

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent assigned to the FBI's Los Angeles Field Office. In my duties as a Special Agent, I investigate violent crime as a part of the San Gabriel Valley Safe Streets Task Force. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a FBI Special Agent I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, 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, 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 January 18, 2021, a confidential witness, “CW-1”, called the FBI tip line and said they worked with Morrissey in the past, but had not spoken to him in several years. Another co-worker, “CW-2”, who also knew Morrissey, showed CW-1 two photographs sent by Morrissey to CW-2. The first was a picture of what appeared to be a crowd of people in the US Capitol Building, and the second was “selfie” of Morrissey inside the building. CW-1 said CW-1 knows with 100 percent certainty that the person in the picture is Morrissey.



Agents interviewed CW-2, who said that CW-2 personally knows Morrissey, and that they exchanged text messages on Jan. 6, 2021. During those exchanges, Morrissey sent CW-2 the above referenced pictures. CW-2 provided agents with the text conversation with Morrissey on Jan. 6. A few of the relevant text messages are below:

- January 1 – MORRISSEY sends a photo of himself from the Lincoln Memorial to CW-2.
- January 6 – CW-2 asks MORRISSEY if he is in the Capitol. MORRISSEY responds with a photo that appears to have been taken inside the Capitol followed by the text “Shit got crazy” and “I nave (*sic*) it all on video.” MORRISSEY adds that he has more videos that he can share. MORRISSEY then sends CW-2 the above-described selfie.
- January 7 – MORRISSEY advises CW-2 that he is now back in Virginia and sends CW-2 a video, showing MORRISSEY inside the Capitol.

The video Morrissey sent CW-2 appears to be him inside the Capitol building in the rotunda area, wearing the same hat and sunglasses as shown in the picture above. The crowd can be heard loudly chanting, “U-S-A” throughout the video.

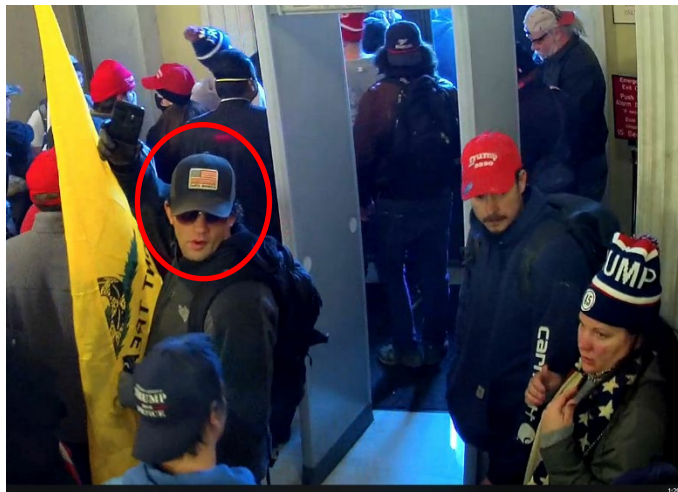
CW-2 provided agents with the phone number Morrissey used to communicate with CW-2, and records from AT&T show that “Dan Morrissey” is the owner of the account associated with that phone number.

After identifying Morrissey through the selfies sent to CW-2, agents reviewed BWC and CCTV and found additional footage of Morrissey in the Capitol building.



Morrissey from an officer's BWC

Morrissey from CCTV.



Based on the foregoing, your affiant submits that there is probable cause to believe that Daniel Michael Morrissey 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 Morrissey 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; (G) parade, demonstrate, or picket in any of the Capitol Buildings.



FBI

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 21st day of October 2021.

JUDGE ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE