

STATEMENT OF FACTS

Your affiant, [REDACTED] with the Federal Bureau of Investigation. I have been so employed since [REDACTED]. I have been assigned to the [REDACTED]. In my duties as a Special Agent, I am authorized by law or by the FBI to engage in or supervise the prevention, detection, investigation, or prosecution of a violation of Federal criminal laws. Currently, I am tasked, among other things, with investigating criminal activity in and around the U.S. Capitol grounds on January 6, 2021.

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.

At approximately 1:00 p.m., a crowd of violent rioters penetrated the restricted perimeter of the U.S. Capitol grounds – which was denoted by bike racks, snow fencing, officers, and “AREA CLOSED” signs – and assembled on the West Front of the U.S. Capitol. USCP formed a line of bike racks extending from the north end of the West Front to the South end to act as a barrier against the crowd. Officers were standing watch behind this line and fending off repeated attempts by the rioters to pull on the bike racks, either with their hands or with ropes and straps.

At approximately 2:00 p.m., some people in the crowd forced their way through, up, and over the barricades and law enforcement. The crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by USCP officers or other authorized security officials. At such time, the certification proceedings were still underway, and the exterior doors and windows of the United States Capitol were locked or otherwise secured. Members of law enforcement attempted to maintain order and keep the crowd from entering the United States Capitol. The crowd of rioters had amassed and collectively pushed and tore down the bike rack barriers, assaulted law enforcement officers, and otherwise violently breached the police line, opening the path to the Capitol building.

At approximately 2:30 p.m., significant sections of the police line on and near the U.S. Capitol’s Lower West Terrace broke as the rioters in the crowd swarmed and overwhelmed police officers. The police line guarding the West front had collapsed. Rioters quickly followed retreating officers up to the inaugural platform on the Lower West Terrace by climbing the stairwell and scaffolding in the Southwest section of the U.S. Capitol grounds.

A group of rioters then converged at a pivotal location – the Lower West Terrace “Tunnel.” The “Tunnel” is a stairway that had been converted into a narrow entryway due to construction of the temporary inaugural platform on the Lower West Terrace of the Capitol building. At the end of the Lower West Terrace tunnel were two sets of glass double doors, emblazoned with the sign “Members Entrance Only,” which opened directly into the U.S. Capitol building.

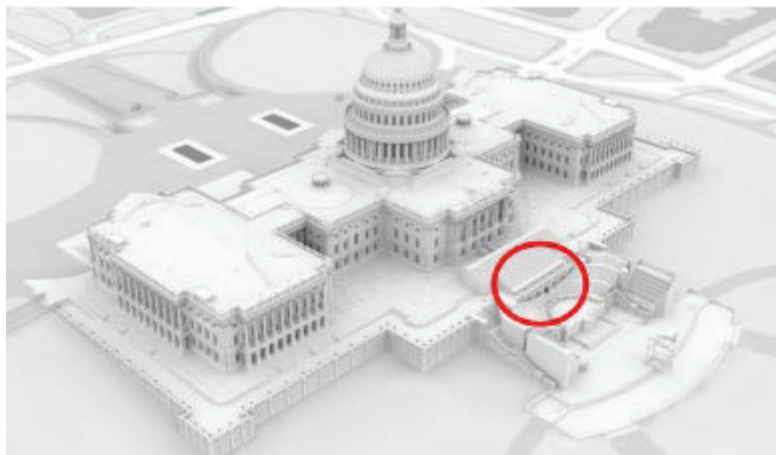


Image 1 (Diagram of U.S. Capitol building, Tunnel in red circle)



Image 2 (The “Tunnel” as seen on CCTV footage prior to rioters entering)



Image 3 (The “Tunnel”)

Rioters amassed outside the tunnel with a variety of tools and weapons. By the time rioters began entering the tunnel, at about 2:40 p.m., a group of officers had formed a line at a second set of glass doors inside the tunnel. Rioters outside the tunnel quickly summoned more rioters to join their efforts in pushing their way through the doors in the tunnel. As the tunnel quickly filled with rioters, it became the point of intense and prolonged violent clashes between rioters and police officers, as rioters attempted to break their way through the tunnel and into the Capitol building.

Rioters began entering the tunnel and attacking the officers. Rioters broke through the first set of glass doors and forced open the second set of doors, eliminating the barriers between police officers and rioters. From approximately 2:42 p.m. onward, groups of rioters consistently rotated into the tunnel, collectively attempting to breach the police line and force their way into the building. The rioters used various weapons, as well as the force of their bodies, in an attempt to overcome the officers and make it inside the Capitol building. Many of the rioters assaulted MPD and USCP officers by hurling objects towards the officers, physically striking officers with batons

and other blunt instruments, using strobe lights to distract and disorient the officers, using electrical shock devices, crushing officers between the doors and walls of the confined space, deploying chemical sprays and fire extinguishers against the officers, and collectively joining together to engage in violent “heave ho” pushes against the officer line.

Allan Jennings’ Identification

Following the January 6, 2021 assault on the U.S. Capitol, the FBI observed an individual destroy government property in video footage from the Tunnel. The individual wore a red “TRUMP” hat, dark jacket, a sweatshirt with a light gray hood, and dark glasses. The individual also carried a backpack. *See Images 4 and 5.*

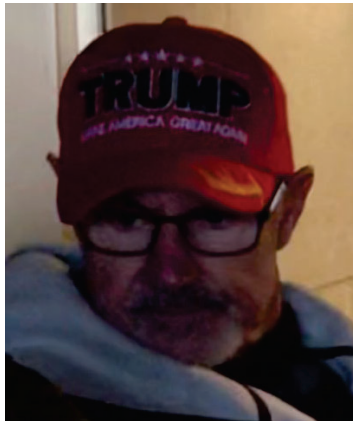


Image 4



Image 5

On November 22, 2021 the FBI received an anonymous tip submitted via mail to the Sacramento Division. The letter identified Hillsboro, Tennessee resident ALLAN JENNINGS as having been present at the Capitol riot on January 6, 2021 in Washington, D.C. JENNINGS was reported to have posted messages on his Facebook page prior to January 6, 2021 in which he inquired if his friends planned to attend the event. The tipster reported JENNINGS posted a message on Facebook following the riot stating he had made it home safely but was a little banged up. JENNINGS reportedly deleted his Facebook account the day following this post.

On January 11, 2022, JENNINGS was interviewed by your affiant at the Coffee County Sheriff’s Office in Manchester, Tennessee. During the interview, JENNINGS confirmed that he was at the Capitol on January 6, 2021. JENNINGS initialed images shown to him during the interview confirming he is the individual dressed in a red hat, dark jacket, a sweatshirt with a light gray hood, and dark glasses. *See Images 6 and 7.*

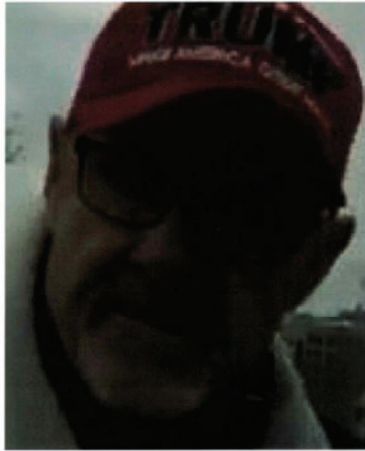


Image 6

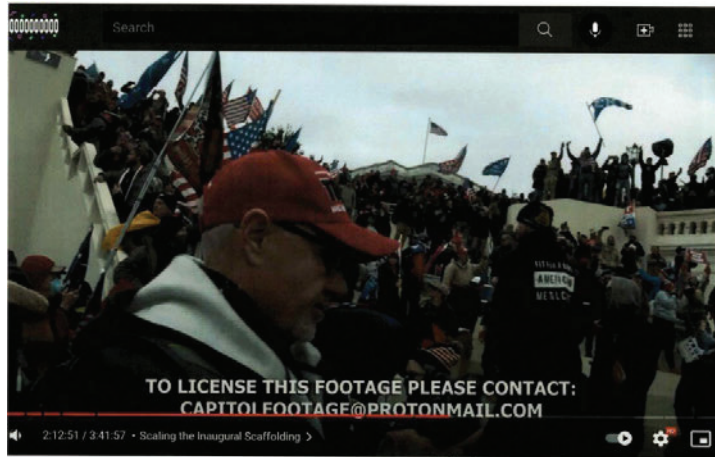


Image 7

Additionally, based on your affiant's in-person observation of JENNINGS during this interview, I can confirm that the individual depicted in Image 4 and Image 5 is JENNINGS. Your affiant learned of Image 4 and Image 5 after the interview of JENNINGS on January 11, 2022. Subsequently, a broader review of body-worn camera video from the Tunnel was conducted in an attempted to determine the full scope of JENNINGS' activity at the United States Capitol on January 6, 2021.

JENNINGS' Involvement in the Events of January 6, 2021

As part of its investigation, the FBI reviewed multiple MPD body-worn camera (BWC), U.S. Capitol Police closed circuit television security video (CCTV), and open-source media depicting JENNINGS' conduct at the Capitol on January 6, 2021. The material reviewed shows that JENNINGS entered restricted Capitol grounds, joined rioters that converged on the Tunnel at the Lower West Terrace, participated in the mob that pushed into the Tunnel, and shattered a threshold door near the Tunnel's entrance—allowing the mob to push further into the Tunnel.

In the morning of January 6, 2021, JENNINGS was photographed attending the "Stop the Steal" rally held in support of former President Donald Trump. Specifically, JENNINGS was photographed near the Washington Monument on the National Mall, facing the Ellipse. See Image 8.



Image 8

At some point thereafter, open-source video footage shows that JENNINGS then walked with the crowd down Constitution Avenue, NW, to the U.S. Capitol. *See Image 9.*

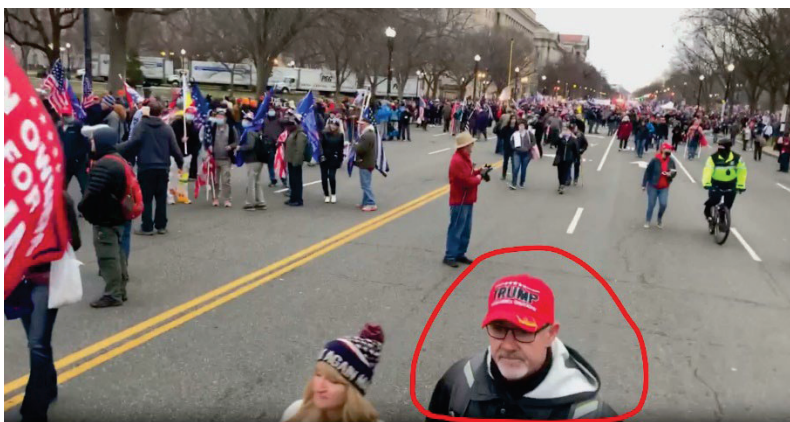


Image 9

JENNINGS then entered the Capitol's restricted grounds, where he joined rioters at the Capitol's West Plaza before making his way up to the Lower West Terrace. *See Images 10 and 11.*



Image 10



Image 11

By approximately 2:41:02 p.m., Capitol CCTV shows that JENNINGS was among the first three rioters to enter the Tunnel from the Lower West Terrace in pursuit of retreating police officers. JENNINGS held up his phone as he entered, apparently filming his and the other rioters' progress. *See* Image 12.



Image 12

Upon entering the Tunnel, JENNINGS darts ahead of all of the other rioters toward the first set of glass doors inside the Tunnel. Rioters further back began to summon more rioters to join their efforts in pushing forward as JENNINGS—who is still holding up his phone—looks through the glass at the assembled police officers as rioters pour into the Tunnel behind him. *See* Image 13.



Image 13

At approximately 2:42 p.m., MPD BWC shows that JENNINGS pulled an implement of some kind, which a police officer who witnessed these events identified as a knife with a glass-breaking end, from his pocket. The police officer whose BWC recorded these events then pointed at JENNINGS and said “He’s got a weapon in his hand” as JENNINGS raises the implement and taps the top corner of the glass door in front of him. *See* Image 14.



Image 14

JENNINGS then pulled back the implement and quickly struck the glass several times, shattering it on the second attempt. *See* Image 15. Officers had closed these doors moments prior to prevent rioters from entering the Capitol building.



Image 15

After the glass door was shattered, rioters moved through the broken set of doors and toward a subsequent set of frosted glass doors. As rioters moved past him, JENNINGS inspected his hand, which appeared to be injured. *See* Image 16.



Image 16

Moments later, JENNINGS made his way back toward the front of the mob, where he put his hands on an officers' riot shield and pointed at officers. *See* Images 17 and 18.



Image 17

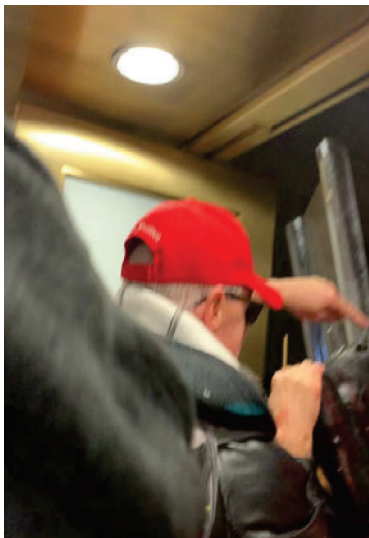


Image 18

Shortly thereafter, JENNINGS—whose hand was visibly bleeding by this point—braced himself backward against the line of rioters in front of him to assist their push against the police line. *See* Image 19.



Image 19

At some point thereafter, JENNINGS exited the Tunnel and returned to the Lower West Terrace. *See* Image 20.



Image 20

Based on the foregoing, your affiant submits that there is probable cause to believe that JENNINGS violated 18 U.S.C. §§ 231(a)(3) and 2, which makes it unlawful 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. For purposes of Section 231 of Title 18, a 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.

Your affiant also submits that there is probable cause to believe that JENNINGS violated 18 U.S.C. § 1361, by willfully injuring or depreating of any property of the United States.

Your affiant also submits that there is probable cause to believe that JENNINGS 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; (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 engage in any act of physical violence against any person or property in any restricted building or grounds. 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.



FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 11th day of September, 2023.

M. A. Upadhyaya



Date: 2023.09.11
14:38:52 -04'00'

MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE