

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation and have been since 2021. I am currently assigned to the Joint Terrorism Task Force for the FBI Little Rock Division. Previously, I was assigned to the white-collar squad for the FBI Mobile Division, Montgomery Resident Agency. In my duties as a special agent, I am responsible for investigating a variety of federal criminal and national security matters, including domestic terrorism and threats of violence to high-risk and/or sensitive targets. Through training and investigative experience, I have knowledge of a variety of investigative techniques and legal matters, including Fourth Amendment searches, the drafting of search warrant affidavits, and probable cause.

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. 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.

Open-source video and body-worn camera captured images of an individual identified as James Edward Porter (“PORTER”) of Hot Springs, Arkansas participating in the riot at the U.S. Capitol on January 6, 2021, as described below.

IMAGE 1, a screenshot from a third-party source, shows PORTER wearing a red hat, a blue gaiter, a dark gray hoodie, and a shirt with an American flag. PORTER appeared to be on the west side of the U.S. Capitol when this photo was taken.



IMAGE 1 – PORTER standing on the west side of the U.S. Capitol.

On January 15, 2021, the FBI received a tip that PORTER was bragging on Facebook that he was at the U.S. Capitol on January 6, 2021. The tipster advised the post had already been removed.

On March 21, 2024, the Sedition Hunters tweeted a request to identify a rioter #BigGreyShover.¹ On March 24, 2024, the FBI received additional information that PORTER was possibly involved in an assault on a federal officer on January 6, 2021, and that PORTER was the rioter identified as the #BigGreyShover.

Images of the #BigGreyShover were compared with images on Porter's Facebook page. IMAGE 2 is a photo from PORTER's Facebook. PORTER appeared to be the same individual identified as the rioter #BigGreyShover.



IMAGE 2 – Photo from PORTER's Facebook Page.

In July 2024, agents conducted an interview with PORTER. Your affiant was present and confirmed that PORTER matched the person identified in the photos from the riot at the U.S. Capitol on January 6, 2021. Additionally, PORTER confirmed he was on the U.S. Capitol grounds on January 6, 2021.

In the interview, PORTER advised that before January 6, 2021, he spoke with a woman associated with "Women for Trump." According to PORTER, when he discussed his plans to go to the rally on January 6, the woman told PORTER that "something epic" was going to happen in Washington, D.C. that day, but would not provide more detail.

¹ <https://x.com/SeditionHunters/status/1770919933985038766>

On January 6, 2021, PORTER attended the rally at the Ellipse. While at the rally, in a third-party video as shown in IMAGE 3, PORTER told someone that he's from Hot Springs, Arkansas. He went on to say that he was, "here to support our president." The person asked him if "today was a day in history?" PORTER responded, "Yes, sir, absolutely. I'm going to give this to my grandchildren."



IMAGE 3 – PORTER at the rally at the Ellipse.

After attending the rally, PORTER went to the west side of the U.S. Capitol and made his way to the front of the mob. Around 2:28 p.m., rioters attacked the police line that protected the inauguration stage. PORTER joined the attack. IMAGE 4 shows PORTER immediately before he began to engage officers.



IMAGE 4 – PORTER making his way to the front of the mob.

PORTER pushed forward against Officer A.G. as shown in IMAGE 5. PORTER then grabbed Officer A.G.'s baton while Officer A.G. attempted to maintain control as shown in IMAGE 6 and IMAGE 7. After a struggle over the baton, Officer A.G. was able to remove PORTER's hand from the baton.



IMAGE 5 – PORTER pushes against Officer A.G.



IMAGE 6 – PORTER grabs Officer A.G.'s baton.



IMAGE 7 – PORTER struggles with Officer A.G. over the officer's baton.

PORTER then squared up with another officer. PORTER lunged forward and pushed another officer as shown in IMAGE 8.



IMAGE 8 – PORTER pushes an officer on the west front of the U.S. Capitol.

PORTER continued to engage with police until another rioter sprayed an orange chemical irritant. PORTER then returned back into the crowd.

In the interview conducted in July 2024, PORTER told your affiant that he went to the Capitol to do “what my president told me to do,” which he said was “have our voices heard about the election being stolen.” PORTER stated he helped people that had been pepper sprayed that were coming back from the front.

PORTER admitted that he grabbed an officer’s baton. He claimed that he was attempting to stop the officer from hitting a rioter who was on the ground. According to PORTER, he let the baton go, took a fighting stance, and said, “if you hit me, I’m gonna...gonna hit you.” PORTER told agents that he went home after he was hit with pepper spray.

On January 6, 2021, PORTER was not authorized to be in any of the restricted areas on U.S. Capitol grounds.

Based on the foregoing, your affiant submits there is probable cause to believe that PORTER violated 18 U.S.C. 231(a)(3), which, in pertinent part, makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any 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 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. See 18 U.S.C. § 232(3). For purposes of Section 231 of Title 18, 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. See 18 U.S.C. § 232(1).

Your affiant submits there is also probable cause to believe that PORTER 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.

Your affiant submits that there is probable cause to believe that PORTER 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; or attempts or conspires to do so; 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.

Finally, your affiant submits there is also probable cause to believe that PORTER violated 40 U.S.C. § 5104(e)(2)(D), 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.

[REDACTED]
[REDACTED]
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 13th day of January 2025.

HONORABLE G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE