

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
AND ARREST WARRANT**

I, [REDACTED] being first duly sworn, hereby depose and state as follows:

PURPOSE OF AFFIDAVIT

1. I make this affidavit in support of applications for arrest warrants for THOMAS KASPEREK and DAPHNE KASPEREK.

2. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), assigned to the Washington Field Office Joint Terrorism Task Force (“JTTF”). In my duties as a Special Agent on the JTTF, I investigate criminal violations including crimes against children, violent crime, and domestic terrorism. I have personally participated in procuring and executing arrest warrants of persons committing federal violations and search warrants involving the search and seizure of multiple types of evidence, to include electronic communications, digital devices, social media accounts, cell site data, and geolocation data. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As an FBI 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.

3. The facts of this affidavit come from my review of the evidence, my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. Except as explicitly set forth below, I have not distinguished in this affidavit between facts of which I have personal knowledge and facts of which I have hearsay knowledge. This affidavit merely intends to show that sufficient probable cause exists for the requested warrants and does not set forth all of my knowledge about this matter.

FACTUAL BACKGROUND

4. 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.

5. 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 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.

6. 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.

7. 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.

8. 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.

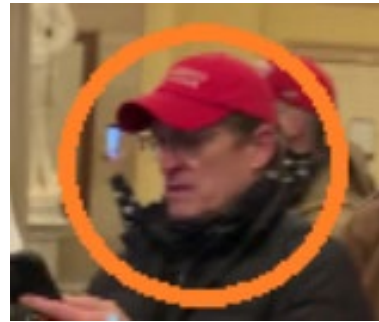
9. During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

FACTS SUPPORTING PROBABLE CAUSE

10. On January 13, 2021, the FBI received a tip from a tipster (“CW-1”) regarding an individual named Thomas Kasperek (hereinafter “Thomas”). On January 5, 2024, I spoke with on the phone with CW-1 and another tipster (“CW-2), both of whom personally know the Kaspereks. CW-1 provided information on Thomas’s involvement on January 6, 2021, specifically stating that Thomas went to the U.S. Capitol. CW-1 also provided information regarding Thomas’s wife, Daphne Kasperek (hereinafter “Daphne”). Although the tipster did not know if Daphne took part in the Capitol riot on January 6, 2021, CW-1 conveyed that Daphne and Thomas shared similar ideologies.

11. CW-2 confirmed the information provided by CW-1, and stated that Thomas and Daphne were both present at the Capitol on January 6, 2021. CW-2 also informed me that Thomas believes the November 2020 election was stolen.

12. Additionally, on January 22, 2024, I sent CW-1 screenshots from Capitol Closed Circuit Video (“CCV”) on January 6th (see below). CW-1 identified the individual in the photos as Thomas Kasperek.



Figures 1A and 1B: Thomas Kasperek on January 6, 2021

13. The FBI compared Thomas’s Virginia driver’s license photo with photos of Thomas from January 6, 2021, and they appear to be the same individual.

14. Additionally, I showed CW-1 a screenshot of another individual on restricted Capitol grounds on January 6, 2021 (see below). CW-1 identified the individual as Daphne Kasperek.



Figure 2: Daphne Kasperek on January 6, 2021

15. The FBI also compared Daphne’s Virginia driver’s license photo with photos of Daphne from January 6th, 2021, and they appear to depict the same individual.

16. Following the events on January 6, 2021, law enforcement obtained a search warrant for telecommunication provider data pertaining to the geographic area of the Capitol. The data obtained reflects that the phone numbers associated with Daphne and Thomas Kasperek, *i.e.*, telephone numbers XXX-XXX-4069 and XXX-XXX-8454, respectively, were present in the Capitol building during the Capitol riot.

17. Using Capitol CCTV, body-worn camera, and open-source footage, along with the geofencing data and identifications discussed above, the FBI traced the Kaspereks’ path through the Capitol grounds and building.

18. A review of Capitol CCV, body-worn camera (“BWC”), and open-source footage show that Thomas Kasperek wore a red hat, eyeglasses, black puffer style jacket, and dark colored pants, and carried a walking stick while on restricted Capitol grounds on January 6th. A similar review reveals that Daphne Kasperek wore a red striped beanie, a dark colored face covering, a red scarf, and a blue and grey puffer styled jacket.

19. CCV shows that Thomas entered the U.S. Capitol at approximately 2:23 p.m. EST through the Senate Wing Door.

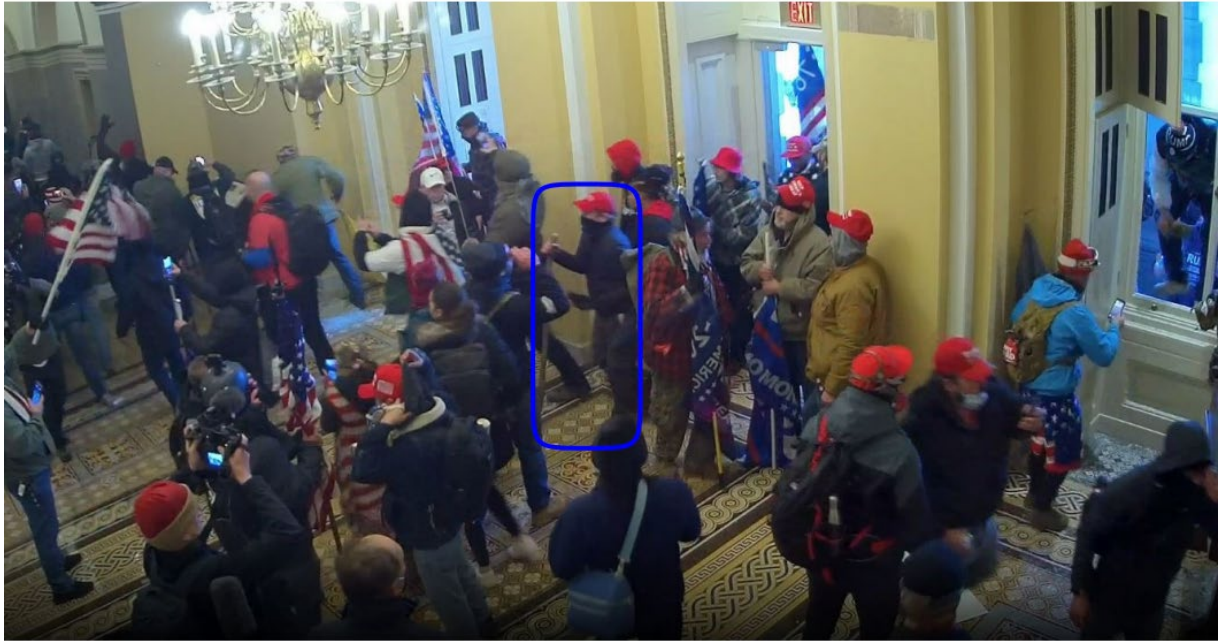


Figure 3: Thomas Kasperek Entering the Capitol

Daphne entered through the same doors less than a minute later.



Figure 4: Daphne Kasperek Entering the Capitol

20. After entering the building, both Thomas and Daphne Kasperek entered and remained in the Crypt from approximately 2:25 p.m. to 2:31 p.m.



Figure 5: Thomas and Daphne Kasperek in the Crypt

21. At approximately 2:33 p.m., an officer in riot gear who was attempting to clear rioters from the building approached Thomas and directed him towards the Senate Wing Door. Open-source video shows that Thomas verbally engaged with the officers.



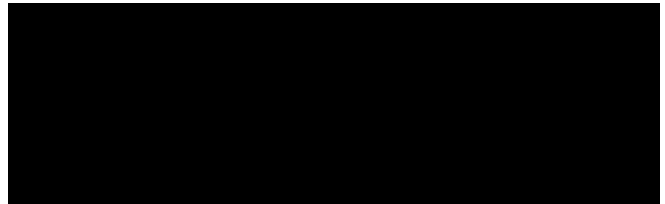
Figure 6: Thomas Kasperek Verbally Engaging with Officers

22. Both Daphne and Thomas Kaspererek exited the Capitol building through the Senate Wing Doors/Window at approximately 2:35 p.m.

23. Based on the foregoing, I submit that there is probable cause to believe that DAPHNE KASPEREK and THOMAS KASPEREK violated:

- a. Title 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 so; 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 grounds so restricted in conjunction with an event designated as a special event of national significance.

- b. Title 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.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 21st day of March, 2024.

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE