

STATEMENT OF FACTS

Your affiant, [REDACTED], has been employed as a Special Agent by the Federal Bureau of Investigation (FBI) since 2019. Currently, I am assigned to the Washington Field Office, where I am tasked with investigating criminal activity in and around the Capitol grounds. 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 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 Michael R. 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 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 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 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.

On January 20, 2021, a witness (Witness 1) contacted the FBI and identified EDUARDO NICOLAS ALVEAR GONZALEZ as an individual who had stormed the Capitol on January 6, 2021. Witness 1 knows GONZALEZ as a family member and identified him in two publicly-available Youtube videos showing him standing inside the Capitol Rotunda on January 6, smoking what appears to be marijuana. In both videos, the individual Witness 1 identified as GONZALEZ is wearing an olive-colored sun hat; olive-colored long-sleeve shirt; a light green backpack; a black fanny pack; red, white, and blue American flag pants; and long brown hair and a full, dark-colored beard. In the first Youtube video, entitled “Man smoking a doobie weed at capitol dome Donald Trump supporters,” the individual identified as GONZALEZ blows smoke out of his mouth, while another individual in the video asks “what strain of weed is that?” A screen shot of that video is below in Figure One. In the second Youtube video, entitled “The Capitol Rotunda Doobie Smoker explains why he did it,” someone asks the individual identified as GONZALEZ why he is smoking weed in the Capitol, and he responds in part, “freedom.” A screenshot of that video is below in Figure Two. Finally, Witness 1 informed law enforcement that GONZALEZ previously resided in Ventura, California, and was most recently renting an Airbnb in or near Washington, D.C.



Figure One



Figure Two

Your affiant has confirmed the identification of the individual seen in Figure One and Figure Two. A search of the California Department of Motor Vehicles (DMV) revealed an ALVEAR GONZALEZ EDUARDO NICOLAS of Ventura, California, and the associated photograph appears to be the same person in the Youtube videos Witness 1 described to the FBI. Records also reveal that GONZALEZ has been renting a residence through Airbnb in Alexandria, Virginia for a term of 30 days beginning on January 1, 2021. Finally, travel records reveal that GONZALEZ is scheduled to fly from Ronald Reagan Washington National Airport to Los Angeles International Airport on Monday, February 1, 2021. In light of the matching physical appearances, residential information, and rental details, your affiant believes the individual Witness 1 identified in the Capitol Rotunda on January 6 is EDUARDO NICOLAS ALVEAR GONZALEZ (also known as Alvear Gonzalez Eduardo Nicolas).

A subsequent search of Youtube revealed a photograph posted by a user account identified as "The Good Lion Experience" that included a profile picture of a male lion in gold with a black background and the words "Good Lion." Witness 1 also informed the FBI that GONZALEZ often goes by the nickname "Lion Nick." The posted photograph shows the same individual in Figures One and Two, dressed in an olive-colored sun hat; olive-colored long-sleeve shirt; a light green backpack; a black fanny pack; red, white, and blue American flag pants; and long brown hair and a full, dark-colored beard. Given the same physical appearance and clothing across all of the viewed Youtube content, your affiant believes the individual in this photograph is GONZALEZ. In the video, GONZALEZ is standing in the Capitol Rotunda and smoking what appears to be a lit, self-rolled cigarette. A screenshot of this post is below in Figure Three.



Figure Three

Other witnesses have provided Snapchat videos to the FBI's National Threat Operations Center (NOTC). Snapchat is a mobile application (App) for Android and iOS (Apple) devices. One of the core concepts of the Snapchat app is that users can share pictures, videos, and messages with other Snapchat users. Content that users send is available to the recipient for only a short time before it becomes inaccessible, but recipients can save or screenshot that content using the recipient's device. Additionally, users can create Snapchat "stories," in which users can splice together photographs, videos, and messages into a one video that remains available for the user's friends to see for longer periods of time.

On January 11, 2021, for example, a different witness submitted a recording of a Snapchat "story" that another Snapchat user had created and posted. That Snapchat user can be seen in his story marching through the Capitol Rotunda on January 6, 2021. At one point in the video, that user is sitting near a painting in the Capitol Rotunda and pans the camera around to show the Capitol Rotunda and other rioters, including an individual your affiant believes to be GONZALEZ based on his distinct clothing, presence in the Capitol Rotunda, and the fact that he is smoking what appears to be marijuana. Another individual in the video asks, "How many joints we have?" and can be seen counting the people around him smoking, including GONZALEZ. At one point in the video, GONZALEZ is exchanging small items that appear to be marijuana cigarettes with another, older individual wearing a dark-colored beanie, dark-colored long-sleeve top, and dark-colored pants. A screenshot of the Snapchat video is below in Figure Four.



Figure Four

Finally, additional witnesses provided to the FBI a Zoom video that GONZALEZ filmed and broadcasted over the internet on January 7, 2021. In the over hour-long video, GONZALEZ shares his Apple laptop screen and narrates multiple photographs and videos of himself and others inside the Capitol on January 6, 2021. At times, he shows what appear to be over 50 photographs and videos saved in a folder entitled, “Captiol [sic] Storming.” In the upper right of the screen is a smaller panel showing the narrator in real time who identifies as “Nick Alvear”—matching GONZALEZ’s names of Nicholas and Alvear—and physically appears to be the same individual throughout the videos described herein.

At about 25 minutes and 10 seconds into the video, GONZALEZ shows and narrates a video he recorded on January 6, in which he approaches the Capitol from the West side and breaks in with other rioters. GONZALEZ explains his impression that “cops were like ‘fuck, man, we shouldn’t have backed up,’” and then appears to sarcastically say, “oh but they let us in, right?” When the video he is narrating shows him break into the Capitol, he says “we’re taking our country back.”

At about 25 minutes and 55 seconds into the video, GONZALEZ continues narrating one of his videos showing him march into the Capitol past law enforcement officers. GONZALEZ explains that they told the law enforcement officers “they were doing the right thing” by standing down because they were outnumbered by the rioters. The video then pans to the four law enforcement officers near the throngs of rioters, and GONZALEZ narrates “yeah, you think they’re going to actually try to like ... shit ... they were probably told ‘stand down, do not fuck with them, you guys will get hurt.’” At about 26 minutes and 50 seconds into the video, GONZALEZ shows part of his recording that shows his face as he drinks a beverage after breaking into the Capitol Rotunda. A screenshot of that moment is below in Figure Five, with a red oval around the name he uses throughout the video.

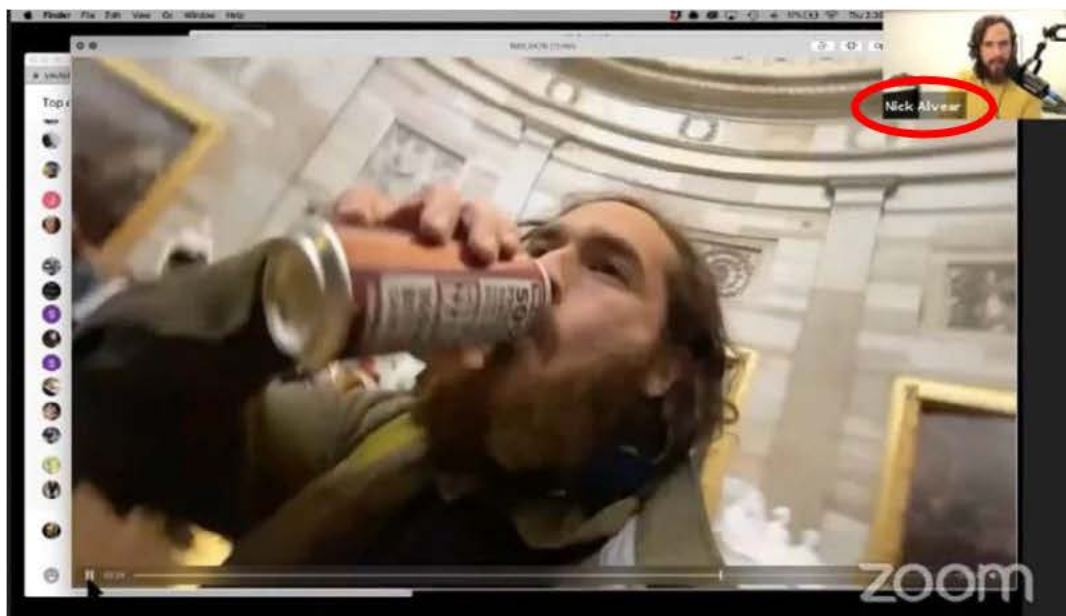


Figure Five

At about 27 minutes and 20 seconds into the video GONZALEZ shows a portion of his recording where he continues to march through the Capitol, and he sarcastically says, “yeah, this is the most protected building,” and laughs. He then narrates that he and other rioters were looking for “doors to break in” as they walked around the Capitol. At about 28 minutes and 5 seconds into the video, GONZALEZ plays a clip from his recording where he pans the camera to himself in the Capitol Rotunda and yells, “time to smoke weed in here!”

At about 33 minutes and 55 seconds into the video, GONZALEZ says to those live viewing his recording, “If you’re just joining, this is footage from my camera. This is me there, I’m speaking from first-hand experience.” At about 34 minutes and 20 seconds, the video GONZALEZ is narrating shows GONZALEZ put the camera down to reveal the Capitol Rotunda ceiling. GONZALEZ is standing on the left side of the video and pulls the olive-colored sun hat out of his light green backpack and puts it on. Afterward, GONZALEZ narrates that at this point he asked someone to film him smoking in the Capitol, and the video shows GONZALEZ hand the camera to another rioter who records GONZALEZ light a pipe and begin smoking. A screen shot of the video is below in Figure Six, with a red oval around his name.



Figure Six

At about 39 minutes and 20 seconds into the video, GONZALEZ restates to his live viewers “I’m showing everyone how I barged into the Capitol yesterday.” Soon afterward, he notes there are “200 plus” people in an open chat room of individuals that appear to be watching GONZALEZ’s live stream video. At 39 minutes and 50 seconds, he explains that he and other rioters were “the first wave that got in on top.” Later, while narrating the video, GONZALEZ says “never back down,” while showing other rioters storm around the Capitol Rotunda.

At about 41 minutes and 30 seconds, GONZALEZ explains that he smoked three “joints” at the Trump rally and then discovered that he had an additional eight “joints” that “were already rolled” on his person while at the Capitol Rotunda. He then says he smoked a joint and handed

out others to fellow rioters throughout the Capitol Rotunda. At 41 minutes and 50 seconds, he shows a photograph of an older individual wearing a dark-colored beanie, dark-colored long-sleeve top, and dark-colored pants that appears to be the same individual GONZALEZ exchanged cigarettes with in the aforementioned Snapchat video screenshotted in Figure Two that another witness provided to the FBI. In the Zoom video, GONZALEZ explains that he met this individual at the Trump rally and met him again in the Capitol Rotunda. At 42 minutes and 45 seconds into the video, GONZALEZ shows a video of the Capitol Rotunda that appears to be hazy at this point and says, “here it is, me blazing up at the Capitol. Mary jane.” Your affiant understands GONZALEZ to be referring to another name for marijuana.

Finally, at about 48 minutes and 10 seconds into the video, GONZALEZ explains that he has “gnarlier footage on Twitter.” Soon after, he proceeds to show his viewers a Twitter profile with an account username of “Good Lion Films” that also has a profile picture of a gold male lion on a black background with the words “Good Lion.” This profile picture and name appears to match the “Good Lion Experience” Youtube account described above that also posted the picture of GONZALEZ in the Capitol Rotunda depicted in Figure One. At about 53 minutes and 30 seconds into the video, GONZALEZ shows another video he filmed outside the Capitol showing a crowd of rioters, and he states “these are all American patriots.”

Based on the foregoing, your affiant submits that there is probable cause to believe that EDUARDO NICOLAS ALVEAR GONZALEZ 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 EDUARDO NICOLAS ALVEAR GONZALEZ violated 40 U.S.C. § 5104(e)(2)(D) and (G), which make 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.



SPECIAL AGENT, FBI

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 31st day of January 2021.

Handwritten signature of G. Michael Harvey in black ink.

Digitally signed by G.
Michael Harvey
Date: 2021.01.31
14:35:43 -05'00'

G. Michael Harvey
U.S. MAGISTRATE JUDGE