

STATEMENT OF FACTS

Your affiant, [REDACTED] is a SPECIAL AGENT (Wisconsin Department of Justice) /FBI Joint Terrorism Task Force (JTTF) officer, assigned to the FBI Milwaukee Division. In my duties as a sworn law enforcement special agent, I provide assistance to local law enforcement agencies and investigate crimes of statewide importance and/or those that require highly specialized investigative resources. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a TASK FORCE OFFICER, 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.

According to records obtained through a search warrant served on Google, a mobile device associated with paulko31@hotmail.com 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 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 paulko31@hotmail.com was within the U.S. Capitol on January 6, 2021 from approximately 2:23 p.m. until approximately 3:42 p.m. Google records show that the “maps display radius” for this location data was, at multiple points, less than 100ft, which encompasses an area that is almost entirely within the U.S. Capitol Building.

Google produced the below user account information for a device responsive to the warrant:

YouTube¹ user name: Wisconsin's Game
Account Email: paulko31@hotmail.com
Recovery SMS: (XXX) XXX-9963

Phone number (XXX) XXX-9963 (the “Kovacik Number”) was associated to Paul Edward Kovacik (“KOVACIK”), DOB August 7, 1967.² On November 16, 2021, I called the Kovacik Number and spoke with a male who identified himself as KOVACIK. He declined to meet in person, but agreed to speak over the phone. In sum and substance, he informed me that he took the train to Washington, D.C., and stayed overnight on January 6, 2021. KOVACIK entered the west side entrance of the Captiol and made his way to an elevator and took it to the third floor.³ As he exited the elevator the area appeared abandoned. He recalled being with another individual whom he observed throw “some type of sticks” down a level towards police.⁴ KOVACIK identified that individual as Zachary Alam.⁵ KOVACIK then made his way down to the second floor; he described a commotion and learned that a girl had been shot. KOVACIK estimated that

¹ YouTube is an American online video sharing and social media platform headquartered in San Bruno, California and owned by Google LLC.

² FBI support personnel ran a routine check on the phone number and email. The phone number was found in FBI reports from a previous incident in Cincinatti, Ohio. KOVACIK was contacted by JTTF at a sports event because he was found in the stadium without a ticket and acting strangely. After being interviewed, he was released without incident.

³ Review of CCTV footage indicates that KOVACIK exited the elevator on the fourth floor.

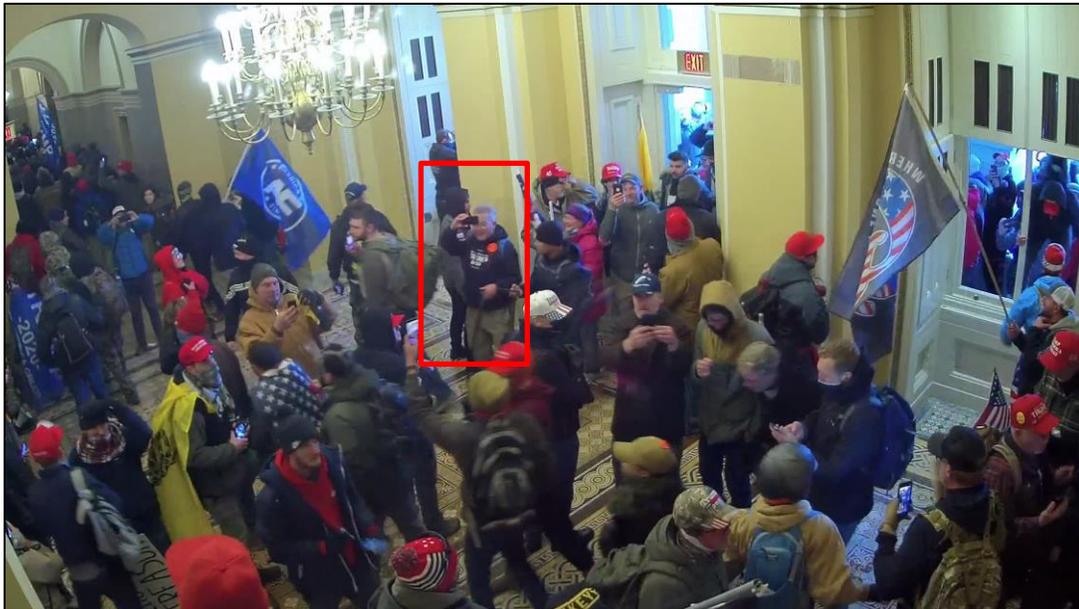
⁴ After reviewing a YouTube video provided by KOVACIK, discussed in more detail below, I believe that the object he described is a velvet hanging stanchion rope. See <https://www.youtube.com/watch?v=xLKGBtHipck> at 27:00.

⁵ On or about January 25, 2021, Alam was charged by complaint with 18 U.S.C. §§ 111(a) and (b), Assault on a Federal Officer with a Dangerous or Deadly Weapon, and other related charges. *United States v. Alam*, 21 mj 00165. A grand jury in the District of Columbia subsequently returned an indictment against Alam, charging him with 18 U.S.C. §§ 111(a) and (b) and other related offenses. *United States v. Alam*, 21 Cr. 0190 (Hon. Faruqui).

he was inside the Capitol for approximately 1-1 ½ hours and mainly on the House side. KOVACIK further informed me that he had recorded multiple videos on January 6, 2021 and agreed to send the videos via email.

After speaking with KOVACIK, on November 16, 2021 at 1:59 p.m., I received an email from paulko31@hotmail.com, providing the links to multiple YouTube videos purportedly filmed by KOVACIK on January 6, 2021.

Video footage obtained from the U.S. Capitol Police, shows a white male (who has been identified as KOVACIK) with gray hair, wearing glasses, a dark-blue hooded sweatshirt with “Trump 2020” in white block lettering, with a bright orange circular sticker or button affixed to his upper left chest, and carrying a light blue backpack. KOVACIK is observed entering through the doors of the Senate Wing entrance to the Capitol at approximately 2:26 p.m. Below is a screen capture taken from the aforementioned video footage. (KOVACIK is indicated in the red box).



The U.S. Capitol Police video footage also shows KOVACIK at approximately 2:29 p.m., boarding an elevator on the first floor in the Crypt with other individuals, including Alam. After exiting the elevator on the fourth floor, KOVACIK proceeded to the H405 stairwell, walked down one flight to the third floor. On the third floor, KOVACIK traveled east to west; at the west stairs near H219 he walked down one flight to the second floor. On the second floor, KOVACIK proceeded east, until being corralled by a plainclothes security officer into the Statuary Hall connector where a large crowd of rioters had massed. The crowd soon pushed past the officers, spilling out into the House corridor. KOVACIK moved with the surge, continuing east, entering the Sam Rayburn room for approximately one minute. KOVACIK exited the Rayburn room and continued east to the Upper House doors. He remained in the hallway on the eastern side of the House chamber for approximately 12-15 minutes before exiting the East House front door at 2:54 p.m. At many points during the approximately 25 minutes that KOVACIK was inside of the Capitol building, he appeared to be filming using a cellphone.

Below are screen captures taken from the aforementioned video footage.



Figure 1 – USC CCTV (approximately 2:29 p.m.)

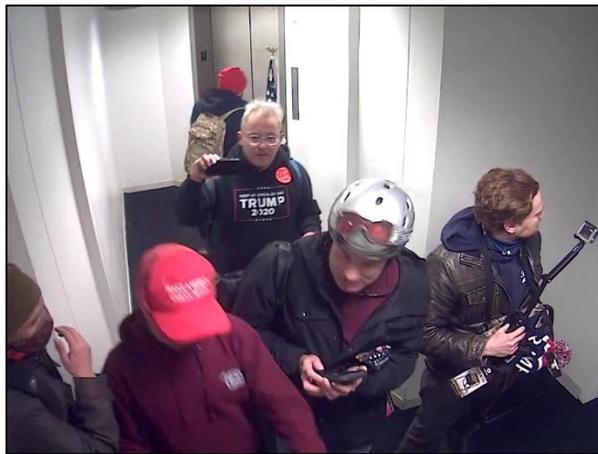


Figure 2 – USC CCTV (approximately 2:30 p.m.)

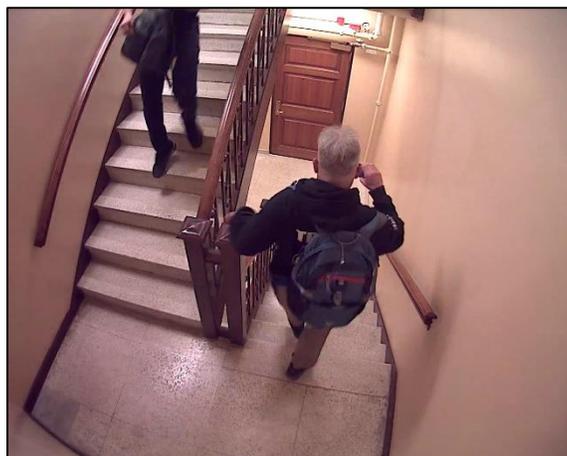


Figure 3 – USC CCTV (approximately 2:31 p.m.)

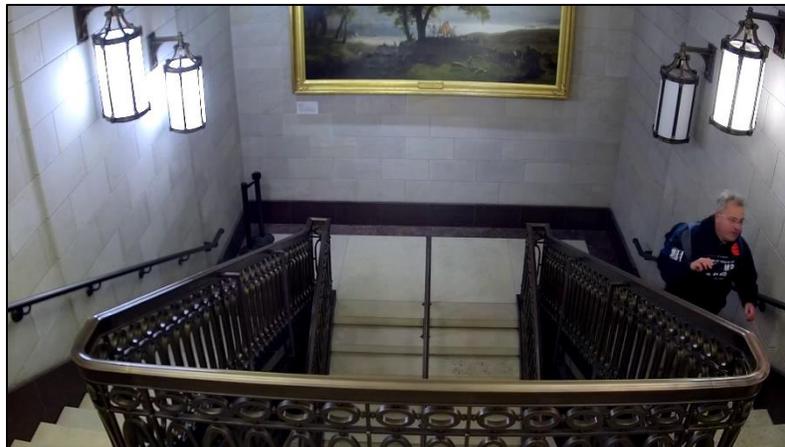


Figure 4 – USC CCTV (approximately 2:32 p.m.)

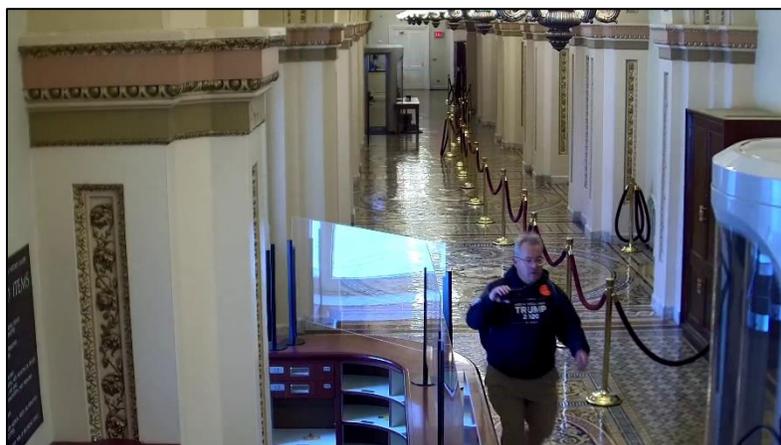


Figure 5 – USC CCTV (approximately 2:33 p.m.)



Figure 6 – USC CCTV (approximately 2:34 p.m.)



Figure 7 – USC CCTV (approximately 2:35 p.m.)

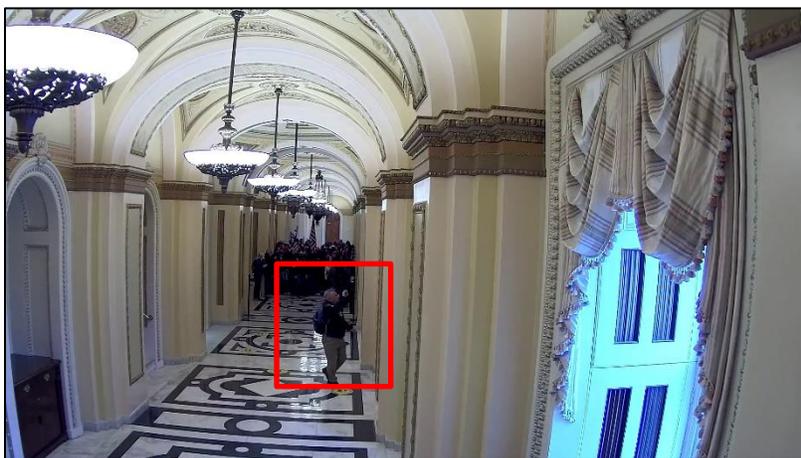


Figure 8 – USC CCTV (approximately 2:41 p.m.)

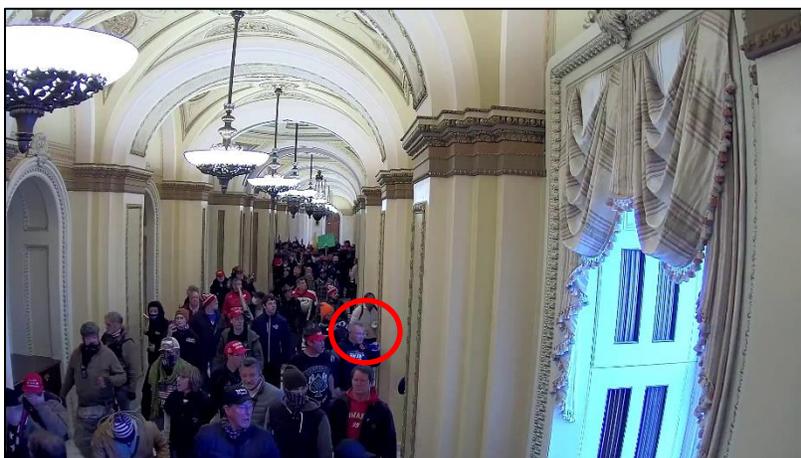


Figure 9 – USC CCTV (approximately 2:41 p.m.)



Figure 10 – USC CCTV (approximately 2:54 p.m.)



Figure 11 – USC CCTV (approximately 2:55 p.m.)

In addition, body-worn camera (“BWC”) footage from a Metropolitan Police Department (“MPD”) officer who was positioned in vicinity of the East House front doors, depicts KOVACIK in that area at approximately 2:53 p.m.



Figure 12 – MPD BWC (approximately 2:53 p.m.)

Based on my review of the YouTube videos sent by paulko31@hotmail.com, referenced above, it appears that: (1) the YouTube videos match KOVACIK's route of travel described above and depicted in Figures 1- 12; and (2) the YouTube videos are consistent with the events as described by KOVACIK during the phone interview. For example, the recorder of the video boards an elevator in the Crypt approximately three minutes after entering the Capitol building with the same individuals depicted in Figure 2 above.



Figure 13 – YouTube⁶

The YouTube video depicts Zachary Alam throwing a velvet stanchion rope over a railing, as described by KOVACIK in the phone interview.



Figure 14 - YouTube⁷

The YouTube video also shows the recorder entering and remaining in the Rayburn room for approximately one minute with other rioters, before returning to the House corridor and rejoining the mob, consistent with CCTV footage depicted above in Figures 8 and 9.

⁶ <https://www.youtube.com/watch?v=xLKGBtHipck> at 25:19.

⁷ *Id.* at 27:02.



Figure 15 - YouTube⁸

During the course of my investigation, I have learned that KOVACIK has prior criminal contacts and obtained prior booking photos. I also learned that KOVACIK had recent criminal contact with Mequon Police Department (MPD), specifically on November 11, 2021. I interviewed the responding MPD Officer and showed him a picture from USC CCTV of a subject that is believed to be KOVACIK inside the U.S. Capitol building on January 6, 2021. The MPD Officer positively identified the subject as KOVACIK. I reviewed still images from bodycam associated with the police contact, Figure 17, and I have examined the known photographs of KOVACIK, Figure 18, and determined they match KOVACIK depicted in Figures 1-12. It should be noted, KOVACIK appears to be wearing the same “Trump 2020” blue sweatshirt from both the Capitol footage and MPD bodycam.



Figure 16 – Mequon PD Bodycam, dtd November 11, 2021

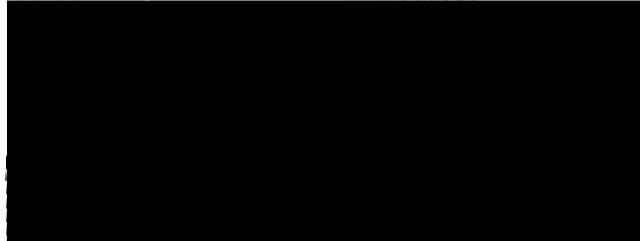
⁸ <https://www.youtube.com/watch?v=Jok7tn6O57o> at 2:50.



Figure 17 – Booking Photos of Paul Kovacik. Source: Wisconsin Dept. of Corrections, dtd January 16, 2020

Based on the foregoing, your affiant submits that there is probable cause to believe that PAUL KOVACIK 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 PAUL KOVACIK violated 40 U.S.C. § 5104(e)(2)(D) which makes it a crime to 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; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 10th day of May 2022.

HONORABLE ROBIN M. MERRIWEATHER
U.S. MAGISTRATE JUDGE