

Case: 1:23-mj-00104
Assigned To : Faruqi, Zia M.
Assign. Date : 5/18/2023
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation (FBI). In my duties as a special agent, I am currently assigned to investigate matters primarily involving domestic terrorism, including violations of the federal laws as described in this affidavit. As a part of my duties, 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.

Identification of JOSHUA HALL

Since January 6, 2021, the FBI has been investigating and identifying those who were inside of the Capitol without authority and disrupted the proceedings. During that investigation, and pursuant to legal process, the FBI learned that a device associated with a particular phone number ending in 4834 (the subject telephone number) was present near or inside of the Capitol between approximately 1:41 PM and 7:22 PM (EST) on January 6, 2021. Legal process to the service provider of the subject telephone number identified the name of the individual to whom that number is registered as the defendant—**Joshua Hall**—and identified the defendant as residing at a specific address in Sanford, North Carolina (the subject address).

On February 16, 2021, an FBI agent called the subject telephone number and left a message for Joshua Hall. An individual who identified himself as “Joshua Hall” returned the call using the subject telephone number. During the telephone call, the Hall admitted that he had been inside the Capitol on January 6, 2021, but denied taking part in any violence, theft, damage to property, or disorderly conduct.

On July 28, 2022, your affiant interviewed Hall at the subject address. Hall identified himself verbally as “Joshua Hall” and showed me his driver’s license. Hall said that he traveled to Washington, DC, on January 6, 2021, and returned home on the same day. Hall said he traveled to Washington, DC, with two other individuals. He stated that the group went to support the outgoing president and to “let their grievances be known.” Hall said that he listened to the outgoing president’s speech and then marched to the Capitol. Hall said that he felt the effects of OC spray when used by officers but claimed not to see any protesters engage in violent acts towards law enforcement or destruction of government property.

HALL’s Conduct Prior to and on January 6, 2021

The FBI learned that the subject telephone number is associated with the Google account XXXXXXXXXXXXwithinx@gmail.com¹ (the subject account). Through legal process, your affiant obtained and reviewed and communication records and internet search history associated with the subject account. The recovery email address for the account was listed as XXXXXfir3@yahoo.com (the recovery email address). On December 28, 2020, between approximately 12:43 AM and 12:47 PM, the subject account was used to conduct an internet search for “hotels DC jan 6th,” “DC January 6th,” and “DC January 6th armed.” On Monday, January 4, 2021, between approximately 12:38 AM and 12:55 AM, the subject account was used to conduct an internet search for “collapsible baton,” “Where can I buy a taser gun,” “taser,” “goggles for pepper spray,” “bear mace,” and “gun store.”

¹ The email addresses are partially redacted for privacy purposes by inserting an “X” instead of some of the letters or characters.

The FBI reviewed open source videos and images, including an image publicly available on www.gettyimages.com. Based on my interaction with and observation of Hall, described above, I believe that Hall is the individual circled in Image 1 below, which appears to have been taken inside of the Capitol building:



IMAGE 1: An image showing Hall (circled in red) in the Brumidi Corridor inside the Capitol.

In Image 1, Hall is standing next to the separately charged defendant Jon Schaffer.² Schaffer is publicly known as the front man of the heavy metal band “Iced Earth.” Records and internet search history associated with the subject account show that on January 14, 2021, between approximately 1:40 AM and 1:42 AM, the subject account was used to conduct internet searches for “Jon Schaffer,” “Jon Schaffer contact,” and “Jon Schaffer contact email.” The records also show that the recovery email address was used to send an email to mike@continental-concerts.de³ on January 14, 2021, at 1:52 AM. The email states:

It was an honor to be side by side. Good man. Lifelong fan. Situation was so hectic so I didn't put 2 and 2 together. Horror Show is one of my favorite albums of all time. Whatever spectrum you fall into, he is METAL.

ANON

The following image was attached to the email:

² *United States v. Schaffer*, 21-CR-306 (APM).

³ The Iced Earth website lists the email address mike@continental-concerts.de under Booking Agency. See, www.icedearth.com/links/ (last visited April 12, 2023).



IMAGE 2: An image from The Washington Post showing the Hall (circled in red in the image attached to the email) next to Schaffer.

By reviewing CCV footage from the Capitol, your affiant observed Hall entering the Capitol building through the Parliamentarian Doors door at approximately 2:22 PM on January 6, 2021:



IMAGE 3: An image showing the Hall (circled in red) in the Capitol having just walked through the Parliamentarian Doors.

Additional CCV footage shows Hall at various locations throughout the Capitol building wearing a grey sweatshirt, black beanie style hat, pink painter's mask, blue jeans, and a black

backpack. Those videos show that the defendant traveled through the Brumidi hallway and exited by the North Door Appointment Desk.

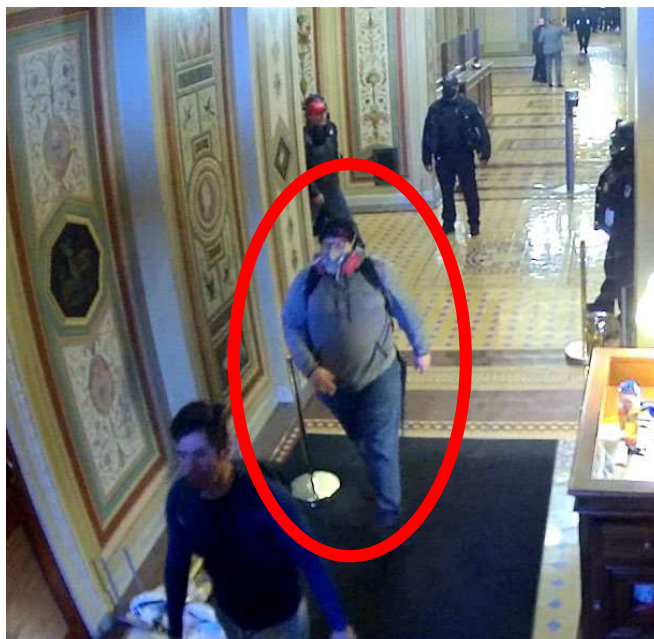


IMAGE 4: An image showing Hall (circled in red) near the North Door Appointment Desk.

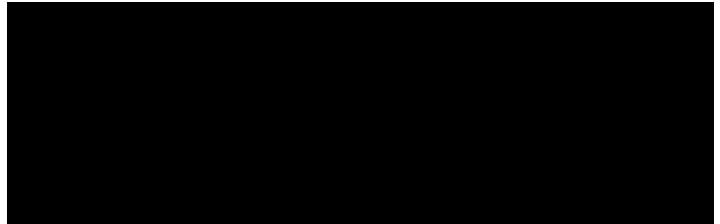
Other open source photographs and videos show a white male resembling Hall in and around the Capitol on January 6, 2021:



IMAGES 5 and 6: *A still image from a video posted on Parler (left), with Hall circled in red, and a still image from a video posted on Twitter (right) of Hall climbing over a railing on the West stairs, with Hall circled in red.*

Based on the foregoing, your affiant submits that there is probable cause to believe that **Joshua Hall** 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; 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. 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 **Joshua Hall** 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 18th day of May 2023.

 2023.05.18
12:12:49 -04'00'

Honorable Zia M. Faruqui
U.S. Magistrate Judge