

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

DANIEL D. PHIPPS

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)

Case: 1:21-mj-00125

Assigned To : Meriweather, Robin M.

Assign. Date : 1/19/2021

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 District of Columbia, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 1752 (a)(1), (2)

Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority and Impeding or Disrupting Official Functions

40 U.S.C. 5104(e)(2)(D), (G)

Violent Entry and Disorderly Conduct on Capitol Grounds

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Kathleen W. Orndorff

Complainant's signature

FBI Special Agent Kathleen W. Orndorff

Printed name and title

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

Telephone (specify reliable electronic means).

Date: 1/19/2021

Robin M. Meriweather

2021.01.19

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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, Kathleen W. Orndorff, is a Special Agent with the Federal Bureau of Investigation, assigned to the Washington Field Office. 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 violations 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 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 after 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 January 12, 2021, the Federal Bureau of Investigation (FBI) Dallas Field office received information from an analyst with the Fort Worth Police Department Intelligence Exchange Section. In addition to processing “Requests for Information” (RFIs) from regional detectives, the analyst also monitors social media for any threats in the area. The analyst advised that the intelligence exchange was asked to help locate local residents who participated in violence or illegal activity during the January 6, 2021, riot at the Capitol. The analyst further advised that she was searching social media and located a Facebook page that belongs to an individual with the

username “Chaz McCurry.” On the page, McCurry stated there were still spots available on the bus to go to D.C. for a protest on January 6. One “Dan Phipps” expressed interest in attending the protest. The analyst then looked further into the profile that used the name “Dan Phipps” and located Facebook posts made by DAN PHIPPS.

On January 8, 2021 at 7:42 am, the individual later identified as PHIPPS had posted a picture of himself standing in the Capitol holding an American flag over his shoulder.



On January 9, 2021 at 2:25 am, PHIPPS had posted a picture of himself apparently at the January 6 protest in D.C., before the crowd breached the Capitol, indicating in the accompanying

text that he had been inside the Capitol on January 6, and that he was from Texas. He wrote the following post:

(Replying to some Texans)

Everyone talks about being a patriot until its time to do patriot shit.

Texas is part of the US. Secession should only be considered after the fight has been lost.

I went to DC. I helped take the Hill.

I helped other patriots prevent antifa from damaging anything.

I exercised my 1st amendment right to take grievances to our representatives. It was a (mostly peaceful) political protest

Where were you on 06JAN21?



PHIPPS also made the following statement during a messenger conversation attached to one of his posts: “I heard something about another one either the 17th or 19th. That one may be more dangerous though. Im getting a helmet and gas mask if I go. (Lessons learned LOL)”



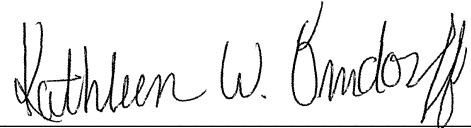
The analyst was able to identify PHIPPS by using a comprehensive search database known as “TLO,” to locate a DANIEL DINK PHIPPS, W/M, with a date of birth consistent with the apparent age of the images of DAN PHIPPS on the PHIPPS Facebook page, and with a specific address in the Dallas – Fort Worth area. During the investigation FBI Task Force Officer Matthew Woodlee located other pictures of PHIPPS on Facebook. Using those pictures, along with PHIPPS’s Texas driver’s license photo, TFO Woodlee took additional steps to confirm that PHIPPS was the individual in the photographs. Specifically, on January 18, 2021, TFO Woodlee interviewed a witness in the same neighborhood where PHIPPS is believed to reside, based on

information associated with PHIPPS's driver's license. The witness advised that he/she knows a DAN PHIPPS from the neighborhood very well. TFO Woodlee showed the witness the Facebook image depicting the person believed to be PHIPPS inside the Capitol. The witness confirmed that the person in the image was the DAN PHIPPS the witness knew from the neighborhood.

Based on the foregoing, your affiant submits that there is probable cause to believe that PHIPPS 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 PHIPPS violated 40 U.S.C. § 5104(e)(2)(D), and (G), which makes it a crime to engage in disorderly conduct in the Capitol and to willfully and knowingly parade, demonstrate, or picket in any of the Capitol Buildings.



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Kathleen W. Orndorff  
Special Agent  
Washington Field Office

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 19th day of January 2021.



2021.01.19

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THE HONORABLE ROBIN M. MERIWEATHER  
U.S. MAGISTRATE JUDGE