

## STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation (FBI) assigned to San Francisco Office of the FBI. In my duties as a Special Agent, I have conducted criminal investigations and gained training and experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, the use of lawfully obtained evidence and data, and various other procedures. 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.

The facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies 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, it does not contain every fact known by me or the FBI. The dates and times listed in this Affidavit should be read as “on or about.”

### **Background: Events at the U.S. Capitol on January 6, 2021**

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. 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 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, shortly 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 to be there.

### **Facts Specific to Frank Peter Molinari Giorgi, Jr.**

Based upon review of public video, closed circuit video (“CCV”) footage and police body worn camera (“BWC”) footage depicting the events at the U.S. Capitol building and grounds on January 6, 2021, law enforcement identified what they initially believed to be two different individuals who assaulted law enforcement officers in two different locations, wearing two different hats, and at two different times at the U.S. Capitol on January 6, 2021. The FBI subsequently posted photographs of the individuals at the U.S. Capitol under the names “327-AFO” and “380-AFO” on the FBI’s website and requested help from the public to identify the individuals. As set out in detail below, law enforcement has identified FRANK PETER MOLINARI GIORGI, JR. (“GIORGI”) as both 327-AFO and 380-AFO. There is probable cause to believe that on January 6, 2021, GIORGI committed violations of 18 U.S.C. §§ 231(a)(3) (civil disorder), 111(a)(1) (assaulting, resisting, or impeding certain officers or employees); 1752(a)(1) (knowingly entering or remaining in any restricted building or grounds without lawful authority to do so); (2) (knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engaging 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 engaging in any act of physical violence against any person or property in any restricted building or grounds), 40 U.S.C. § 5104(e)(2)(D) (disorderly or disruptive conduct in a Capitol building or grounds); and 40 U.S.C. § 5104(e)(2)(F) (act of physical violence in the Capitol building or grounds).

#### **A. 380-AFO’s Activities at the U.S. Capitol on January 6, 2021**

Following a review of video footage from the U.S. Capitol on January 6, 2021, FBI identified an individual wearing a black hooded sweatshirt, jeans, a gray and black backpack, and a bright red knitted hat who appeared to have assaulted police officers on the West Plaza of the U.S. Capitol building at approximately 2:29 p.m. during the riot. FBI subsequently posted a photograph of that individual to its website under the label “380-AFO.” Below is one of the photographs of 380-AFO posted to FBI’s website:



According to BWC footage, at approximately 2:29 p.m., 380-AFO was located on the West Plaza of the U.S. Capitol building. The police line on the West Front had been breached, the police were retreating, and multiple rioters were assaulting officers. As multiple rioters attacked officers, 380-AFO emerged from the crowd and came toward officers. Below is a still image of 380-AFO from BWC:



Seconds later, 380-AFO charged at a United States Capitol Police officer, threw his body at the officer and struck the officer in the head with his hands. Below are two still images from BWC showing 380-AFO (visible by his red knit hat), striking the officer:



380-AFO was repelled by the officer and disappeared once again into the crowd of rioters.

**B. 327-AFO's Activities at the U.S. Capitol on January 6, 2021**

FBI also identified an individual wearing a black hooded sweatshirt, jeans, with a gray backpack, and a yellow knitted hat who appeared to have assaulted police officers on the Upper West Terrace at approximately 4:25 p.m. during the riot. FBI subsequently posted a photograph of

that individual to its website under the label “327-AFO.” Below is one of the photographs of 327-AFO posted to FBI’s website:



According to BWC footage, at approximately 4:26 p.m., 327-AFO was located on the Upper West Terrace of the U.S. Capitol Building. At that time, dozens of uniformed police officers had formed a large police line and were moving rioters back away from the building. As the police officers called out “move back!,” 327-AFO moved through the crowd of rioters and approached the police line. Below is a still image from BWC footage showing 327-AFO circled in red as he approached the police line:



According to BWC footage, at approximately the same time that 327-AFO was approaching the police line, other members of the riot were calling out “hold the line!” and linking arms in front of the police officers who were moving forward. At approximately 4:26:16, 327-

AFO arrived at the police line and began, along with other rioters, to push against officers. Below is a still image from BWC showing 327-AFO with his arm outstretched at the police line at this time:



327-AFO remained at the police line for several seconds pushing against officers and resisting officers attempts to move him and other rioters back. Below are additional still images from BWC showing 327-AFO with his hands on an officer:



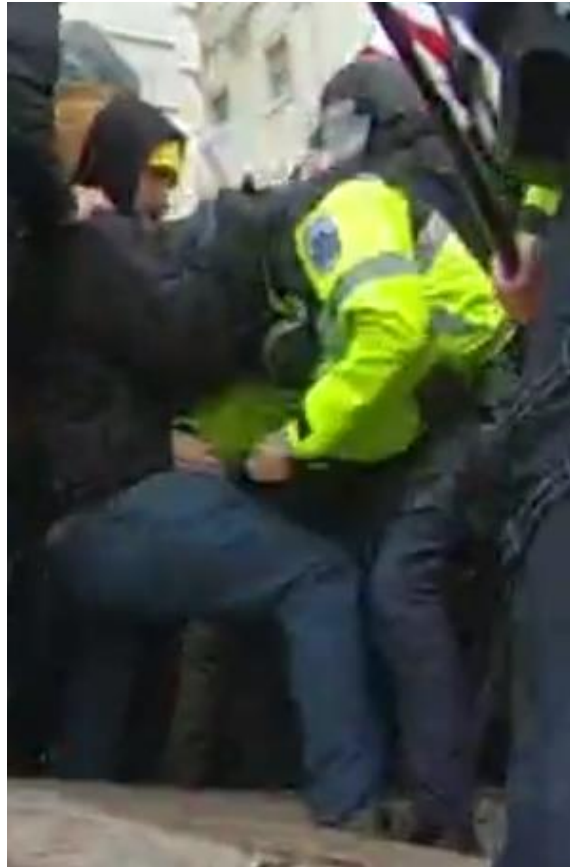


Below is a zoomed-in still image from BWC showing 327-AFO with his arm up grasping the arm of the officer in front of him at approximately 4:26:27 p.m.:



After several seconds of fighting officers, 327-AFO grabbed the head and neck of the officer in front of him and pulled the officer to the ground. Below are zoomed-in still images from

BWC at approximately 4:26:41 p.m. showing 327-AFO with his arms wrapped around an officer's neck as he pulled him down:







According to video footage from January 6, 2021, after 327-AFO pulled the officer to the ground, he got up and walked north, away from officers.

#### **B. Identification of 327-AFO and 380-AFO as GIORGI**

In approximately June 2023, the FBI received a tip from the public that 327-AFO may be an individual named FRANK GIORGI, a resident of California. A subsequent search of open-source and/or law enforcement databases revealed GIORGI's full name to be FRANK PETER MOLINARI GIORGI, JR. ("GIORGI").

FBI subsequently obtained records from Southwest Airlines through legal process that indicated GIORGI traveled on a flight from Oakland International Airport ("OAK") on January 4, 2021 at 7:05 a.m. to Baltimore Washington International ("BWI"). Southwest Airlines records also

indicate GIORGI returned to OAK from BWI on January 7, 2021 on a flight that departed at 6:20 a.m. and connected through Denver International Airport (“DEN”).

In or around September 2024, the FBI received another tip from the public indicating that 380-AFO was also GIORGI. I have compared the BOLO photographs for both 380-AFO and 327-AFO, and I believe the BOLOs depict the same individual with different hats on.

Based on a search of open-source and law enforcement databases, FBI identified a potential workplace for GIORGI in San Francisco, California (“the Giorgi Business”). On January 31, 2024, law enforcement conducted physical surveillance at the Giorgi Business. During surveillance, agents observed a dark gray/black Chevy Tahoe, license plate CALP T987UO at the Giorgi Business. According to records obtained from the California Department of Motor Vehicles, the vehicle is registered to GIORGI at an address in San Francisco, California. During surveillance, agents also observed a white male outside the Giorgi Business. Based on agent’s observations of the white male and a comparison with photographs from law enforcement databases, agents believe that the white male is FRANK GIORGI. Additionally, based on agents’ observations of the white male and a comparison with video and photographs of 327-AFO and 380-AFO from January 6, 2021, agents believe that GIORGI is 327-AFO and 380-AFO.

### **Conclusion**

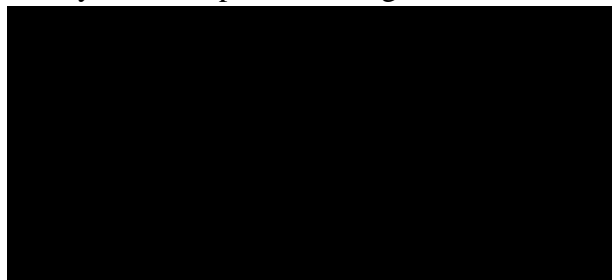
Based on the foregoing, your affiant submits there is probable cause to believe that GIORGI violated 18 U.S.C. § 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance 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 Secret Service’s protection of the Vice President and his family and the Capitol Police’s protection of the U.S. Capitol.

Your affiant further submits there is probable cause to believe that GIORGI violated 18 U.S.C. § 111(a)(1), which makes it unlawful to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in 18 U.S.C. § 1114 as an officer or employee of the United States while engaged in or on account of the performance of official duties. For purposes of Section 111 of Title 18, United States Capitol Police Officers and Metropolitan Police Department Officers who responded to assist United States Capitol Police Officers on January 6, 2021 constitute persons designated in Section 1114 of Title 18.

Your affiant also submits that there is probable cause to believe that GIORGI 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 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; 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” 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.

Finally, your affiant also submits there is probable cause to believe that GIORGI violated 40 U.S.C. §§ 5104(e)(2)(D) and (F), which make it a crime to willfully and knowingly (D) engage in disorderly or disruptive conduct in the Grounds or any of the Capitol Buildings; and (F) 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 13<sup>th</sup> day of January 2025.

---

HONORABLE G. MICHAEL HARVEY  
U.S. MAGISTRATE JUDGE