

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.
STEPHEN ETHAN HORN
DOB: XXXXXX

Case: 1:21-mj-00342
Assigned to: Judge Meriweather, Robin M.
Assign Date: 3/29/2021
Description: COMPLAINT W/ARREST WARRANT

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of in the
in the District of Columbia, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority, 18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds, 40 U.S.C. § 5104(e)(2)(D) - Violent Entry and Disorderly Conduct on Capitol Grounds, 40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building.

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Craig W. Noyes, Special Agent
Complainant's signature

Craig W. Noyes, Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone.

Date: 03/29/2021

2021.03.29 16:23:00 -04'00'
Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge
Printed name and title

STATEMENT OF FACTS

Your affiant, Craig W. Noyes, is a special agent assigned to the Charlotte Field Office, Raleigh Resident Agency, of the Federal Bureau of Investigation (FBI). Currently, I am tasked with investigating criminal activity in and around the Capitol grounds in Washington, D.C., 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 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.

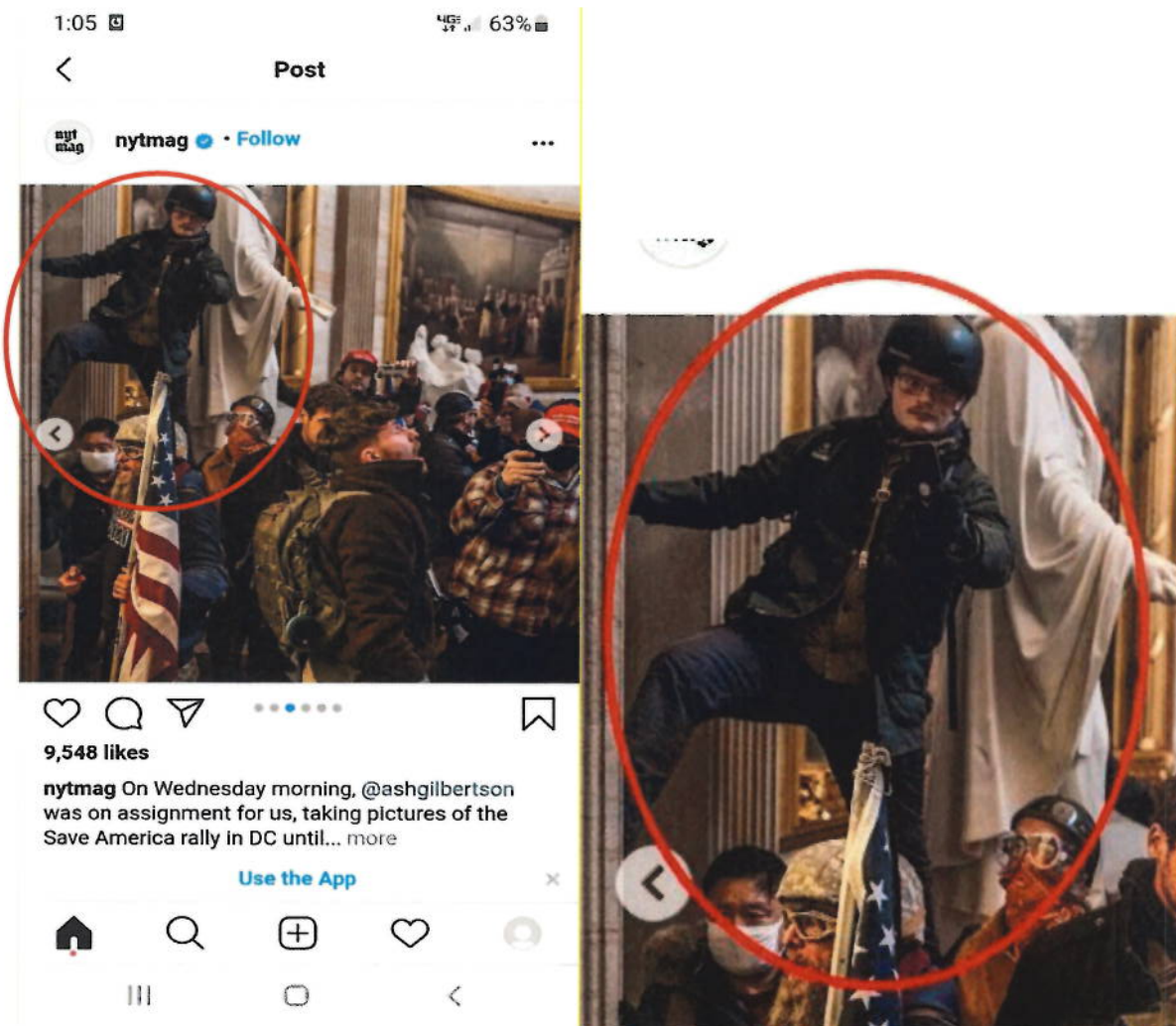
At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly around 2:00 p.m., individuals 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.

On or about January 11, 2021, an individual notified the FBI that a photo on a *New York Times Magazine* social media page depicted STEPHEN HORN inside the U.S. Capitol on January 6, 2021. The individual providing this information has known HORN for several years and was certain the person in the photo dressed in a black helmet, black jacket, black gloves, and a backpack was HORN. The person identified as HORN was standing above other people, holding what appears to be a cellphone. The photo and a closeup are shown below, with a red circle drawn around HORN:



A second individual, who also knew HORN for several years, also reported to FBI that s/he saw the *New York Times Magazine* social media page photo and was 95% sure the person circled above in the photo was HORN. This individual also stated her/his belief that HORN was inside the U.S. Capitol as a journalist, but was not aware of HORN having any media credentials.

On January 11, 2021, a special agent of the FBI viewed the publicly available portion of HORN's Facebook account, Stephen.horn.562114. That account appeared to be used by HORN; notably, its username contained his name and the profile photo was consistent with HORN's photo on his North Carolina Driver's License. A publicly available post on HORN's Facebook page appeared to show HORN inside the U.S. Capitol on January 6, 2021. Specifically, the Facebook page contained a video approximately two hours long, which depicted the scene inside the Capitol. The video was posted on January 7, 2021 with the following message: "I was in DC today when the capitol was stormed." The post then noted several observations about what occurred inside the Capitol on January 6, 2021. The post also stated, "I did not enter the capitol building as part of the protest, or for cheap thrills, but to accurately document and record a significant event which was taking place."

The Facebook video posted to HORN's Facebook account was downloaded by the FBI on January 11, 2021. Although the video does not clearly depict the individual filming the video, the individual's voice can be heard on several occasions. The voice heard on the video is consistent with HORN's voice as heard during subsequent conversations the FBI had with HORN, described below. Among other things, the video shows HORN's first-person perspective as he entered the Capitol, exited the Capitol, reentered the Capitol, walked up stairs inside the Capitol, and eventually entered the office of Speaker of the House Nancy Pelosi. At one point in the video, the voice consistent with HORN's states with a raised voice, "U.S.A.," while inside the Capitol.

On January 13, 2021, an FBI special agent viewed a video on YouTube in which a person interviewed HORN and others about their activities in Washington D.C. on January 6, 2021. In the video, HORN stated he was inside the Capitol and that he was there solely to record what was happening. HORN also stated that while law enforcement could come after him, it was worth the risk so that accurate information could come out.

On January 19, 2021, Facebook responded to a search warrant for Facebook account Stephen.horn.562114. The account was registered to "Stephen Horn," and the name and date of birth associated with the account is consistent with the name and approximate age for HORN. Additionally, the most recent IP address resolved to the Wake Forest, North Carolina area, which is where HORN currently resides.


In the records received from Facebook, HORN makes numerous statements about being in the U.S. Capitol on January 6, 2021. Some of these comments are as follows: "I did not witness police doing any property damage, but I did see some in the crowd stop others in the crowd from doing property damage, or exhorting others not to do so, even in Nancy Pelosi's office"; "I was on the front lines of the assault on the capitol"; "I thought it was important to document the event"; "I followed the crowd in. I was not there when they broke through most of the barriers around the outside of capitol. I was not looking for Pelosi's office, I guess it was just happened to be right there (probably gets one of the best offices)."

On February 24, 2021, HORN voluntarily interviewed with FBI special agents at the FBI Field Office in Raleigh, North Carolina, with his attorney present. HORN admitted being inside the Capitol on January 6, 2021, and admitted he stepped over a fence on the ground that warned

trespassers not to go past that point before he entered the building. HORN confirmed he stood on a monument inside the Capitol with one hand on the wall and his other hand holding a cellphone, and also confirmed wearing a helmet inside the Capitol, consistent with his appearance in the photo, above, in which he is dressed in a black helmet, black jacket, black gloves, and a backpack, standing on a monument.



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

Your affiant submits there is also probable cause to believe that HORN 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.



CRAIG W. NOYES
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 29th day of March 2021.

 2021.03.29
16:23:38 -04'00'


ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE