

## STATEMENT OF FACTS

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since July 2009. I have a Bachelor's Degree in Anthropology from the University of Pennsylvania. I attended the FBI Academy in Quantico, Virginia, completing the New Agents Training in November 2009. I am presently assigned to a Public Corruption Squad in FBI's Washington Field Office. As a Special Agent with the FBI, I have conducted criminal investigations related to public corruption, as well as national security investigations related to counterterrorism. My training and experience have involved, among other things, interviewing witnesses and confidential human sources, executing court-authorized search warrants, conducting surveillance, and analyzing documentary and physical evidence. As a federal law enforcement officer, I am authorized to investigate violations of federal law and to execute warrants issued under the authority of the United States. Through my training and experience, I am familiar with the actions, habits, traits, methods, and terminology utilized by criminal offenders.

2. I am currently assigned to an investigation concerning violations of 18 U.S.C. § 1752(a), 40 U.S.C. § 5104(e)(2), and 18 U.S.C. § 1512(c)(2), which were committed on January 6, 2021, at the U.S. Capitol in Washington, D.C.

### **Probable Cause – The U.S. Capitol on January 6, 2021**

3. The U.S. Capitol, which is located at First Street, SE, in Washington, D.C., 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.

4. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.

5. 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.

6. 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.

7. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the U.S. Capitol Police, and 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 U.S. Capitol Police Officers or other authorized security officials.

8. 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.

9. 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, all proceedings of the United States Congress, including the joint session, were effectively suspended until shortly after 8:00 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 pm after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

10. 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.

#### ***Probable Cause – DRESCH***

11. In this context, on January 7, 2021, the Federal Bureau of Investigation received a tip that DRESCH, a resident of Calumet, Michigan, was at the U.S. Capitol Building the day before and had entered said building without permission or authorization. The tip indicated that DRESCH had posted information describing his own January 6, 2021, entry onto the U.S. Capitol Building on his Facebook account. The tipster described the Facebook account, which included the username “Karl Dresch,” and was available online at <https://www.facebook.com/karl.dresch.7>.

12. FBI Special Agent John Fortunato reviewed publicly available Facebook posts which were posted on the account (referred to here as the “FACEBOOK ACCOUNT”) with username Karl Dresch and page located at <https://www.facebook.com/karl.dresch.7>. Subsequently, on January 12, 2021, United States Magistrate Judge Robin Meriweather issued a search warrant concerning information associated with the FACEBOOK ACCOUNT. Facebook, Inc., responded by providing information and records to the FBI on January 13, 2021.

13. I have reviewed information and records from Facebook and found that, by no later than December 16, 2020, DRESCH posted information to the FACEBOOK account which was

focused on the January 6, 2021, certification, and which equated the planned events for January 6, 2021, with the historical events on July 4, 1776. For example, on December 16, 2020, DRESCH posted, “Stop the Steal”, and on December 20, 2020, DRESCH posted, “7-4-1776 = 1-6-2021”.

14. By January 3, 2021, DRESCH posted that he was preparing to go to “DC”, and was “prepared for chemical attacks and what not.” He also urged others to do so by way of his FACEBOOK ACCOUNT, writing, “NO EXCUSES! NO RETREAT! NO SURRENDER! TAKE THE STREETS! TAKE BACK OUR COUNTRY! 1/6/2021=7/4/1776”. Between January 3, 2021, and January 6, 2021, other posts on DRESCH’s FACEBOOK ACCOUNT reflect preparations to arrange travel and then travel to Washington, D.C., for that purpose.

15. On his FACEBOOK ACCOUNT, DRESCH posted photographs, such as the photograph depicted in Figure 1, below, which show scenes from the U.S. Capitol grounds on January 6, 2021. The photograph in Figure 1 depicts a group of individuals approaching the U.S. Capitol Building, which can be seen in the background. The background in the photograph, including the sky and weather conditions as well as the depictions of the crowd, are generally consistent with the depictions which I have seen from news accounts and other reliable sources of photographs and videos of the scene on January 6, 2021. The photograph, including the vantage point displayed in the photograph, is consistent with a photograph taken by someone on the scene using a cellular telephone.

*Figure 1*



16. Facebook records show that, at about 3:13 p.m. on January 6, 2021, DRESCH posted the photograph in Figure 2, together with the comment “Who’s house? OUR HOUSE!”



Figure 2



17. Facebook records show that, at about 3:14 p.m. on January 6, 2021, DRESCH posted the photograph depicted in Figure 3. This photograph was posted with the title, “We are in.” FBI Special Agent John Fortunato shared the post displaying Figure 3 with a U.S. Capitol Police Officer, who confirmed that it accurately depicts the inside of the U.S. Capitol Building, specifically, the “Crypt,” a location under the rotunda in the center of the Capitol.

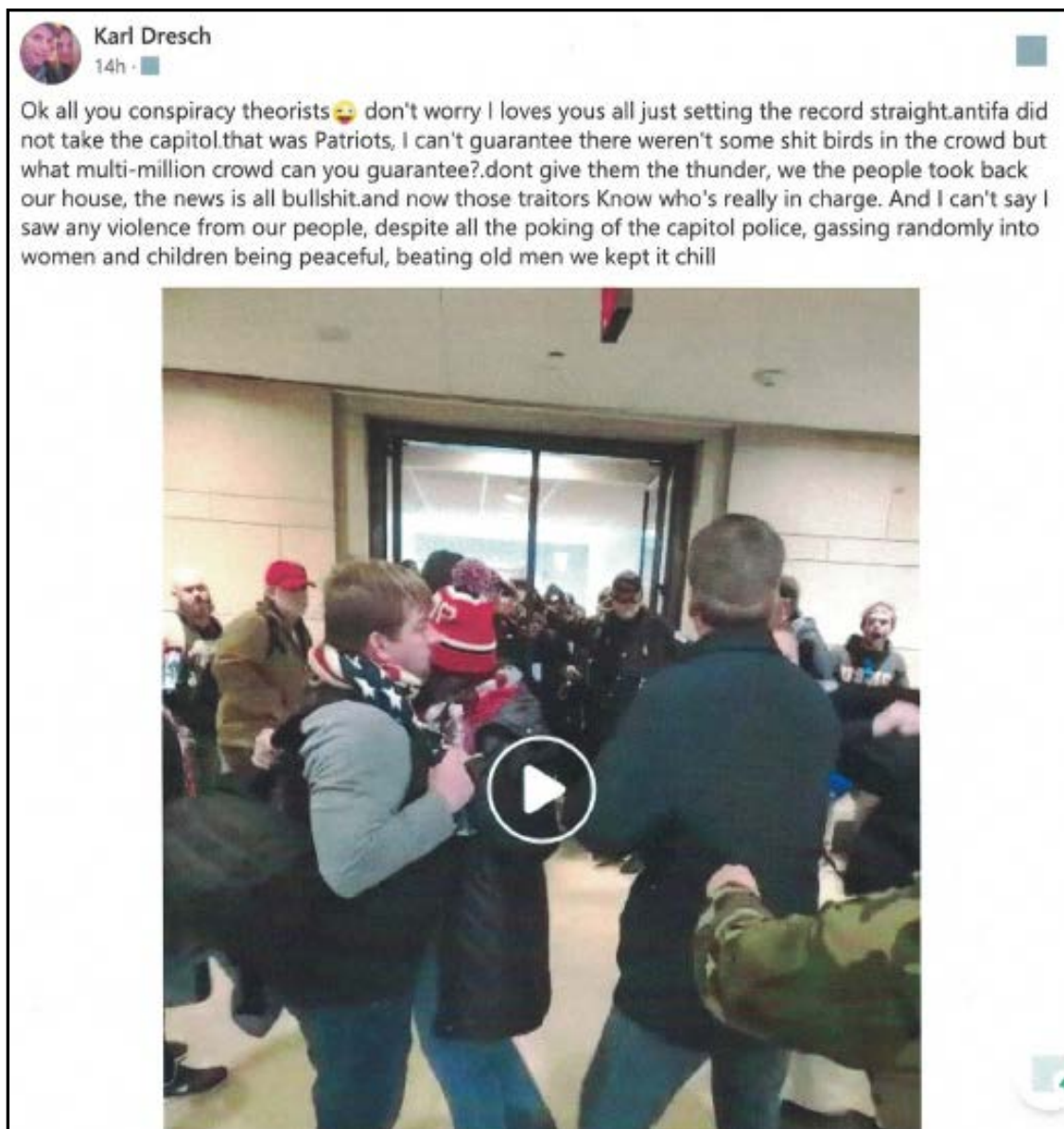
18. Facebook records also include metadata for the photograph in Figure 3. The metadata shows that this photograph was taken at 2:26 p.m., using a Motorola “Moto e6” phone.

Figure 3



19. In addition to these photographs, DRESCH also posted, or sent messages containing, videos of the scene inside and around the Capitol during the conduct under investigation. For example, DRESCH posted the video depicted (in still frame), in Figure 4. Agent Fortunato provided Figure 4 to a member of the U.S. Capitol Police, who works in and is familiar with the U.S. Capitol Building. He verified that the photograph in Figure 4 is an accurate depiction of the U.S. Capitol Visitor's Center, which is inside the U.S. Capitol and which was closed to the public on January 6, 2021.

*Figure 4*



20. Facebook records do not specify the date or time that the video in Figure 4 was taken. However, at 12:11 a.m. on January 7, 2021, shortly after midnight, DRESCH posted the video with the comment, “Okay all you conspiracy theorists [winking smiley face emoji] don’t

worry I loves yous all just setting the record straight. antifa did not take the capitol. that was Patriots, I can't guarantee there weren't some shit birds in the crowd but what multi-million crowd can you guarantee?. don't give them the thunder, **we the people took back our house**, the news is all bullshit. and now **those traitors Know who's really in charge**. And I can't say I saw any violence from our people, despite all the poking of the capitol police, gassing randomly into the women and children being peaceful, beating old men we kept chill[.]”

21. While inside the Capitol, DRESCH also exchanged messages with other Facebook users. On January 6, 2021, at about 2:43 pm on, prior to posting Figures 2 and 3, DRESCH exchanged messages with another Facebook user, referred to here as “USER TWO.” At 2:43 p.m., USER TWO wrote, “Patriots are in the Capitol building now.” DRESCH responded at 2:44 p.m., writing “I am,” and, also sent the photograph depicted in Figure 5.

*Figure 5*



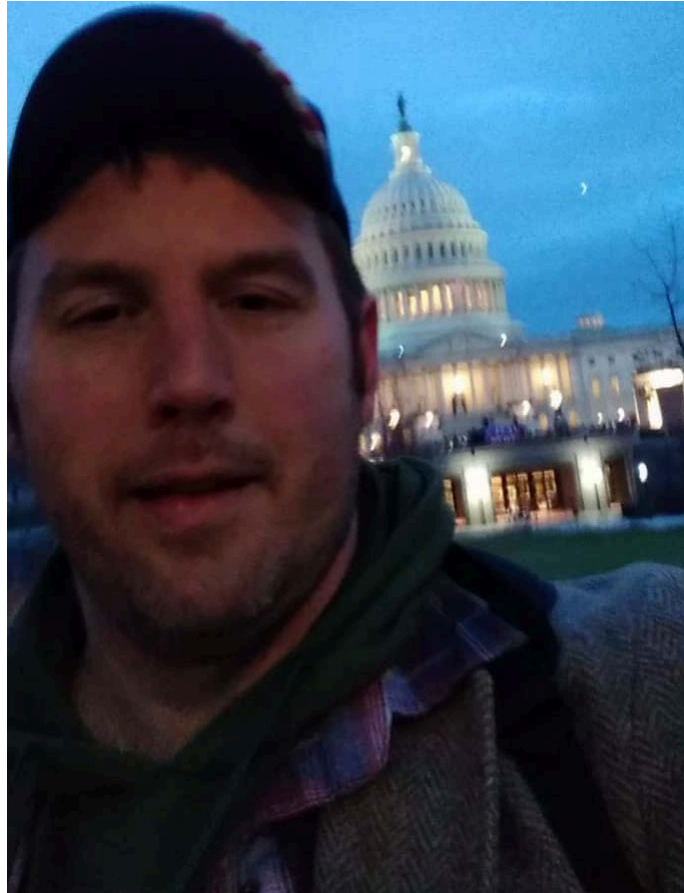
22. Figure 5 is cropped to ensure that it fits on the page, but the rest of the photograph depicts only the floor. A complete copy of the photograph was provided to a member of the U.S. Capitol Police, who stated that the photo appeared to depict inside the Capitol Visitors Center, and that it appears to show the part of the Visitor's Center that is closer to the House of Representatives.



23. USER TWO wrote, at 2:48 p.m., that “Word is police are getting ready to use tear gas.” DRESCH responded, “Been using it. Mask up.”

24. DRESCH also corresponded with a Facebook user referred to here as “USER THREE.” According to Facebook records, at 5:17 p.m., DRESCH sent USER THREE a “selfie” or self-portrait photograph, together with the message, “Just had a beer on our front porch.” Figure 6 is a copy of that “selfie” photograph, which shows DRESCH outside of the Capitol Building.

*Figure 6*



25. A minute later, at about 5:18 p.m., DRESCH sent USER THREE the same photograph depicted above in Figure 3, together with the comment, “That’s right outside the house of representative...we got in! Took a lil gas ...wtf I love masks now!”

26. DRESCH provided additional context about the scene, writing to USER THREE, “Had the cops booking it.” He did not explain further or provide photographs depicting that.

27. DRESCH also responded to other people’s comments on Facebook. For example, at about 4:46 p.m., in response to another post, DRESCH wrote, “It was peaceful...still got a lil gas tho...mask on for safety[.]” In response to another person who wrote about the individuals breaking into the Senate and House chambers and breaking glass and shoving officers, at around 6:09 p.m., DRESCH wrote “we broke no glass no shoving I seen[.]”

28. Later that evening, DRESCH expressed his approval of the events of the day. At about 8:32 p.m., commenting on a picture of a crowd at the Washington Monument, DRESCH posted, “Total Victory!” At 8:44 p.m., DRESCH posted, “I’m excited!” The next day, on January 7, 2021, at about 9:36 a.m., DRESCH commented on an unidentified post that “Mike Pence gave our country to the communist hordes, traitor scum like the rest of them, we have your back give the word and we will be back even stronger.” The underlying post belonged to another Facebook user, and Facebook’s production of information and records here did not include a copy of that post or identify its user.

29. Finally, on January 8, 2021, around 11:35 a.m., DRESCH sent another user the photograph depicted in Figure 7. Facebook records do not include the date or time the photograph was taken. However, I provided a copy of the photograph to a member of the U.S. Capitol Police, who stated that the photograph was taken in the Crypt of the U.S. Capitol, the same location as Figure 3, and that it showed the statute of John Caldwell Calhoun. In addition, I reviewed the photograph closely and compared it with the “selfie” photograph in Figure 6. I noticed that the person pictured in both photographs appears to be wearing the same distinctive clothing – a jacket or blazer-style jacket and a plaid multicolor shirt with some reddish coloring, over a hooded sweatshirt, and a baseball-style cap. The photograph for Figure 7, which depicts more of the subject’s body, also shows that the subject was wearing dark-colored pants or jeans, black gloves, and reflective sunglasses.



*Figure 7*



30. On January 7, 2021, Agent Fortunato obtained a copy of DRESCH's Michigan Driver's License picture and compared it to the profile pictures for the FACEBOOK ACCOUNT, as well as the "selfie" depicted in Figure 6. Figure 8, below, contains the Driver's License picture and the Facebook profile picture. The Michigan Driver's License picture is on the left side of Figure 4; the Facebook profile picture is on the right side of Figure 8. Based on the comparison between those two pictures, I believe that there is probable cause to believe that both pictures depict DRESCH. I further believe, based on a comparison of those pictures with Figure 6 and Figure 7, as well as the other evidence described above (including the description of clothing), that there is probable cause to believe that all of these pictures depict DRESCH.

*Figure 8*



31. Based on all of the foregoing information, as well as my training and experience, I respectfully submit that there is probable cause to believe that KARL DRESCH, also known as KARL FRIEDRICH-JOHANNES DRESCH, 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 so; 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.

32. Your affiant submits that there is also probable cause to believe that KARL DRESCH, also known as KARL FRIEDRICH-JOHANNES DRESCH, violated 40 U.S.C. § 5104(e)(2)(D) and 5104(e)(2)(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.

33. Your affiant submits that there is also probable cause to believe that KARL DRESCH, also known as KARL FRIEDRICH-JOHANNES DRESCH, violated 18 U.S.C. § 1512(c), which makes it a crime to corruptly obstruct, influence, or impede any official proceeding, including a proceeding of Congress, or make an attempt to do so.

A handwritten signature in black ink, appearing to read 'Matthew Drummond', is written over a horizontal line.

Matthew Drummond  
Special Agent  
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 15th day of January 2021.

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ZIA M. FARUQUI  
U.S. MAGISTRATE JUDGE