

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent assigned to Domestic Terrorism Squad of FBI's San Francisco's Field Office. I have served as a Special Agent since February 2020. As an FBI Special Agent, I have conducted and participated in investigations of weapons of mass destruction, violent extremist ideologues, organized crime and weapons offenses. During these investigations, I have utilized various types of investigative techniques, including informants, physical surveillance, and the service of Grand Jury subpoenas. I have participated in the execution of several federal arrest warrants and search warrants. Prior to my employment with the FBI, I was enlisted in the United States Navy. 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.

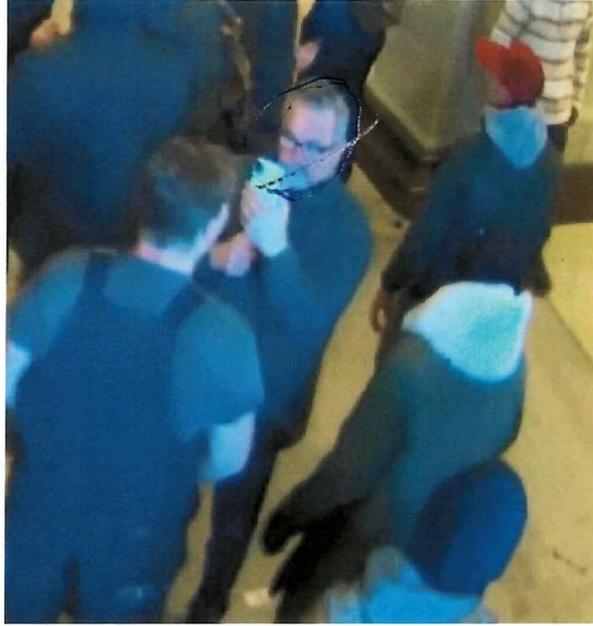
On July 23, 2021, Kenneth John Reda (“Reda”),¹ while accompanied by his attorney, was interviewed by the FBI pursuant to a proffer agreement regarding his entry into the U.S. Capitol on January 6, 2021. Reda stated that he drove from Florida to Washington, D.C. on January 5, 2021 and stayed in an acquaintance’s hotel room. Reda later identified this individual as “Dan” SHAW (“SHAW”), who he previously met once through a mutual friend. Reda also stated that SHAW drove from California with his high-school aged son.

Reda explained that on the morning of January 6, 2021, they had breakfast and then began to walk around. They then made their way to the Ellipse and heard the speeches. Reda explained that when they arrived at the Capitol, a crowd was already present and flashbangs were audible. He then went around to the other side of the Capitol, believed to be a reference to the east side of the building, where a crowd had formed outside the building.

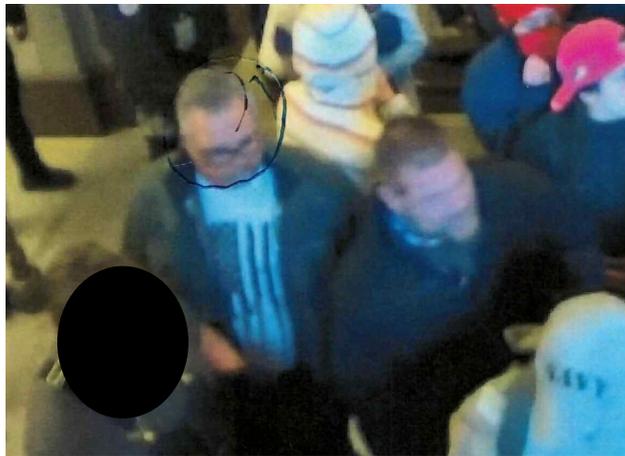
Reda stated that a person, who appeared to him to be an Oathkeeper member who appeared to be the kind of guy directing traffic for “those fellas,” likely reference to the Oathkeeper members at the Capitol, briefly spoke with a Capitol Police Officer. Then, this individual announced that the Capitol Police need to get approximately 1,200 people out and then the police would let other people into the building. Reda said that people then exited the building and Capitol Police officers let groups of four to five into the building, which is how he got into the building. Reda claimed that there was no broken glass or vandalism on the side of the building he was located. Reda explained that there were so many people that he was unable to remain with SHAW the whole time.

During this interview, Reda identified SHAW, by circling his face, in stillshot images from U.S. Capitol security cameras.

¹ On November 4, 2021, Reda pled guilty to § 5104(e)(2)(G) for his actions in the United States Capitol on January 6, 2021. (D.D.C. 21-cr-452(TFH))

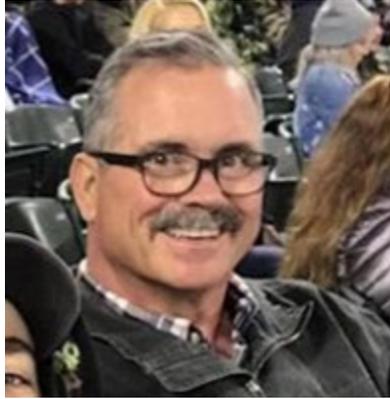


(SHAW appearing to take a photograph of his son)



(from left to right, SHAW's son (image redacted), SHAW, and Reda)

Your Affiant has reviewed SHAW's California Department of Motor Vehicles driver's license photograph and a publicly available photograph from SHAW's Facebook account (depicted below). The photographs identified by Reda and the Capitol surveillance video of that individual appear to depict the same individual known to your Affiant as SHAW.



(Photograph of SHAW from his publicly available Facebook page)

According to records obtained through a search warrant which was served on Verizon, on January 6, 2021, in and around the time of the incident, the cellphone associated with XXX-XXX-3363 was identified as having utilized a cell site consistent with providing service to a geographic area that includes the interior of the United States Capitol building. Additional information legally obtained from Verizon confirmed that XXX-XXX-3363 is registered to SHAW.

Additionally, FBI personnel reviewed video footage from the U.S. Capitol security cameras during the times in which SHAW's cellular telephone was identified as being located inside of the Capitol. In reviewing the video footage, FBI personnel identified SHAW as being physically present inside the U.S. Capitol, specifically entering through the Rotunda doors, while holding what appears to be a cellular telephone phone in his hand, as though he was filming or photographing his entrance, at approximately 3:02 p.m. Eastern Standard Time ("EST"). SHAW then entered the Rotunda at approximately 3:03 p.m. EST and later exited the U.S. Capitol through the Rotunda doors at approximately 3:16 p.m. EST.





A review of U.S. Capitol surveillance videos further showed Reda with SHAW and SHAW's son at multiple times while inside of the U.S. Capitol.



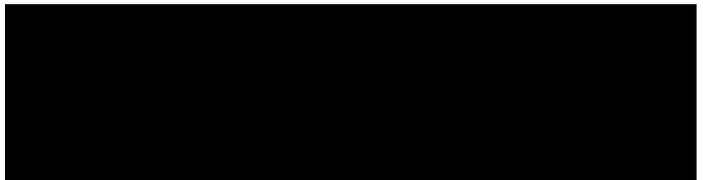
(Reda (circled in blue), SHAW's son (redacted), and SHAW (circled in red) prior to their exit)



(Reda (circled in blue), SHAW (circled in red), and SHAW's son (redacted) in the Rotunda)

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



FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 29th day of November 2021.

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE