

## STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent of the Federal Bureau of Investigation (FBI). Specifically, I am assigned to the Chicago Field Office and am authorized by law or by Government agency to engage in or supervise the prevention, detention, investigation, and prosecution violations of federal criminal law. I am currently tasked with investigating criminal activity in and around the U.S. Capitol grounds on January 6, 2021.

The facts and information contained in this affidavit are based upon my personal knowledge and information obtained from state and federal law enforcement officers. All observations not personally made by me were relayed to me by the individuals who made them or are based on my review of reports, documents, and other physical evidence obtained during the course of this investigation. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

The U.S. Capitol is secured 24 hours a day by United States Capitol Police (USCP). 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 the Identification of Daniel Leyden and Joseph Leyden*

Publicly available video footage and video footage from body worn cameras worn by law enforcement officers depict Daniel Leyden (DANIEL) and Joseph Leyden (JOSEPH) assaulting law enforcement officers and engaging in disruptive and disorderly conduct at the U.S. Capitol on January 6, 2021. Based on those videos, the Federal Bureau of Investigations (FBI) created and publicly distributed photographic profiles of DANIEL (Figure 1) and JOSEPH (Figure 2). The FBI requested information as to their identities.



Figure 1 (Photographic profile of DANIEL)

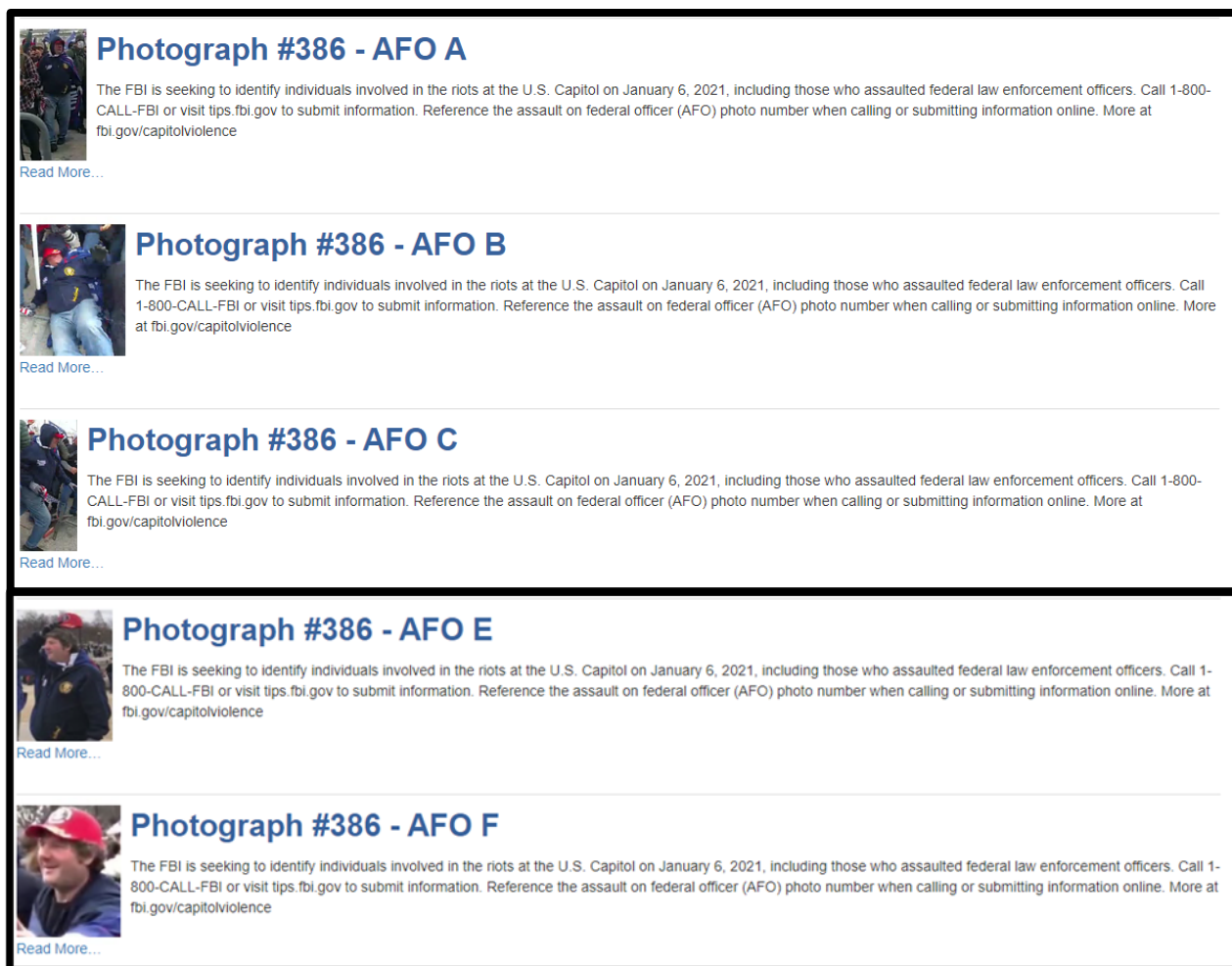


Figure 2 (Photographic profile of Joseph)

On or about December 29, 2021, Witness-1 was interviewed at the FBI Chicago Field Office. During the interview, Witness-1 identified DANIEL as FBI AFO #438 (Figure 1) and JOSEPH as FBI AFO #386 (Figure 2). Witness-1 knew DANIEL and JOSEPH from living in the same neighborhood as them. Witness-1 provided DANIEL and JOSEPH's telephone numbers and identified driver license photographs for DANIEL and JOSEPH. DANIEL lives in Chicago, Illinois and JOSEPH lives in La Grange, Illinois.

Several records obtained through legal process corroborated Witness-1's identification of DANIEL and JOSEPH. The records indicated that they were in Washington D.C. on January 6, 2021. According to records provided by Verizon, a cellular telephone associated with DANIEL's account had incoming and outgoing calls originating Washington D.C. between January 5 and 7, 2021. A cellular telephone associated with JOSEPH's account had incoming and outgoing calls with the cellular telephone associated with DANIEL's account.

According to bank records provided by JP Morgan Chase, DANIEL's account made purchases in and around Washington D.C. between January 5 and 7, 2021. Those purchases included lodging at the Hyatt Place hotel in Washington D.C. According to records provided by

Hyatt, DANIEL checked into the Hyatt Place hotel on January 5, 2021 and checked out on January 7, 2021.

Records provided by Illinois Tollway for DANIEL’s electronic transportation tolls for highway travel indicated that DANIEL traveled a route from Illinois to Washington D.C. including travel through Illinois, Indiana, Ohio, and Pennsylvania on January 5 and 7, 2021. DANIEL made purchases on January 5 and 7, 2021 at businesses along the same route.

*Daniel Leyden’s Conduct on January 6, 2021*

Publicly available video footage shows that on January 6, 2021, at or about 12:45 p.m., as preparations for the proceedings described above were underway in the House and Senate, a large crowd gathered to the west of the U.S. Capitol around the Peace Monument, located in the Pennsylvania Avenue, NW and 1st Street, NW, roundabout. This location was commonly referred to as “Peace Circle” by U.S. Capitol Police (“USCP”) officers.

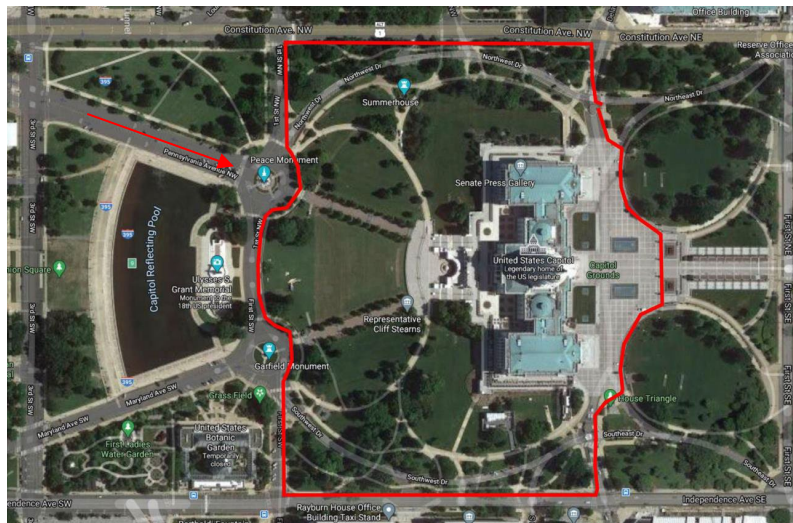


Figure 3 (Aerial imagery of U.S. Capitol grounds)

The crowd then moved southeast to the threshold of the sidewalk that connects Peace Circle to the U.S. Capitol Building, commonly referred to as the “Pennsylvania Ave Walkway” by USCP officers. Metal barricades had been put in place by U.S. Capitol Police Officers. The metal barricades were intended to keep the public away from the Capitol building and the Congressional proceedings underway inside.

At approximately 12:50 p.m., rioters could be observed leading the crowd past the fence line. (Figure 4.) The rioters approached a second line of barricades that were manned by uniformed USPC officers. The second line of barricades were constructed of metal bike rack barriers, physically linked end to end, and reinforced with dark colored plastic mesh safety fencing affixed behind the metal bike racks. The fence line was clearly marked with large white “AREA CLOSED” signs affixed to the fencing with bold red lettering. (Figure 5.)



Figure 4 (Crowd heading to barricades blocking access to Pennsylvania walkway)



Figure 5 (Sign affixed to barricades)

After rioters broke through the initial line of barricades, USCP officers, including USCP Officer-1 and USCP Officer-2, fell back to a second line of barricades. These officers were observed standing behind this second line of barricades as they fended off repeated attempts by the rioters to push over the barricade and assault officers. Publicly available video footage and images depict DANIEL and other rioters repeatedly lifting and pushing the barricade. DANIEL and the other rioters pushed the barricade into USCP Officer-1 causing USCP Officer-1 to fall backwards. As a result, USCP Officer-1 was pinned under the barricade. At approximately the same time, several other officers, including USCP Officer-2, were also assaulted by the rioters with the barricade. USCP Officer-2 was knocked unconscious and suffered a concussion. DANIEL's actions contributed to injuries that these officers sustained, and prevented the officers from defending themselves and providing aid to each other. After the second barricade fell over, rioters swarmed over the top and side of the barricade. DANIEL moved around the barricade and walked towards the west side of the U.S. Capitol. (Figures 6 – 11.)





Figure 6 (DANIEL pushing the barricade)

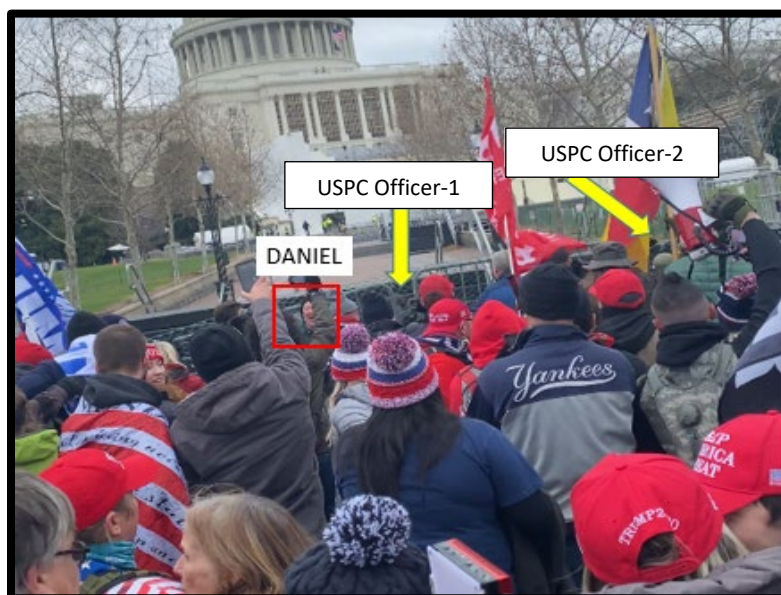


Figure 7 (DANIEL's proximity to USPC Officers 1 & 2)



Figure 8 (DANIEL pushing the barricade)



Figure 9 (DANIEL pushing the barricade. Once the barricade was toppled, DANIEL is depicted moving past it.)



Figure 10 (Officers struggling with rioters at the barricade)



Figure 11 (USPC Officer-2 knocked over by the rioters)

In the video footage, DANIEL is depicted wearing a black headband, a green and black plaid long sleeve shirt, jeans, and eyeglasses with a lanyard around his neck. The eyeglass lanyard is consistent with DANIEL's Illinois driver license photograph. (Figure 12.)





Figure 12 (Images of Daniel Leyden from January 6, 2021)

*Joseph Leyden's Conduct on January 6, 2021*

After the barricades on the west side of the U.S. Capitol were toppled, crowds of rioters moved to the West Plaza of the U.S. Capitol. Metropolitan Police Department (MPD) officers arrived at the location to assist USCP to clear rioters from the area and protect the U.S. Capitol.

Several MPD officers had body worn cameras (BWC) affixed to their uniform. BWC video footage and publicly available video footage depict JOSEPH in the crowd of rioters. (Figure 15.) JOSEPH was wearing a red hat, blue hooded sweatshirt with white lettering "Trump 2020" on the right breast and a Presidential Seal on the left breast, a blue flag tied around his neck, and blue jeans. (Figures 13 &14.)



Figure 13 (JOSEPH on the West Plaza)



Figure 14 (JOSEPH on the West Plaza)

At approximately 1:12 p.m., the officers, including MPD Officer-1 and MPD Officer-2, instructed the rioters to move back as the officers attempted to reestablish a police line by moving metal barricades back into place. At approximately 1:14 p.m., rioters began to pull the metal barriers into the crowd, compromising the officers' efforts to reestablish a police barricade. (Figures 15 & 16.)



Figure 15

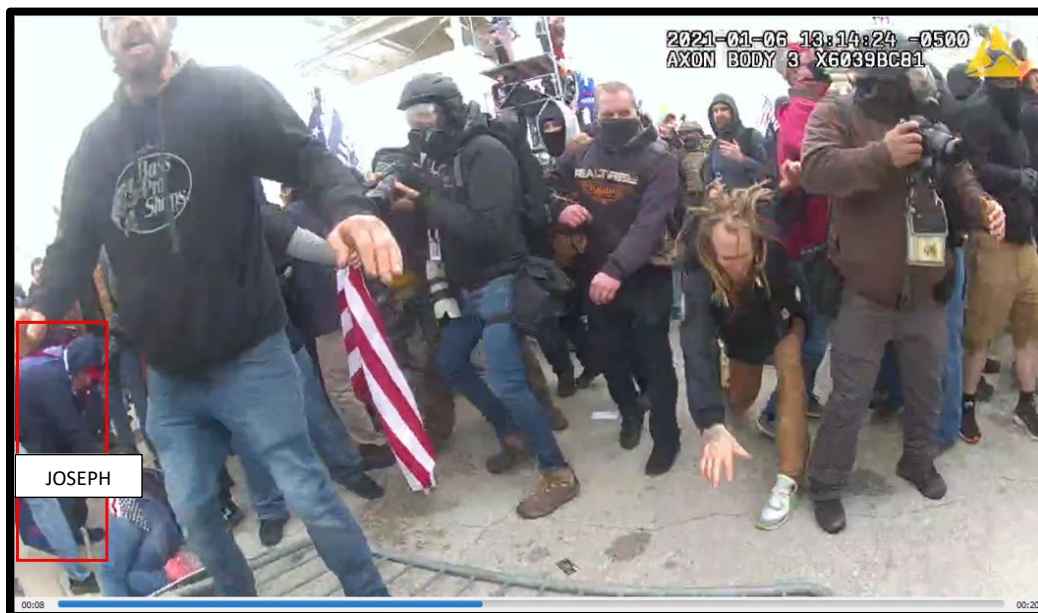


Figure 16



MPD Officer-1 attempted to regain control of one of the metal barriers and keep rioters back. BWC video footage depicts JOSEPH advancing and rushing toward MPD Officer-1. JOSEPH then lunges and pushes MPD Officer-1 on left side of the body. (Figures 17 – 21.) MPD Officer-2 then pushes JOSEPH back away from MPD Officer-1. (Figure 22.) JOSEPH then retreats into the crowd.

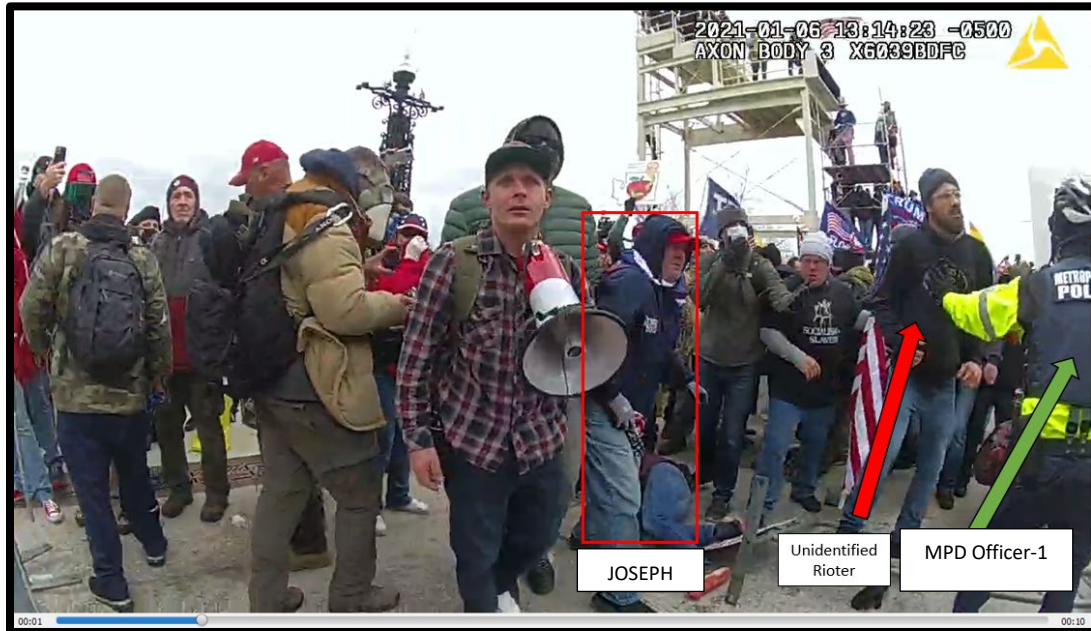


Figure 16 (JOSEPH advances toward MPD Officer-1)



Figure 17 (JOSEPH advances toward MPD Officer-1)





Figure 18 (JOSEPH lunges and pushes MPD Officer-1)



Figure 19 (JOSEPH lunges and pushes MPD Officer-1)



Figure 20 (JOSEPH pushes MPD Officer-1)



Figure 21 (MPD Officer-2 pushes JOSEPH back away from MPD Officer-1)

Based on the foregoing, your affiant submits that there is probable cause to believe that DANIEL Leyden violated 18 U.S.C. §§ 111(a)(1) and (b) and 2, which makes it a crime to forcibly assault or interfere, and aid or abet such a forcible assault or interference, with any person designated in section 1114 of this title 18 while engaged in or on account of the performance of official duties and uses a deadly or dangerous weapon (including a weapon intended to cause death or danger but that fails to do so by reason of a defective component). Persons designated within section 1114 include any person assisting an officer or employee of the United States in the performance of their official duties.

Based on the foregoing, your affiant submits that there is probable cause to believe that JOSEPH Leyden violated 18 U.S.C. §§ 111(a)(1) and 2, which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, and interfere with any person designated in section 1114 of title 18 while engaged in or on account of the performance of official duties and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony. Persons designated within section 1114 include any person assisting an officer or employee of the United States in the performance of their official duties.

Based on the foregoing, your affiant submits there is probable cause to believe that DANIEL Leyden and JOSEPH Leyden 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 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. (“Civil disorder” means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual. “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; and such term shall specifically include, but not be limited to, the collection and distribution of the United States mail.)

Based on the foregoing, your affiant submits there is probable cause to believe that DANIEL Leyden and JOSPEH Leyden violated 18 U.S.C. § 1752(a)(1), (2), and (4) (Restricted Building or Grounds), 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; and (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.



Lastly, based on the foregoing, your affiant submits that there is probable cause to believe that DANIEL Leyden and JOSEPH Leyden violated 40 U.S.C. § 5104(e)(2)(F) (Violent Entry and Disorderly Conduct), which makes it a crime to willfully and knowingly (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1  
by telephone, this 10 day of August 2022.

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ROBIN M. MERIWEATHER  
U.S. MAGISTRATE JUDGE