CHRISTMANN in the crowd. I have compared these seven images and they are consistent. CHRISTMANN appears in the still below dressed in a light-colored, plaid jacket and light-colored button-down collared shirt. He also appears to be speaking or shouting, as his hand is placed over his mouth in one of the photographs. I cannot discern what he is saying. Based on

my training and experience as well as the physical surroundings, I believe this crowd assembled outside of the U.S. Capitol complex. The crowd can be seen standing in front of a “wall” of law enforcement personnel meant to prevent access to the U.S. Capitol building; several of the law enforcement officers are in what I recognize to be “riot” gear. Your affiant has circled CHRISTMANN in the video stills below in yellow:





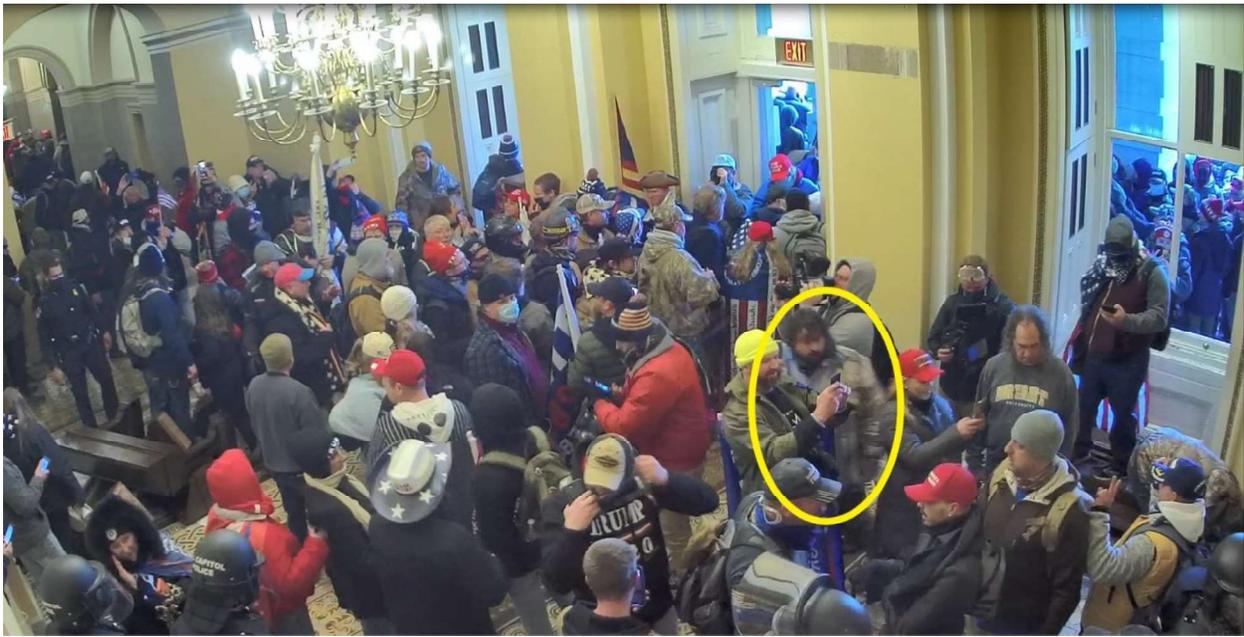
USCP security cameras captured images of individuals unlawfully entering and rioting inside the U.S. Capitol building on January 6, 2021. Based on my knowledge of the events on January 6, 2021, the Senate Wing Door was a significant point of entry for rioters.

I have reviewed security camera footage covering the Senate Wing Door, and several still images are below. Based on the picture of CHRISTMANN posted on the profile page of Instagram account "dannymforsenate," the arrest photograph of CHRISTMANN captured on August 15, 2020, by the NYPD, CHRISTMANN's New York, Tennessee, and California drivers' license photographs, and the two images of CHRISTMANN in the crowd referenced immediately above at the U.S. Capitol on January 6, 2021, your affiant located CHRISTMANN on security camera

footage entering the U.S. Capitol. Your affiant has circled CHRISTMANN in yellow in the video stills below:









Agents with the FBI received authorization from the U.S. District Court for the District of Columbia to search and seize evidence within the “dannymorsenate” and Facebook account “Daniel.christmann.14,” both of which are subscribed to CHRISTMANN. Agents located SCREENSHOTS 1 through 4, discussed above and provided by Tipster 1, as well as the full video from which the screenshots were made. Additional still images (Images 1 through 3) from this video are below:



Image 1



Image 2



Image 3

Based on the USCP agent's opinion that SCREENSHOTS 1 through 4 were taken inside the U.S. Capitol, I believe Images 1 through 3 from the same video depict the inside of the U.S. Capitol on January 6, 2021. I further believe that CHRISTMANN took this video as it was posted to his Instagram account, which is subscribed to him and agents located images of CHRISTMANN inside the U.S. Capitol with a cellular device in his hands.

In addition, between January 7, 2021, and January 12, 2021, CHRISTMANN affirmed in multiple conversations on Instagram account "dannymforsenate" that he entered the U.S. Capitol. In one such conversation on January 7, 2021, an individual asked CHRISTMANN if he "stormed the capitol." CHRISTMANN responded, "Yeah im not going to lie." CHRISTMANN went on to say

he “wasn’t one of the first people in” and was “scaling walls and shit” once he realized what was happening. An image of the conversation is below:

Author [REDACTED]
Sent 2021-01-07 05:02:12 UTC
Body So you stormed the capitol, huh?

Author [REDACTED]
Sent 2021-01-07 05:02:23 UTC
Body Rebel!

Author dannyforsenate (Instagram: 39891957796)
Sent 2021-01-07 05:03:12 UTC
Body Yeah im not going to lie. I wasn't one of the first people in. When realized it was happening I was scaling walls and shit

Also on January 7, 2021, CHRISTMANN was asked if he went “inside,” to which CHRISTMANN replied, “How could I not?” An image of this conversation is below:

Thread (453606182698928)
Current 2021-05-10 16:57:10 UTC
Participants [REDACTED]
dannyforsenate (Instagram: 39891957796)

Author [REDACTED]
Sent 2021-01-07 20:21:41 UTC
Body You went inside?
Share **Date Created** Unknown

Author dannyforsenate (Instagram: 39891957796)
Sent 2021-01-07 20:52:47 UTC
Body How could I not?

In another conversation, an individual congratulated CHRISTMANN on entering the Capitol, which CHRISTMANN acknowledged, stating he “scaled a wall on a garden hose.” An image of the conversation is below:

Author [REDACTED]
Sent 2021-01-07 03:23:27 UTC
Body Niceee dude... u actually went in!
Share **Date Created** Unknown

Author dannyforsenate (Instagram: 39891957796)
Sent 2021-01-07 03:23:36 UTC
Body Yup

Author dannyforsenate (Instagram: 39891957796)
Sent 2021-01-07 03:23:53 UTC
Body Scaled a wall on a garden hose

In addition, on January 18, 2021, CHRISTMANN sent the following private messages using Facebook account “Daniel.christmann.14,” directing the recipients to “delete” and “remove those videos” after two individuals he knew were recently arrested. An image of the conversation is below:

Thread (2347748571984274)

Current 2021-05-10 17:06:32 UTC
Participants [REDACTED]
Daniel Christmann (Facebook: 1620259723)
[REDACTED]

Author Daniel Christmann (Facebook: 1620259723)
Sent 2021-01-18 23:48:28 UTC
Body Please remove those videos

Author Daniel Christmann (Facebook: 1620259723)
Sent 2021-01-18 23:49:33 UTC
Body Its actually the only place I sent them. So delete them. My friend Jake got taken in and my campaign manager from this summer got taken in.
Its go time on the end of times.

Author [REDACTED]
Sent 2021-01-18 23:50:37 UTC
Body Deleted

Author Daniel Christmann (Facebook: 1620259723)
Sent 2021-01-18 23:50:44 UTC
Body Thanks

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



Task Force Officer
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 16th day of July, 2021.


ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE