

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent with the Federal Bureau of Investigation (“FBI”) and is assigned to the Richmond Division. 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.

I am a Special Agent of the FBI and have been so employed since January 2020. I attended and graduated the FBI Academy in Quantico, Virginia. During my 20 weeks at the Academy, I received training on federal criminal procedure and investigative techniques to include interviewing witnesses and subjects, physical and electronic surveillance, data analysis, undercover operations, and human source development and operation, among others.

After completing the FBI Academy, I was assigned to the Baltimore Division where I investigated violent crimes, among other violations of the federal criminal code. I have conducted investigations relating to murder for hire, narcotics trafficking, violent crimes against children, and healthcare fraud, and I have monitored Title III wires. In 2022, I transferred to the Richmond Division and am assigned to a squad that investigates domestic terrorism.

Unless otherwise stated, the information in this Affidavit is either personally known to me, has been provided to me by other individuals, or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause to support an application for an arrest warrant, it does not contain every fact known by me or the United States. The dates listed, and timestamps provided, in this Affidavit should be read as “on or about” those dates.

The United States Capitol is secured 24 hours a day by the United States 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 U.S. 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 Capitol building without authority to be there.

Identification of Steve Johnson

In June 2021, the FBI Washington Field Office (“WFO”) identified an unidentified male who interfered with multiple law enforcement officers at the Capitol on January 6, 2021—including grabbing an officer’s baton. The man was labeled BOLO 410-AFO. His image was posted on the FBI’s website with the following images from Body-Worn Camera (“BWC”) captured by Metropolitan Police Department (“MPD”) from January 6, 2021.



(Image 1: still of Steve Johnson from BWC on January 6, 2021)



(Image 2: still of Johnson from BWC on January 6, 2021)

In early September 2021, a Confidential Witness (“CW-1”) provided information that BOLO 410-AFO was Steve Johnson (hereinafter, “JOHNSON”) from Dry Fork, Virginia. CW-1 also provided open-source photos from January 6, 2021 of BOLO 410-AFO, showing the back of BOLO 410-AFO’s jacket which had a logo for “Johnson Bros. Construction, Inc. xxx-xxx-7773.” Law enforcement records show that JOHNSON had provided the same telephone number xxx-xxx-7773 during a 2021 interaction with law enforcement.

Additionally, “governmentcontracts.us” lists Johnson Brothers Construction, Inc. as a Subchapter S Corporation established in 2004, registered to [REDACTED] Dry Fork, VA 24549, with the telephone number contact number xxx-xxx-7773. Property records related to [REDACTED] Dry Fork, VA, further lists Steve Elijah Johnson, Jr. (aka JOHNSON) and another person, known to law enforcement as JOHNSON’s wife, as owners of the single family residence since March 31, 2008.

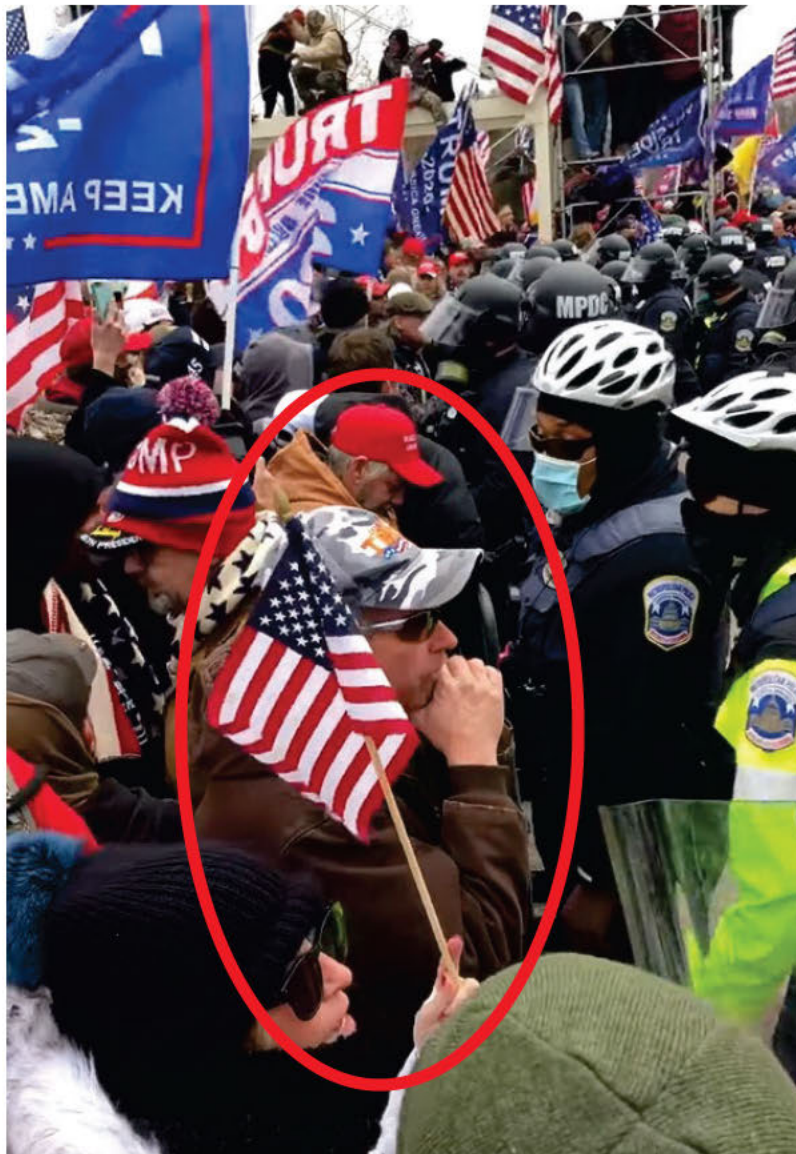
Interview of Steve Johnson

On September 6, 2022, the FBI interviewed JOHNSON. During the interview, JOHNSON confirmed that he was at the U.S. Capitol on January 6, 2021. The FBI showed JOHNSON multiple photographs including Images 1 and 2 above. JOHNSON identified himself in the photographs and said he had also seen them on the FBI’s website, which he looked up after the interview had been scheduled.

JOHNSON made multiple statements during the interview minimizing the criminality of his actions such as “I didn’t brandish it” (referencing the police baton he grabbed) and “I didn’t grab no baton unless I was falling.” He also claimed that he was “shoved” through the police line. JOHNSON stated that he was wearing the mask, which was part of his jacket, to cover his face from pepper spray being deployed.

Review of Open-Source Videos and Photos

Your affiant reviewed third party open-source videos and photos obtained by the FBI from the events of January 6, 2021. One such video shows JOHNSON outside of the Capitol building with his elbows rested on a metal bike rack barrier, chin resting on his hands, facing the police line. JOHNSON appears to be observing the police on the other side of the barrier, who are in uniform and have formed in a line with tactical gear to prevent rioters from advancing further toward the Capitol building.



(Image 3: still from open-source footage of Johnson)

In another photograph obtained by the FBI (Image 6 below), the news outlet Reuters captured JOHNSON as he breached police barricades on the West Front. The below photograph

shows JOHNSON moving past the police line in what appears to be forward motion; his head, torso, and left leg are forward as his right arm braces on the top of an MPD officer's helmet.



(Image 4: Reuters image of Johnson from January 6, 2021)

Review of Body Worn Camera Video

Your affiant also obtained and reviewed BWC footage of several officers who were located on the police line depicted above in Image 6 at the West Front of the U.S. Capitol on January 6, 2021. In that footage, one can see JOHNSON pushing against officers and through the police line, then being pushed back and grabbing multiple officers' batons as well as one MPD Officer K.L. He was thereafter briefly detained by other MPD officers before they were forced to retreat back toward the Capitol building as the police line was overrun by the crowd.

Johnson pushes through MPD police line

At approximately 2:27p.m., JOHNSON pushed through the line of MPD officers as one of the first rioters in this section to breach the police line. He was then stopped from going farther forward past the line by an MPD officer, K.L., who pushed JOHNSON back towards the crowd using her baton to hold the police line from being further breached.



(Image 5: still from BWC of Johnson on January 6, 2021)



(Image 6: still from BWC of Johnson on January 6, 2021)

Once JOHNSON pushed through the first row of the police line, he was met by MPD Officer K.L., behind the first row of officers, who used her baton to hold JOHNSON from going further and push him back into the crowd of rioters to maintain the police formation.

Johnson grabs MPD Officer K.L. by her uniform collar and gripping her baton

As JOHNSON was pushed back into the crowd by MPD Officer K.L., JOHNSON continued to use his body weight to push against the police line and placed his hands on MPD Officer K.L.—grabbing her and her police baton simultaneously.



(Image 7: still from BWC of Johnson on January 6, 2021)



(Image 8: still from BWC of Johnson on January 6, 2021)

Johnson then grabbed MPD officer K.L. by her uniform jacket collar. He was pushed off of her by other officers.



(Image 9: still from BWC taken of Johnson on January 6, 2021)

Johnson grabs police batons

At approximately 2:28p.m., as he was pushed back off of MPD Officer K.L. by other officers, JOHNSON reached forward to grab MPD officer K.L.'s baton again—this time grabbing it with both hands.



(Image :10 still from BWC taken of Johnson on January 6, 2021)

Johnson is detained by other MPD officers

At this point, JOHNSON is quickly brought to the ground by surrounding MPD officers. JOHNSON's hands are placed behind his back and JOHNSON was briefly detained. However, MPD officers had to release him as the crowd broke through the metal barriers and MPD officers were forced to retreat back toward the Capitol building.



(Image 11: still from BWC taken of Johnson on January 6, 2021)



(Image 12: still from BWC taken of Johnson on January 6, 2021)



(Image 13: still from BWC taken of Johnson on January 6, 2021)

Based on the foregoing, your affiant submits that there is probable cause to believe that JOHNSON 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 engaged in or on account of the performance of official duties. Persons designated within 18 U.S.C. § 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 JOHNSON violated 18 U.S.C. § 231(a)(3), which makes it a crime 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. “Civil disorder” means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual. “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.

Based on the foregoing, your affiant submits there is probable cause to believe that JOHNSON violated 18 U.S.C. §§ 1752(a)(1), (2), and (4), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority; (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; and (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a “restricted building or grounds” includes any 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 that there is probable cause to believe that JOHNSON violated 40 U.S.C. § 5104(e)(2)(D), which makes it a crime to willfully and knowingly 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. Your affiant further submits that there is probable cause to believe that JOHNSON violated 40 U.S.C. § 5104(e)(2)(F), which makes it a crime to willfully and knowingly engage in an act of physical violence in the Grounds or 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 17th day of December 2024.



HONORABLE ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE