

STATEMENT OF FACTS

Your affiant, [REDACTED] is a special agent assigned to the Federal Bureau of Investigation Boston Division, Springfield, Massachusetts (“MA”) Resident Agency. In my duties as a special agent, I investigate national security matters. Currently, I am tasked with investigating criminal activity in and around the United States Capitol (“U.S. Capitol”) grounds 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, 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 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 U.S. 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 U.S. 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. (all times herein are Eastern Standard Time). 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 U.S. Capitol 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 U.S. 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 U.S. 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 and closed captioning cameras, 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.

Open-source video and security cameras captured multiple images of Vincent J. GILLESPIE (GILLESPIE), of Athol, Massachusetts (“MA”), participating in the riot at the U.S. Capitol on January 6, 2021. FBI Boston sought the public’s assistance through a media campaign and received multiple tips from the public identifying GILLESPIE. Tips included that an individual wearing a sweatshirt with the Berkshire Nautilus (a Pittsfield, MA fitness club) logo was involved in the riot. Other tips included Witness 1, a former neighbor of GILLESPIE; Witness 2, who works at an American Automobile Association (“AAA”) location in MA and recognized GILLESPIE from visits to AAA; Witnesses 3, 4, and 5 are employees of the Town of Athol, where GILLESPIE resides and frequently attends meetings and pays his tax bills at the Town Hall; and Witness 6, the manager of a local hardware store GILLESPIE visits. All six witnesses independently, positively identified GILLESPIE in **IMAGES 1, 2, 20, and 21** below.

From at least 4:11 p.m. to at least 4:25 p.m., GILLESPIE was among the rioters on the Lower West Terrance of the U.S. Capitol who engaged in pushing, shoving, yelling, and fighting with law enforcement officers. Surveillance video depicts GILLESPIE wearing the Berkshire Nautilus sweatshirt that generated the original tip (**IMAGE 1**).



IMAGE 1



IMAGE 2

A Capitol camera captured GILLESPIE at the Lower West Terrace tunnel on January 6, 2021 – still shots from that camera capture GILLESPIE as he struggled through the crowd, eventually maneuvering through the rioters to the line of police officers who were defending the Lower West Terrace exterior door. (IMAGES 3 and 4).



IMAGE 3



IMAGE 4

Sill shots from video footage show GILLESPIE gain control of a police shield as he approached the line of officers who were defending the door (**IMAGES 5, 6, and 7**).



IMAGE 5

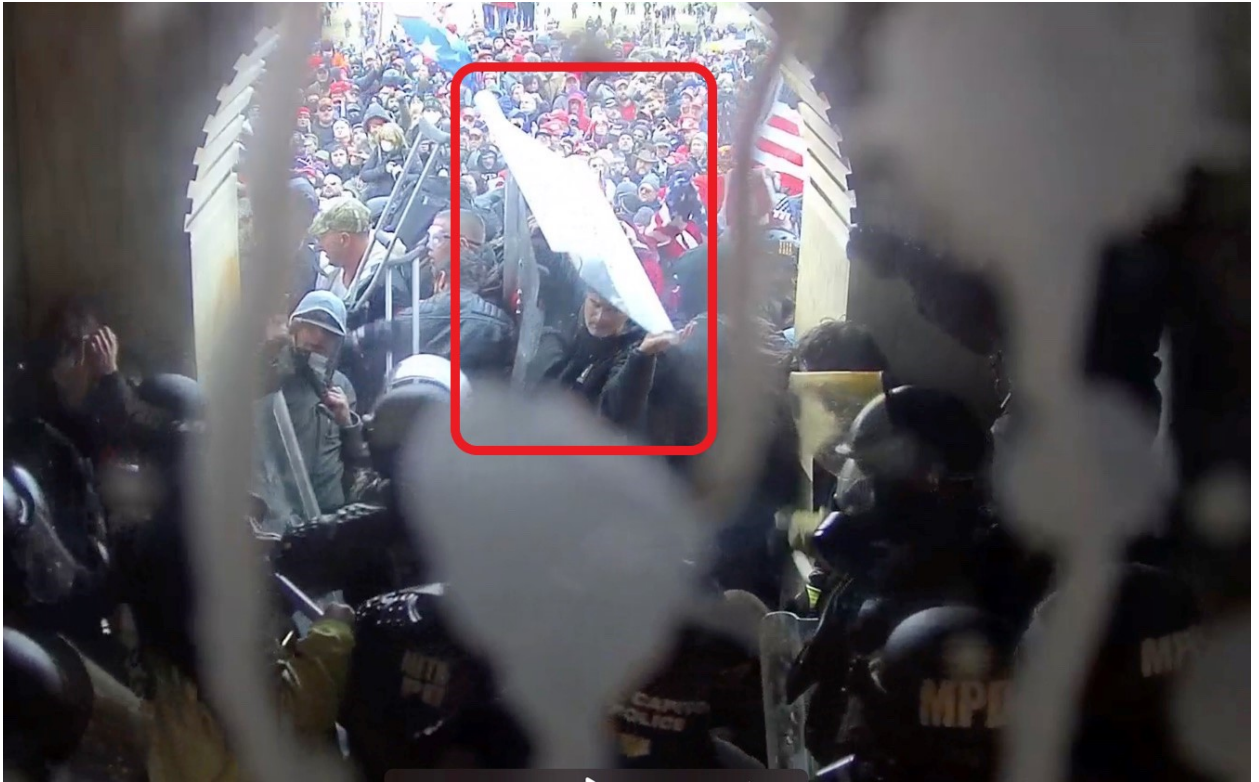


IMAGE 6



IMAGE 7

GILLESPIE continued to participate in the pushing, shoving, and fighting with law enforcement officers in the Lower West Tunnel (**IMAGES 8 and 9**).

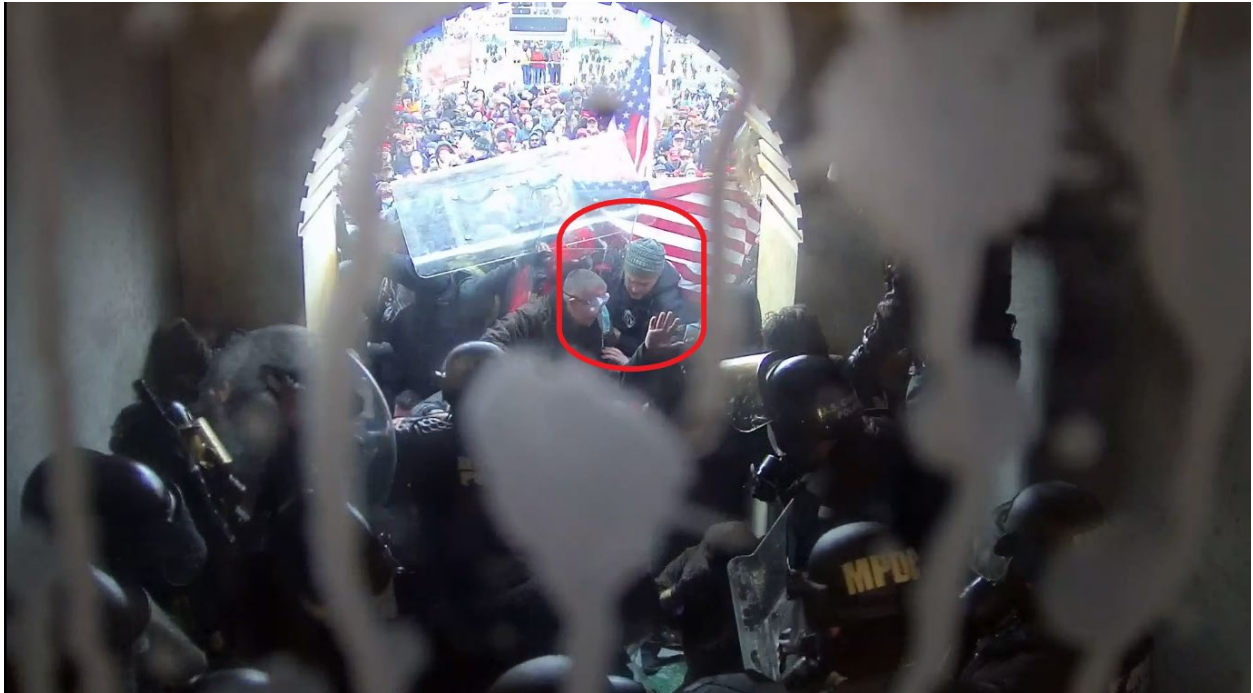


IMAGE 8



IMAGE 9

GILLESPIE is seen on video putting his hands on a law enforcement officer (**IMAGE 10**).



IMAGE 10

Between approximately 4:11 p.m. and 4:13 p.m. GILLESPIE is seen and heard on the body worn camera of a Metropolitan Police Department officer pushing his way through the crowd towards the law enforcement officers; using a police shield to ram the law enforcement officers; and screaming “traitor” more than once and “treason,” as he points to a law enforcement officer (**IMAGES 11, 12, 13, and 14**).



IMAGE 11



IMAGE 12



IMAGE 13



IMAGE 14



IMAGE 15



IMAGE 16



IMAGE 17



IMAGE 18

GILLESPIE sustained injuries in his struggle with law enforcement officers and the other rioters (IMAGES 19 and 20).



IMAGE 19



IMAGE 20

Your affiant obtained **IMAGE 21** from GILLESPIE's Facebook page. Your affiant believes this photograph is the same person identified by Witnesses 1, 2, 3, 4, 5, and 6 as being at the U.S. Capitol as described above, on January 6, 2021.



IMAGE 21

Based on the foregoing, your affiant submits that there is probable cause to believe that Vincent GILLESPIE violated 18 U.S.C. § 111(a)(1), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties.

Additionally, your affiant submits there is probable cause to believe that Vincent GILLESPIE violated 18 U.S.C. § 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

Further, based on the foregoing, your affiant submits that there is probable cause to believe that Vincent GILLESPIE violated 18 U.S.C. §§ 1752(a)(1), (2), and (4), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; (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; and (4) knowingly engages in any act of physical violence against any person or property in any restricted building

or grounds. 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.

Finally, your affiant submits there is probable cause to believe that Vincent GILLESPIE violated 40 U.S.C. §§ 5104(e)(2)(D),(E),(F), 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; (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 17 day of February 2022.

HONORABLE ZIA M. FARUQUI
UNITED STATES MAGISTRATE JUDGE