

## STATEMENT OF FACTS

Your affiant, [REDACTED] with the Federal Bureau of Investigation (“FBI”), is assigned to Joint Terrorism Task Force (JTTF) in the Minneapolis Division in Minnesota. In my duties as a Special Agent, I investigate criminal violations related to domestic terrorism. 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 violations 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 are 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 U.S. Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the U.S. House of Representatives and the U.S. Senate were meeting in separate chambers of the U.S. 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 House and the 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 U.S. Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the U.S. 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.

In January 2022, FBI Minneapolis received a tip from the community claiming that an individual identified as “Joe” had been involved in the riot at the Capitol on January 6, 2021. The tipster, herein referenced as Tipster #1, stated that “Joe” had taken a selfie with his cell phone camera after breaking into the Capitol and sent the selfie to his mother. Tipster #1 reported that “Joe” had been living with his father in the Syracuse, New York, area until the investigations into the riot at the U.S. Capitol started. “Joe” then became scared of the investigations and recently moved back to Minnesota. Tipster #1 explained that “Joe” moved to Minnesota, where he lived with his mother, who has a different last name than “Joe.” Tipster #1 provided “Joe’s” mother’s last name, but did not know “Joe’s last name. Tipster #1 was also aware that “Joe” worked at a post office in the Minneapolis area.

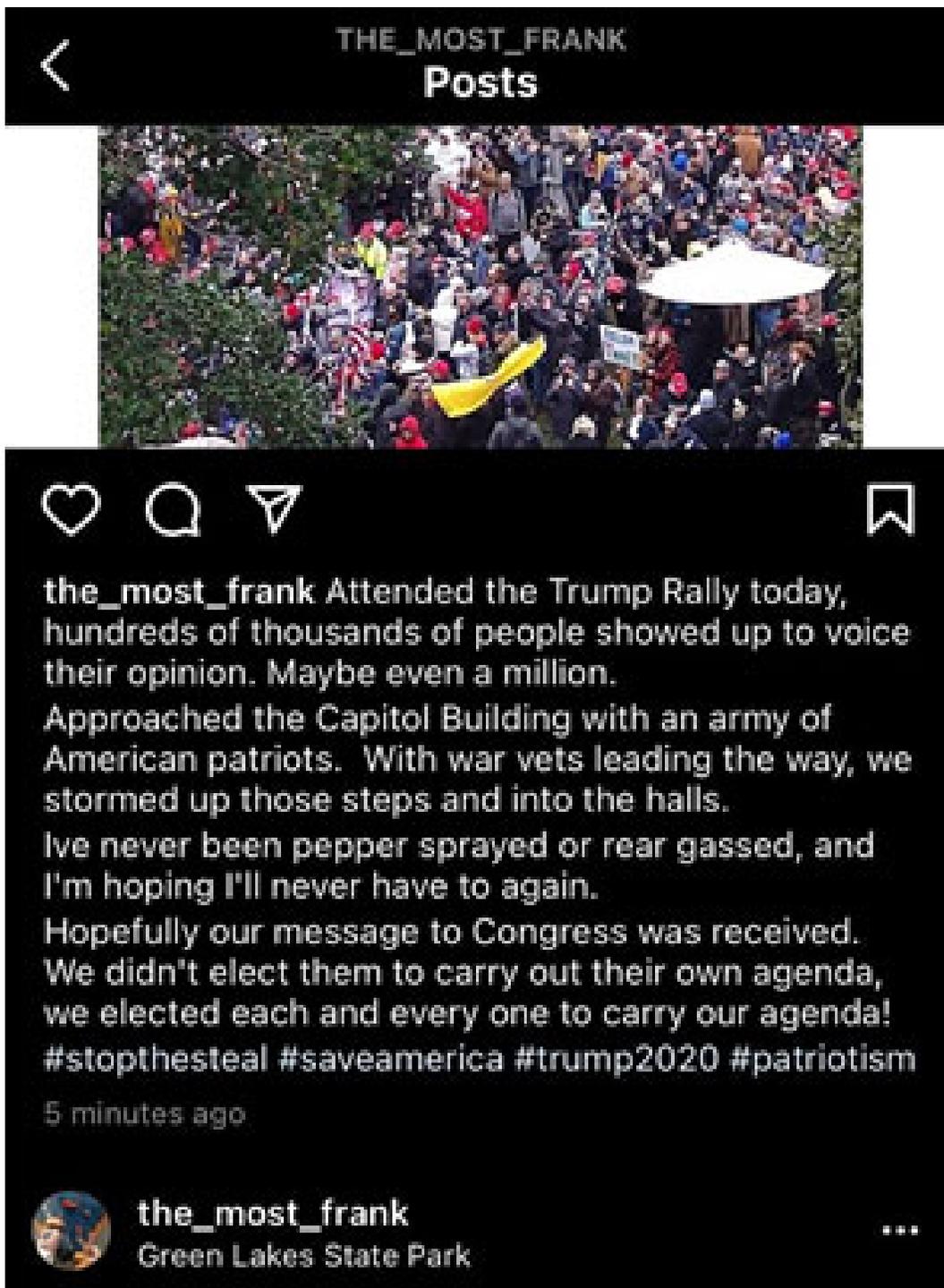
Through database searches, FBI Minneapolis located an individual by the name Tipster #1 provided as “Joe’s” mother, living in Victoria, Minnesota. FBI Minneapolis also determined that FRANK JOSEPH BRATJAN JR had a Minnesota driver’s license registered to the same Victoria, Minnesota address. Through public database searches, FBI Minneapolis also determined that BRATJAN had previously lived in the Syracuse, New York, area. A US Postal Inspector confirmed that BRATJAN was a US Postal employee and worked at the Eagan, Minnesota location.

I conducted database searches, which revealed that three separate tips had earlier been submitted to the FBI in January 2021 identifying BRATJAN as posting on social media about his involvement in the Capitol riots. The tips stated that BRATJAN claimed he made it inside the Capitol building and was tear gassed and/or pepper sprayed during the event. Two of the tipsters said they had viewed posts made on BRATJAN’s Facebook account, and identified the account as having the username ‘Frank Joseph Bratjan.’ One of the tips said BRATJAN also posted about his involvement in the riot on his Instagram account, @the\_most\_frank. All three tips said they could no longer locate BRATJAN’s social media and believed BRATJAN deleted the posts.

FBI Minneapolis interviewed one of the tipsters, herein referenced as Tipster #2. During the interview, Tipster #2 said BRATJAN frequented the gym where Tipster #2 worked. Following the events of January 6, 2021, BRATJAN discussed with Tipster #2, during an in-person conversation, the fact that BRATJAN was at the U.S. Capitol on January 6, 2021. BRATJAN discussed being tear gassed while he was there. BRATJAN explained to Tipster #2 how he never wanted to be tear gassed again.

Tipster #2 was also social media friends with BRATJAN including through his Facebook and Instagram accounts. Tipster #2 told the FBI that he/she had observed posts made by BRATJAN about his presence at the Capitol riots. Approximately a week following January 6, 2021, Tipster #2 noticed that BRATJAN had deleted all his posts about his presence at the Capitol that day. One of Tipster #2’s friends had taken a screenshot of BRATJAN’s Instagram post before it disappeared, and provided it to Tipster #2. Tipster #2 in turn provided the screenshot to the FBI. The post, which appeared to be from @the\_most\_frank and which is shown below, discussed approaching “the Capitol building with an army of American patriots” and “storming up the steps

and into the halls.” The post also said “Ive never been pepper sprayed or rear [sic] gassed, and I'm hoping I'll never have to again.” The post concludes with a hashtag for “stopthesteal,” among other slogans.



FBI Minneapolis also interviewed Tipster #3, another of the individuals described above who submitted information to the FBI in January 2021 identifying BRATJAN as posting on his

social media about attending the events at the U.S. Capitol on January 6th, being pepper sprayed, and his presence inside the U.S. Capitol. Tipster #3 said BRATJAN posted a picture to his Facebook account of himself in front of the U.S. Capitol building on January 6, 2021. During the interview, Tipster #3 stated that BRATJAN goes by his middle name, "Joe."

I obtained a warrant to search Meta Platforms, Inc. on approximately April 1, 2022, for BRATJAN's Instagram and Facebook accounts. In my review of these records, I was unable to locate the post shown above that was provided to the FBI by Tipster #2, or other postings from January 6, 2021, that discuss BRATJAN entering the Capitol. On the other hand, Meta Platforms subscriber records, along with the profile picture associated with the account (shown below), confirm that BRATJAN is the user of the Instagram account with the username @the\_most\_frank. In my opinion, this corroborates Tipster #2's account that BRATJAN had deleted the post.

Based on my training and experience, I know that tear gas and pepper spray were generally used at the front lines of the Capitol riots and within the interior of the Capitol building to assist in clearing the Capitol building of rioters. BRATJAN'S self-expressed experience with tear gas and pepper spray suggests that he had interactions with federal officers attempting to combat the rioters.

Based on publicly available Facebook information and records Meta Platforms provided pursuant to the search warrant, I know that the account registered to BRATJAN had the profile picture shown below. I have compared that profile picture with BRATJAN'S government issued driver's license photograph issued in December 2021. The two photographs share similar facial features, glasses, facial hair with similar patterns, and a balding head. In approximately February 2022, I discovered publicly available footage on the video sharing service YouTube of BRATJAN discussing improvements he made to his van. In the video, BRATJAN introduces himself as Frank, and says he lives in Syracuse, New York (consistent with BRATJAN's residence at the time). The van in the YouTube video appears to be the same 1992 Chevrolet G20 that is registered to BRATJAN and the same van law enforcement has observed BRATJAN driving during physical surveillance. During the YouTube video, BRATJAN discusses additions he has made to the van in order to live in the van and facilitate a "van life." In the video, a screenshot of which is shown below, BRATJAN is wearing glasses, a short boxed beard, a red hat, and a gray hoodie. FBI personnel then used the YouTube images to locate video footage from January 6, 2021, that I believe depicts BRATJAN inside the Capitol on January 6, 2021. In the surveillance footage from the U.S. Capitol Police, an individual who resembles BRATJAN is wearing glasses, a short box beard, and what appears to be the same red hat, as shown below. Based on my comparison of these photos and video footage, I believe BRATJAN is the individual shown in the photo on the right, below, who can be seen in USCP footage of the riot.



*BRATJAN's Facebook profile photo*

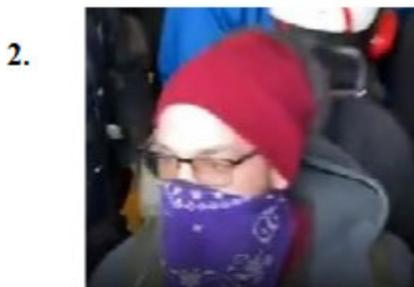


*BRATJAN's "van life" YouTube video*



*USCP surveillance footage inside the Capitol*

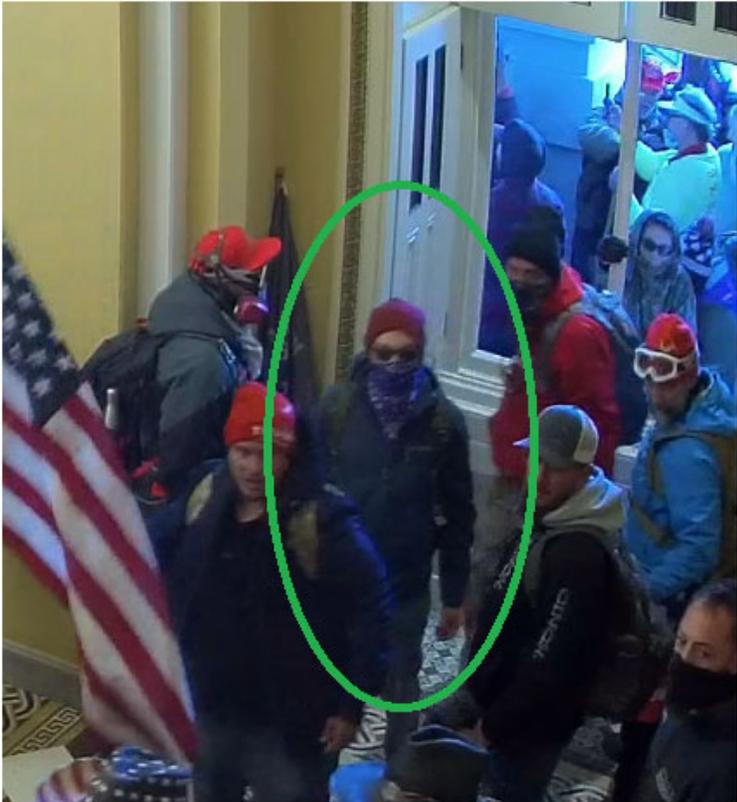
Additionally, in April 2022, Tipster #2 was provided the below four photographs. Photographs 1, 2, and 3 are from USCP footage of the riot, taken from the interior of the Capitol building on January 6, 2021. Photograph 4 is from BRATJAN's "van life" YouTube video. Tipster #2 identified all four photographs as BRATJAN.



4.



By reviewing USCP surveillance video (“CCTV”), I was able to track BRATJAN’s presence inside the U.S. Capitol from his entrance through a broken window at approximately 2:22 pm until he leaves at approximately 2:57 pm. BRATJAN appears to be wearing the same red hat and glasses shown above, as well as a bandana-style facemask, dark green jacket, and a backpack. I located BRATJAN from CCTV footage from inside the Capitol entering through a window next to the Senate Wing Door that had been broken just a few minutes earlier, on the Northwest corner of the Capitol leading to the Upper Terrace West. Images from this footage are shown below, with BRATJAN circled.



Additionally, I also located footage taken by others inside the Capitol which shows of BRATJAN standing among a crowd of people in an area that I recognize as part of the restricted area of the Capitol:

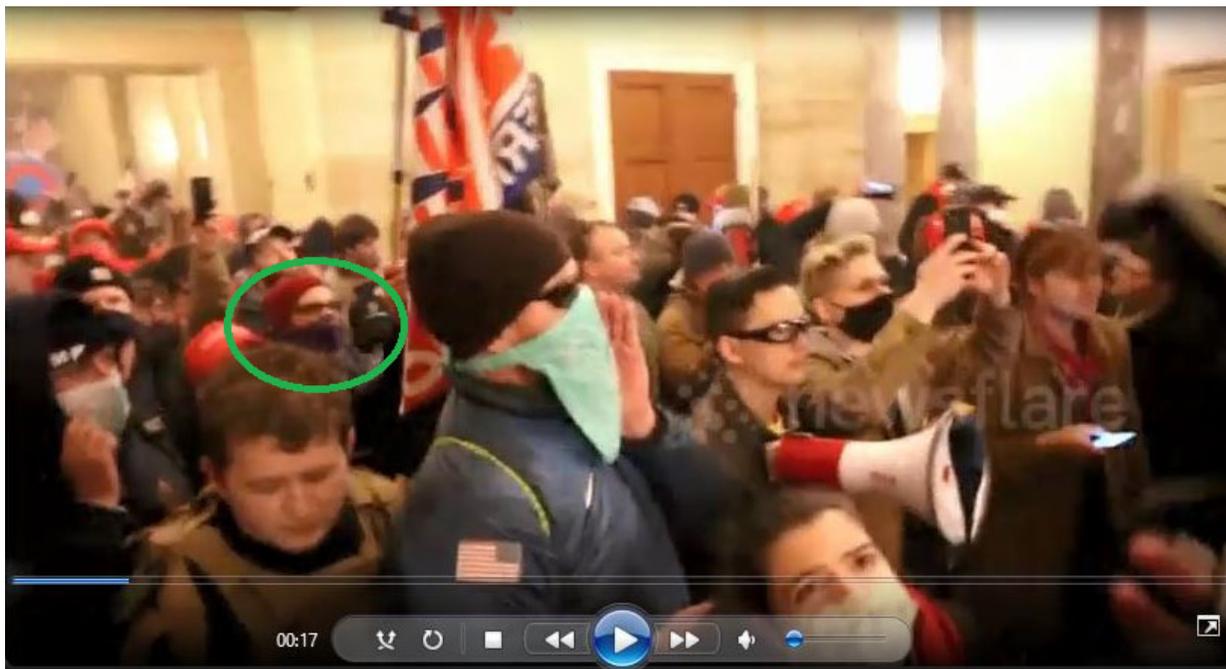


Furthermore, your affiant located open source video footage of BRATJAN located on the website <https://www.newsflare.com/video/402653/mob-incited-by-trump-storms-interior-of-capitol-including-offices-of-mcconnell-and-pelosi-in-terrifying-act>. The video, excerpted below, shows a line of law enforcement officers protecting the hallway and preventing rioters from approaching the offices of Senator Mitch McConnell.

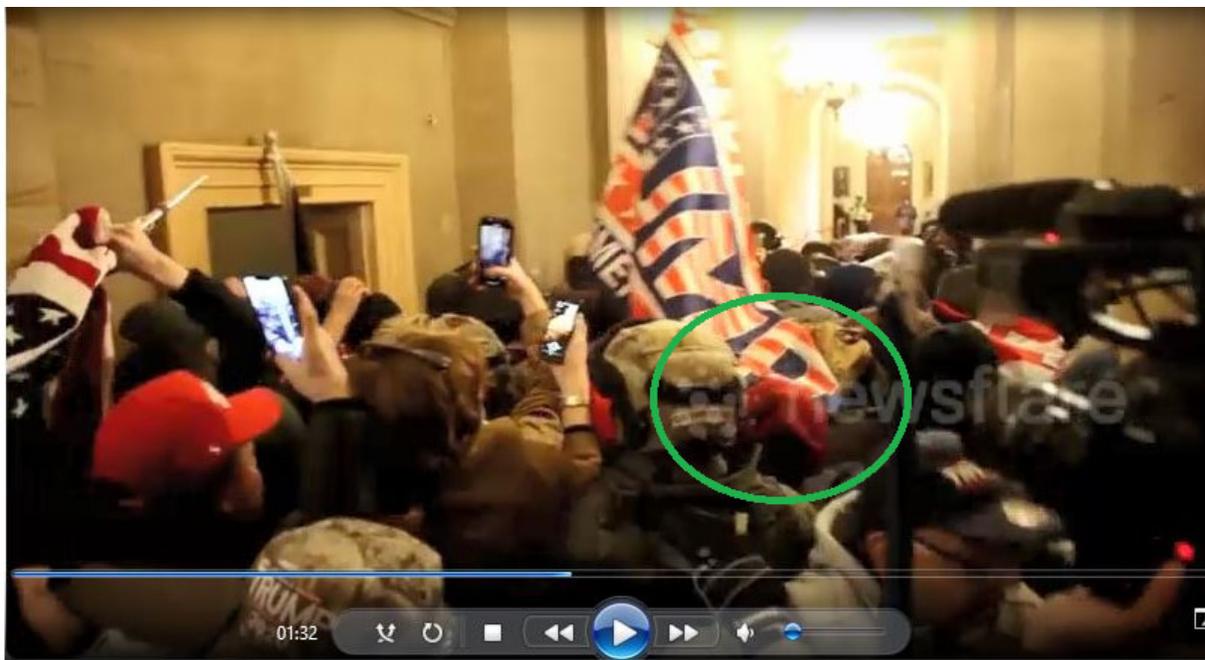


As the crowd forms in front of the officers, audio can be heard with multiple calls and yells of “push,” which your affiant believes indicates that the gathered crowd should push against the officers to break the line. The camera pans to the left and BRATJAN can be located wearing

glasses, red hat, and face mask behind the orange and blue flag. At this point, BRATJAN is several rows of people away and several feet away from the officers.



As the crowd begins to push, audio can be heard of the crowd yelling “here we go,” which your affiant believes signifies that the crowd has gained enough momentum to push against, move, and break the law enforcement officers. The crowd gains significant ground by pushing the line of law enforcement officers back. The person operating the camera moves out of the way, however, BRATJAN is seen again closer to the line of officers than when he started and remains behind the orange and blue flag.



During the push, BRATJAN's ending location is just a few feet away from the line of officers and behind only a few other individuals. Shortly after this point of the video, several people near the officers begin to turn the other way and hold their face and eyes as the law enforcement officers appeared to have administered chemical crowd control munitions.

In my review of CCV footage, I located BRATJAN exiting the Capitol building at approximately 2:57 pm. BRATJAN exited the Capitol building through the East Rotunda doors, shown below—the opposite side of the building from where he entered.





Based on the foregoing, your affiant submits that there is probable cause to believe that FRANK JOSEPH BRATJAN JR. 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 FRANK JOSEPH BRATJAN JR. 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 9<sup>th</sup> day of June 2022.

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ZIA M. FARUQUI  
U.S. MAGISTRATE JUDGE