

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent of the Federal Bureau of Investigation. In my duties as a Special Agent, I am currently assigned to the Joint Terrorism Task Force, specifically specializing in domestic terrorism matters. 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, detection, 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.

THEO HANSON

On January 27, 2021, through a search warrant execution on another individual's phone, agents discovered a group registered to Telegram Messenger ("Telegram"), a messaging app that offers end-to-end encryption of chats and messages. The search warrant identified multiple Telegram groups that contained discussion of travel to Washington D.C. in November 2020 and January 2021. One of the groups was named "The California Patriots- DC Brigade" ("DC Brigade"). The "About" section of the Telegram group stated: "This group will serve as the Comms for able bodied individuals that are going to DC on Jan 6. Many of us have not met before and we are all ready and willing to be engaged in this fight. We will come together for this moment that we are all called upon." An individual with the username "Theo Hanson," who as described below I have identified as THEO HANSON ("HANSON"), was a member of the DC Brigade Telegram group. On January 1, 2021, the owner of the DC Brigade Telegram group, R.T., posted, "As you join, please provide the following. 1. Previous Law enforcement/military? What branch and specialty-. 2. Special skills relevant to our endeavors-. 3. Picture of yourself and name (if you are ok) so we can familiarize ourselves. 4. Date and time of arrival-." On January 2, 2021, HANSON responded and wrote, "-training: Sufficient for this exercise. -skills: many incl basic emergency medical skills. Diplomatic on occasion, less likely this time. Armed. -traveling on foot with LEO and operators at various points. -I will be moving through multiple groups. I have obligations to people on the ground for short periods. Glad to coordinate. Likely to have on this Blue hat with US flag says Leupold. Non descript black jacket. Identifiable mustache and beard. I will have two med kits on hand (one black case on left thigh). May have backpack on for periods of time. Concealed vest and am bringing a plate carrier. Name: Theo. Arrive airport United 3:40pm. Have to clear firearms. Headed direct to hotel. Housing Soffitel." Immediately after sending this message, HANSON posted the below photographs of a baseball cap and himself.



On January 2, 2021, in private Telegram messages between HANSON and R.T., R.T. asked HANSON, "Are you bringing heat? If so you just went up many clicks in my book." HANSON responded with the message below:

From: [REDACTED] Theo Hanson

Yeah brother. I am bringing a few compacts and an AR dragon. I look at them as peacekeepers and of a 'last resort' of sorts. Once they come out, that genie doesn't go back in the bottle. Where each bullet lands is my fault and mine alone.

My hope is that all goes well and no one ever knew. But instincts say we are walking into a kill box of sorts. Law Enforcement appears to be interested in protecting antifa/blm, local leadership demonizes any patriotism and frustration as white supremacy, and Iran says POTUS will be dead in days. It is a pressure cooker. 1/2 the world loves our leader and 1/2 is hoping he dies and us with him.

IF there is a serious conflict with antifarts or some kind of car bomb incident, they will contain the area easily by shutting down bridges, in/out, and set perimeter. Like every other area in nearly every other outbreak. Surround and contain the conflict to an area until it diffuses. Kenosha, LA, etc. letting chaos west itself out.

I would rather be judged by 12 than carried by 6.

I am not looking for a fight. It is clear that this country is under a full assault. This is one hell of a power struggle and pinnacle of that struggle is supposed to be Wednesday. I suspect they (Congress) will punt the ball and give the states 10 days to resolve and we will watch this political charade end in the installation of Biden. I don't see any way in which this ends without an uprising.

Meanwhile I am going to find men of mettle and honor, who are willing to organize, and fight using all channels. I am hoping to avoid the radicals, but I imagine I/we are beginning to look like ones.

"The tree of liberty must be refreshed from time to time..."

So many powder kegs, the entire system is under pressure, and to many different things can light fuses.

May we have the wisdom, clarity, courage and the endurance to run the races, fight in the fields of battle, and defend Liberty that has nearly been lost. God Bless. God's speed.

Thank you for standing tall and bringing people together. It is clear you have a calling.

1/3/2021 1:55:29 AM(UTC-8)

R.T. responded, "Copy that. If you have extra I'll carry for you. I have many guns but didn't want to get flagged at the airport. I am bringing two tomahawks, knives, stun guns 110k volts, expandable baton, armor plates, armor helmet, carbon fiber knuckle globes. I'll be the first line of defense as we will call you up for the second." R.T. continued, "Glad to have you in the group and be shoulder to shoulder. We will see this through until it is finished." HANSON responded, in part, "I am also rolling with a Las Vegas LEO and two special ops guys. We are looking to see what is brewing and looking to take care of some friends should a full, multi hour riot break out." HANSON continued, "I am glad to be in a first wave of hand to hand should it be necessary. Being that I will likely be armed, it is prudent to pick and choose and be present to save a life of a Patriot by taking one of a criminal. We came to lawfully assemble. They have come to try and terrorize people. Now is a great time to send the social signal that We The People are stronger and more dangerous."

On January 6, 2021, R.T. private messaged HANSON on Telegram, "Bro... We stormed the capital! Safe at hotel." HANSON responded one minute later, "I was in there with you. I was

last out. Safe back at hotel.” R.T. responded, “Well you are in the club brother! Well done. Today was a historic day.” HANSON responded, “It was epic. When do you fly out?” R.T. responded, “Tomorrow at 4pm. Possibly.” HANSON responded, “Hahaha. Is that assuming we don’t get picked up?”

In another Telegram group called “So Cal Patriots” (“So Cal Patriots”), on January 6, 2021, R.T.—the owner of the So Cal Patriots group—wrote, “Sorry guys. I was pushing through traitors all day today. WE STORMED THE CAPITAL! Freedom was fully demonstrated today!” Three minutes later, HANSON responded, “Yes we did. And we held it for a decent amount of time.”

On December 29, 2020, in another Telegram group with R.T., HANSON provided his telephone number as [REDACTED]. On March 14, 2021, while crossing the border at the San Ysidro Port of Entry, HANSON was interviewed by Customs and Border Protection (CBP) officers. In the interview, HANSON confirmed his telephone number as [REDACTED].

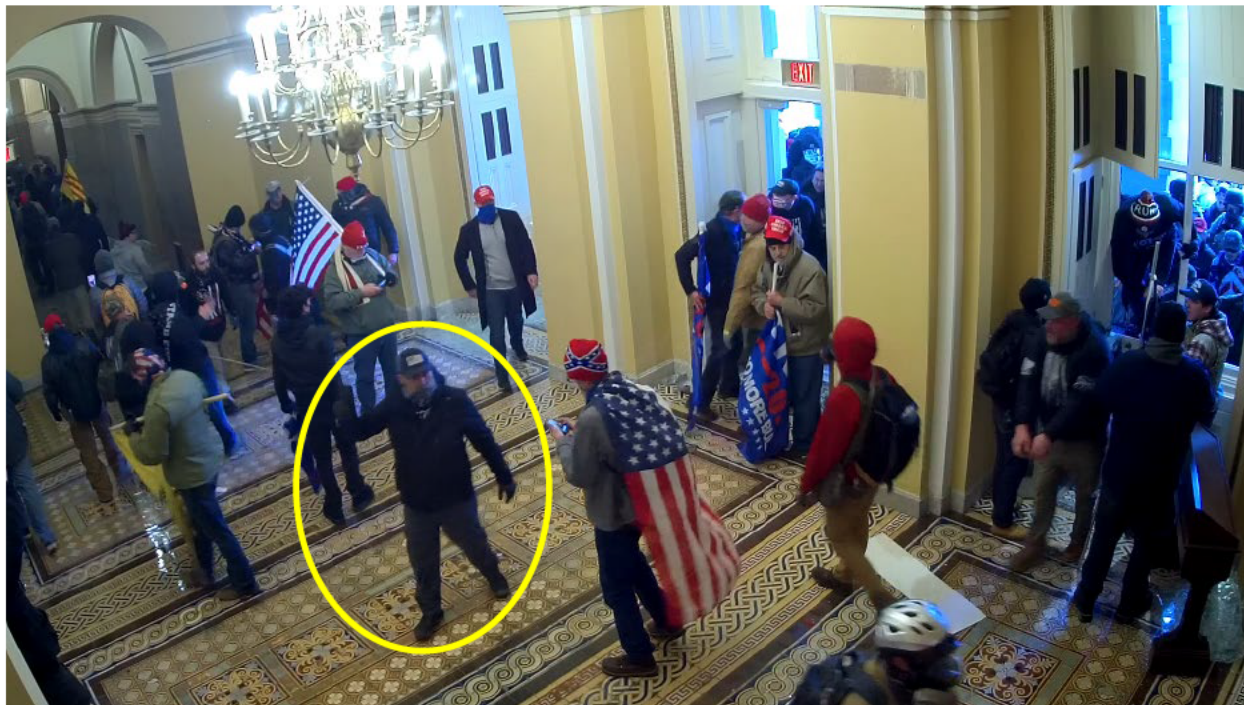
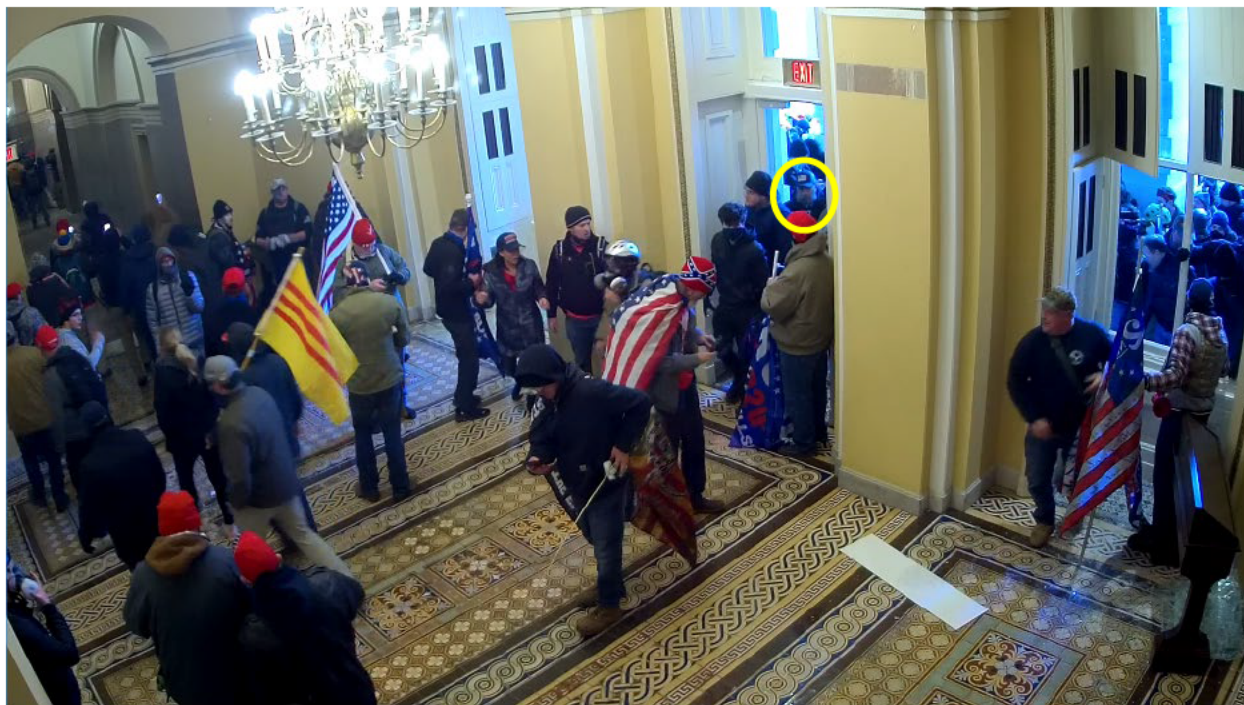
On May 3, 2021, a federal search warrant was served to AT&T authorizing the search of records and information associated with the telephone number [REDACTED]. An analysis of the device’s location history identified that on January 5, 2021, the device utilized a cell tower located in San Diego, California at approximately 7:18AM. Later that day, the device then utilized a cell tower located in Washington D.C. at approximately 4:21PM. On January 6, 2021, from approximately 2:01PM to 5:55PM, the device utilized cell sites consistent with providing service to a geographic area that included the interior of the U.S. Capitol Building.

Records provided by United Airlines confirmed that HANSON flew to Washington, D.C. from San Diego on January 5, 2021 and returned back to San Diego on January 7, 2021. Records provided by United Airlines did not provide any indication that HANSON checked any firearms on this travel. Records provided by Sofitel Hotel located at 806 15th Street NW, Washington D.C., 20005, confirmed that HANSON arrived on January 5, 2021 and departed on January 7, 2021. According to the reservation check out, HANSON was the sole occupant in the room and listed his email as [REDACTED].

Content posted on HANSON’s Facebook page confirm HANSON’s presence in Washington, D.C. on January 6 and 7, 2021. For example, at 7:50 AM on January 6, 2021, HANSON posted the below photograph of himself outside the Washington Monument.



Footage from U.S. Capitol Police CCTV and open-source photographs and videos depict HANSON inside the U.S. Capitol building and on the grounds of the U.S. Capitol on January 6, 2021. Specifically, a review of the U.S Capitol's CCTV footage revealed that, at approximately 2:22 PM EST, a man, who I have identified as HANSON for the reasons described below, entered the U.S. Capitol building through the Senate Wing Door. HANSON appears in video footage with a mustache and beard and wearing a blue baseball cap with a symbol on the front, a dark jacket, and dark pants. Below are still images from the U.S. Capitol's CCTV footage. In each, HANSON is circled in yellow.



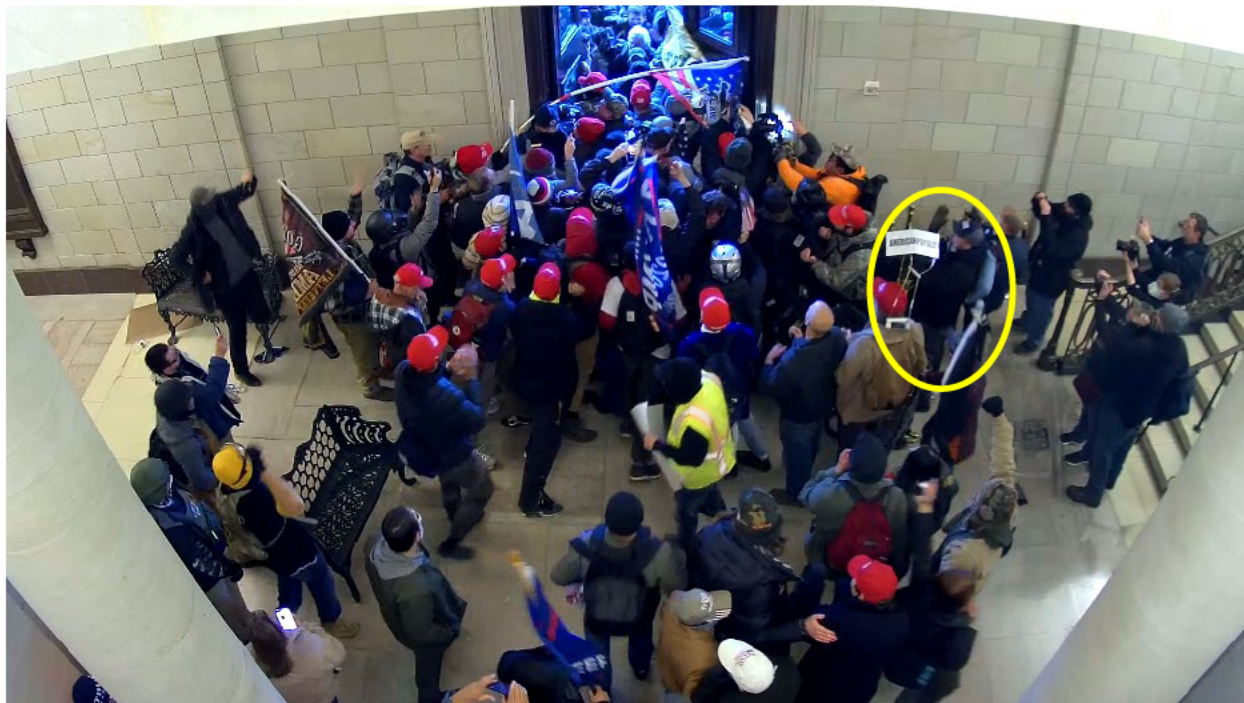
After entering through the Senate Wing Door, HANSON briefly walked north before turning around and heading through a hallway toward the Crypt. Below is a still image from U.S. Capitol CCTV footage, depicting HANSON in the Crypt at approximately 2:26 PM EST. HANSON is circled in yellow.



At approximately 2:30 PM EST, HANSON was observed outside of the Crypt, on the East side of the building. Moments earlier, law enforcement sought to close a series of security doors to prevent rioters from gaining access to additional areas of the building; however, rioters used trash cans and chairs to both obstruct the gate and to assault officers. In the background, HANSON was observed standing in the hallway of a lobby that leads to a set of stairs leading to the East Rotunda Doors. HANSON stood underneath one of the security doors, waving his hands, and preventing it from closing. Below is a still image from U.S. Capitol CCTV footage, depicting HANSON standing under a security door at 2:30 PM EST. HANSON is circled in yellow.



For roughly the next five minutes, HANSON walked around the perimeter of this lobby, spoke with other rioters, and used his phone before going into the hallway to the second floor at approximately 2:37 PM EST. At approximately 2:37 PM EST, HANSON was observed near the East Rotunda Doors. When HANSON arrived, the East Rotunda Doors were closed. HANSON observed as other rioters opened the East Rotunda Doors, allowing more rioters from outside the building to illegally enter. HANSON watched and applauded as the doors were opened. Below are still images from the U.S. Capitol's CCTV footage. In each, HANSON is circled in yellow.



HANSON remained near the East Rotunda Doors until he exited the U.S. Capitol building at approximately 3:33 PM EST. While HANSON stood inside the East Rotunda Doors, he repeatedly obstructed efforts by law enforcement to close the East Rotunda Doors and to prevent further access to the building from rioters outside. Below are still images from the U.S. Capitol's CCTV footage, depicting HANSON pushing a door open with his body after law enforcement tried to close it at approximately 2:42 PM EST. In each, HANSON is circled in yellow.

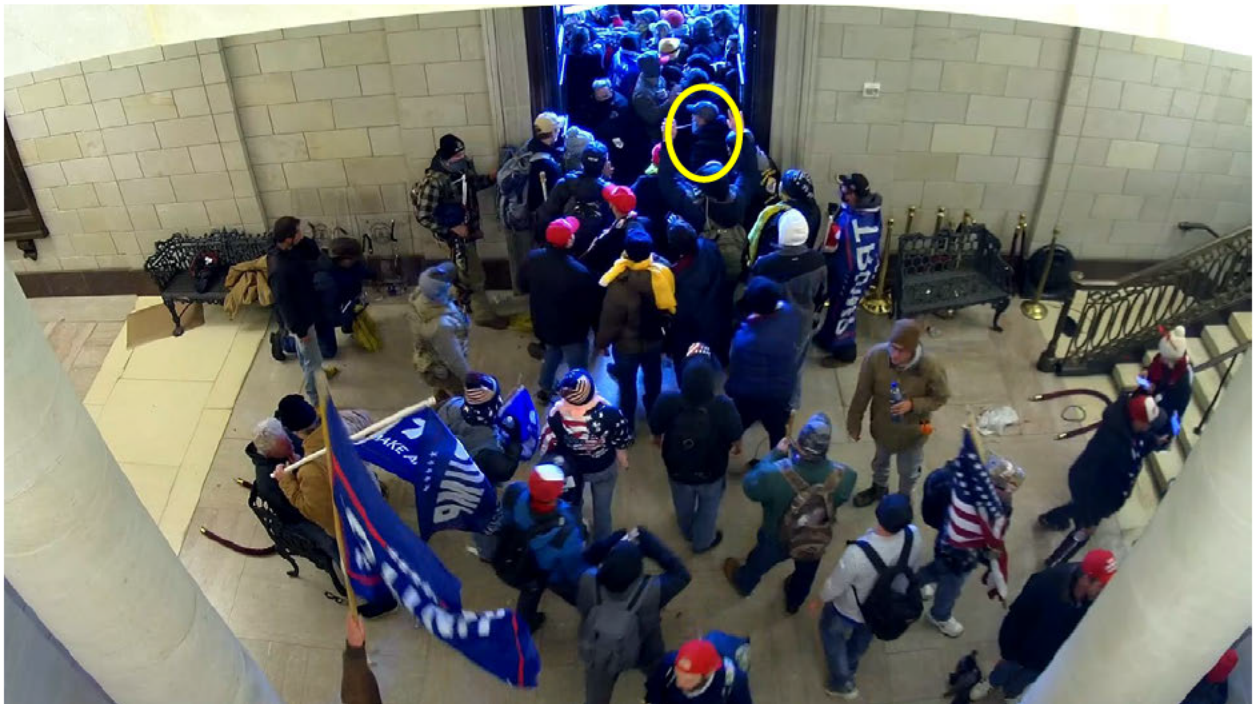


Open-source video footage provides a closer view of HANSON's efforts to keep the East Rotunda Doors open at approximately 2:42 PM EST. Below are still images from an open-source video. In each, HANSON is circled in yellow.





A couple minutes later, at approximately 2:44 PM EST, an officer sought to close one of the East Rotunda Doors, and HANSON moved forward to push the door back with his hand. Below are still images from the U.S. Capitol's CCTV footage. In each, HANSON is circled in yellow.



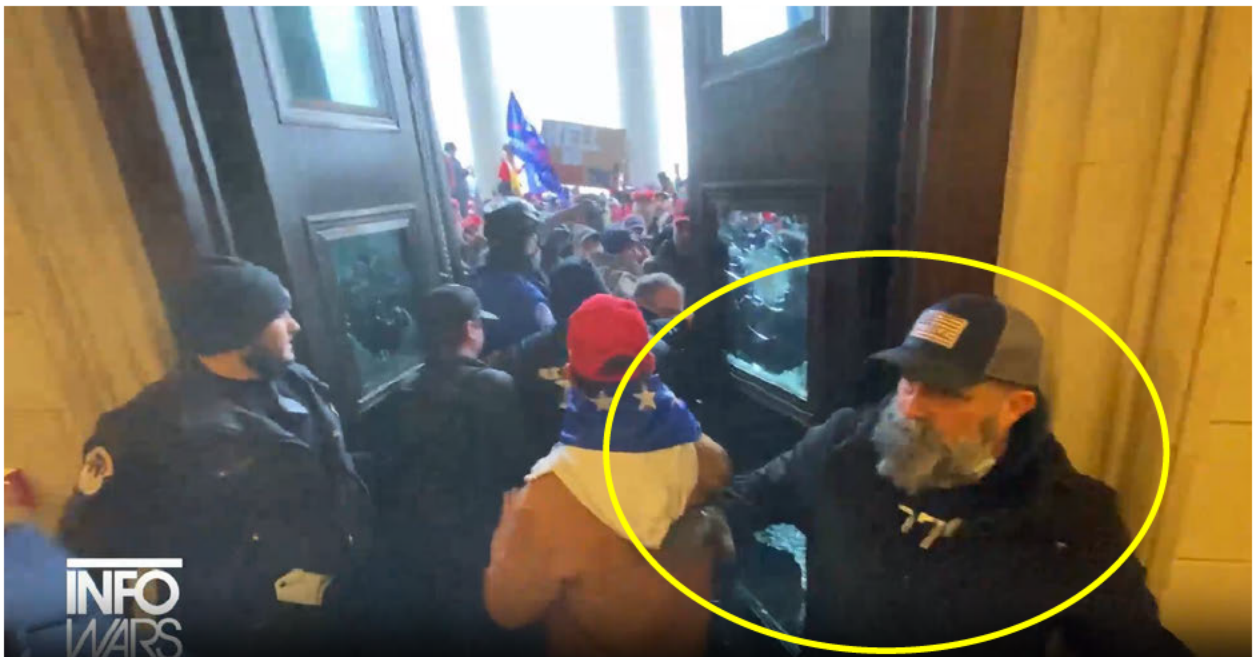


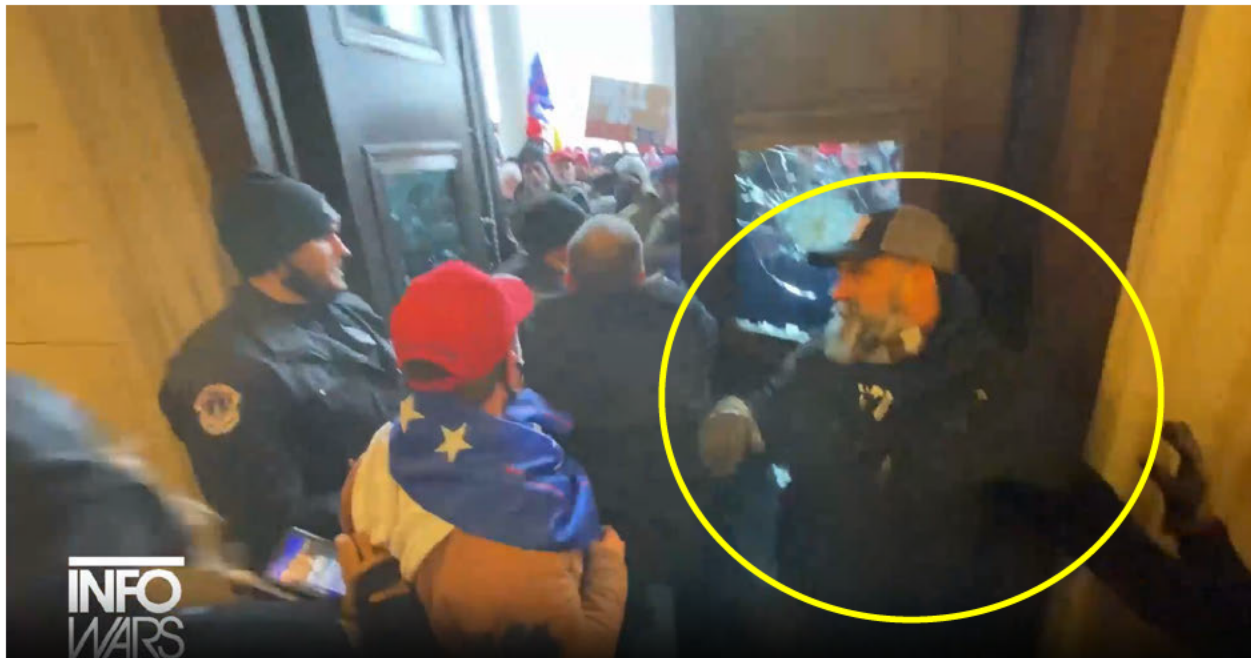
At approximately 3:09 PM EST, officers again sought to close the East Rotunda Doors. Once again, HANSON moved forward to push the door back with his body. Below are still images from the U.S. Capitol's CCTV footage. In each, HANSON is circled in yellow.



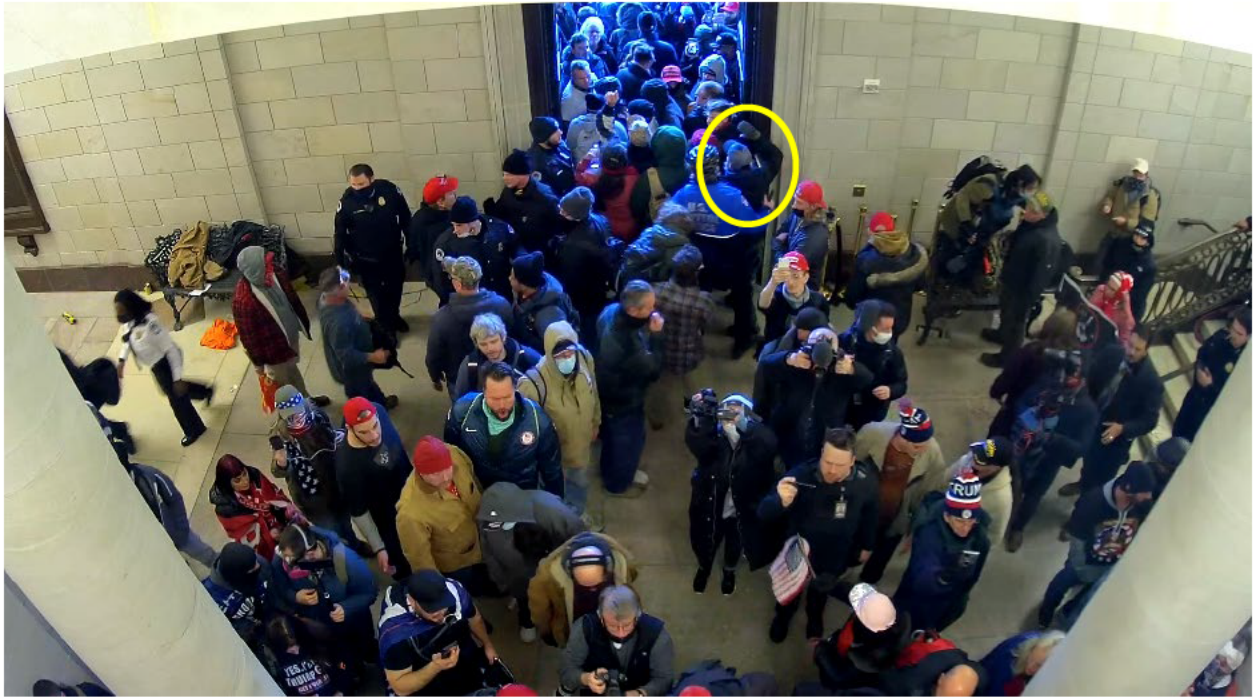


Open-source video footage provides a closer view of HANSON's efforts to keep the East Rotunda Doors open at approximately 3:09 PM EST. Below are still images from an open-source video. In each, HANSON is circled in yellow.





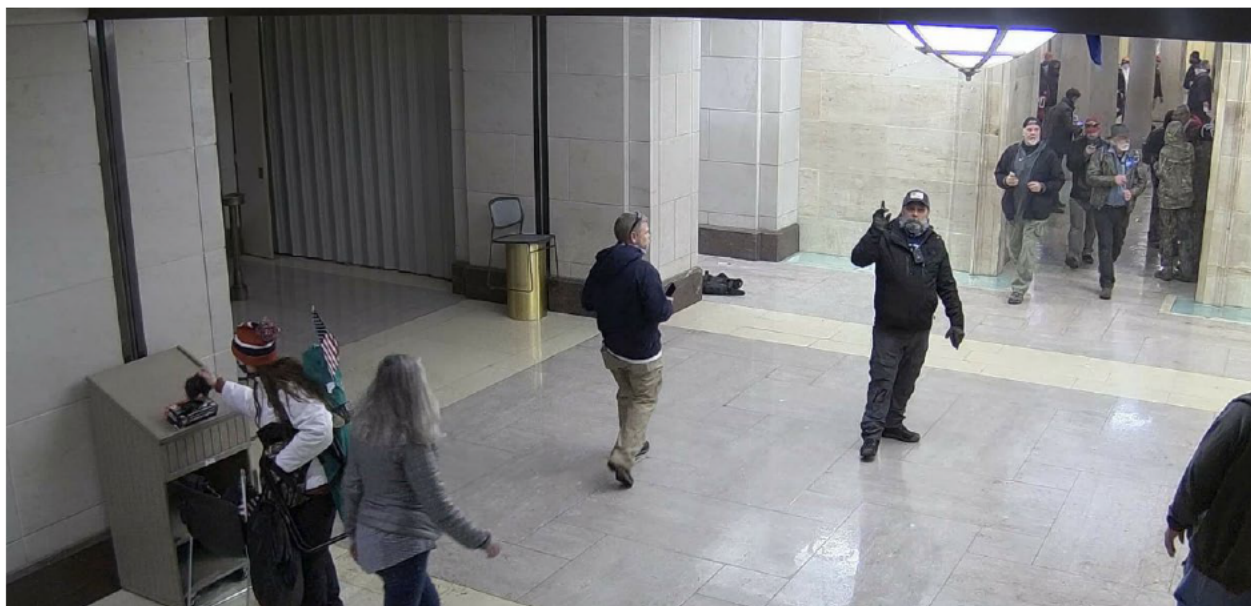
At approximately 3:19 PM EST, an officer tried to move HANSON toward the East Rotunda Doors, to get him to exit the building. In response, HANSON placed his hand against an interior wall and moved against the interior wall, to prevent his removal. Below are still images from the U.S. Capitol's CCTV footage. In each, HANSON is circled in yellow.



HANSON ultimately exited the building at approximately 3:33 PM, through the East Rotunda Doors. Below is a still image from U.S. Capitol CCTV footage. HANSON is circled in yellow.



Shortly after January 6, 2021, multiple individuals, whose identities are to remain anonymous, provided tips to the FBI that they had identified HANSON as having been present in the vicinity of the U.S. Capitol on January 6, 2021. On approximately November 9, 2021, one such witness was provided, by email, the below photograph and identified HANSON as the individual wearing black shoes, dark colored pants, a black jacket, gloves, and a baseball-style cap with a rectangular design on the front. Additionally, the witness stated HANSON has a gray beard and is standing facing the camera with his right hand raised.



Based on the foregoing, your affiant submits there is probable cause to believe that HANSON violated 18 U.S.C. § 1512(c)(2), which makes it a crime to corruptly obstruct, influence, or impede an official proceeding, and to attempt to do so. A proceeding before Congress is an “official proceeding” for purposes of 18 U.S.C. § 1512(c)(2), as defined in 18 U.S.C. § 1515(a)(1)(B).

Your affiant submits there is also probable cause to believe that HANSON violated 18 U.S.C. § 231(a)(3), which makes it a crime 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 is 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.

Your affiant submits that there is also probable cause to believe that HANSON violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; 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. 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 HANSON violated 40 U.S.C. § 5104(e)(2)(D) and (G), 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; and (G) parade, demonstrate, or picket in 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 28 day of November 2023.

MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE