

STATEMENT OF FACTS

Case: 1:23-mj-00045

Assigned To : Upadhyaya, Moxila A.

Assign. Date : 2/24/2023

Description: Complaint W/ Arrest Warrant

I am a Special Agent (“SA”) with the Federal Bureau of Investigation (“FBI”). I have been assigned to the Joint Terrorism Task Force since August 2016. In my duties as a SA, I have conducted criminal investigations related to national security investigations related to counterterrorism. My training and experience have involved, among other things, interviewing witnesses and confidential human sources, executing court-authorized search warrants, conducting surveillance, and analyzing documentary and physical evidence. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a federal agent, I am authorized to investigate violations of laws of the United States, and as a law enforcement officer I am authorized to execute warrants issued under the authority of the United States.

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.

FACTS SPECIFIC TO DEFENDANT JESSE JAMES RUMSON

Following the riot at the United States Capitol and the unlawful breach of the Capitol Building, law enforcement officers and others reviewed the significant amount of photographic and video imagery in order to identify individuals who violated the law on January 6, 2021. Various photographic and video evidence, some of which are shown below, revealed a white male, thinly built, approximately 25 to 35 years old, with long brown hair, a full, brown beard, and a nose ring. That individual was initially carrying brown, wood rosary beads and a silver flagpole with a white flag with black writing, and was wearing an army green backpack, camouflage pants, a black t-shirt with white writing, and a gray zip-up hoodie with dark sleeves that included a red and gray striped band around the elbow area.

In addition to official U.S. Capitol footage and footage from officers' body-worn camera from January 6, 2021, many of the videos reviewed by law enforcement officers were publicly available over the internet through video sharing websites and/or social media platforms. Multiple third-party entities created websites which posted and categorized these videos in an effort to identify individuals who might have committed criminal acts. Certain unknown individuals were given a nickname for the logical categorization of their video appearances.

The individual described above was given the hashtag name of “#SeditionPanda” because, at times, the individual was seen in both open-source and other footage wearing a large headpiece that appeared to be from a panda costume:



In June 2021, the FBI received information from a tipster that an individual by the name of JESSE JAMES RUMSON had entered the U.S. Capitol on January 6, 2021. After reviewing available evidence on RUMSON, law enforcement located and interviewed someone who knew and had lived with him; when that individual was shown a photograph depicting what appeared to be RUMSON from the activities on January 6, 2021, the individual positively identified the subject of the footage as RUMSON. The individual was shown the following photograph:



In my review of additional open-source and other evidence, RUMSON can be seen marching with other individuals towards the U.S. Capitol; throughout the march, he puts on and takes off his panda headpiece:



Eventually, RUMSON makes his way onto Capitol grounds, where he is again seen in open-source and other video wearing the panda headpiece, including on what appears to be the Capitol's Upper West Terrace:



Around 2:40 pm EST, once other rioters had successfully broken open the Capitol's Parliamentary Door on the Upper West Terrace, RUMSON can be seen running from the Senate Wing Door, hopping over railings, and climbing the stairs to enter the Capitol through the Parliamentary Door; he was among the first approximately twenty rioters to enter that door after it was breached.





U.S. Capitol closed circuit television (“CCTV”) footage then shows, from two different angles, RUMSON entering the Capitol at 2:42 pm EST:





At least one open-source photograph further depicts RUMSON, as #SeditionPanda, walking the halls of inside the Capitol wearing the panda headpiece:



At some point during his time inside the Capitol, RUMSON appears to lose or leave behind the panda headpiece; he can be seen in this open-source photograph from GettyImages without the headpiece:



At approximately 2:54 pm EST, RUMSON is captured on CCTV footage exiting the Capitol through the same door from which he entered, the Parliamentary Door, without the headpiece and with his hands behind his back:



He is also seen exiting through the Parliamentary Door's stairs in open-source footage:



Photographic evidence obtained through another January 6 investigation further reveal that upon exiting the Capitol building, other rioters helped remove handcuffs from RUMSON's wrists; notably, the red and gray striped band around the elbow area is seen in each of the below photographs:





In a third photograph, RUMSON is seen just outside of the Parliamentary Door on the Capitol's Upper West Terrace, and appears to be celebrating the removal of the handcuffs; he is holding up his hands, one of which is holding wood rosary beads and appears to have a handcuff around the wrist:



Shortly thereafter, RUMSON is captured in open-source video and photographs near the Senate Wing Door sometime right around the time when that door was breached for a second time. In the video, he can be heard yelling “GET A RAM!”

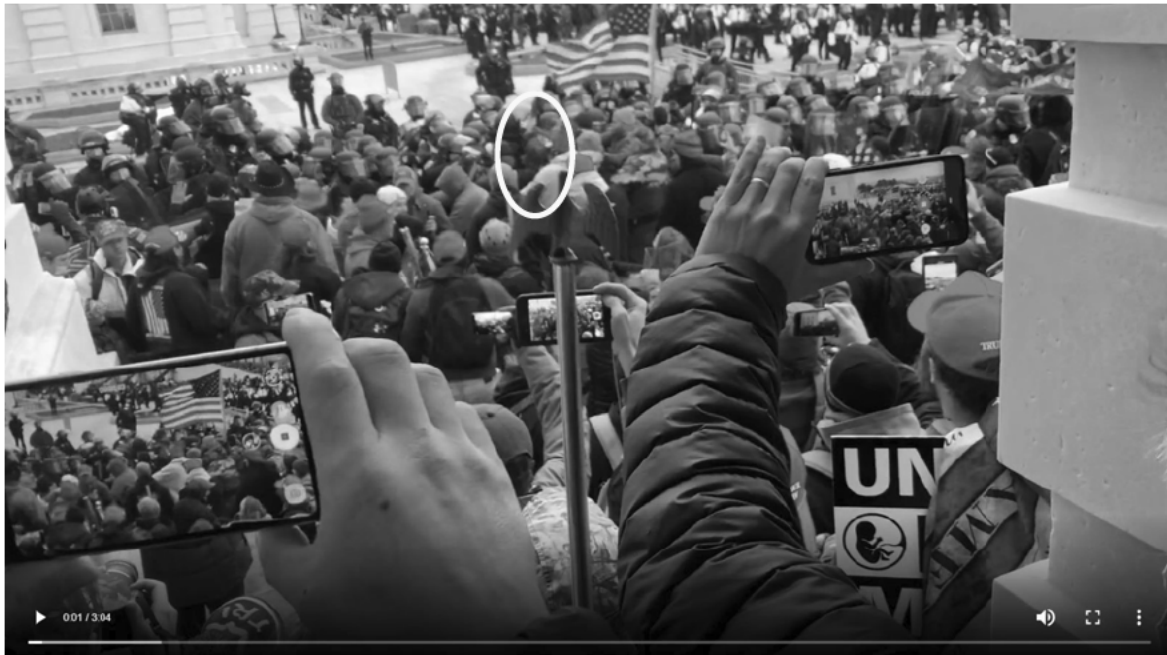


In another open-source photograph, RUMSON can be seen in the same general location, with his arms in the air in a celebratory fashion, likely after the Senate Wing door was breached for the second time:



Finally, at approximately 4:20 pm EST, RUMSON can be seen in open-source photographs and video approaching the line of police that had begun pushing rioters north to force the rioters to exit the Capitol grounds entirely:





As is depicted in the following GettyImages photograph, evidence further shows that RUMSON, wearing the same hoodie with the red and gray striped band around the elbow area, assaulted at least one law enforcement officer, S.A., by, after running through the crowd towards the officer, reaching out, and grabbing the officer's face shield, which forced the officer's head and neck back and upwards:



RUMSON is then seen in open-source and body-worn camera video turning away from the same line officers and retreating towards the remaining mass of rioters:



In an over two hour-long video captured by Fox 32 Chicago on January 6, 2021, RUMSON can be seen on the Capitol grounds, likely exiting the area as the sun was setting:




Based on the foregoing, I submit that there is probable cause to believe that RUMSON 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.

I further submit that there is probable cause to believe that RUMSON violated 18 U.S.C. §111(a)(1), which make it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with certain designated individuals, or to aid, abet, counsel, command, induce, or procure the commission of such offenses. Within the meaning of this statute, a designated individual is an officer or employee of the United States or of any agency in a branch of the United States Government (including any member of the uniformed services), while such officer or employee is engaged in or on account of the performance of official duties, or any person assisting such an officer in the performance of official duties or on account of that assistance.

I further submit that there is probable cause to believe that RUMSON violated 18 U.S.C. §§ 1752(a)(1), (2), and (4), which make 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; or attempts or conspires to do so; (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; or attempt or conspire to do so; or to aid, abet, counsel, command, induce, or procure the commission of such offenses. 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, I submit that there also is probable cause to believe that RUMSON violated 40 U.S.C. §§ 5104(e)(2)(D), (F), and (G), which make 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; (F) engage in any act of physical violence in the Grounds or any of the Capitol Buildings; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



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 24th day of February 2023.

 Digitally signed by Moxila
A. Upadhyaya
Date: 2023.02.24 13:19:13
-05'00'

MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE