

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent with the Federal Bureau of Investigation (“FBI”) assigned to the Cleveland Division. I have been a Special Agent with the FBI since September 2021. 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, 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, S.E., 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.

Unlawful Entry in the U.S. Capitol

During the days and weeks after January 6, 2021, a host of photos were publicly shared via open-source sites and social media. Among the images of individuals who went to the U.S. Capitol was an individual, identified below in yellow, who was wearing a hooded gray coat, dark baseball cap, brown pants, blue tennis shoes, and black backpack. He has been identified as SAUL LLAMAS of Perry, Ohio. LLAMAS was accompanied by a woman, identified below with a blue circle, wearing a dark-colored beanie cap, a light-colored coat, ripped blue jeans, and a blue facemask. She has been identified as JORDANSIEMERS of Perry, Ohio. They were joined by a third individual, depicted below with a red circle, with eyeglasses who was wearing a backpack with thin black shoulder straps. He was dressed in a grey hooded sweatshirt with a white logo on the left side, and he was wearing a red “Make America Great Again” beanie-style hat. This individual was also wearing a light-colored surgical mask around his neck, which at times he used to cover his mouth and nose. As described below, this person has been identified as RYAN SWOOPE of Perry, Ohio.



Surveillance footage shows LLAMAS, SIEMERS, and SWOOPE entering the Capitol Building at approximately 3:08 PM through the Senate Wing Door. SWOOPE appears to be using his phone to take video or photos as he enters through the doorway.



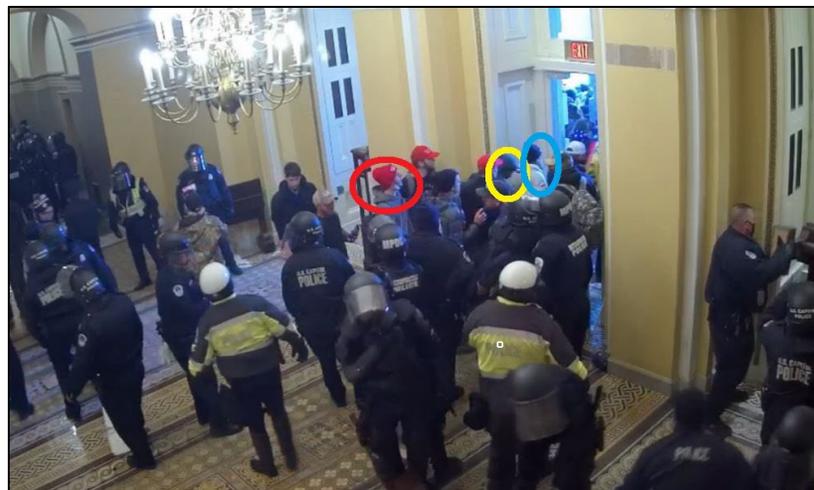
Your affiant has also reviewed open-source footage showing LLAMAS, SIEMERS, and SWOOPE inside the Capitol after entering through the Senate Wing Doors. SIEMERS' light-colored coat and blue hat and LLAMAS' black gloves, brown pants, and blue tennis shoes are visible as the two exit the hallway that leads into the Senate Spouses' Lounge.



This same open-source footage shows SWOOPE inside the Senate Spouses' Lounge where he joined other rioters chanting "Who's House? Our House."



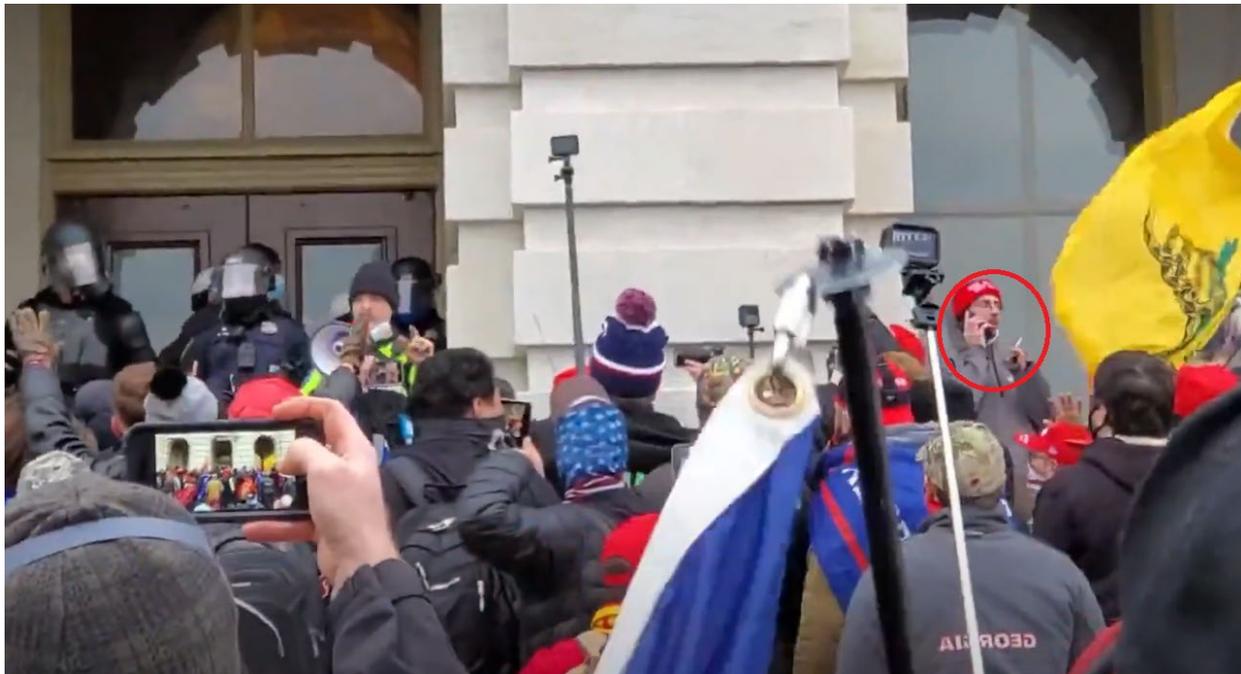
Surveillance footage captures SWOOPE, LLAMAS, and SIEMERS exiting the Capitol Building through the Senate Wing Doors at approximately 3:17 PM EST. In total, they were inside the Capitol for approximately nine minutes.



Assault of Sergeant A.B. at the U.S. Capitol

A number of law enforcement officers were assaulted on January 6. These assaults occurred both inside the U.S. Capitol building and outside of the Capitol, as law enforcement attempted to keep rioters from entering the building.

Your affiant has reviewed open-source video posted to YouTube that shows SWOOPE among the crowd of rioters who had gathered outside the North Door of the Capitol Building around 3:45 P.M. SWOOPE, wearing the red hat and gray sweatshirt with white logo, can be seen smoking a cigarette and speaking on his cellphone as a member of law enforcement yells into a bullhorn and encourages the crowd to leave.



Source: https://www.youtube.com/watch?v=k1_pp8_lb_o&t=7690

Your affiant has also reviewed an open-source video from “News2Share” that was posted to YouTube and captures the crowd of rioters overwhelming the police line that was attempting to prevent rioters from entering through the North Door. Indicated with a green arrow in the still frame below is Sergeant M.R. of the Metropolitan Police Department (“MPD”).



As the crowd overcame the police line, law enforcement was forced to fall back into the Capitol Building. Circled in the still frame below is MPD Officer D.E. as he passes through the North Door into the Capitol Building.



Ten seconds after Officer D.E. passes through the North Door, SWOOPE can be seen in the News2Share video holding up a silver cannister with a black top and spraying an orange substance—consistent with a chemical irritant—into the open door and in the direction of law enforcement.



Your affiant has also reviewed the body worn camera (“BWC”) footage from Officer D.E. and Sergeant M.R. The BWC from Officer D.E. shows that he passed through the North Door at 3:52:28 P.M.



Ten seconds after Officer D.E. passed through the North Door—at the same moment that SWOOPE is seen in the New2Share video holding up a canister and spraying an orange substance—the audio on Officer D.E.’s BWC captured the sound of an aerosol spray can followed by a visible cloud that moved in the direction of Sergeant A.B. of the United States Capitol Police (“USCP”) who was guarding the doorway.



Sgt. M.R was standing next to Officer D.E. at 3:52:38 P.M., and his BWC also shows a cloud wafting in the direction of Sergeant A.B.



Two seconds later, at 3:52:40 P.M., Sgt. M.R.'s BWC captures Sergeant A.B.'s coughing and watering of eyes consistent with exposure to a chemical irritant.



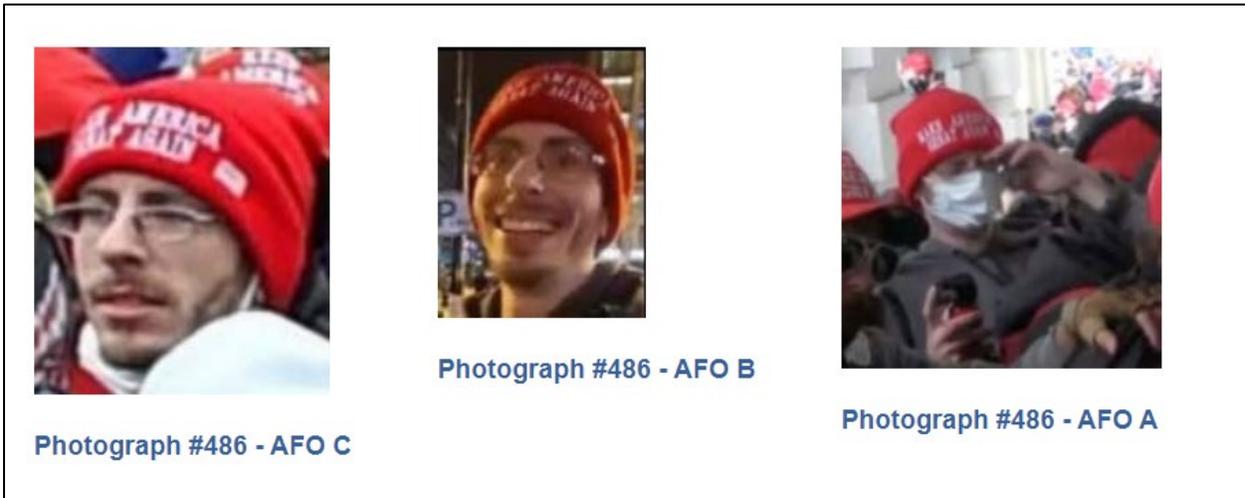
Based on the timing of SWOOPE’s use of a cannister to spray an orange substance towards law enforcement officers standing inside the North Door, followed by Sergeant A.B.’s reaction as depicted above, your Affiant submits that there is probable cause to believe that SWOOPE assaulted Sergeant A.B. by spraying him with a chemical irritant.

CCTV footage shows SWOOPE, wearing his red hat and light-colored surgical mask, leaving the area near the North Door at approximately 3:53 P.M. following the assault on Sergeant A.B. When still-frame images from the video footage are magnified, a black shoulder strap and a white logo on the gray sweatshirt are visible. In his right hand, SWOOPE is holding a silver cannister with a black top.



Identification of SWOOPE

Based on review of the BWC footage and open-source video described above, the FBI created a profile for SWOOPE in its “Be On The Lookout” (BOLO) Assault on Federal Officer (AFO) list for the ongoing U.S. Capitol Riot investigations. SWOOPE was assigned BOLO AFO #486.



Source URL: <https://www.fbi.gov/wanted/capitol-violence>

On November 15, 2021, a relative of SWOOPE called in to the FBI to report that the person pictured in BOLO AFO #486 appeared to be SWOOPE. The relative stated they were aware that SWOOPE went to Washington, D.C. on or about January 6, 2021.

On June 8, 2022, your affiant showed the person pictured in BOLO AFO #486 to a manager at SWOOPE's place of employment, and the manager positively identified SWOOPE in the photographs.

Identification of LLAMAS and SIEMERS

On June 8, 2022, the FBI interviewed a relative of LLAMAS. Agents showed the relative images from January 6, 2021, depicting SWOOPE, LLAMAS, and SIEMERS. The relative confirmed the identity of LLAMAS and SIEMERS. The relative further noted that LLAMAS and SIEMERS were in a relationship together, and that the couple lived with SWOOPE, a childhood friend of LLAMAS. Law enforcement database checks confirm that LLAMAS, SIEMERS, and SWOOPE reside at the same address in Perry, Ohio. Moreover, law enforcement located Ohio driver's license records for SAUL LLAMAS and JORDAN SIEMERS and obtained their driver's license photos. Based on your affiant's comparison, these driver's license photos resemble the still shots of LLAMAS and SIEMERS captured in open source and surveillance footage from the Capitol on January 6, 2021.

Moreover, according to records obtained through a search warrant which was served on Google, in and around the time of the incident on January 6, 2021, a mobile device associated with a Gmail account used by LLAMAS was present at and in the interior of the U.S. Capitol on January 6, 2021. According to records obtained through a search warrant which was served on AT&T, a cellphone associated with a phone number used by SIEMERS utilized a cell site on January 6, 2021, that is consistent with providing service to a geographic area that includes the interior of the United States Capitol building.

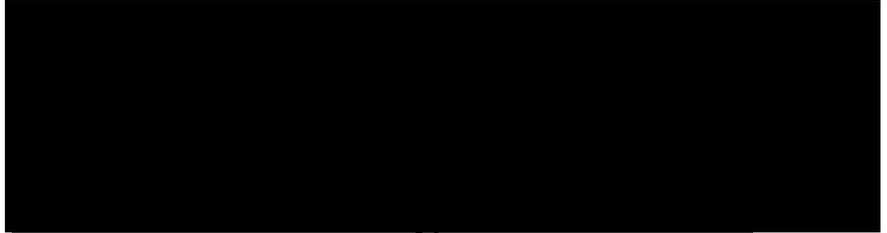
Based on the foregoing, your Affiant submit that there is probable cause to believe that RYAN SWOOPE violated 18 U.S.C. §§ 111(a)(1) and (b), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with certain designated individuals, and to use a deadly or dangerous weapon or inflict bodily injury during the commission of such acts. Within the meaning of this statute, a designated individual is an officer or employee of the United States or of any agency in any branch of the United States Government (including any member of the uniformed services), while such officer or employee is engaged in or on account of the performance of official duties or on account of that assistance.

Your Affiant further submits that there is probable cause to believe that RYAN SWOOPE violated 18 U.S.C. § 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement or any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

Your Affiant also submits that there is probable cause to believe that SAUL LLAMAS, JORDAN SIEMERS, and RYAN SWOOPE 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. 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 [REDACTED].

Further, your Affiant submits there is also probable cause to believe that that SAUL LLAMAS, JORDAN SIEMERS, and RYAN SWOOPE 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 14th day of November.

G. MICHAEL HARVEY
UNITED STATES MAGISTRATE JUDGE