

## STATEMENT OF FACTS

I, [REDACTED] am a Special Agent with the Federal Bureau of Investigation and have served in that capacity since August 2010. By virtue of my employment with the FBI, I am authorized to conduct investigations into violations of U.S. law. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510 (7) of Title 18 United States Code. 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 violations of Federal criminal laws.

### *Background*

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, shortly after 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.

***Conduct of Kurt Peterson on January 6, 2021***

On January 13, 2021, the FBI received information through its national tip line that KURT PETERSON, of Hodgenville, KY had sent a Facebook Messenger message stating words to the effect that he had been in the Capitol on January 6, 2021, during the rioting and unlawful entry, and that he was close enough to where the woman was shot and killed that he had offered life-saving assistance but that offer was denied. I am aware from reporting that, on January 6, 2021, a woman was shot and died inside the Capitol when she attempted to enter a restricted area near the Speaker of the House's Lobby.

Additionally, information received by the FBI indicated that PETERSON had previously posted on his Facebook page that Democratic lawmakers who opposed Trump were traitors and that the penalty for treason was death.

On January 14, 2021, FBI Louisville conducted a search of Facebook and found a user account with the screen name "KURT PETERSON." Based on a comparison of this account's profile picture and PETERSON's Kentucky driver's license, as well as a review of the Jayden X Video described below, I believe all of these depict the same person.

A search warrant of the above Facebook account later revealed the following January 10, 2021, post by PETERSON in which he described being in the area of the Capitol where the woman was shot and killed:

To my family and friends who are able to see this, I am writing it with a voice recognition program while driving. I feel the need to keep moving and trying to keep my phone wrapped such that it can't be traced most of the time. I was at our nation's capital for the rally and watched the presentations at the ellipse prior to walking to the Capitol building with at least a million and a 1-1/2 to 2 million people.

The people that were there at the ellipse were peaceable and loving and supporting our country. The people that were at the capital were also primarily peaceful and loving our country. But when there are huge crowds and there are people that are inciting violence the crowds will many times be pulled in to this action.

I was with 3 men who had served our country in special forces. All of us in our sixties. They were patriots and not an anarchists. When at the back door that we were at open and there were no police to restrain the crowd many people entered at that time. I stood at the door and told everyone that we were not there to hurt anybody or damage anything but as a show of solidarity to right the wrongs of the past election.

I did stop some men from trying to break down the large wooden doors to the house chamber. Then I saw chairs being brought into the corridor going to the speaker's lobby. They also grabbed a large sign with a heavy metal base stating no photography. I pushed into the corridor yelling for them to stop trying to break through the doors in to the speaker's lobby. The woman who was shot used the leg of a chair to hit a glass panel in the door. There were numerous police officers in the stair tower and hallway that I was in.

Before I could get to her the shot rang out from behind the doors in the speaker's lobby through the glass which shattered hitting many police officers and people there. It was a young man in a suit who was supposedly a bodyguard for Chuck Schumer.

The bullet hit the woman in the neck which caused her to fall backwards immediately. It could have hit numerous police officers that were there. Non lethal force could have been used without the lethal shot that was made by this body guard in the speaker's lobby.

I had my first aid kit with me and asked numerous times to be allowed to render first aid to this woman while she was bleeding on the floor. I was told that they were waiting for the fire department to arrive and they would not let me give her first aid. She died on the floor within 10 minutes of the shot being made. The crowd became agitated but I yelled loudly and said we were all going to pray at that moment for everyone and prayed which we did.

Sadly I do not trust many branches or people in our government particularly the federal bureau of investigation. So at this time I am moving continuously and wrapping my phone in such a way that I hope it cannot be tracked. If for any reason I am not available to see you or meet with you again know that my intentions are to keep our country free of oppression by an over zealous government.

God-bless you all and God-bless the United States of America!

On January 14, 2021, I compared PETERSON's Kentucky driver's license that listed his address and other identifying information to video footage posted to YouTube which was titled "Shooting and Storming of the US Capitol in Washington DC" which had been posted by an account associated with a "Jayden X" (the "Jayden X Video") that shows the scene where a woman attempted to breach an inner door of the U.S. Capitol building and was shot and killed by security personnel. During this scene, an individual wearing a camouflage hat turned backwards with eye protection on top, and a camouflage vest over a black sweatshirt strongly resembles PETERSON. Based on a comparison of PETERSON's Kentucky driver's license and this video, I believe the individual depicted in the video is PETERSON. This individual assessed to be PETERSON was present when the female rioter was shot and killed and this validates the original information received by the FBI and the information obtained from Facebook.

On January 15, 2021, I interviewed an individual who lives in the vicinity of Hodgenville, KY and is familiar with PETERSON. This individual reviewed the Jayden X Video and positively identified PETERSON as the individual recorded inside the US Capitol building wearing a camouflage hat turned backwards with eye protection on top. This individual also stated that PETERSON appeared to be out of town on January 6, 2021, and returned to his home on or about January 10, 2021.

According to cell site records, on January 6, 2021, in and around the time of the incident, a Samsung cell phone associated with a number ending in x1672, believed to be used by PETERSON, was identified as having used a cell site consistent with providing service to a geographic area that includes the interior of the United States Capitol building.<sup>1</sup>

A subsequent review of additional video footage of the events of January 6, 2021 revealed the following two scenes: First, the Body Worn Camera of a Metropolitan Police Officer reveals an individual I believe to be PETERSON present near the area of the Capitol where the woman was shot at approximately 2:55 PM, and being pushed by an officer in the direction of the building exit. Second, video footage posted to YouTube on January 9, 2021 which was titled “January 6 DC Riot RAW Video; Capitol building insurrection, clashes with police” which had been posted by an account associated with “Benjamin Reports” (the “Benjamin Reports Video”) shows a montage of scenes from in and around the Capitol on January 6, 2021, including a scene in which a man wearing a camouflage baseball hat, eye protection, and a camouflage vest over a black sweatshirt used wooden sticks and his fist to smash an exterior window pane of the Capitol building. The individual’s clothing and accessories appear to match those of the individual described above in the Jayden X Video. He shouts, “This is our house. Let us in. Our house.” Based on a comparison of PETERSON’s Kentucky driver’s license, the Jayden X Video and the Benjamin Reports Video, I believe that the individual depicted in the Benjamin Reports Video is PETERSON.

The Architect of Capitol has determined that the cost to replace the damaged window is in excess of \$2,700, including the materials, labor, and installation.

The following are screen shots from the Jayden X Video and the Benjamin Reports Video:

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<sup>1</sup> The full number is known to law enforcement, but only the last four digits are referenced here due to the public nature of the filing.







Based on the foregoing, I submit that there is probable cause to believe that KURT PETERSON 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 so; (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, impede or disrupt the orderly conduct of Government business or official functions; and (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; or attempted

or conspired 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.

I submit there is also probable cause to believe that KURT PETERSON violated 40 U.S.C. § 5104(e)(2)(D), (F) 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; (F) engage in an 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

I submit there is also probable cause to believe that KURT PETERSON violated 18 U.S.C. § 1361, by willfully injuring or deprecating of any property of the United States, and causing property damage in an amount of more than \$2700.00.

Finally, I submit there is probable cause to believe that KURT PETERSON 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.

[Redacted signature area]

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 \_\_\_\_ day of June 2021.



Digitally signed by  
G. Michael Harvey  
Date: 2021.06.14  
11:29:13 -04'00'

G. MICHAEL HARVEY  
U.S. MAGISTRATE JUDGE