

STATEMENT OF FACTS

Your affiant, [REDACTED] is a special agent assigned to the Federal Bureau of Investigation Detroit Field Office, Joint Terrorism Task Force, Squad 4. In my duties as a special agent, I am responsible for investigating Domestic Terrorism cases (including Racially Motivated Violent Extremism, Anti-Government Extremism, Anarchist Extremism, and Militia Extremism), as well as CT Threat Assessments and Threat to Life matters. As part of my duties, I have investigated federal criminal violations involving firearms, possession of explosives, bomb threats, and threats of violence communicated over phone and through the use of the internet. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. 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 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.

***BOLO AFO-337 and Leads Regarding Boughner's Possible
Involvement in the Events of January 6, 2021***

On April 23, 2021, FBI Washington reviewed the Body-Worn Camera (BWC) footage of Washington, DC Metropolitan Police Department (MPD) Officer C.W. and observed an unidentified individual assaulting law enforcement officers through the use of what appeared to be a chemical spray at the US Capitol on January 6, 2021. The unidentified individual was then included as BOLO AFO-337 in an FBI Seeking Information poster which was disseminated by the FBI Office of Public Affairs on April 28, 2021.

The review of C. W.'s BWC revealed that at approximately 2:33:35pm, BOLO AFO-337, who was standing in the crowd of rioters, used a chemical spray against the officers (see picture below). Around this time, the crowd were throwing objects and deploying multiple chemical sprays against the officers.



At approximately 2:34:09pm, FBI Washington observed BOLO AFO-337 use the chemical spray again against the officers (see below). At approximately 2:35:20pm, the crowd continues to swarm and corner the officers while repeatedly assaulting them.

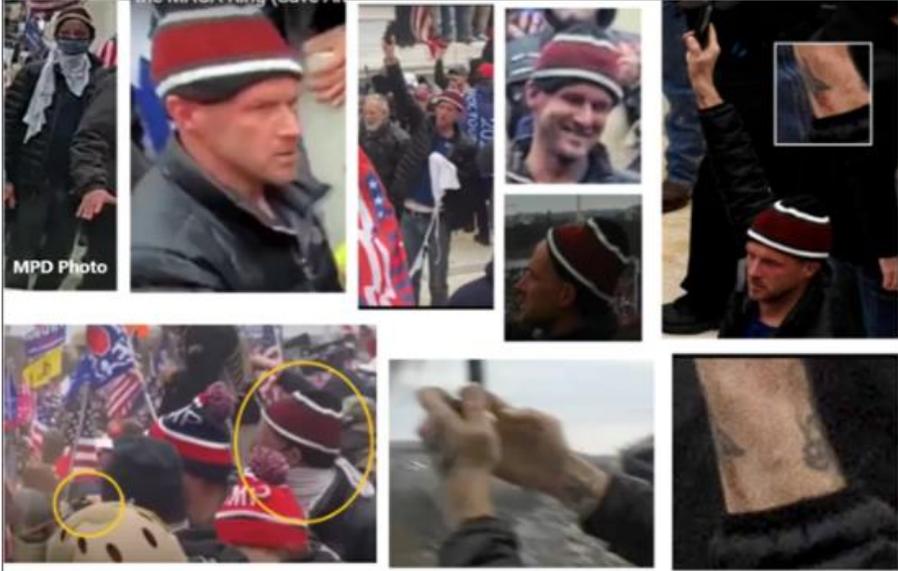


FBI Washington reviewed a video posted on YouTube (<https://www.youtube.com/watch?v=0zyjCvDN4Ig>), which revealed BOLO AFO-337 spraying

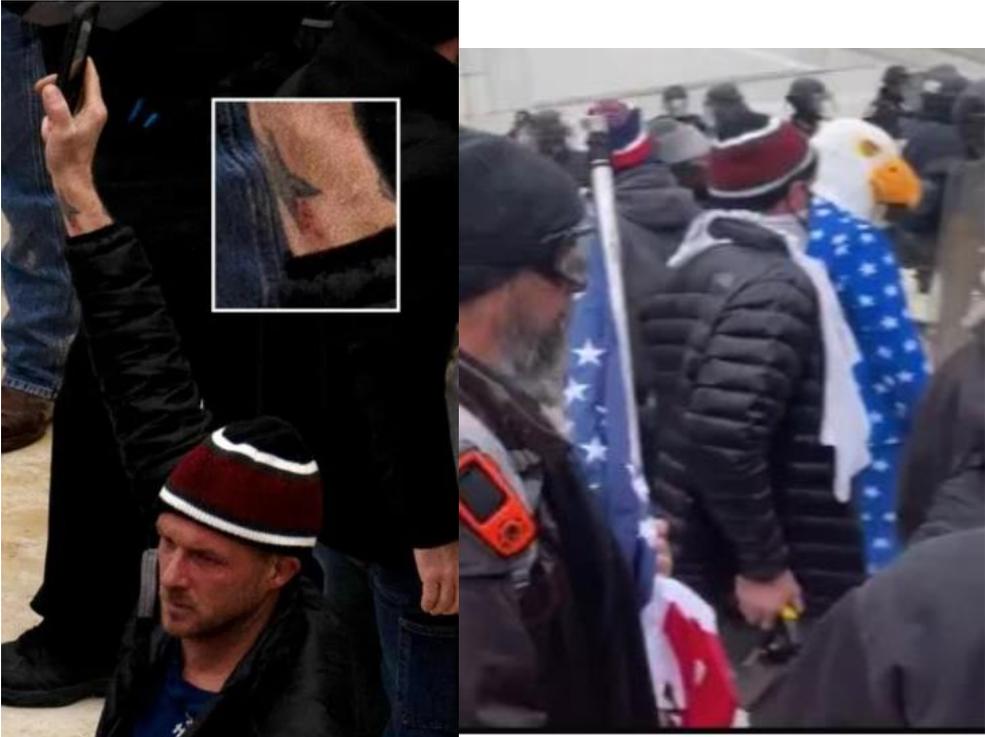
an MPD Officer, who appears to have been directly hit by the spray and reacted almost immediately by moving away (see below).



Further research on open source revealed BOLO AFO-337 was referenced in various open source channels by the moniker “#blackpufferwhitescarf.” (See pictures below).



#SeditionHunters | fbi.gov/USCapitol





On May 10, 2021, FBI Washington identified the following post on Twitter account @SeditionHunters (posted on May 9, 2021) which contained new screenshots of BOLO AFO-337:



Queries on the above photo using an open source research tool yielded the following possible match:



Arrest Information

Michigan ▶ Macomb County

Record Removal

Tim Boughner

Arrest Information

Full Name: Tim Levon Boughner
Date: 11/06/2017
Arresting Agency: ROMEO POLICE DEPARTMENT

Personal Information

Arrest Agency: [REDACTED]
Current Age: 40
Gender: Male
Birthdate: 07/10/1980

Tag this Mug Shot

- Beat Up
- Celebrity
- Handicap
- Grills
- Hair
- Hunks
- Hotties
- Scary
- Tatted up
- Transgende WTF
- r
- Wino



In June of 2021, your affiant reviewed law enforcement records for Tim Boughner which included photographs of tattoos, scars, and marks. The photographs of Boughner’s tattoos include a five point star on the inside of Boughner’s right wrist, and a five point star below a dragon on the inside of Boughner’s left wrist. The five point star tattoo on the inside of Boughner’s right wrist is consistent with the star photographed on the inside of the right wrist of BOLO AFO-337 on January 6, 2021.

On May 10, 2021, FBI identified and reviewed multiple Facebook accounts as a part of this investigation. FBI reviewed Tim Boughner’s Facebook account (Target Account 1). On February 6, 2021, Boughner posted on Target Account 1 a video depicting what appears to be the scene from the United States Capitol on January 6, 2021. The video, and a photograph taken from outside the United States Capitol Building posted on Target Account 1 indicates he was likely present at the United States Capitol on January 6, 2021 (see screenshots below).

Let's see if we can freely share the patriotic day at the capital

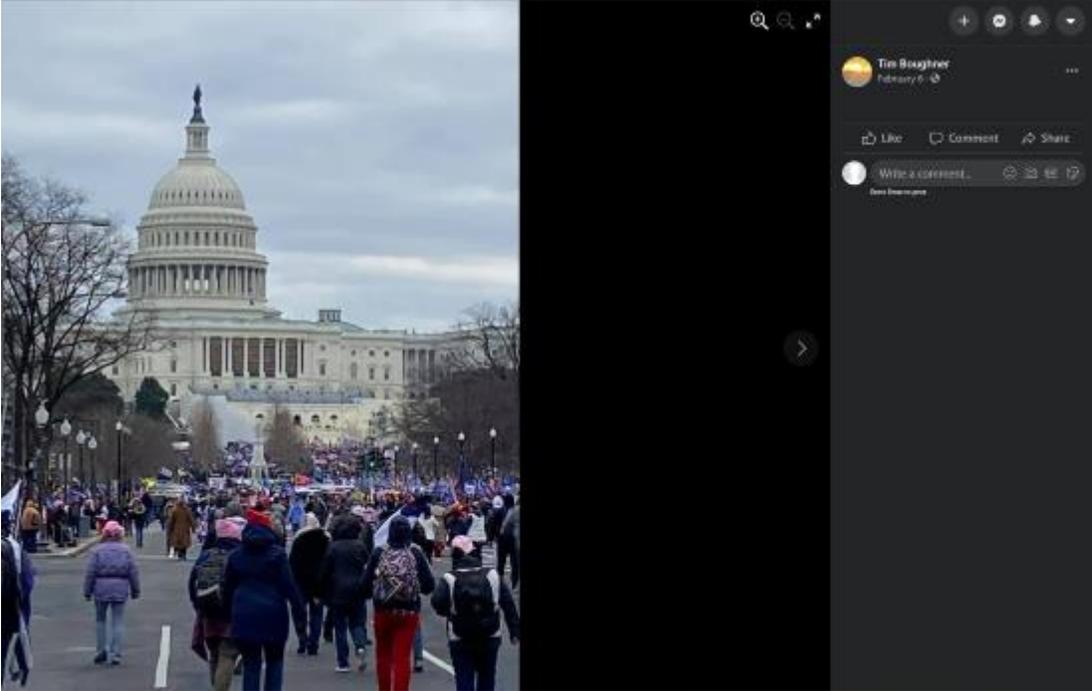
0:11 / 0:48

3 2 Comments 1 Share

Like Comment Share

Make it shareable
Like · Reply · 13w

Tim Boughner
Can ya now bud ?
Like · Reply · 13w



Additional photographs viewed on Target Account 1 depict a pierced ear on Boughner which resembles one seen on BOLO AFO-337, as well as tattoos visible on Boughner’s wrists which resemble tattoos visible on BOLO AFO-337 (see below).





In January 2021, a complainant (Complainant 1) reported to the FBI that people she knew personally—Amber Boughner, Amber’s husband Adam Boughner, and Adam’s brother Tim Boughner—were at the US Capitol attack. One of them was live-streaming on Facebook prior to the violence.

Complainant 1 logged into Facebook and went to Amber Boughner’s Facebook page (Target Account 2) and showed the content to your affiant. In one video posted on Target Account 2, your affiant noticed a man who resembled the BOLO AFO-337 subject walk up to Amber. This same individual was seen in numerous videos walking towards the United States Capitol with Amber and another man that Complainant 1 advised was Amber’s husband Adam Boughner. A screenshot of what appeared to be AFO-337 captured from a review of Target Account 2 is posted below.



Complainant 1 did not originally recognize the man in the video who resembled AFO-337. When shown additional images of AFO-337, he/she stated that AFO-337 looked like Tim Boughner and pointed out a tattoo visible in one photo of AFO-337 which looked like a tattoo on Tim Boughner's wrist.

A Facebook post by Amber Boughner on Target Account 2 on January 4th stated, "Goodbye Michigan Adam, Tim and I are headed to D.C!"

On June 4, 2021, your affiant reviewed content visible on Target Account 2. During the review of information posted to Target Account 2, your affiant identified information indicating that Amber Boughner, Adam Boughner, and Tim Boughner were present in Washington D.C. on January 6, 2021 and traveled to the United States Capitol Building.

Your affiant viewed several short videos and two longer videos which were each over twenty minutes long that were visible on the timeline of Target Account 2. These videos were posted on or after January 6, 2021. Screenshots were captured throughout the video review to

highlight Tim Boughner walking toward the United States Capitol Building. Tim Boughner appeared to be wearing the same clothing as BOLO AFO-337.

In one video on Target Account 2, Amber introduced herself, Adam, and Tim to an unknown individual walking down the street. In another video on Target Account 2, Amber addressed someone who posted a comment on her live-stream video; Amber stated that she had a lot of videos saved on her Snapchat.

The below screenshot of a video from Target Account 2 depicts Tim Boughner (resembling BOLO AFO-337) approach Amber (who was live-streaming on her cellular device) just prior to Amber and Tim Boughner talking.



The below screenshot of a video from Target Account 2 shows Tim Boughner walking through the crowd. Behind Tim Boughner is his brother Adam Boughner who was wearing a black, white, and grey checkered jacket with yellow strips.



The below screenshot of a video posted to Target Account 2 shows Adam and Tim Boughner walking next to each other.



The below picture obtained from Target Account 2 depicts Tim Boughner in a tank top with a five-point star tattoo visible on the inside of his left wrist, and an unknown design tattoo visible on the top of his right wrist.



The below screenshot of a video from Target Account 2 depicts Tim Boughner walking toward the United States Capitol carrying a cellular phone. An audible noise was heard prior to Tim Boughner retrieving the cellular phone from his pocket; the sound was indicative of receiving a call or text. The United States Capitol Building can be seen in the top of the screenshot.



Amber, Adam, and Tim Boughner crossed a fence line as they approached the United States Capitol Building; as they did, Amber stated that the time was 1:36 (presumed to be 1:36 PM EST). A loud noise was heard in the background which Adam stated was gunshots, perhaps

blanks. Tim Boughner can be seen walking away from Amber and Adam as Tim Boughner moved through the crowd. Adam stated “He’s mad. He’s my brother.”

On February 17, 2021, an unknown person reported to the FBI that Tim Boughner posted what appears to be a personal recording on his cell phone of him at the US Capitol during the riots onto his Facebook account (believed to be Target Account 1). The complainant advised that the video depicts various individuals fighting back Capitol police as well as spraying pepper spray at the police.

On June 3, 2021, FBI Washington reviewed additional MPD Body-Worn Camera (BWC) footage belonging to Officer C. B. and observed BOLO AFO-337 spray Officer C. B. with what appeared to be a chemical spray (screenshots of the BWC are below).





On July 14, 2021, your affiant reviewed a video originally posted to YouTube titled Just Another Channel which captured activities outside the United States Capitol Building on January 6, 2021. You affiant identified Tim Boughner in the video on multiple occasions holding what appeared to be his cellular phone above his head indicative of recording (see below).



At 47:15 into the YouTube video, Tim Boughner can be seen holding what appears to be OC spray in his right hand as he walks toward a line of law enforcement officers (see below).



At 47:51 into the YouTube video, Tim Boughner can be seen spraying chemical spray toward law enforcement officers, an MPD officer immediately reacts by moving away from Boughner (see below). This appears to be the incident captured on MPD Officer C.W.'s body worn camera at 2:34:09 PM EST referenced above.



On July 30, 2021, your affiant served a search warrant, issued out of the United States District Court for the District of Columbia to Facebook for Target Accounts 1 and 2. On August 3, 2021, your affiant reviewed the Facebook search warrant return for Target Account 1. The subscriber data provided by Facebook attributed the account to Tim Boughner with a verified phone number ending in -7112.¹ A review of conversations on Target Account 1 by Tim Boughner indicated Tim Boughner was in Washington D.C. on January 6, 2021 and was involved in riots at the United States Capitol Building.

On November 8, 2020, Tim Boughner commented on a post using Target Account 1 saying “Trump 2020. This aint over.”

On November 28, 2020, Tim Boughner commented on a post using Target Account 1 saying “All ex presidents get secret service when they leave White House. Trump won’t be leaving for 4 more years.”

On December 8, 2020, Tim Boughner replied to a comment using Target Account 1 saying “stupid Biden will not be president”.

On December 20, 2020, Tim Boughner replied to a comment using Target Account 1 saying “they have to keep us busy and blind on what is really happening in our country. I can’t believe I’m saying this but we are going to be at war. USA will be dealing with all the evils in this world. They tried to use the flu too steal our country.”

On January 3, 2021, Tim Boughner, using Target Account 1, asked a Facebook associate “Are you ready to go to DC Tuesday?” Boughner subsequently stated “I got a open spot if you want to go.” Later, Boughner stated in the same conversation “Never will there be anything like this again bro. Might even get lucky and stomp some ass. Lmao”.

On January 5, 2021, Tim Boughner, using Target Account 1, posted “I’m on my way to Washington DC. To make sure Biden’s doesn’t become president”.

¹ The FBI is in possession of the full phone number but has only used the last four digits here due to the public nature of this filing.

On January 6, 2021, Tim Boughner, using Target Account 1, posted “Tear gassed peppered sprayed guy got next to me got the rubber bullet. I grabbed a can from them and started spraying. I got it on video lol”. Boughner subsequently stated “That was wild. We made it to the senate floor till National guard started fight back”; a statement which indicates Boughner entered the Capitol Building.

On January 6, 2021, Tim Boughner, using Target Account 1, posted “Fucked those cops up”.

On February 17, 2021, Tim Boughner, using Target Account 1, posted “Biden’s not the president”. He subsequently posted “I have to share. My life has not been the same since this day. I got pull threw something amazing. I still don’t know how I ended up on the capital steps having a pepper spray fight with the capital police.”

On August 27, 2021, FBI obtained a search warrant for information relating to the account for the phone number ending in -7112. Tim Boughner was identified as the account subscriber with an address of in Romeo, Michigan; the same address on Tim Boughner’s Michigan driver’s license. The phone records show that the phone traveled from Michigan to Washington D.C. on January 5, 2021, was near the United States Capitol Building on January 6, 2021, and returned to southeast Michigan on January 7, 2021.

Based on the foregoing, your Affiant submits that there is probable cause to believe that Tim Boughner violated 18 U.S.C. § 111(a)(1) and (b), which makes it a crime to forcibly assault or interfere with any person designated in section 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. Persons designated within section 1114 include any person assisting an officer or employee of the United States in the performance of their official duties. Subsection (b) includes an enhancement for violating this provision while using a deadly or dangerous weapon.

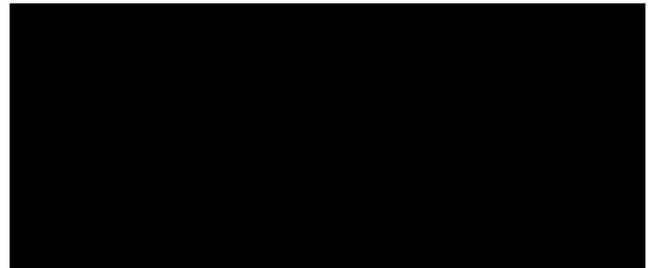
Your Affiant submits that there is probable cause to believe that Tim Boughner violated 18 U.S.C. § 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his 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.

Based on the foregoing, your affiant submits that there is probable cause to believe that Tim Boughner 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; (4) knowingly engages 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.

Your affiant submits there is also probable cause to believe that Tim Boughner violated 40 U.S.C. § 5104(e)(2)(D)(E) and (F), which makes it a crime to willfully and (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; (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

Finally, your affiant submits there is probable cause to believe that Tim Boughner violated 18 U.S.C. § 1512(c)(2), which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings.



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this November 10, 2021.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE