

STATEMENT OF FACTS

Your affiant, Special Agent [REDACTED], is a Special Agent assigned to FBI Buffalo Division, Rochester Resident Agency, Joint Terrorism Task Force (JTTF). I have been in this position since June 6, 2021. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a result, I have learned how to navigate and follow personnel in and around the U.S. Capitol building using these surveillance cameras. I have become comfortable navigating the CCTV and connecting the different floors, hallways, and stairwells inside of the U.S. Capitol building. I understand based off corroborating social media video posts, rioters were using their DEVICES to record videos, take photos, and send text messages, emails, and other electronic correspondences via mobile messaging applications. 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 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 Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to 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 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.

CHARLES SCHIMMEL SR. (“CHARLES”) and LOGAN SCHIMMEL (“LOGAN”) (collectively, “the SCHIMMELS”), residents of Prattsburgh, New York, were present both inside and outside of the United States Capitol on January 6, 2021. The SCHIMMELS came to Washington, D.C. from their home in Prattsburgh on January 5th. The following day, they attended the Stop the Steal rally on the National Ellipse. CHARLES wore a tan jacket, a black hoodie, sunglasses, and a black Trump 2020 winter hat. He carried a flagpole (a modified curtain rod) with two flags attached. One was a Trump flag and the other was a Thin Blue Line flag. LOGAN wore a black jacket, sunglasses, a red winter hat, a navy bandana around his neck, and carried a flagpole.



Image 1: Open-source photograph of CHARLES SCHIMMEL, SR. from January 6, 2021

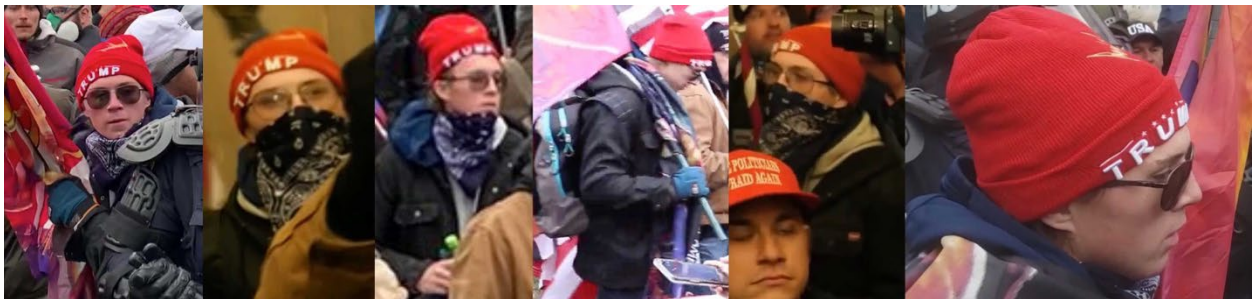


Image 2: A compilation of open-source photographs of LOGAN SCHIMMEL from January 6, 2021



Image 3 (above) & Image 4 (below): The SCHIMMELS, indicated by the yellow arrows, attending the Stop the Steal rally on the Ellipse.



CHARLES later told the FBI that he listened to the entire speech from former President Trump at the rally. After listening to the speech, the SCHIMMELS walked down Constitution Avenue with the crowd and proceeded to enter the restricted Capitol grounds.



Image 5: The SCHIMMELS, circled in red, walking with the crowd down Constitution Avenue towards the U.S. Capitol

The SCHIMMELS moved past the police barricades and ultimately approached the front of the NW Capitol Stairs and scaffolding for the construction of the Inaugural platform. Open-source video captured the SCHIMMELS at the front of a crowd that was fighting with and shoving against the police line established by D.C. Metropolitan Police Department (“MPD”) officers. Chemical spray is clearly visible in the video footage.



Image 6: The SCHIMMELS, circled in red, at the front of a crowd fighting with the police line at the base of the NW Capitol Steps. CHARLES SCHIMMEL, SR. waves his flag.

Open-source video depicts the SCHIMMELS with their arms out, pushing against the police line with the rest of the crowd. Seconds later, with the sound of chemical spray explosions audible in the background, the police line pulls backwards and the SCHIMMELS step forward. CHARLES raises his flag and both SCHIMMELS proceed closer to the NW Capitol steps.

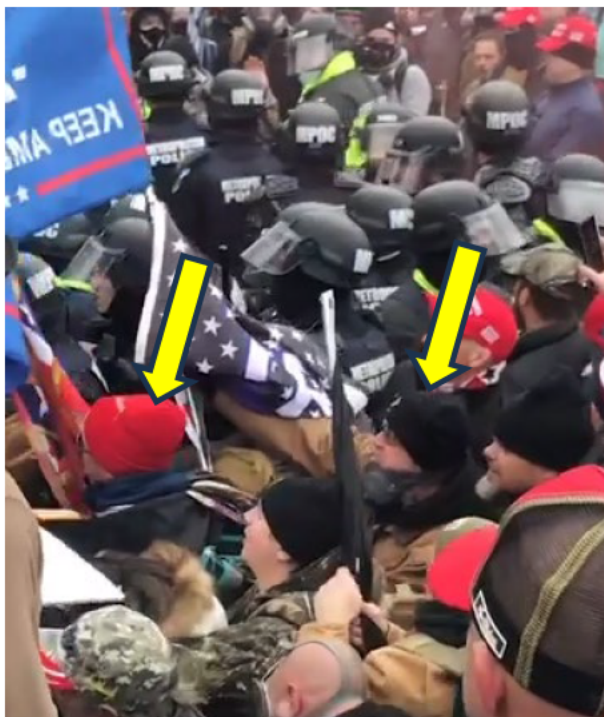


Image 7: The SCHIMMELS, indicated by yellow arrows, shove against the police line near the base of the NW Capitol steps and Inaugural Scaffolding.

The SCHIMMELS continued to move forward near the front of the crowd, gradually penetrating deeper into the restricted Capitol grounds. Around this time, the crowd cut open the canvas exterior of the Inaugural Scaffolding and begun to move through the scaffolding and climb the NW Capitol Steps. Open-source video captures the SCHIMMELS climbing through the Inaugural Scaffolding as part of the crowd. This crowd was deploying chemical spray against officers, carrying stolen police shields, and physically wrestling with officers.



Image 8: The SCHIMMELS, circled in red, climb the NW Capitol stairs through the Inaugural Scaffolding.

By approximately 2:09 p.m., the SCHIMMELS were through the Inaugural scaffolding and at the front of the crowd on the NW Capitol stairs. CCTV footage captured them moving to the front of the crowd to where the police line was attempting to block the crowd from moving any closer to the Capitol building. Less than a minute later, the SCHIMMELS were at the very front of the crowd and aided in pushing past the officers on the NW Capitol stairs. CCTV footage clearly captured the SCHIMMELS pushing the officers to make room for the entirety of the crowd behind them to rush up the stairs and towards the building.



Image 9: The SCHIMMELS, indicated by the yellow arrows, approaching the police line on the NW Capitol Steps after moving through the Inaugural scaffolding.



Image 10: The SCHIMMELS, indicated by the yellow arrow (CHARLES not visible in this image) begins shoving against the police line on the NW Capitol stairs.



Image 11: The SCHIMMELS indicated by the yellow arrow (CHARLES not visible in this image) pushing past the police line on the NW Capitol stairs.



Image 12: The SCHIMMELS indicated by the yellow arrow (CHARLES not visible in this image) pushing past the police line on the NW Capitol stairs.

The SCHIMMELS surged past the police line, one of the first people to move up the NW Capitol Stairs despite CHARLES tripping as he ran. At the top of the stairs, the SCHIMMELS approached the final police barricade before reaching the Capitol building. The SCHIMMELS were at the front of the crowd and saw other rioters kicking the barricades and wrestling with police for control of the barricades. In a matter of seconds, the crowd overtook the officers.



Image 13: The SCHIMMELS, indicated by the yellow arrows, run up the NW stairs. LOGAN looks backwards after CHARLES trips and nearly falls.



Image 14: LOGAN SCHIMMEL stands next to the final police barricade between the crowd and the U.S. Capitol building.

The SCHIMMELS stepped over the fallen police barricades and moved forward with the crowd. CHARLES grabbed a U.S. Capitol Police (“USCP”) officer bicycle and moved it behind (what appeared to be) construction materials for the scaffolding.



Image 15: CHARLES SCHIMMEL, SR. moves a USCP Officer bicycle while LOGAN SCHIMMEL drinks from a water bottle. The police barricade they stepped over lies just behind them.

The SCHIMMELS were among the first rioters to enter the U.S. Capitol building. The first breach of the Capitol on January 6, 2021, occurred through a broken window next to the Senate Wing Door. The Senate Wing Door is located on the northwest quadrant of the Capitol building. CCTV footage shows that rioters kicked down and smashed the Senate Wing Door and adjoining windows at approximately 2:14 p.m. The SCHIMMELS entered less than one minute later, with CHARLES raising his arms in apparent celebration.



Image 16: The SCHIMMELS, indicated by the yellow arrows, enter the Senate Wing Door as CHARLES appears to raise his arms in celebration.

Once inside the Capitol building, the SCHIMMELS turned towards the Crypt. Approximately one minute later, CCTV footage captured the SCHIMMELS returning from the direction of the Crypt. CHARLES appears to be directing and gesturing to the crowd to walk towards the Crypt.



Image 17: CHARLES appears to be directing and gesturing to the crowd to walk towards the Crypt.

Open-source video and CCTV footage depict the SCHIMMELS in the Crypt between approximately 2:15 p.m. – 2:28 p.m.

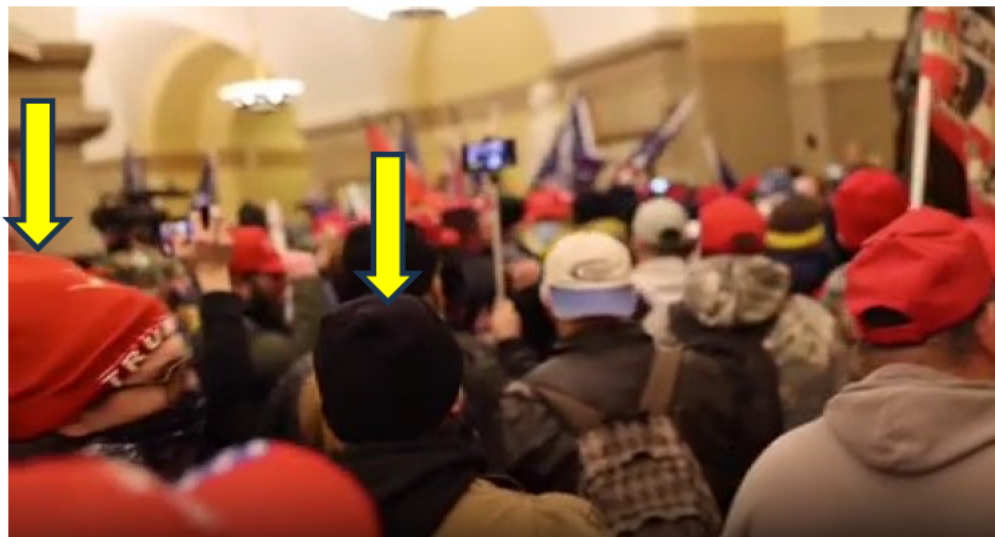


Image 18: The SCHIMMELS, indicated by the yellow arrows, inside the Crypt.



Image 19: The SCHIMMELS (left) exiting the Crypt as CHARLES holds up a “Socialism Sucks” baseball hat for the camera.

At approximately 2:33 p.m., CCTV captured the SCHIMMELS entering the hallway near H227, near the office suite belonging to Speaker of the House Nancy Pelosi. The SCHIMMELS entered rooms H230 and H232 in that hallway.

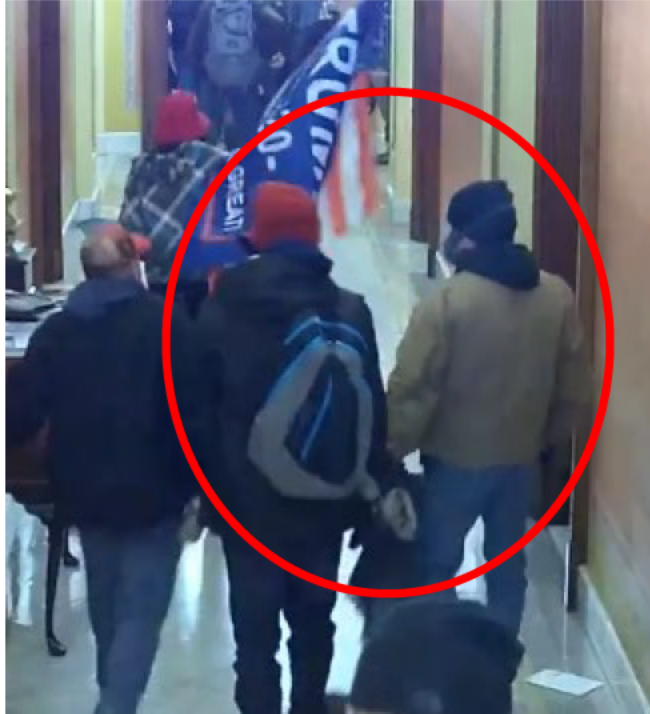


Image 20: The SCHIMMELS, circled in red, walking down the hallway near H227.



Image 21: The SCHIMMELS, circled in red, entering room H230.

The SCHIMMELS walked from the Speaker's suite to the Capitol Rotunda, entering the Rotunda at approximately 2:40 p.m. CHARLES appeared to take a photo of LOGAN with his phone and LOGAN can be seen apparently recording a video on his phone.



**Image 22: LOGAN SCHIMMEL, indicated by the yellow arrow, inside the Rotunda.
LOGAN appears to record a video with his phone.**

The SCHIMMELS left the Rotunda via its north door at approximately 2:41 p.m. Approximately two minutes later, they were again walking through the office space in the Capitol. CCTV footage recorded the SCHIMMELS walking past room S235, part of the office suite belonging to Senate Majority Leader Mitch McConnell.



Image 23: The SCHIMMELS walk past room S235 after leaving the Rotunda.

At approximately 2:44 p.m., the SCHIMMELS had returned to the office suite belonging to the Speaker of the House. They were recorded on CCTV looking into room H231.

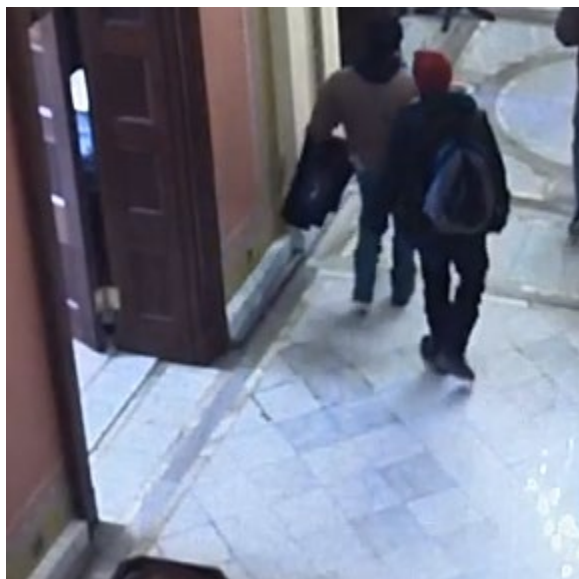


Image 24: The SCHIMMELS walk away from H231.

The SCHIMMELS returned to the Rotunda at approximately 2:57 p.m. and entered via the Rotunda's north door. They remained in the Rotunda for approximately a minute before exiting the Rotunda via its south doors at approximately 2:58 p.m.



Image 25: The SCHIMMELS, indicated by the yellow arrows, about to exit the Rotunda for the second time.

The SCHIMMELS returned to the Rotunda for a third time at approximately 3:00 p.m. CCTV depicted them interacting with a USCP officer and speaking with other rioters for several minutes. The SCHIMMELS left the Rotunda via its East door at approximately 3:02 p.m.



Image 26: The SCHIMMELS, circled in red, speak to a USCP officer in their third time in the Capitol Rotunda.



Image 27: The SCHIMMELS, indicated by the yellow arrows, outside the east doorway of the Capitol Rotunda before they walked to the East Front Corridor.

Leaving the Rotunda, the SCHIMMELS entered the East Foyer of the Capitol and proceeded to the East Front Corridor into a suite of rooms belonging to Senate Minority Leader Chuck Schumer. The SCHIMMELS entered room S207 at approximately 3:04 p.m. Less than a minute later, they exited.

The SCHIMMELS walked back down the East Front Corridor hallway and CHARLES entered S203 at approximately 3:06 p.m. LOGAN in the doorway waiting for his father. Approximately one minute later, a USCP officer approached the SCHIMMELS and appeared to direct them towards the East Foyer of the Capitol. With the officer following them, the SCHIMMELS walked in the direction the officer pointed.



Image 28: CHARLES SCHIMMEL, SR. enters room S203.



Image 29: The SCHIMMELS speak to a USCP officer outside room S203.

At approximately 3:08 p.m, the SCHIMMELS appeared on CCTV preparing to exit the U.S. Capitol building via the East Rotunda Doors. However, USCP, attempting to prevent additional rioters from entering the Capitol building, closed the Doors at 3:09 p.m. before the SCHIMMELS could exit.



Image 30: The SCHIMMELS, indicated by the yellow arrows, are unable to exit the East Rotunda Doors as USCP closes them.

After the doors were closed, the SCHIMMELS approached two USCP officers guarding the stairwell to the 1st and 3rd floors of the Capitol and appeared to speak with them. In CCTV footage, the officers spoke to the SCHIMMELS and one held up a finger before walking away. CHARLES then took the officer's place in front of the stairwell, appearing to block other rioters from entering the stairwell. CHARLES remained in this position for a minute until other rioters pushed past him, at which time, CHARLES. waved to LOGAN and others to follow the other rioters down the stairs. The SCHIMMELS walked to the first floor at approximately 3:11 p.m.



Image 31: The SCHIMMELS, indicated by the yellow arrows, speak to a USCP officer guarding the stairwell to the 1st and 3rd floors.

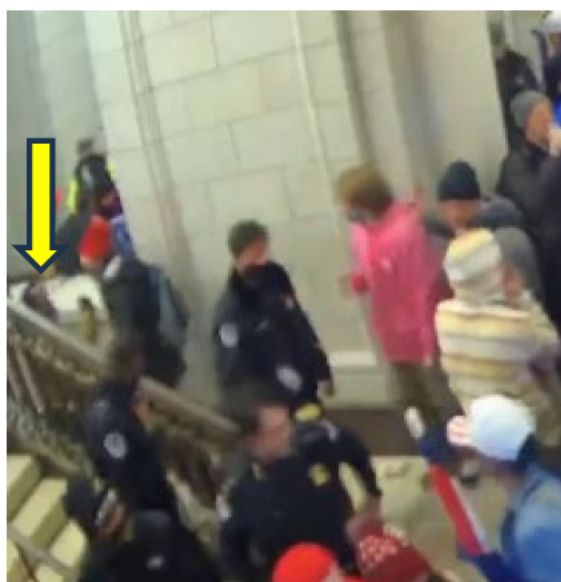


Image 32: CHARLES SCHIMMEL, SR., indicated by the yellow arrow, beckoning LOGAN SCHIMMEL and other rioters to proceed down the stairs.

After descending to the first floor of the Capitol, the SCHIMMELS returned to the Senate Wing Door hallway. At approximately 3:14 p.m., almost precisely an hour after they entered, the SCHIMMELS exited the Capitol building via the Senate Wing Door.

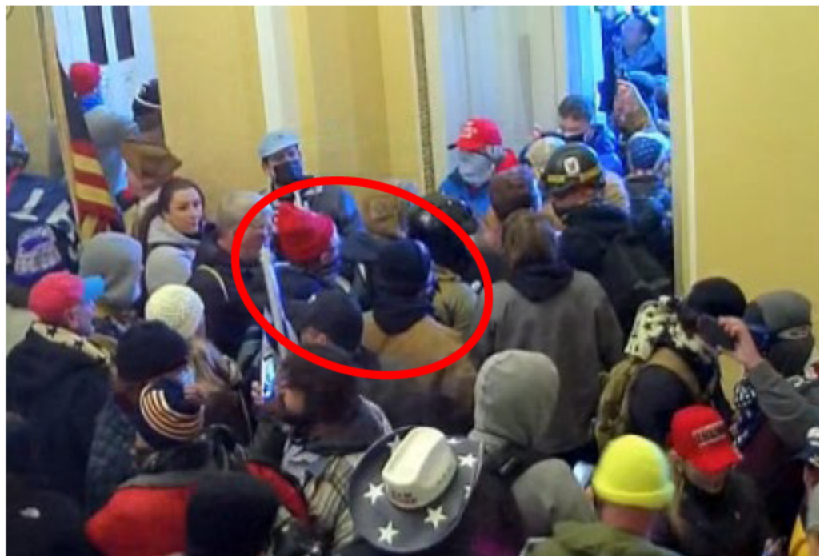


Image 33: The SCHIMMELS, circled in red, exit the Capitol building via the Senate Wing Door.

The SCHIMMELS remained on Capitol grounds for nearly two hours after leaving the Capitol. Body worn camera footage from a Montgomery County Police Officer shows the Schimmels on the NW Stairs, near the front of the police line, at 4:49 p.m. When the police line attempted to move forward, the SCHIMMELS leaned backwards against the police shields to resist the advancement of the police line.



Image 34: The SCHIMMELs, circled in red, leaning backward and pushing against officer shields on the NW stairs.

The SCHIMMELs ignored repeated police commands to move back. Munitions can be seen detonating near the SCHIMMELs on BWC. Nevertheless, the SCHIMMELs continued to push against the police line. LOGAN had a verbal altercation with an officer at approximately 4:54 p.m.. Eventually, at approximately 4:55 p.m., using tear gas and their shields, the police began to move the crowd, including the SCHIMMELs, down the stairs. At 4:58 p.m., the SCHIMMELs again stopped and leaned their bodies back, shoving against the police line on the NW stairs. This altercation lasted approximately 20 seconds. The SCHIMMELs were amongst the last rioters to leave that section of the stairs, but they remained standing near the front of the police line until approximately 5:03 p.m.



Image 35: Police push the SCHIMMELS, indicated by yellow arrows, down the NW stairs as the SCHIMMELS resist.

Identification of the SCHIMMELS

According to records obtained through a search warrant which was served on Verizon, on January 6, 2021, in and around the time of the incident, the cellphone associated with [REDACTED] was identified as having utilized a cell site consistent with providing service to a geographic area that includes the interior of the United States Capitol building. Through an open records search, I was able to determine that the mobile device was registered to CHARLES.

On August 11, 2021, the FBI interviewed CHARLES SCHIMMEL telephonically. CHARLES SCHIMMEL confirmed that he drove to Washington, D.C. from his home on January 5, 2021, and attended the rally on January 6, 2021, with some other people he would not name. He stated that he left Washington, D.C. on January 7, 2021, and then stated he would not answer any other questions without speaking to an attorney.

On March 8, 2022, I interviewed CHARLES SCHIMMEL, SR. with an FBI Task Force Officer at SCHIMMEL's residence. At this interview, CHARLES stated that he traveled to Washington, D.C. alone on January 5, 2021, and that he attended the Stop the Steal rally alone the following day. He said that he listened to the entire speech from Former President Trump. He stated that he stayed somewhere in the Navy Yard neighborhood of Washington, D.C. CHARLES SCHIMMEL, SR. stated that he did not know how close he came to the U.S. Capitol building and denied seeing any assaults on police. SCHIMMEL described his clothing on January 6, 2021, as work boots, blue jeans, and a sweatshirt. He did not mention being with his son, LOGAN.

On April 7, 2022, an established source who is in a team of open-source researchers identified CHARLES SCHIMMEL, SR. and his clothing from January 6, 2021. CHARLES was identified as #Insider0962. SCHIMMEL was also seen with another individual the entire day, identified as #Insider0467 and #PushyFlag.

As part of my investigation, I reviewed video footage and still images that were taken in the vicinity of the Capitol on January 6, 2021, including Closed-Circuit Television (“CCTV”), body-worn camera (“BWC”) footage from Metropolitan Police Department (“MPD”) officers who responded to the Capitol, and footage and social media posts that has been made publicly available on the internet. I compared these photos with CHARLES SCHIMMEL, SR.’s driver’s license photo and they appeared to depict the same individual. In the photos and video of CHARLES SCHIMMEL, SR., I observed that there was one Unidentified Subject (#Insider0467 and #PushyFlag) that consistently accompanied him throughout the day.

On August 31, 2022, and confirmed through a second search on April 30, 2024, the FBI determined that the mobile device (an Apple XR) associated with [REDACTED] utilized a cell site consistent with providing service to a geographic area that includes the interior of the United States Capitol building. Through an open records search, I was able to determine that the mobile device was registered to LOGAN.

On August 31, 2022, a Task Force Officer and a Special Agent identified the license photograph of LOGAN SCHIMMEL, the youngest son of CHARLES SCHIMMEL, SR. I compared the driver’s license photograph and images from LOGAN SCHIMMEL’s social media with the open-source photos and video of the Unidentified Subject accompanying CHARLES SCHIMMEL, SR. on January 6, 2021, and I concluded they depicted the same individual.

On May 13, 2024, I conducted physical surveillance of LOGAN SCHIMMEL and confirmed in person he was driving a [REDACTED]. I confirmed LOGAN matched the social media and open-source photos of the Unidentified Subject accompanying CHARLES SCHIMMEL, SR. on January 6, 2021, and I concluded they depicted the same individual.

Based on the foregoing, your affiant submits that there is probable cause to believe that CHARLES SCHIMMEL, SR. and LOGAN SCHIMMEL 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.

Futhermore, I submit that there is probable cause to believe that SCHIMMELS 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.

I also submit there is also probable cause to believe that the SCHIMMELs violated 40 U.S.C. § 5104(e)(2)(D), and (G), which makes it a crime to willfully and (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 9th day of August 2024.

HONORABLE ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE