

Case: 1:23-mj-00192
Assigned To : Upadhyaya, Moxila A.
Assign. Date : 8/2/2023
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent of the Federal Bureau of Investigation. 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.

Following the events on January 6, 2021, a federal search warrant was served on Google for accounts present at and inside the U.S. Capitol on January 6, 2021. According to Google records, a mobile device using a Google account associated with Corey HORAN “HORAN” was present at and inside of the Capitol on January 6, 2021. The records showed that the Google account was associated with an email used by HORAN and a recovery SMS telephone number used by HORAN. Google estimates device location using sources including GPS data and information about nearby Wi-Fi access points and Bluetooth beacons. This location data varies in its accuracy, depending on the source(s) of the data. As a result, Google assigns a “maps display radius” for each location data point. Thus, where Google estimates that its location data is accurate to within 10 meters, Google assigns a “maps display radius” of ten meters to the location data point. Finally, Google reports that its “maps display radius” reflects the actual location of the covered device approximately 68% of the time. In this case, Google location data showed that the device associated with HORAN was inside the Capitol building and the restricted area on January 6, 2021, between approximately 3:20:53 PM (EST) and 4:21:02 PM (EST).

According to records provided by Verizon Wireless, the mobile device associated with the above Google account was registered in the name of Sandra Horan at an address in Oceanside, CA. The records listed HORAN as an authorized user on the account. Employment records identified HORAN has been employed by the University of California as an electrician since 1996. On HORAN’s personal contact information for the University, he listed both the telephone number and email address associated with the above Google account.

According to records provided by United Airlines, on January 5, 2021, HORAN flew from San Diego to Dulles International Airport (“Dulles”), located in Fairfax County, Virginia. Records provided by United Airlines also showed that on the January 7, 2021, HORAN flew from Dulles back to San Diego.

Using HORAN’s California driver’s license photograph, law enforcement identified HORAN in open-source video footage from the events on January 6, 2021 on the Capitol grounds. In the video, HORAN, identified in the red circle below, was wearing a green puffy jacket with a blue sweatshirt underneath and a green baseball cap with a rectangular design on the front.



Figure 1

A work colleague of HORAN's was shown the photograph labeled as Figure 1 above. The colleague was able to positively identify HORAN.

I also reviewed video footage from inside the U.S. Capitol on January 6, 2021. The video footage showed HORAN entering the Capitol through the Senate Wing door at approximately 3:23 PM (EST) (Figure 2), remaining in the hallway by the door (Figure 3), then exiting the building through the same door at approximately 3:26 PM (EST) (Figure 4). The video footage also showed the individual holding what appeared to be a cellular telephone while inside the Capitol. This individual is circled in red in Figures 2 through 4 below.



Figure 2



Figure 3

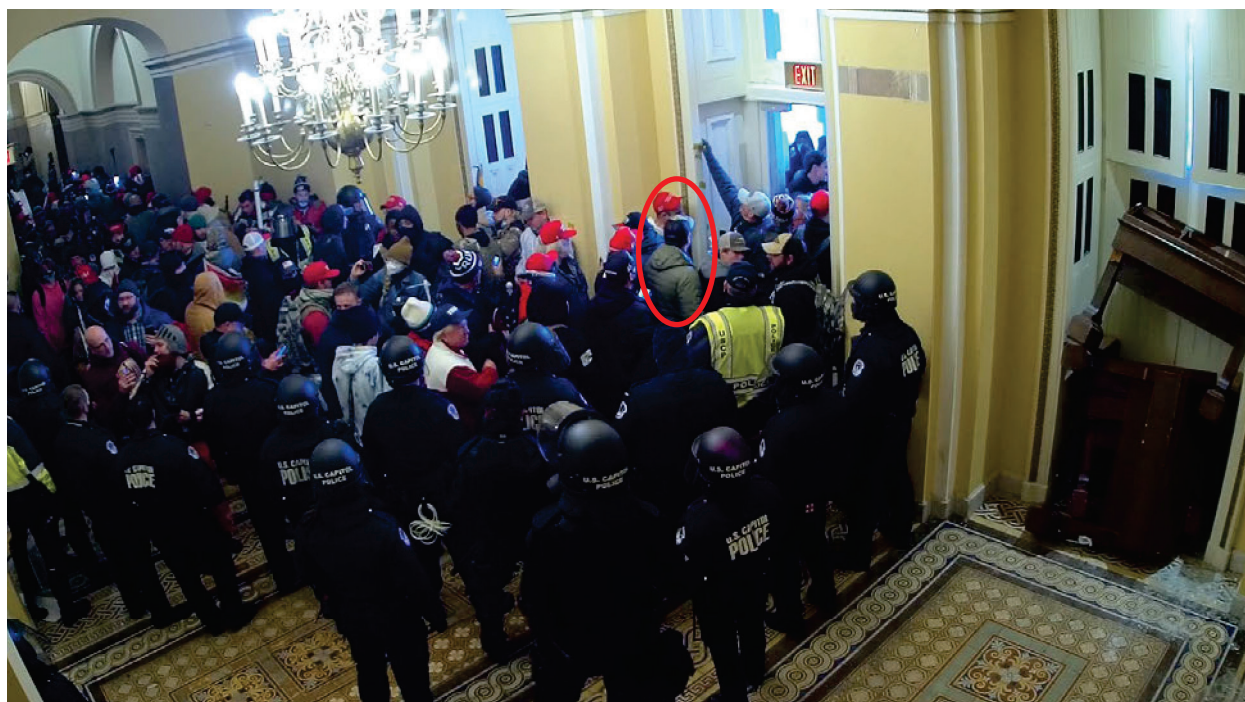


Figure 4

Based on the foregoing, your affiant submits that there is probable cause to believe that Corey HORAN 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. 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 Corey HORAN 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.



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 7th day of August, 2023.

A handwritten signature in blue ink that reads "M. A. Upadhyaya".



Moxila A. Upadhyaya
2023.08.07 10:42:42 -04'00'

MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE