

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent (“SA”) with the Federal Bureau of Investigation (“FBI”) and has been since 2002. I am currently assigned to the Portland Division, Salem Resident Agency. My previous assignment was with the Los Angeles FBI, where I personally investigated, assisted investigators, and supervised investigations of numerous federal crimes to specifically include narcotics and gang related offenses, violent crimes, and child pornography. I received formal training at the Albuquerque Police Department and FBI Academies, which included investigations, evidence collection, and interviewing. In addition, I have received over 300 additional hours of specialized training in narcotics, financial, gangs, sexual assaults, and violent crimes investigations. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As an FBI SA, 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. EST, 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. EST 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 EST. 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 or about January 8, 2021, an anonymous tipster (“T-1”) provided the FBI with a video, with the watermark “Jayden X” in the bottom right-hand corner of the video (hereinafter, the “JaydenX Video”). The JaydenX Video depicts individuals storming the U.S. Capitol on January 6, 2021. The FBI was able to obtain several screenshots of individual rioters’ faces from the JaydenX Video, including the following screenshot of an individual believed to be Jeffrey William Hubbard (“HUBBARD”).



Figure 1

Your affiant has reviewed open source and surveillance footage depicting the individual believed to be HUBBARD inside the U.S. Capitol building on January 6, 2021. In the aforementioned JaydenX Video, HUBBARD can be seen toward the back of a crowd of rioters gathered in the Statuary Hall connector—the hallway connecting Statuary Hall to the House of Representatives chamber (“House chamber”). A line of uniformed and plain clothes law enforcement officers can be seen blocking the rioters from entering the hallways surrounding the House chamber. HUBBARD has a distinct bald head, is clean shaven, and is wearing a black jacket. At approximately 30:30 in the video, HUBBARD can be seen gradually moving toward the front of the crowd. HUBBARD appears to be chanting with the crowd, “Stop the Steal” and “We Want Trump.” Beginning at the 32:48 mark, HUBBARD can be seen standing directly behind a white-haired female who appears to be engaging with the uniformed officers blocking

the rioters' path. A screenshot from the 34:32 mark of the JaydenX Video is provided below. See Figure 2.¹



Figure 2

HUBBARD is again seen in the JaydenX Video at the 37:33 mark. At this point in the video, the rioters have broken through the police line and are chanting “Stop the Steal” as they try to force their way through what appears to be the back entrance of the House chamber, which is being guarded by law enforcement officers. HUBBARD’s distinctive bald head can be seen intermittently until the 38:28 mark, when his full face comes into the camera’s view again. At this time, members of the crowd can be heard suggesting that the rioters use a helmet or Kevlar to break open the House chamber door. A screenshot of HUBBARD’s face from the 38:28 mark is provided below. See Figure 3.

¹ Your affiant has drawn a red circle around the individual believed to be HUBBARD in Figure 2 and in all other figures contained in this Statement of Facts.



Figure 3

Finally, HUBBARD can be seen and heard at the 42:33 mark of the JaydenX Video, chanting the words "Break it Down" with the crowd. Below is a screenshot of the 42:35 mark of the Jayden X Video with HUBBARD, circled in red, in the foreground of the screenshot. See Figure 4.

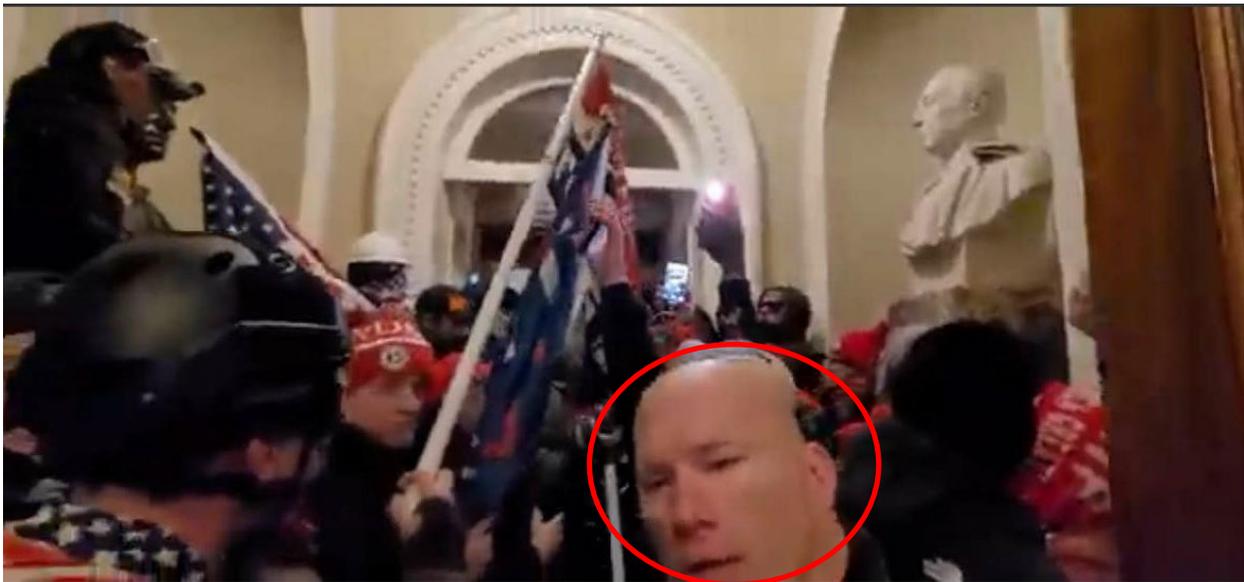


Figure 4

USCP Surveillance Footage Confirms HUBBARD's Presence Inside the U.S. Capitol

Your affiant has also reviewed USCP surveillance footage, which further confirms HUBBARD's presence inside the U.S. Capitol building on January 6, 2021. HUBBARD is first seen at approximately 2:22 p.m. EST climbing through a broken window located next to the Senate Wing door on the northwest side of the Capitol. See Figures 5-7, below.



Figure 5



Figure 6



Figure 7

HUBBARD, circled in red by your affiant, can be identified by his mid-length black jacket, which contains a small white stripe on the upper right arm, as indicated by the red arrow in Figure 7, above.

When HUBBARD first enters the broken window next to the Senate Wing door, he is wearing a dark-colored hat with a fur trim. *See* Figures 6 and 7, above. It appears that HUBBARD later removed his hat, since he does not appear to be wearing a hat throughout the remainder of the USCP surveillance footage discussed herein.

HUBBARD is next seen at approximately 2:26 p.m. EST walking through the Rotunda. *See* Figure 8. HUBBARD, who can be identified by his mid-length black coat and bald head, appears to be taking pictures with a cellular phone inside the Rotunda.



Figure 8

At approximately 2:31 p.m. EST, HUBBARD can be seen standing toward the front of a crowd of rioters inside the Statuary Hall connector. *See* Figure 9. The surveillance footage of HUBBARD inside the Statuary Hall connector (Figure 9) is consistent with the JaydenX Video footage (Figure 2) showing rioters in the Statuary Hall connector attempting to push past the police barricade.



Figure 9

At approximately 2:45 p.m. EST, HUBBARD can be seen in one of the hallways surrounding the House chamber. See Figure 10, below. HUBBARD, circled in red by your affiant, can be identified by his mid-length black coat with a white patch on the side, and his bald head.

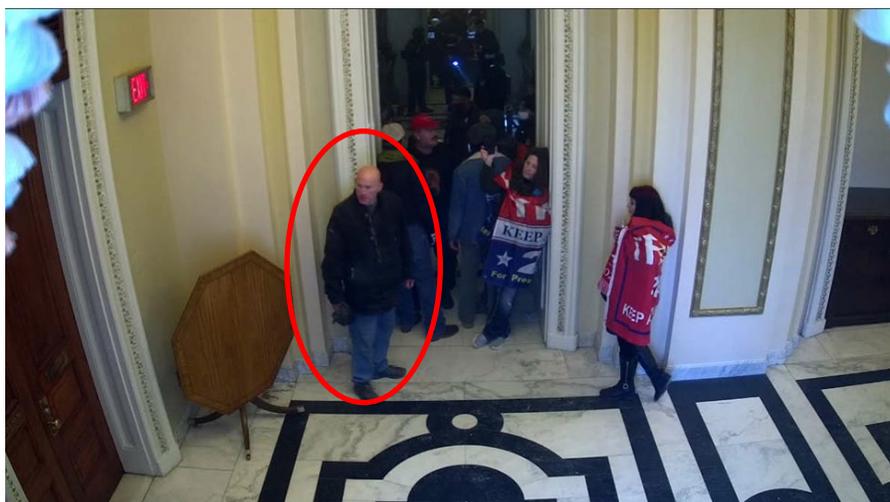


Figure 10

11. At approximately 2:59 p.m. EST, HUBBARD is seen re-entering the Rotunda. See Figure



Figure 11

Over the course of the video, HUBBARD moves through the crowd toward a group of uniformed law enforcement officers, who can be seen in the upper right quadrant of Figure 11, above. The law enforcement officers appear to be engaged with and/or blocking the forward advancement of rioters. See Figure 12 (HUBBARD indicated with a red circle and red arrow in the center of the Rotunda).



Figure 12

HUBBARD eventually advances toward the front of the crowd of rioters. Shortly thereafter, a physical struggle ensues between some rioters and the uniformed law enforcement

officers. At one point during this altercation, HUBBARD can be seen pouring what appears to be water over his eyes. *See* Figure 13 (HUBBARD indicated with a red circle and red arrow, toward the front of the line of rioters engaging with uniformed law enforcement officers inside the Rotunda).

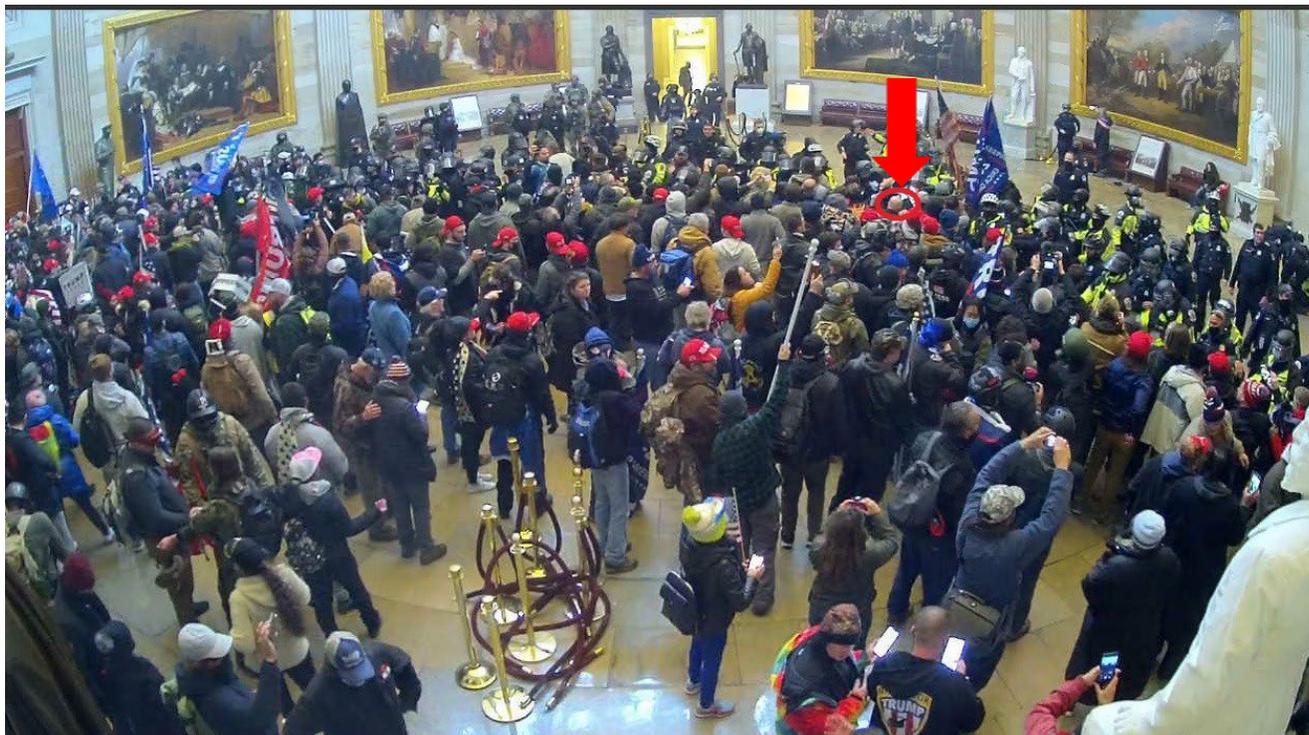


Figure 13

Finally, USCP surveillance footage shows HUBBARD moving towards the East Rotunda Door at approximately 3:15 p.m. EST. At approximately 3:16 p.m. EST, HUBBARD appears to exit the U.S. Capitol. *See* Figure 14.

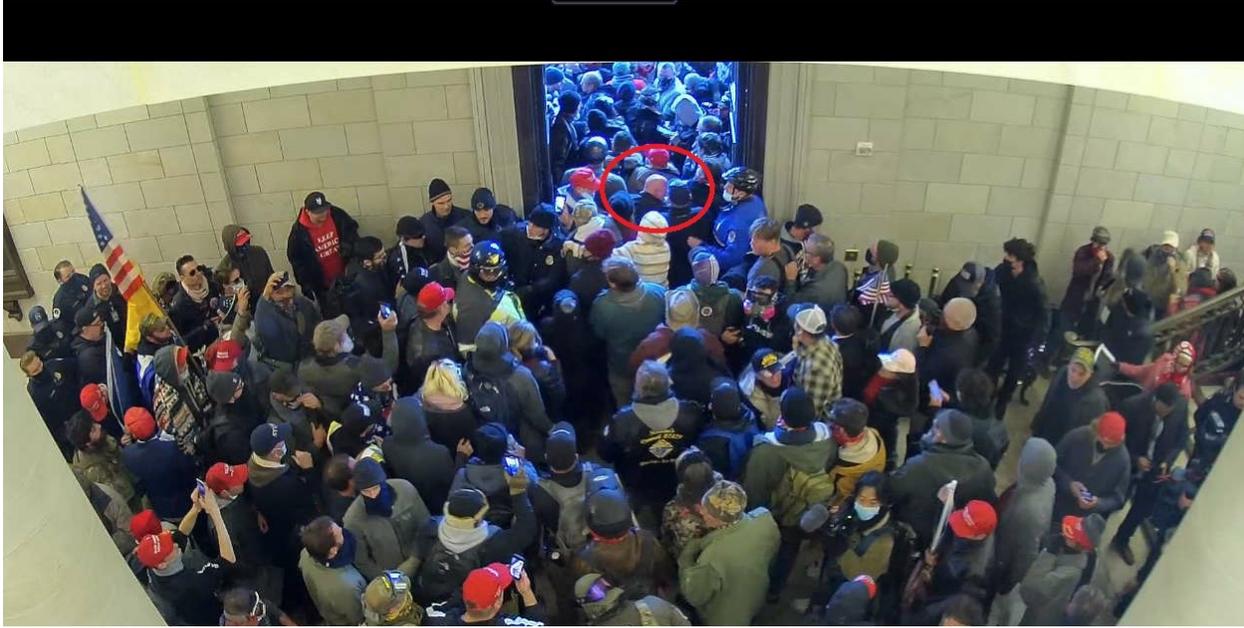


Figure 14

Identification of HUBBARD

In May 2021, your affiant spoke to Lincoln City Police Department Detective James Burke regarding HUBBARD. Detective Burke advised your affiant that he had a separate, unrelated investigation involving HUBBARD. The following is information that Detective Burke related to your affiant over the course of several conversations in May 2021:

- Detective Burke has confirmed with HUBBARD that HUBBARD currently resides in Lincoln City, Oregon, and that HUBBARD has a mobile phone number ending in -2560.
- On or about January 7, 2021, Detective Burke attempted to make contact with HUBBARD at his residence in Lincoln City, Oregon. During the attempted contact, an elderly female answered the door and identified herself as HUBBARD's mother. The elderly woman who identified herself as HUBBARD's mother informed Detective Burke that HUBBARD was at the Trump Rally in Washington D.C. at the time of Detective Burke's visit.²

² On November 30, 2021, your affiant performed a public database check for HUBBARD's known address. The public database check listed HUBBARD and a 74 year-old female, J.L., as being associated with the address. An Oregon Department of Motor Vehicles ("DMV") records check for J.L. showed that she listed HUBBARD's known address as her address. A public database check for J.L. showed that J.L. previously used the last name "Hubbard." On November 30, 2021, your affiant provided Detective Burke with the current Oregon DMV photograph of J.L. Detective Burke identified the woman pictured in the DMV photograph as being the elderly female who identified herself as HUBBARD's mother when Detective Burke visited HUBBARD's residence on January 7, 2021.

- On June 1, 2021, Detective Burke conducted an in-person interview with HUBBARD. During this interview, Detective Burke informed HUBBARD that he had previously attempted to contact HUBBARD in January 2021, but that HUBBARD was not home at the time. Detective Burke further informed HUBBARD that during this attempted contact, HUBBARD's mother had told Detective Burke that HUBBARD was at the Trump Rally in Washington, D.C. According to Detective Burke, HUBBARD nodded affirmatively when Detective Burke informed HUBBARD about HUBBARD's mother's statement.

Public records indicate that the phone number ending in -2560 has been associated with HUBBARD since 2013. Public records also indicate that HUBBARD used to reside in Michigan, but now likely resides in Lincoln City, Oregon.

Lawfully obtained records from AT&T indicate that since May 31, 2017, HUBBARD has been the subscriber and financially liable party for the phone number ending in -2560.

According to records obtained through a search warrant which was served on AT&T, on January 6, 2021, in and around the time of the incident, the cellphone associated with the phone number ending in -2560 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. In addition, lawfully obtained records from AT&T indicate that since May 31, 2017, HUBBARD has been the subscriber for the phone number ending in -2560.

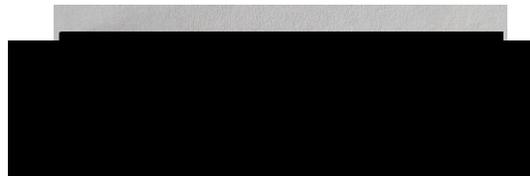
AT&T records indicate that on January 1, 2021, the phone number ending in -2560 used a cell tower located in Lincoln City, Oregon. Over the course of the next five days, the phone number ending in -2560 pinged off cellular towers in an easterly direction across the United States. Specifically, on January 5, 2021, there were approximately 32 cellular tower hits in the Flint, Michigan area. Additionally, between 12:00 a.m. on January 6, 2021 and 7:59 a.m. on January 7, 2021, there were approximately 199 hits off cellular towers in the Washington, D.C. area. In particular, on January 6, 2021, between 1:03pm and 4:33 p.m. EST, the phone number ending in -2560 hit approximately 45 times off a cellular tower whose range of coverage includes the U.S. Capitol. On January 7, 2021, the phone number ending in -2560 hit off cellular towers in the Flint, Michigan area approximately 40 times.

On July 22, 2021 and August 3, 2021, your affiant met with Detective Burke. During these meetings, your affiant showed Detective Burke the JaydenX Video, as well as the USCP surveillance footage described above. Detective Burke, who has interviewed HUBBARD in person, positively identified HUBBARD as the individual (whom your affiant has since circled in red) in Figures 1-4 and 8-10, above.

Finally, your affiant has compared the photograph in Figure 1 to HUBBARD's Department of Motor Vehicles photographs from Oregon and Michigan, and believes them to depict the same person.

Based on the foregoing, your affiant submits that there is probable cause to believe that HUBBARD 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 HUBBARD 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.

A large black rectangular redaction box covers the signature area of the Special Agent.

Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 6th day of December 2021.

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE