

STATEMENT OF FACTS
PHILIP C. VOGEL, II (AKA: FLIP)—REDACTED

Your affiant, Mark Brundage is a Special Agent assigned to the Washington Field Office of the Federal Bureau of Investigation and has been employed by the FBI since 2016. Currently, I am assigned to a squad that investigates Counterterrorism matters within the FBI's Washington Field Office. As part of that assignment, I have been 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, detention, 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 are 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 U.S. 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 U.S. 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 PM. Shortly thereafter, by approximately 1:30 PM, 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 around 2:00 PM, 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 PM, 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 PM. 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.

On January 6, 2021, at approximately 2:30 PM (EST), a Parler social media account registered to a separately charged individual—Debra MAIMONE—posted a video. In that video, the videographer—an individual later identified as Philip C. VOGEL, II (AKA Flip)—panned the camera around the Capitol crypt, showing MAIMONE and other individuals. As the camera arrived on MAIMONE’s face, she removed her distinctive American flag mask and stated, in sum and substance: IT’S AMAZING. The unseen VOGEL admonished MAIMONE, stating in sum and substance: PUT YOUR MASK ON. I DON’T WANT THEM TO SEE YOU.

Below are three screenshots that show—from left to right—(1) a still frame from the Parler video posted to MAIMONE’s Parler account on January 6, 2021, showing MAIMONE wearing a GOD, GUNS, TRUMP sweatshirt with a green hat while inside the Capitol crypt; (2) a still frame from CCTV showing VOGEL interacting with MAIMONE inside the Capitol on January 6, 2021; and (3) a still frame from CCTV showing VOGEL and MAIMONE together inside the Capitol on January 6, 2021.



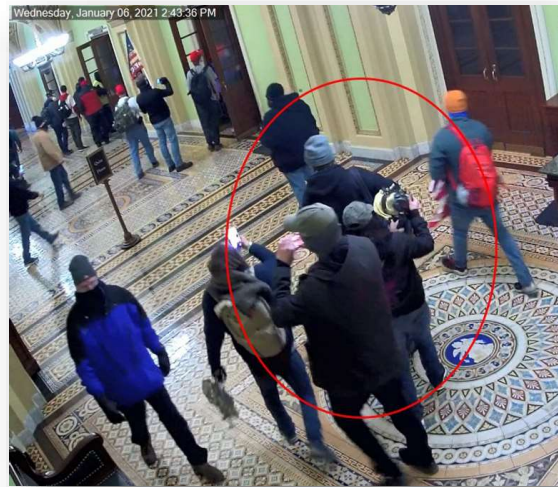
At approximately 2:38 PM, CCTV video shows VOGEL and MAIMONE near a group of individuals who are pushing through law enforcement and forcing open a door. A screenshot from CCTV is shown below.



At approximately 2:42 PM, CCTV video shows VOGEL kicking an office door. A screenshot of the event is shown below.



At approximately 2:43 PM, CCTV video shows MAIMONE putting personal protective equipment, namely a gas mask, into VOGEL's backpack. MAIMONE subsequently helps a separate protester put a gas mask in his backpack and then gives him a thumbs up. Three screenshots from that segment of CCTV video are shown below.



At approximately 2:47 PM, CCTV video shows VOGEL and MAIMONE picking up a bag clearly marked POLICE, rummaging through it, and taking silver packages from the POLICE bag. CCTV video also shows MAIMONE and VOGEL carrying silver packages. According to U.S. Capitol Police, the silver packages contain escape hoods, which are a form of personal protective equipment (PPE) designed to protect the wearer from chemical agents, biological agents, nuclear or radiological particles and toxic industrial chemicals for a short period of time. The silver packages depicted in the CCTV footage were procured by the US Senate Sergeant-at-Arms for emergency use by people authorized to be in the Capitol for work or permitted visit. Neither MAIMONE nor VOGEL had permission to take possession of the escape hoods from the POLICE bag. Three screenshots from that segment of CCTV video are shown below.



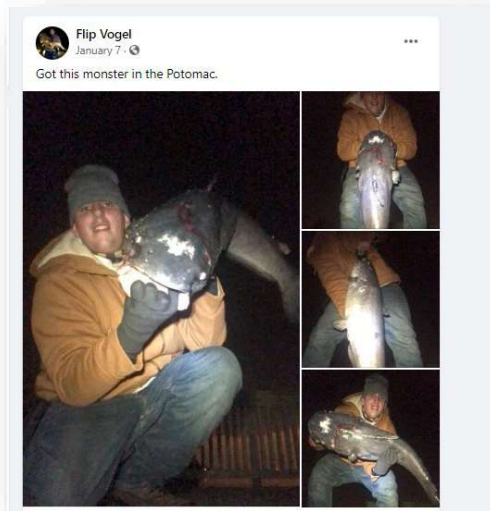
Open source searches for VOGEL revealed a local Pittsburgh news report and interview of VOGEL from on or about October 22, 2020. VOGEL and another individual had to be rescued after their boat struck a log while night fishing and their boat capsized. VOGEL’s voice in the interview matches the videographer’s voice in the Parler video. Further, the hand tattoos seen on VOGEL’s hand in the middle picture from Figure 1 appear to match the hand tattoos seen in the video interview, as depicted by the below screenshot from the KDKA interview.¹



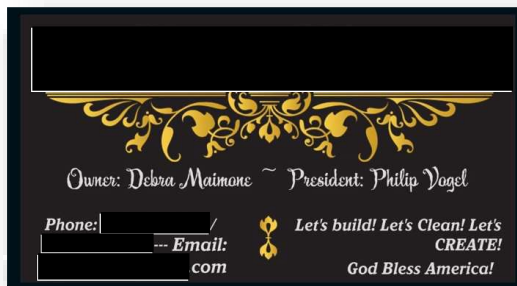
VOGEL is also seen in several photos posted on January 7, 2021—the day following the Capitol riots—to a Facebook account registered to Flip² Vogel. The photo shows VOGEL with a large fish and the caption: GOT THIS MONSTER IN THE POTOMAC. The beanie and scarf in the Facebook photographs match the beanie and scarf worn by VOGEL in the photographs showing him inside of the Capitol on January 6, 2021.

¹ The screenshot is from a local news interview of an individual identified as Philip Vogel on October 22, 2020. <https://pittsburgh.cbslocal.com/2020/10/22/ohio-river-boat-capsizes/>

² Flip appears to be Philip’s alias. It is used in both his Facebook profile and his email address—flip30320@gmail.com. That email address is used on his business card (pictured below) and in the Contact Us section of the business website. <https://www.verageandc.com/contact-us/> (screenshot below).



MAIMONE and VOGEL are known associates outside of the Capitol riots. They are listed as Owner (MAIMONE) and President (VOGEL) of the business known as [REDACTED]. The photo below, taken from the YELP website for the business, shows VOGEL wearing a beanie that appears to match the beanie he is seen wearing while present inside the Capitol on January 6, 2021.



HOME ABOUT US PORTFOLIO VIDEOS [REDACTED] TESTIMONIALS SCHEDULING CONTACT US GET A QUOTE

[REDACTED]

[REDACTED]

MAILING ADDRESS: [REDACTED]

PHONE: [REDACTED]

EMAIL AT: [REDACTED]

Your First name: [REDACTED] Your Last name: [REDACTED]

Your Email Address: [REDACTED]

Comment: [REDACTED]

E MK Y: [REDACTED]

SEND MESSAGE

Following VOGEL's participation in the breach of the U.S. Capitol on January 6, 2021, he continued to post content on the Facebook account FLIP VOGEL in defense of those who participated. One Facebook user made a comment appearing to shift responsibility for the U.S. Capitol breach to alleged undercover Black Lives Matter and/or Antifa members who had infiltrated groups of former President Trump supporters. In response and on or about January 14, 2021, VOGEL stated in sum and substance:



Flip Vogel

Just listen to the video below about impeachment of Biden. She states if ppl are so afraid of Biden taking office that they would commit crimes and get violent then what is really the reason for it??? The ppl being arrested are law abiding, tax paying citizens. From Construction workers , business owners and real estate agents to Cops, lawmakers, OLYMPIANS, and so many more! By pushing a bullshit narrative that they all followed a couple clueless IDIOTS that were there just to say they were is a HUGE disservice to those that took a stand that day. Remember, the ppl that allowed this bullshit election go through were in there that day. They are tyrants. These ppl took a stand against tyrants no matter where or who they were.

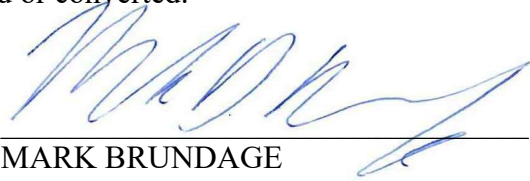
Like · Reply · 5w



Based on the foregoing, your affiant submits that there is probable cause to believe that PHILIP C. VOGEL, II, 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 PHILIP C. VOGEL, II, 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.

Finally, your affiant submits there is probable cause to believe that Philip C. VOGEL, II, violated 18 U.S.C. § 641, which makes it a crime for a person to embezzle, steal, purloin, or knowingly convert to his use or the use of another, or without authority, sell, convey or dispose of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof; or receive, conceal, or retain the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted.



MARK BRUNDAGE
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 12th day of March 2021.



Digitally signed by G.
Michael Harvey
Date: 2021.03.12 18:05:51
-05'00'

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE