

## STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent of the Federal Bureau of Investigation (FBI). Specifically, I am assigned to the Chicago Field office. 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 facts and information contained in this affidavit are based upon my personal knowledge and information obtained from state and federal law enforcement officers. All observations not personally made by me were relayed to me by the individuals who made them or are based on my review of reports, documents, and other physical evidence obtained during the course of this investigation. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant, and does not set forth all of my knowledge about this matter.

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.

*Facts Specific to the Identification of Joseph Bierbrodt and William Bierbrodt*

Since January 6, 2021, the FBI has been investigating and identifying those who were inside of the Capitol without authority and disrupted the proceedings.

In late October 2021, Washington Field Office (WFO) obtained information that Joseph BIERBRODT (J. BIERBRODT), a.k.a Eric Bierbrodt, of Sheridan, Illinois was seen with an individual open source referred to as #CrowbarBeardGuy and later determined to be J. BIERBRODT's brother, William "Marty" Bierbrodt (M. BIERBRODT) and was suspected of assaulting federal officers while inside the Capitol on 6 January 2021. Open-source searches fully identified a Joseph BIERBRODT in Sheridan, Illinois (IL). An image was submitted to the Department of Defense to run for facial recognition which returned one low confidence hit for a J. BIERBRODT with the same identifiers as the one found in open-source searches. J. BIERBRODT's driver's license photo was obtained and run against Capitol Riot holdings in TTK.

Figure 1- BIERBRODT Brothers at Capitol  
(J. BIERBRODT in red; M. BIERBRODT in blue)

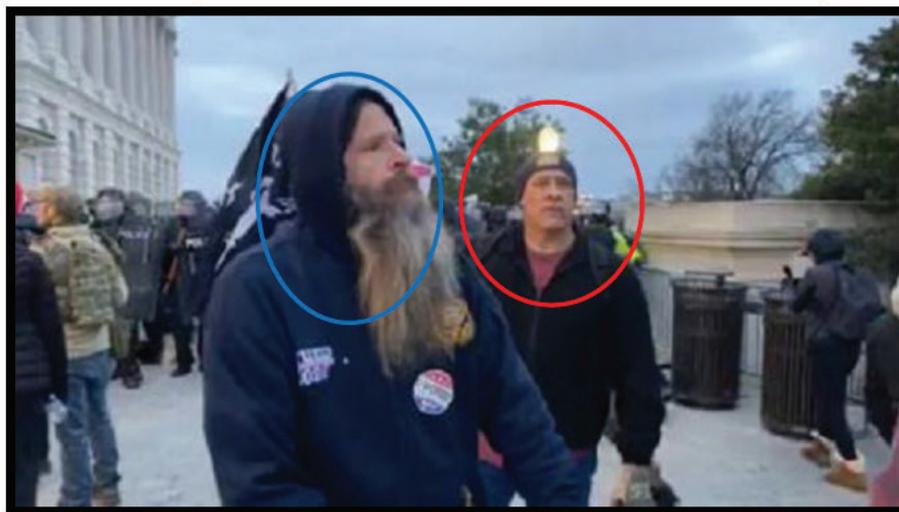


Figure 2- BIERBRODT Brothers at Capitol



Figure 3- Photo of J. BIERBRODT at Capitol



Figure 4- Photo of J. BIERBRODT at Capitol



Law enforcement reviewed CCTV and open-source videos which depicted J. BIERBRODT at the U.S. Capitol in the presence of his brother M. BIERBRODT. M. BIERBRODT, the #CrowbarBeardGuy, who had a very large beard and carried a cane, in addition to being seen on a scooter to assist in mobility due to a foot injury. CHS provided the identity of #CrowbarBeardGuy in October of 2021.

Figure 5- Close up photo of M. BIERBRODT at Capitol



The CCTV and open-source videos confirm J. BIERBRODT and M. BIERBRODT breached the U.S. Capitol through the Senate Fire Door. During that time, J. BIERBRODT assaulted law enforcement inside.

On January 6, 2021, at approximately 2:41 PM EST, M. BIERBRODT used his cane to break a window on the Senate Wing Fire Door and unlatch the locked door, letting in other rioters. J. BIERBRODT stood near his brother, with his back to the door while M. BIERBRODT repeatedly hit the window with his cane. J. BIERBRODT wore a red hat, an American flag face covering, and sunglasses. M. BIERBRODT is noted in the blue box while J. BIERBRODT is noted in the red box.

Figure 6- BIERBRODT Brothers during Breach of Senate Fire Door



Figure 7- BIERBRODT Brothers during Breach of Senate Fire Door



At approximately 2:42 PM EST, M. BIERBRODT breached the window and then used his arm to reach through the broken glass and unlatch the door from the outside. The damage to the door was assessed at \$1,118.00 by the Architect of the Capitol. CCTV footage from inside the door showed USCP officers working to secure the door and deter rioters from breaching it. After M. BIERBRODT opened the door, J. BIERBRODT rushed toward it, despite law enforcement being present and visible through the window of the door.

Figure 8- M. BIERBRODT Breaching the Senate Wing Fire Door

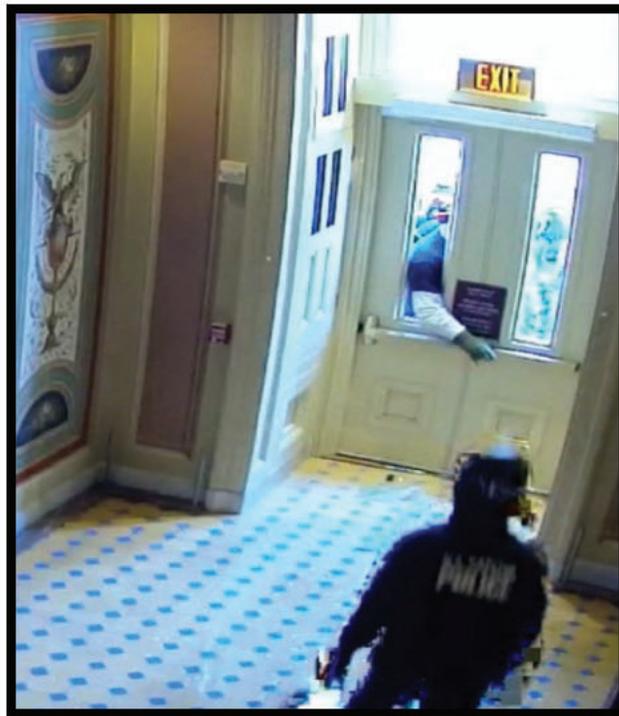
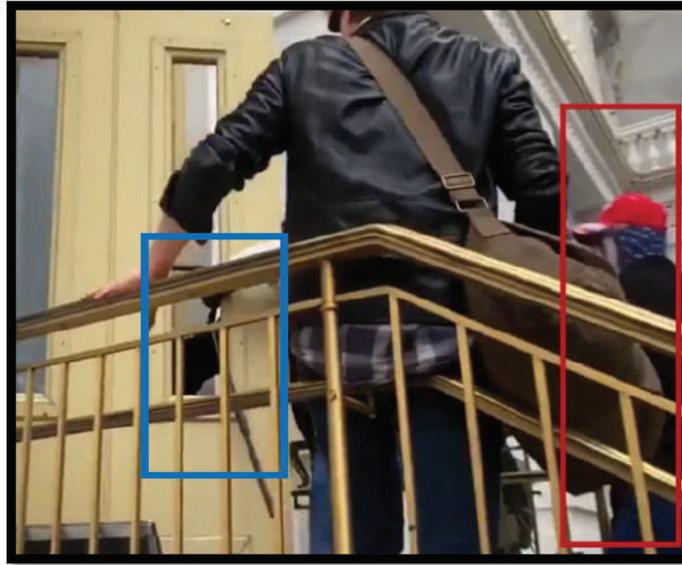
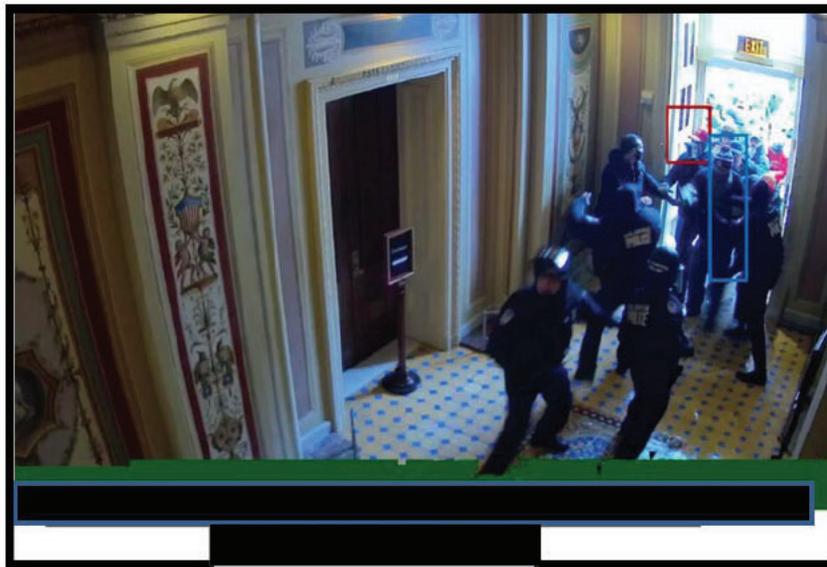


Figure 9- BIERBRODT Brothers during Breach of Senate Fire Door



At approximately 2:42 PM EST, M. BIERBRODT and J. BIERBRODT were captured on CCTV footage entering the Senate through the previously locked Fire Door, where J. BIERBRODT and M. BIERBRODT, along with the other rioters, encountered law enforcement officers attempting to push back the rioters and close the door.

Figure 10 - BIERBRODT Brothers Breaching the Senate Fire Door



J. BIERBRODT was met by US Capitol Police (USCP) Special Agent, Victim 1, whom J. BIERBRODT assaulted by slamming against the wall. Victim 1 was wearing a vest identifying himself as a law enforcement officer, and his positioning inside the building prior to the breach by M. BIERBRODT and J. BIERBRODT further underscored his role as a law enforcement officer that day.

Figure 11 - J. and M. BIERBRODT after Breaching the Fire Door

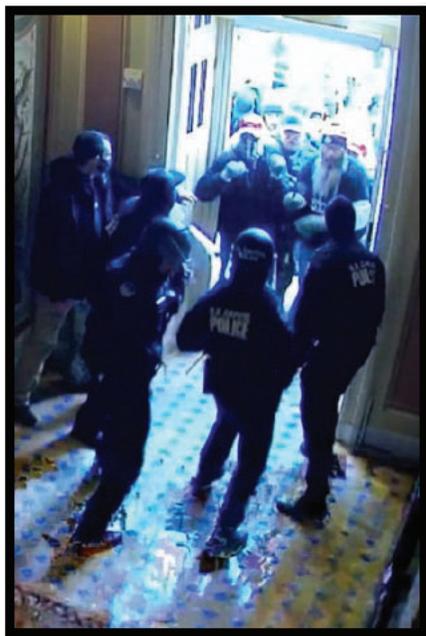


Figure 12- J. BIERBRODT Attacking Victim 1



Figure 13- J. BIERBRODT Attacking Victim 1



Figure 14- J. BIERBRODT Attacking Victim 1



Figure 15- J. BIERBRODT Attacking Victim 1



Figure 16- J. BIERBRODT Attacking Victim 1



After assaulting Victim 1, J. BIERBRODT then moved deeper down the hallway in the Senate Wing. He met a line of USCP officers who prevented his progress into the building.

Figure 17- BIERBRODT Brothers Encountering more USCP Officers



After being met by USCP, J. BIERBRODT moved into a location that was not explicitly captured by the CCTV cameras in the Senate Wing. However, a photographer captured part of J. BIERBRODT's interaction with law enforcement. The USCP officers deployed Oleoresin Capsicum, known commonly as OC spray or pepper spray. Based on my training in defensive tactics, OC spray is used to neutralize or subdue violent individuals or groups.

Figure 18- BIERBRODT Brothers and other Rioters being OC Sprayed



J. BIERBRODT appears to have been involved in another altercation at that time based on subsequent photos and video footage of him bleeding from the chin and washing OC spray from his eyes. After being prevented from moving further into the Senate Wing by uniformed law

enforcement, J. BIERBRODT then turned and moved to exit the building through the same door from which he entered. As he left his second altercation with law enforcement, he began removing his face and head coverings. Upon removal of his face covering, blood can be seen on the left side of J. BIERBRODT's chin. Based on my training in defensive tactics, the initial assault captured on film would not be sufficient to cause the bleeding observed when J. BIERBRODT removed his face coverings. CCTV video does not show Victim 1 striking J. BIERBRODT in a way that would have caused an injury like the one seen on J. BIERBRODT's face.

Figure 19 - J. BIERBRODT Removing his Head Coverings



Figure 20 - J. BIERBRODT after Removing his Head Coverings

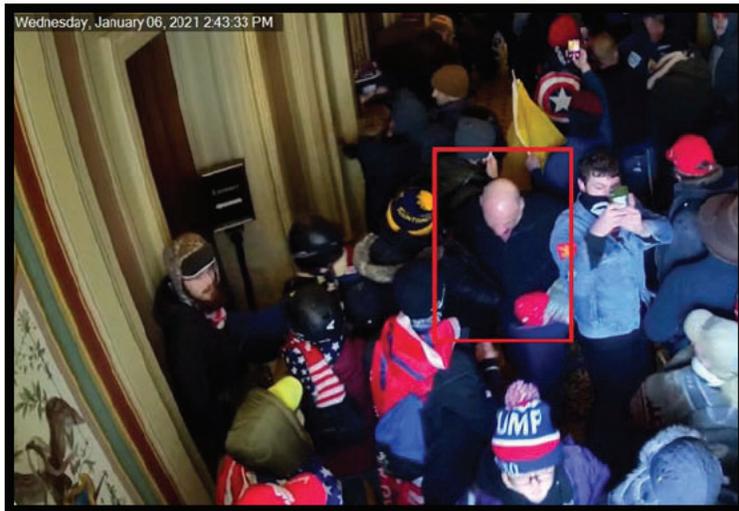
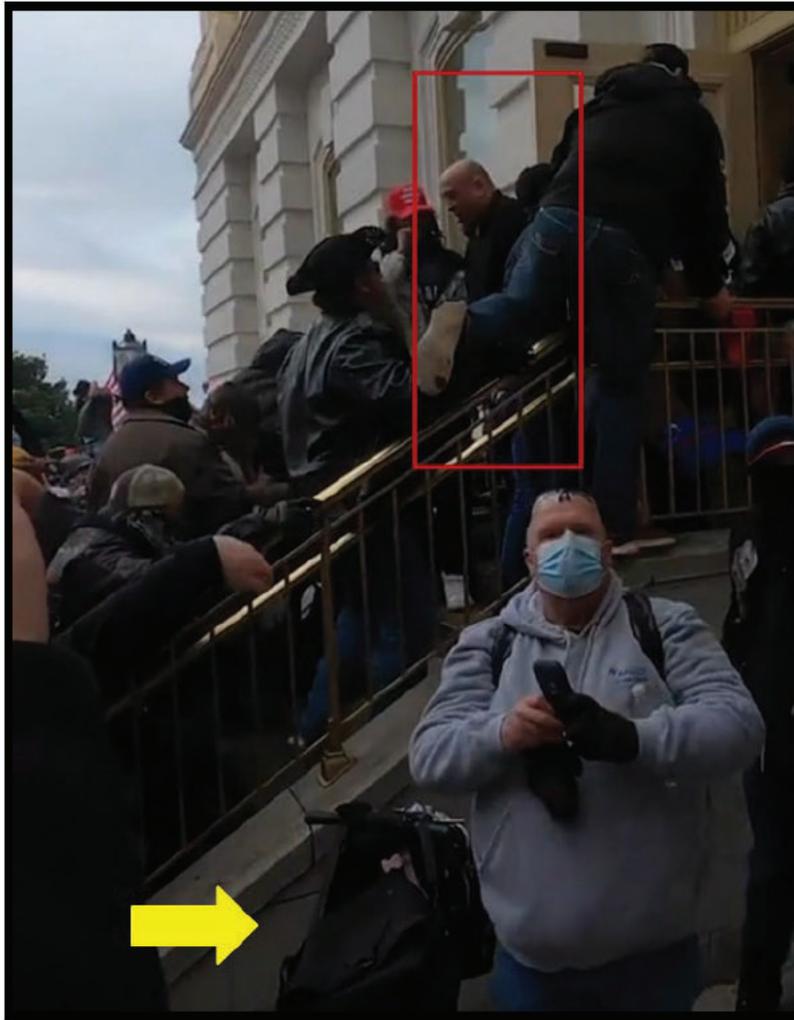


Figure 21- J. BIERBRODT Bleeding and Washing Face after Second Altercation with USCP



At approximately 2:44 PM EST, J. BIERBRODT was captured on camera exiting the Capitol building without his brother M. BIERBRODT. J. BIERBRODT moved down the steps and approached a scooter with a black backpack attached to it (identified by the yellow arrow), which J. BIERBRODT is photographed wearing later that day.

Figure 22- J. BIERBRODT Exiting the Senate Wing



J. BIERBRODT approached the scooter and put his face covering and hat on the scooter, near the backpack, to wash his eyes out after being OC sprayed. The face covering and hat were the same as the ones J. BIERBRODT was wearing upon entry, and the ones identified in his hands as he moved toward the exit of the Senate Wing. J. BIERBRODT was photographed in a black jacket, blue jeans, a red shirt under his black jacket, and tactical gloves that look very similar to the gloves on the hands of the individual who assaulted Victim 1.

Figure 23- J. BIERBRODT near M. BIERBRODT's Scooter with Head Coverings



Figure 24 - J. BIERBRODT after his Altercations with Law Enforcement



At approximately 3:02 PM EST J. BIERBRODT was photographed assisting his brother M. BIERBRODT with his exit from the Senate Wing. M. BIERBRODT used a scooter to help move throughout the grounds of the Capitol on January 6, 2021, but left it near the stairs adjacent to the Senate Fire Door stairs prior to breaching the door. J. BIERBRODT returned to that scooter, and the brothers were photographed in the same location near the Senate Fire Door in the Northwest Courtyard approximately 40 minutes after exiting the building.

Figure 25- J. BIERBRODT Helping M. BIERBRODT Exit the Senate Wing



Law enforcement also fully identified a J. BIERBRODT in Sheridan, Illinois (IL). In addition to the DL for J. BIERBRODT which resembles the person in the January 6, 2021 images and videos, the Department of Defense photo for J. BIERBRODT as well as photos of him in uniform resembles the photos of J. BIERBRODT from the U.S. Capitol as well.

Figure 26 - Second Photo Provided to Witness 1 for 3rd Party Identification

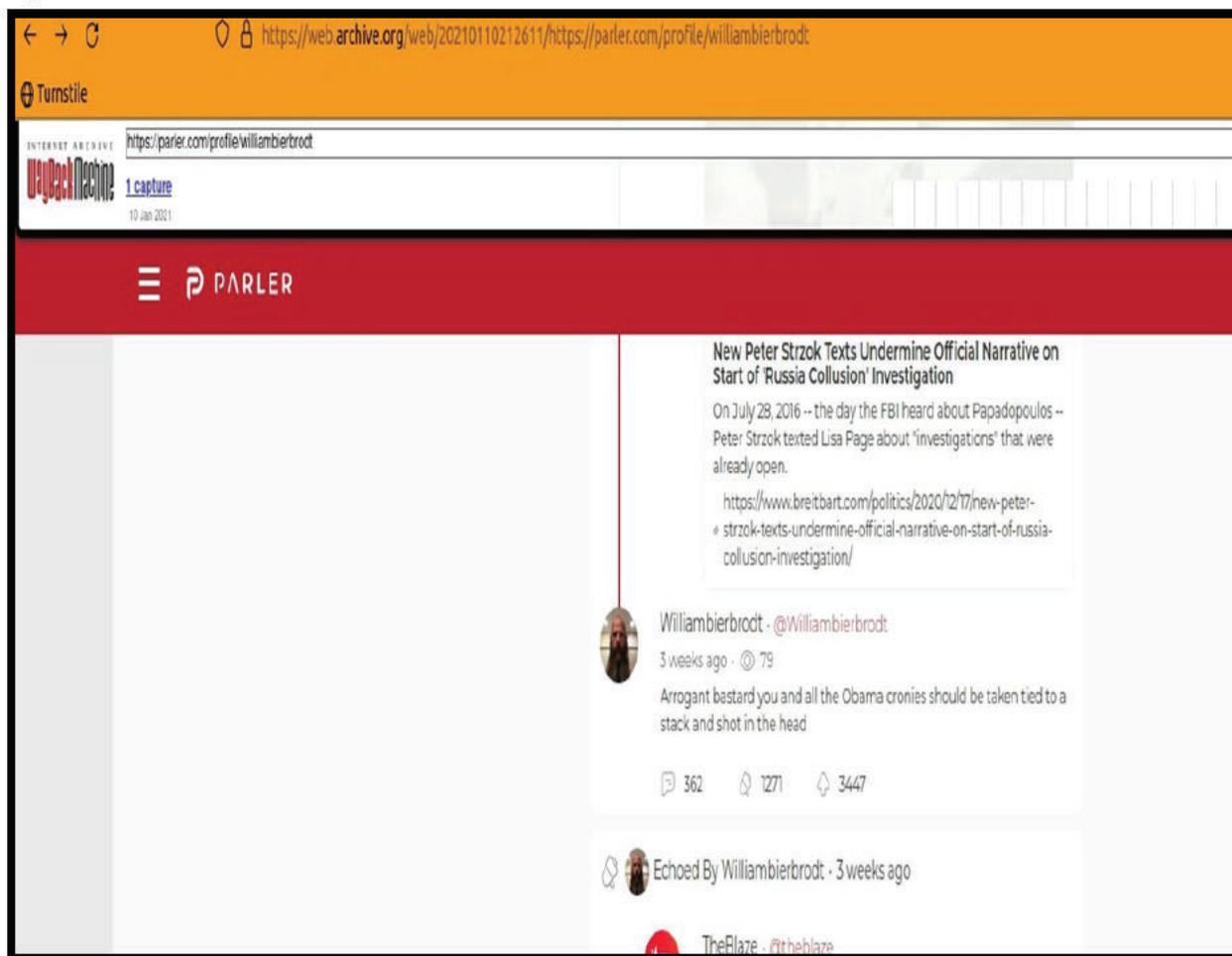


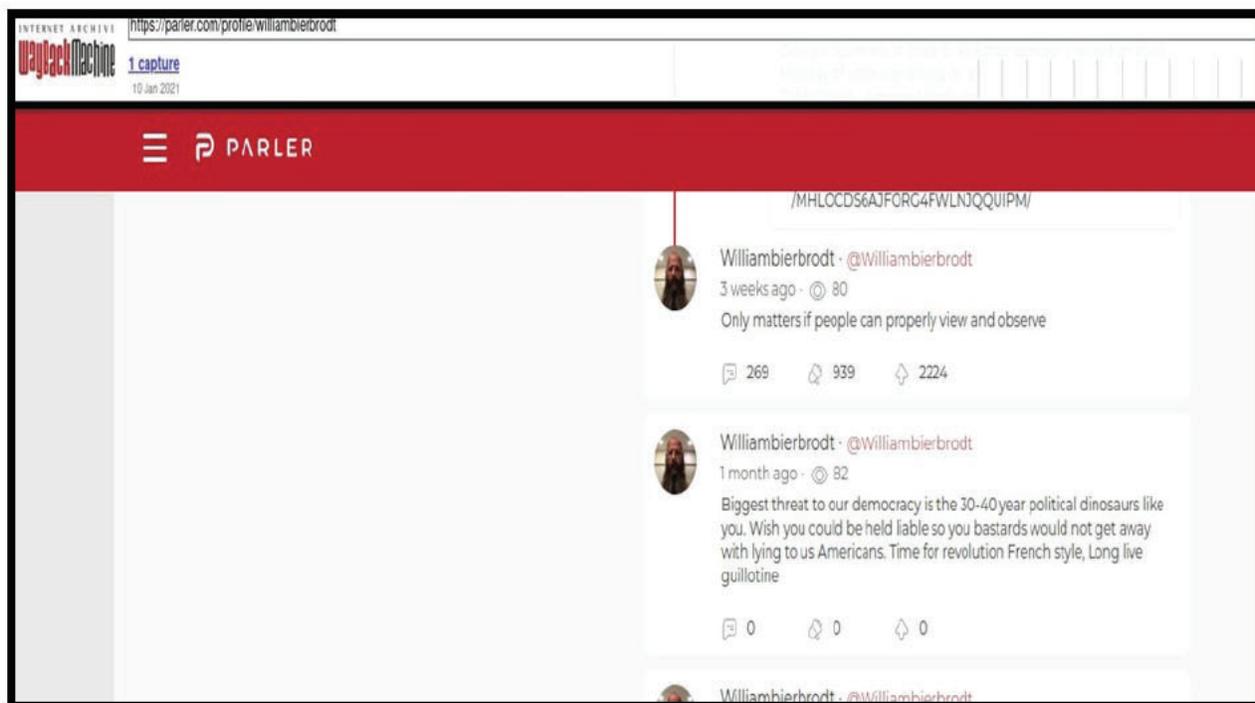
Further corroboration was provided by an Illinois Army National Guard member (Witness 1) who had served with J. BIERBRODT. Witness 1 was interviewed and provided with four photos. Two Photos were of J. BIERBRODT not at the Capitol, and two photos were from J. BIERBRODT's time at the US Capitol on January 6, 2022. The photos included his DL as well as other images of him on January 6, 2022 (Figures 3 and 4) and Witness 1 identified all four photos as J. BIERBRODT.

M. BIERBRODT has also been identified by law enforcement. On September 9, 2022, at approximately 2:15 PM EST, law enforcement conducted surveillance of M. BIERBRODT at his residence in St. Cloud, Florida. A law enforcement officer drove in front M. BIERBRODT'S home and observed M. BIERBRODT in front of his opened garage moving items from within. A vehicle registered to him was also parked in the driveway. The officer, who observed M. BIERBRODT, confirmed it appeared to be the same person in the January 6, 2021 images and videos.

Some social media activity for M. BIERBRODT was also uncovered, including a number of posts from Parler, in which he advocated violence against members of a different political ideology. The posts were archived on January 10, 2021 but dated one month to three weeks prior, placing the original posting date sometime in December of 2020. The postings from "William Martin Bierbrodt" state, in particular, "that all the Obama cronies should be taken tied to a stack and shot in the head" and adds, "Time for revolution French style."

Figure 27- M. BIERBRODT's Parler Posts





Based on the foregoing, your affiant submits that there is probable cause to believe that Joseph BIERBRODT and William BIERBRODT 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 function. Additionally, there is probable cause to believe that Joseph BIERBRODT violated 18 U.S.C. § 1752(a)(4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds. 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.

Based on the foregoing, your affiant submits there is also probable cause to believe that Joseph BIERBRODT and William BIERBRODT 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. Your affiant submits there is also probable cause to believe that Joseph BIERBRODT violated 40 U.S.C. § 5104(e)(2)(F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

Your affiant submits that there is probable cause to believe that Joseph BIERBRODT violated 18 U.S.C. §§ 111(a)(1), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, and interfere with any person designated in section 1114 of title 18 while engaged in or on account of the performance of official duties and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony. Persons designated within section 1114 include any person assisting an officer or employee of the United States in the performance of their official duties.

Based on the foregoing, your affiant submits there is probable cause to believe that William BIERBRODT violated 18 U.S.C. § 1361, by willfully injuring or depredating of any property of the United States, the cost of which was assessed by the Architect of the Capitol (AOC) as \$1,118.00.

Finally, your affiant submits there is probable cause to believe that Joseph BIERBRODT and William BIERBRODT 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 of 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.

[REDACTED]  
[REDACTED]  
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 24<sup>th</sup> day of July 2023.

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12:12:53 -04'00'  
ROBIN M. MERIWEATHER  
U.S. MAGISTRATE JUDGE