

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation ("FBI") and I am currently assigned to the Counterterrorism Division, New York-Hudson Valley Resident Agency. During my career with the FBI, I have been assigned to investigations of counterterrorism, to include domestic terrorism and the incursion of unauthorized individuals into the United States Capitol building on January 6, 2021. 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.

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 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 PEARLMAN

A review of records obtained from the social media application Snapchat showed that Snapchat user “thezacatac” conversed with the subjects of other January 6 FBI investigations both before and after January 6. Multiple sources, as further described below, indicate the “thezacatac” account is associated with ZACHARY PEARLMAN.

A review of the U.S. Capitol closed-circuit security video (“CCTV”) showed that PEARLMAN entered the U.S. Capitol building through the Rotunda Doors on January 6, 2021, at approximately 2:45 p.m. *See Image 1.*

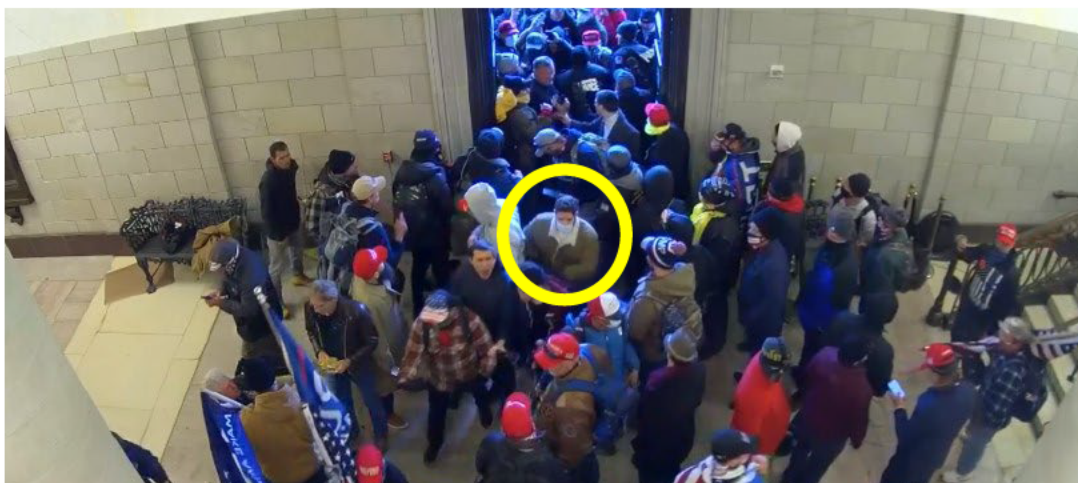


Image 1: A screenshot from Capitol CCTV shows PEARLMAN, just after entering the Capitol (circled in yellow).

From there, PEARLMAN walked into the Capitol’s Rotunda and was captured there on CCTV and open-source videos. *See Image 2.*



Image 2: A screenshot from open-source video shows PEARLMAN in the Capitol Rotunda (circled in yellow).

At approximately 3:05, Pearlman was in the Capitol Rotunda when a large group of police officers flooded into the room. Pearlman, who was at the opposite end of the room, turned from a conversation he was having with other members of the crowd to see the large group of officers. See Image 3.

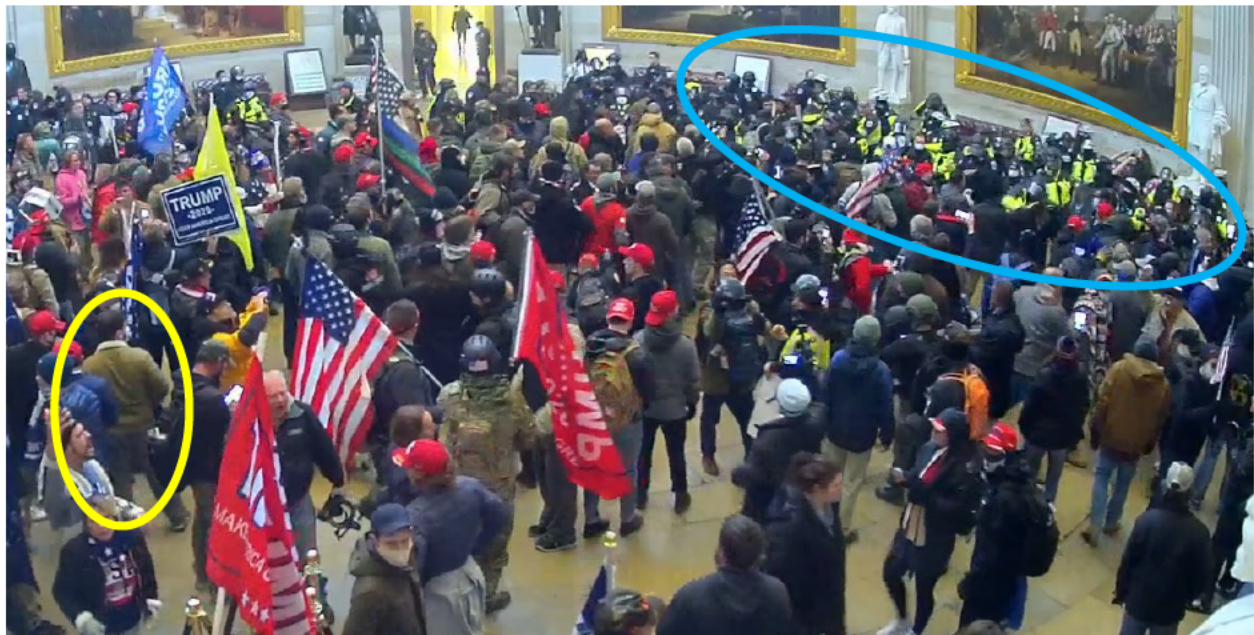


Image 3: A screenshot from CCTV shows Pearlman (circled in yellow) on one side of the Rotunda as he turns to notice the large group of police (circled in blue) who have entered the room.

Pearlman continued watching as those officers began pushing rioters toward a nearby exit. Instead of moving toward an exit or leaving the Rotunda, however, PEARLMAN walked toward the line of police. He worked his way through the crowd, moving past other rioters to get himself

closer to the line of officers, until he was finally at the very front of the crowd, faced off with the police. *See Image 4.*

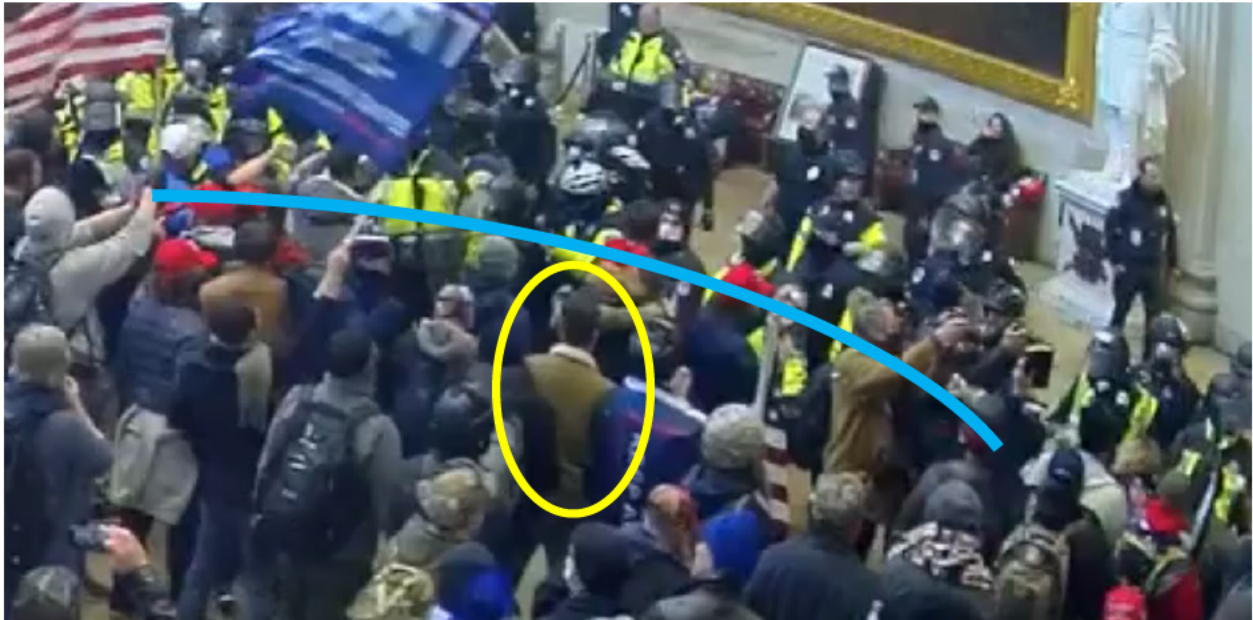


Image 4: A screenshot from CCTV shows Pearlman (circled in yellow) facing off with a line of police officers (approximated by a blue arc).

Pearlman then began jeering at the officers, pointing at them repeatedly with both hands. *See Image 5.*



Image 5: A screenshot from CCTV shows Pearlman (circled in yellow) faced off with and pointing at police officers.

For the next several minutes, Pearlman remained at the front of the crowd as the officers tried to physically force rioters from the Rotunda. The officers' efforts, paired with rioters' attempts to remain, resulted in a scrum of pushing and shoving that lasted several minutes. During this time, Pearlman remained at the front of the crowd.

At 3:08 p.m., during this scrum, Pearlman extended his left arm and pushed against a police officer's riot shield. *See Image 6.*



Image 6: A screenshot from an open-source video shows Pearlman (circled in yellow) with his left hand extended against a police officer's shield.

In the few seconds after this altercation, Pearlman moved away from the police line, appearing to cover his face with his hands. *See Image 7.*



Image 7: A screenshot from an open-source video shows Pearlman (circled in yellow) moving away from the police line, covering his face with his hands.

Pearlman still did not leave the Rotunda, however. Instead, he moved back to the front of the crowd, again facing off with police. He remained there for approximately the next two minutes. *See Image 8.*



Image 8: A screenshot from an open-source video shows Pearlman (circled in yellow) having moved back to the front of the crowd, again facing off with police officers.

Eventually, PEARLMAN left the Rotunda and returned to the area inside the Rotunda Doors. There, he rubbed his eyes and appeared to be feeling the effects of a chemical irritant such as teargas or OC spray. He left the Capitol building through the Rotunda Doors at 3:12 p.m., the same doors entered. In total he was in the Capitol for approximately 27 minutes. *See Image 9.*



Image 9: A screenshot from Capitol CCTV shows PEARLMAN rubbing his eyes before leaving the Capitol (circled in yellow).

The FBI interviewed a witness ("Witness 1") who knows and is familiar with PEARLMAN. Witness 1 identified the individual pictured in Image 10, below, outside the Capitol on January 6, 2021, as PEARLMAN. *See Image 10.*



Image 10: In a screenshot from an open-source video, PEARLMAN (circled in yellow), is pictured on January 6 in the image that Witness 1 identified.

The phone number XXX-XXX-3617, associated with PEARLMAN, was identified as having utilized a cell site consistent with providing service to the geographical area that includes the interior of the U.S. Capitol Building on January 6, 2021, between the hours of 1 p.m. and 6:30 p.m.

Commercial database and Splunk geofence records for telephone number XXX-XX-3617 reveal the account is affiliated with PEARLMAN and was present at the US Capitol on January 6, 2021.

Multiple sources indicate that the XXX-XXX-3617 phone number is linked to PEARLMAN, including: subscriber information from Verizon; FBI review of commercially available databases; human source reporting; and a review of geofence records cross referenced with legal process previously served to Snapchat in reference to Capitol-Siege-related subjects.

The FBI obtained records from Snapchat regarding another defendant who has since been charged and convicted in connection with his conduct on January 6, 2021. Those records indicated the other defendant used Snapchat in the days leading up to the January 6 riot to communicate with the Snapchat account with the username “thezacatac,” which is linked to Pearlman.

Those records revealed that, on December 29, 2020, Pearlman used the “thezacatac” Snapchat account to write, “Pretty sure Congress is convening at 1pm on January 6th which is why we r rallying so early so we can mog all these traitors when they arrive.”

On January 8, 2021, two days after the events of January 6, Pearlman used the “thezacatac” Snapchat account to write, “Ok but you guys realize blocking them doesn’t do anything at this point except clue them in that maybe you did something ‘illegal’ or whatever. I’d wait til tech companies start censoring and then put your account on private and start blocking. If someone sees your face on a usatoday list and names you then the fbi is tracking you/coming to your door/arresting you if you ‘breached the capitol.’”

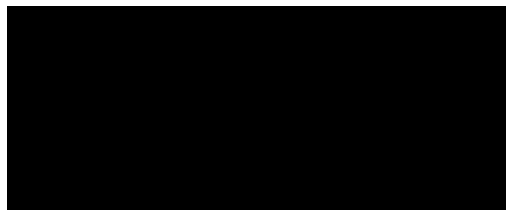
Based on the foregoing, your affiant submits that there is probable cause to believe that ZACHARY PEARLMAN violated 18 U.S.C. § 231(a)(3), which makes it unlawful to commit or

attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officers 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.

Your affiant submits that there is probable cause to believe that ZACHARY PEARLMAN violated 18 U.S.C. § 111(a)(1), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in section 1114 of Title 18 while engaged in or on account of the performance of official duties, where such acts involve physical contact with the victim or the intent to commit another felony. Persons designated within section 1114 of Title 18 include federal officers such as USCP officers, and 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 that there is probable cause to believe that ZACHARY PEARLMAN 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 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.

Your affiant submits there is also probable cause to believe that ZACHARY PEARLMAN violated 40 U.S.C. § 5104(e)(2)(D), which makes it a crime to 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 40 U.S.C. § 5104(e)(2)(G) parade, demonstrate, or picket in any of the Capitol Buildings.



SPECIAL AGENT
FEDERAL BUREAU OF
INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 18th day of October, 2024.

HON. MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE