

STATEMENT OF FACTS

On January 6, 2021, your affiant, Federal Bureau of Investigation (FBI) Special Agent [REDACTED] was on duty and performing my official duties as a FBI Special Agent. Specifically, I am assigned to the Joint Terrorism Task Force based at the Nashville Resident Agency of the FBI's Memphis Field Office. As a result of the attack on the United States Capitol on January 6, 2021, I was subsequently tasked with investigating criminal activity in and around the United States Capitol grounds. As a FBI 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 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 are allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was 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 approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the U.S. Capitol Police, and the crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by U.S. Capitol Police Officers or other authorized security officials.

At such time, the certification proceedings 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 after 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, all proceedings of the United States Congress, including the joint session, were effectively suspended until shortly after 8:00 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 p.m. after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session 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.

As part of the FBI investigation into the attack on the United States Capitol, the FBI located video and still images of multiple individuals that were associated with attacks on federal officers. These individuals in these images were designated as Assault on Federal Officer, or AFO, cases. Each individual AFO subject was identified by a specific number and at least one image.

Your affiant was assigned the investigation of a subject identified by the FBI as “AFO 97.” The FBI posted the below photograph of AFO 97 on its website to seek information about this individual’s identity. As further discussed below, AFO 97 has subsequently been identified as JOSHUA JOHN PORTLOCK (“PORTLOCK”) of Smyrna, Tennessee.



I have reviewed video footage from various sources of events that took place on January 6, 2021, which document PORTLOCK's actions that day. Footage shows PORTLOCK presented in a distinctive manner on January 6, 2021 – he is a tall white male with a grey and black goatee, who was wearing dark boots, jeans, a black jacket, olive green tactical gloves with black knuckle protectors, a red bandana around his neck, and a black beanie or stocking cap on his head beneath a white cowboy hat with the words “Trump 2020” on the front, “Stop the Steal” in red letters on the back, and an American flag pattern printed on the underside of the brim of the hat. Further, as later discussed and presented in the photo above, the black beanie has a yellow wreath emblem on it, a sign of affiliation with the Proud Boys.¹ Proud Boys is a nationalist organization with multiple US chapters and potential activity in other Western countries. The group describes itself as a “pro-Western fraternal organization for men who refuse to apologize for creating the modern world; aka Western Chauvinists.” Proud Boys members routinely attend rallies, protests, and other First Amendment-protected events, where they sometimes engage in violence against individuals whom they perceive as threats to their values. The group has an initiation process for new members, who often wear yellow and black polo shirts or other apparel adorned with the Proud Boys logo to events.

Initially, PORTLOCK was part of a crowd gathered between the area of the Washington Monument and the Ellipse. From the Ellipse, PORTLOCK walked to the restricted exterior area of the U.S. Capitol. In particular, PORTLOCK was in the West Front area of the U.S. Capitol, next to the north scaffolding on the west side of the building. Law Enforcement officers had created a row of barricades on the West Front of the U.S. Capitol to keep rioters from entering the Capitol.

At approximately 2:30 p.m., PORTLOCK engaged with other rioters by pushing back law enforcement officers from their protective perimeter in front of the U.S. Capitol. Video captured

¹ The yellow wreath insignia is used as a sign of affiliation with the Proud Boys. For example, Henry “Enrique” Tarrío, chairman of the Proud Boys, is visible wearing at least two copies of this logo in a press image captured on August 19, 2019 (<https://www.gettyimages.com/detail/news-photo/leader-of-the-proud-boys-enrique-tarrio-and-rally-organizer-news-photo/1162234015>). Tarrío was arrested by Washington D.C. police on January 4, 2021, for a misdemeanor count of destruction of property related to the theft of a Black Lives Matter banner from Asbury United Methodist Church and its subsequent burning on December 12, 2020. Tarrío pleaded guilty in the District of Columbia Superior Court on July 19, 2021, and was sentenced to five months in prison on August 23, 2021. The referenced image shows Tarrío shaking hands with Joseph Biggs, a Proud Boys member and Organizer, at a rally in Portland, Oregon. Biggs was arrested on January 20, 2021, in the Middle District of Florida and subsequently indicted on March 10, 2021, in the District of Columbia (1:21-cr-175) for multiple offenses related to the attack on the Capitol. The wreath emblem appears to be the logo associated with the Fred Perry clothing brand, which has disavowed the Proud Boys and any association with their use of the logo. (<https://help.fredperry.com/hc/en-us/articles/360013674918-Proud-Boys-Statement>). PORTLOCK's association with the Proud Boys is further illustrated by video and images showing him attending rallies in Washington D.C. On November 14, 2020 (<https://d2amdhggrspssl.cloudfront.net/s3vids/wPANhNn5fYm8.converted.mp4>; <https://www.youtube.com/watch?v=w2Xz1Yau-AI> (Corrine Forever video) and December 12, 2020 (<http://www.flickr.com/photos/perspective/albums/7215771730727677>, images 67a, 112, 113, 158a, 159, 160, and 161; and <https://twitter.com/parlervideos/status/1359038432190808066>). As shown in the videos, these rallies were widely attended by people that appear to be associated with the Proud Boys based on their clothing, clothing color, and insignia on their clothing.

by a private citizen shows PORTLOCK's actions at the West Front area of the U.S. Capitol.² As shown in the photos below, PORTLOCK pushed open a metal barricade placed by law enforcement while USCP and MPD officers were on the other side of the barricades attempting to keep the barricades in place and rioters away from the U.S. Capitol. The video further shows that after PORTLOCK pushed open one of the barricades, he took it away from law enforcement officers and brought it into the crowd, such that law enforcement could no longer use it to assist keeping rioters from the Capitol.

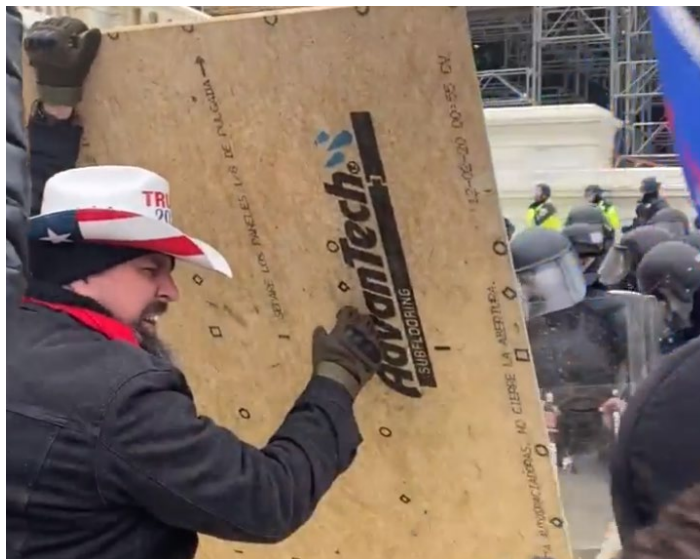


These same events are captured on MPD body-worn camera (BWC) footage from Officer D.H., as seen below, placing the events at approximately 2:28 p.m. based on the BWC timestamp.

² <https://www.youtube.com/watch?v=QfEjzABHqeY> from about 4:00 to 4:30.



Shortly after rioters pushed back the barricades, law enforcement officers fell back and established a perimeter line closer to the Capitol without the assistance of barricades. PORTLOCK joined other rioters in assaulting these law enforcement officers in an apparent effort to break the officers' perimeter line and enter the U.S. Capitol. More specifically, as shown through several video sources, PORTLOCK picked up a large piece of what appears to be plywood and pushed it against a group of law enforcement officers. A video posted to "Banned.Video"³ clearly depicts PORTLOCK's actions in this assault, as shown in the below screenshots. As depicted in the video, PORTLOCK held up the piece of plywood and, with the help of another rioter, drove it toward the line of law enforcement officers. Then, once the plywood has been pushed up against the officers, PORTLOCK and other rioters pushed the piece of plywood over on top of the officers.



³ <https://banned.video/watch?id=5ff73a601669d333f2b27315> from about 45:05- 45:17.

Another video captured by a private citizen and posted to YouTube also depicts PORTLOCK's assault on the officers with the plywood.⁴ As depicted through this video and shown in the below screenshot, PORTLOCK, with assistance from other rioters, used the plywood to push against at least three USCP officers, and drove it towards them while holding it at an angle.



In addition to video posted by private citizens, several Metropolitan Police Officers captured recordings of PORTLOCK's assault from their BWCs. In one instance, video from Officer J.M.'s BWC shows the incident from the perspective of the officers who were guarding the perimeter, marking the time at 2:31 p.m.

⁴ <https://www.youtube.com/watch?v=SwqktTT9hU4> from 5:45 through 6:10.



In another instance, video from MPD Officer B.G.'s BWC shows PORTLOCK attempted to pick up the piece of plywood after it fell the ground before he was stopped by a U.S. Capitol Police Officer. Notably, as shown in Officer B.G.'s BWC, another rioter shoved the U.S. Capitol Police Officer to the ground as he was occupied by preventing PORTLOCK from picking up the plywood again.



On August 10, 2021, FBI Agents spoke with two USCP officers who were on the scene when PORTLOCK assaulted them and other officers with the plywood. USCP Officer D.C. identified himself as one of the officers in a video of PORTLOCK's assault with the plywood. Additionally, USCP Sergeant A.G. identified himself as another one of the officers that had the plywood pushed on top of him. Moreover, Sergeant A.G. explained that he was struck by the plywood when it fell and that the USCP officers were pushed back by the plywood as it was pushed at them.

Lower West Terrace Entryway

By approximately 3:00 p.m., PORTLOCK had moved from the West Front area to the Lower West Terrace tunnel, where he joined other rioters in attempting to push through a line of police officers to breach the U.S. Capitol. This event, and PORTLOCK's participation in it, was likewise captured by multiple video sources, including video from participants and observers, MPD BWC, and USCP Closed Circuit Television (CCTV). PORTLOCK was in the tunnel for approximately 15-20 minutes, during which time he assaulted and obstructed officers as well as assisted other rioters in assaulting and obstructing officers in several ways. Significantly, on at least two occasions, PORTLOCK participated in "heave-ho" efforts, by which multiple rioters collectively used their body mass for greater effect in pushing back officers by gaining momentum through leaning back and then pushing forward while chanting "heave-ho" to coordinate their efforts. Additionally, on at least two occasions, PORTLOCK participated in moving what appears to be stolen USCP riot shields to the front of line of rioters to assist the rioters at the front of the line in pushing against officers.

One video captured by a member of the press who was present in the crowd,⁵ shows PORTLOCK in the tunnel, who advanced to the front of the crowd, and confronted a line of USCP and MPD officers. PORTLOCK can be seen wearing the same black jacket, red bandana, and white cowboy hat with “Stop the Steal” printed in red letters on the rear of it seen earlier in other videos and images.



As PORTLOCK advances to the front of the line of rioters, he participated in helping rioters fortify themselves, presumably to better push against officers. In particular, he helped pass what appears to be a stolen USCP riot shield from the back of the group of rioters to rioters at the front line of the group. PORTLOCK assisted in passing the shield over the heads of rioters to the front line, as depicted in the below images.

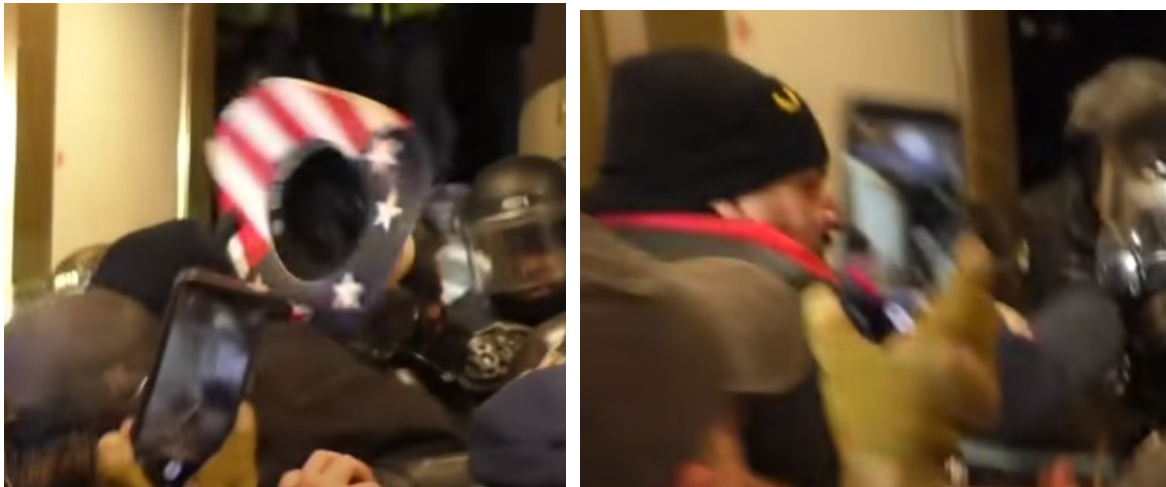


As shown in the below screenshots, once the shields are at the front line, rioters, including PORTLOCK, started the “heave-ho” motions while using the shields to push against officers.

⁵ <https://www.youtube.com/watch?v=cJOgGsC0G9U> (the “Status Coup video”) from approximately 2:06-14:00.



During this time, PORTLOCK makes his way to the front of the crowd, directly in front of the police line. As PORTLOCK does so, he appears to get into a brief confrontation with officers, at which point his cowboy hat is yanked off and thrown back into the group of officers. Under the cowboy hat PORTLOCK wore a black cap with a yellow wreath insignia on it, as previously described. The photos below show PORTLOCK's hat being removed and the black cap with yellow insignia.



Eventually, USCP and MPD officers were able to push back rioters from one set of doors to a second set of doors further away from the U.S. Capitol. MPD BWC from Sergeant W.B. corroborates the Status Coup video by portraying the same scene from a different perspective. The BWC camera footage also marks the time of these event at just before 3:00 p.m. As shown in the video footage, while pushing back the crowd, Sergeant W.B. specifically ordered PORTLOCK to "Get out! Go! Go now!" PORTLOCK shrugged at Sergeant W.B., gestured to the crowd, and told Sergeant W.B. "I can't with this!" MPD and USCP Officers then physically pushed the crowd, including PORTLOCK, back past the other set of doors.



Despite being ordered to leave by Sergeant W.B., PORTLOCK remained at the front of the crowd of rioters after USCP and MPD officers pushed the rioters back past the second set of doors and as the officers struggled to close those doors. While PORTLOCK appeared to not be actively fighting against officers at this time, his continued presence allowed other rioters to fight against officers. At one point, a rioter reached over PORTLOCK to strike Sergeant W.B. with a baton, as depicted below. Rather than push back against the rioter, PORTLOCK simply stood with his hands raised in the air. The baton strike knocked Sergeant W.B.'s chemical spray from his hands, though he quickly recovered it.



Around the same time, another rioter, with a bald head and red checkered shirt also depicted in the above photo pressed against the doors, experienced a medical emergency. Although this rioter had been actively fighting law enforcement, he asked law enforcement for assistance in addressing his medical emergency. In an apparent acknowledgement of law enforcement's authority, PORTLOCK pleaded with MPD officers to help the rioter as other rioters continue to fight the same law enforcement officers to keep them from closing the doors. Officers assisted the rioter, as does PORTLOCK, as he climbs through the broken door. During this time MPD and USCP officers continued defending themselves from rioters attacking them.

After assisting the rioter to pass into the police line for his health, PORTLOCK remained in the front of the crowd of rioters preventing law enforcement from securing the Capitol building. More specifically, PORTLOCK's presence precluded MPD Officers from closing the second set of doors until they pushed him and other rioters back further out of the tunnel. PORTLOCK ultimately fell back into the crowd as other rioters continued to push and fight against law enforcement.



USCP CCTV also depicts the scene at the Lower West Terrace tunnel entrance from a different vantage point. Review of CCTV from the Lower West Terrace exterior doorway shows that as PORTLOCK receded into the back of the crowd, he still remained in the tunnel doorway assisting rioters from the rear. Shortly after stepping away from the police line, PORTLOCK stands near the tunnel entrance for several minutes. During this time PORTLOCK helps pass four stolen USCP riot shields forward into the tunnel to assist other insurrectionists, as shown in the below video screen captures. When comparing the CCTV to the Status Coup video, it appears based on timing that the shields PORTLOCK passed – or at least, shields that look similar to them -- were then used by the frontline rioters to continue their attacks on the USCP and MPD officers.



After passing the shields to the front line of rioters, PORTLOCK remained at the mouth of the tunnel for approximately one minute and thirty seconds. He then turned towards the rioters, rushed in, and leans in with his body weight to join rioters pushing against law enforcement. As depicted below, the CCTV shows PORTLOCK participated again in “heave-ho” movements with other rioters to collectively use their bodyweight to push against the line of MPD officers. PORTLOCK remained in the scrum of rioters and pushed against USCP and MPD Officers for approximately the next two minutes.



PORTLOCK then turned to leave the tunnel entrance area of the Lower West Terrace. Video recorded by private citizens show that PORTLOCK remained in the Lower West Terrace away from the entrance. In two instances, the video appears to show that PORTLOCK assisted two officers who were separated from other officers and beaten by rioters crowded in the Lower West Terrace. Footage from the Banned.Video shows MPD Officer M.F. dragged into the crowd and beaten. Some rioters eventually helped Officer M.F. back to the line of police officers. As shown through Officer N.M.'s BWC, PORTLOCK approached the officers at the tunnel entrance and asked "Is he good?" likely referring, based on the context of the video, to Officer M.F.

At another point, as shown by video captured by Jarret Robertson, MPD Officer B.M. was pulled into the crowd of rioters. While some rioters assaulted Officer B.M. as he was in the crowd, PORTLOCK grabbed the collar of Officer B.M. and, with other rioters, pushed Officer B.M. into what appears to be a nearby handicap access elevator. By doing so, PORTLOCK effectively kept Officer B.M. away from the crowd of rioters that could have caused further harm to him. Officer B.M. was eventually reunited with other officers at the Capitol.

Identification

The FBI received multiple tips identifying various individuals as AFO 97. On April 15, 2021, the FBI's National Threat Operations Center (NTOC) received a tip identifying AFO 97 as JOSHUA ("JOSH") PORTLOCK. The tipster previously worked with PORTLOCK in Dallas, TX and recognized him in the photographs of AFO 97 posted to the FBI's Capitol Violence page. The tipster also provided a phone number for PORTLOCK.

Search of law enforcement and open-source records identified a PORTLOCK, currently residing in Smyrna, Tennessee, who was a previous resident of the Dallas, TX area. Review of these open-source records also corroborated that the phone number provided by the tipster for PORTLOCK was a phone number also associated with PORTLOCK.

A search of LinkedIn revealed an account in the name of “Josh Portlock” of Smyrna, Tennessee, which contained a profile image, shown below, of an individual matching in resemblance to AFO 97, based on physical similarities including nose shape, beard length and coloration, and eye color.



Additionally, your affiant reviewed the driver’s license photograph from PORTLOCK’s Tennessee Department of Motor Vehicle’s driver’s license, which was issued as a transfer from Texas. PORTLOCK was listed as 6’2” in height, 230lbs, and as having black hair and hazel eyes. The DMV photograph resembles AFO 97, although the DMV photograph shows PORTLOCK with light facial stubble rather than a beard. Nonetheless, physical similarities in the photograph still bear a clear resemblance to AFO 97.

FBI Agents conducted surveillance of PORTLOCK while he was at an airport in the Nashville, Tennessee area on June 16, 2021. During the surveillance, the FBI captured, amongst other images, the below photograph of PORTLOCK, which also bears a resemblance to AFO 97.



On July 27, 2021, the FBI conducted an interview with one of PORTLOCK’s former coworkers in Tennessee. The former coworker worked with PORTLOCK for approximately two

years and saw PORTLOCK regularly at work. The former coworker described PORTLOCK as “husky,” with a long grey/black beard and front teeth that were not straight. The FBI showed the former co-worker photographs of AFO-97 taken from the events at the Capitol, as well as JOSHUA PORTLOCK’s LinkedIn profile photograph and photographs taken during surveillance at the Nashville Airport, as shown below. When the co-worker was asked whether they recognized anyone, the former coworker believed the individual in all the photographs was the same person, PORTLOCK.

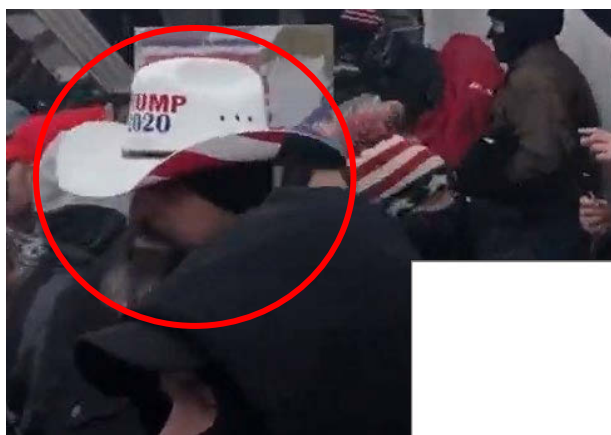


Additionally, during the search for footage of AFO 97, the FBI also located publicly available video footage posted by user “USA Sight” (the “USA Sight video”) taken earlier on

January 6, 2021.⁶ The video depicts AFO 97 with a female companion, as shown in the following screen captures.



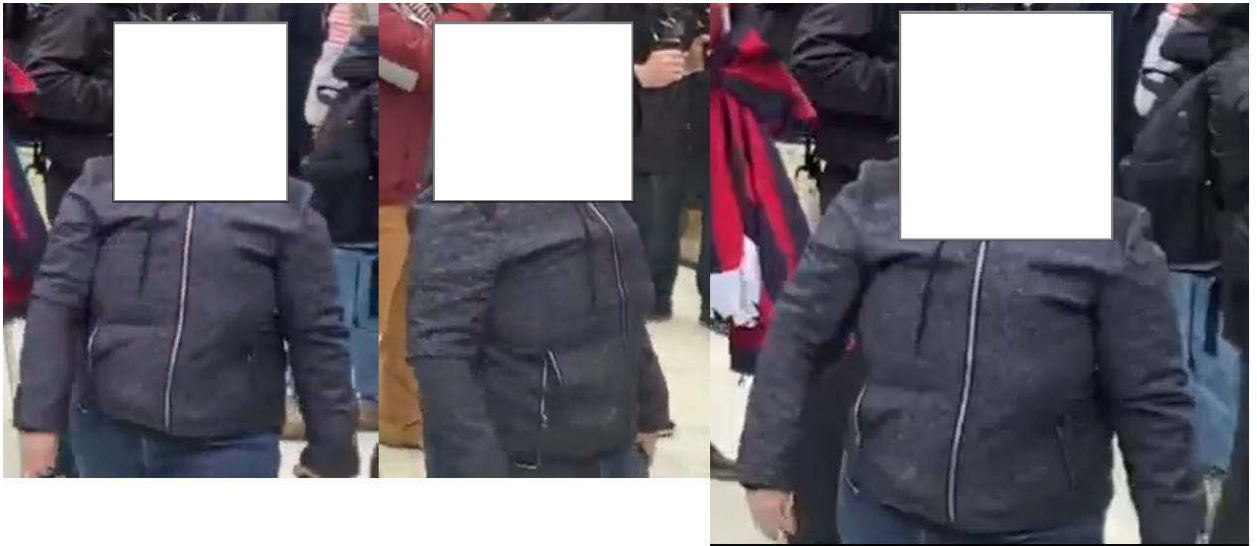
Publicly available video from Storyful⁷ (the “Storyful video”) also depicts PORTLOCK and with the same female companion in front of the north scaffolding inside the restricted area of the Capitol as shown in the following image.



The FBI subsequently identified the female companion of AFO 97 as [REDACTED]. A search of LinkedIn revealed an account in the name of “[REDACTED]” of Smyrna, Tennessee, which contained a profile image of an individual matching in resemblance to AFO 97’s female companion on January 6, 2021. Also, on July 27, 2021, the FBI showed PORTLOCK’s former coworker a composite photograph of AFO 97’s female companion. The former coworker identified the woman in the composite photograph as [REDACTED] who the former coworker had met in person two or three years earlier. A copy of the composite photograph is included below.

⁶ <https://www.youtube.com/watch?v=t63mTMcpSwE>

⁷ <https://www.youtube.com/watch?v=E-6bRNfx2c>



Conclusions

Based on the foregoing, your affiant submits that there is probable cause to believe that PORTLOCK 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; (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.

There is also probable cause to believe that PORTLOCK violated 40 U.S.C. § 5104(e)(2)(D) and (F), which makes it a crime for an individual or group of individuals 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; and (F) engage in an act of physical violence in the Grounds or any of the.

There is also probable cause to believe that PORTLOCK 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.

Finally, there is probable cause to believe that PORTLOCK violated 18 U.S.C. 111(a)(1), which makes it a crime for anyone to forcibly assault, resist, oppose, impede, intimidate, or interfere with a person designated in 18 U.S.C. § 1114, which includes certain federal officers or employees or those assisting them, where such acts involve physical contact with the victim of that assault, while the officer or employee is engaged in or on account of the performance of official duties.

Respectfully submitted,



Christopher R. Potts
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 28th day of October, 2021.

ZIA M. FARUQUI
UNITED STATES MAGISTRATE JUDGE