

STATEMENT OF FACTS

The affiant, [REDACTED] is a Special Agent of the Federal Bureau of Investigation assigned to Columbia Field Office on the Joint Terrorism Task Force (JTTF). In my duties as a Special Agent, I am authorized by law to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Title 18 Federal criminal laws. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021.

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 17, 2021, a tipster (Tipster #1) reported to the FBI that CHAD CLIFTON “entered the White House.” Tipster #1 further stated that CLIFTON “works at the same place I do in Charleston sc. He brags about what they did and has shown all of his coworkers videos and pics. He sent me a pick when he was there. He is also tracked on gps app on his phone for work I have the pics he sent to me on my work phone if you want them.”

Your affiant interviewed Tipster #1. Tipster #1 knows CLIFTON through CLIFTON’s former employment at Maintain, Inc., a property maintenance company located in Mount Pleasant, S.C. Tipster #1 stated that CLIFTON told them and other co-workers at Maintain, Inc. that he went inside the U.S. Capitol building, and sent a photograph showing himself inside the U.S. Capitol building on January 6, 2021.



Tipster #1 also provided a second photograph of a man identified as CLIFTON inside what appears to be the U.S. Capitol building.



On January 18, 2021, the FBI received an anonymous tip from Tipster #2, reporting that CLIFTON posted now-deleted videos on Facebook and TikTok showing himself at the January 6, 2021 riot at the U.S. Capitol. Tipster #2 identified CLIFTON's phone number (ending in -4677) and home address, and described the clothing that he wore on January 6, 2021, as: carrying a "yellow book bag" and wearing "Jeans with maroon-colored shoes." The tipster stated that CLIFTON had "a blue pocket knife on his hip" and he was "wearing a grey mask and red maga hat [and] Blue north face jacket."

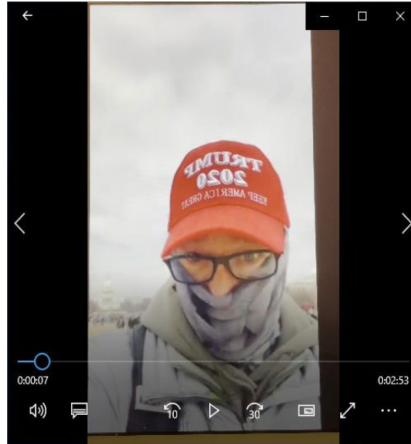
Consistent with the information provided by Tipster #2, the FBI conducted a database search and confirmed that CLIFTON's cellular telephone number ended in -4677. The cellular telephone number ending -4677 was cross-referenced against cellular tower records that were obtained through a search warrant served on Facebook on January 6, 2021. Between approximately 2:32 p.m. to 2:48 p.m., CLIFTON's telephone number ending -4677, believed to be utilized through the Facebook Messenger Application, was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the U.S. Capitol building.

On February 22, 2021, your affiant interviewed Witness #1, a person familiar with CLIFTON. Witness #1 stated that CLIFTON told them he had traveled to Washington, D.C. in January 2021 with his neighbor "DAVID." Witness #1 also stated that he was in a TikTok video picking up trash in Washington, D.C.

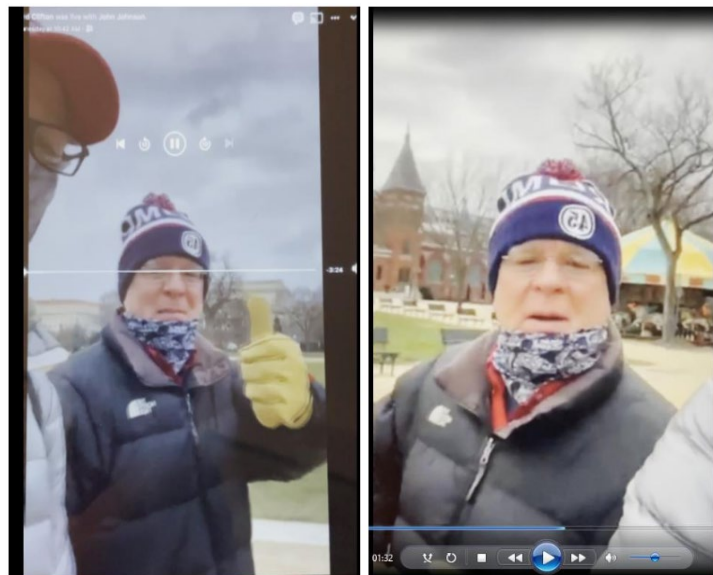
On February 23, 2021, your affiant interviewed Witness #2 and Witness #3, employees of Maintain, Inc. Both witnesses confirmed that on January 6, 2021, CLIFTON was employed by Maintain, Inc. and did not work at any jobsites on that day.

On February 23, 2021 and again on February 24, 2021, your affiant interviewed Witness #4, a person familiar with CLIFTON. During that interview, Witness #4 provided several videos to your affiant showing, according to Witness #4, CLIFTON and JOHNSTON both outside and inside the U.S. Capitol building on January 6, 2021.

In the first video that was posted on Facebook live on January 6, 2021, Witness #4 identified CLIFTON, who was the narrator of the video, as the white male wearing a red "Trump 2020 - Keep America Great" baseball hat, grey and black face covering, black rim glasses, green hooded sweatshirt, grey jacket, and a backpack with black straps.

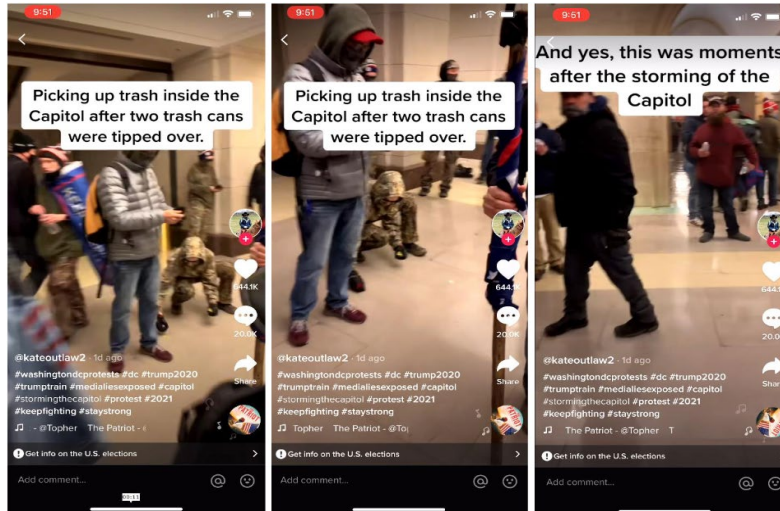


In the video, CLIFTON identifies a man walking alongside him as “Dave.” Witness #4 identified that person as CLIFTON’s neighbor “DAVE JOHNSTON.” In the video, JOHNSTON was wearing metal rimmed glasses, a blue winter cap with white and red trim and embroidered with a circular “45” logo and the word TRUMP, dark colored winter jacket with The North Face logo on the front right chest, and yellow gloves.

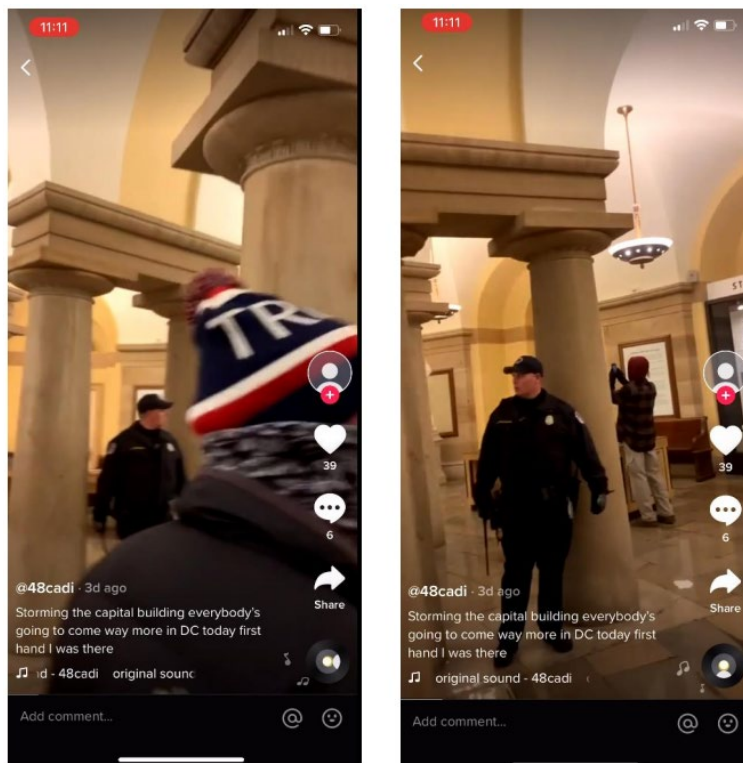


In the video, CLIFTON makes statements such as, “Look at where we are, look at where we going” and “Exciting times are coming.”

Witness #4 also provided to your affiant a copy of videos posted on TikTok from January 6, 2021. Witness #4 stated that the videos on TikTok “clearly” show CLIFTON—the white male wearing a grey winter jacket, green hooded sweatshirt, dark colored face covering, red baseball cap, black rimmed glasses, blue jeans, dark red shoes, and a yellow backpack with black straps—and JOHNSTON walking through the interior of the U.S. Capitol building. One of the captions states “Picking up trash inside the Capitol after two trash cans were tipped over” and another states “And yes, this was moments after the storming of the Capitol.”

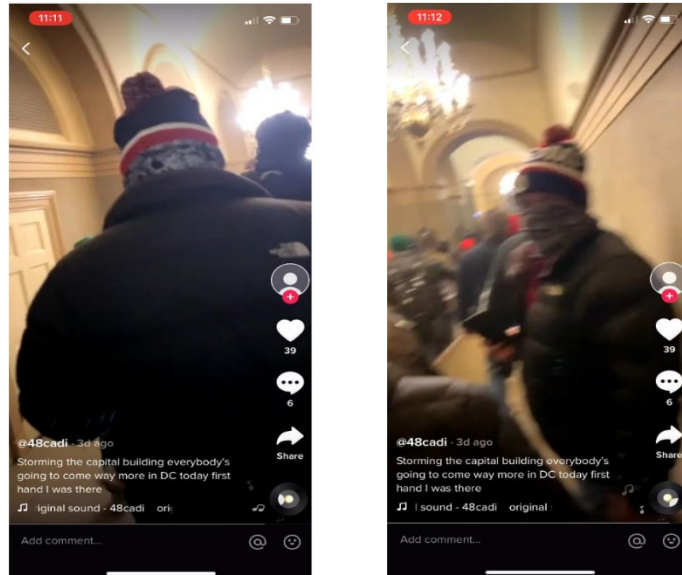


Witness #4 provided to your affiant another video posted on TikTok by user @48cadi. As explained below, Witness #5 attested that @48cadi is CLIFTON's TikTok account. The video shows a uniformed Capitol Police Officer holding an expandable baton, and the caption says: "Storming the capital building everybody's going to come way more in DC today first hand I was there."



The video also shows an individual walking in front of the camera wearing attire consistent with that of JOHNSTON identified by Witness #4: a blue winter hat with red and white trim, a circular "45" logo, and the word TRUMP; a black winter jacket with The North

Face logo on the right rear shoulder; and a black and grey face covering.



In the audio of the video, one can hear several comments spoken in voices similar to the voices from the Facebook video.

On February 24, 2021, your affiant interviewed Witness #5. Witness #5 reported that CLIFTON traveled to Washington, D.C. on January 6, 2021 to attend the Trump rally with his neighbor DAVE JOHNSTON. Witness #5 watched several videos that CLIFTON posted on January 6, 2021 on Facebook live (with username: ChadClifton) and TikTok (with username: 48Cadi). Witness #5 stated that the Facebook live video showed CLIFTON and JOHNSTON near the Washington monument and inside the U.S. Capitol building.

The FBI conducted a database search and confirmed that JOHNSTON's cellular telephone number ended in -3600. The cellular telephone number ending -3600, having service provided by Verizon Wireless, was cross-referenced against cellular tower records that were obtained through a search warrant served on Verizon on January 6, 2021. Between approximately 2:32 p.m. to 2:48 p.m., a Verizon cellular phone associated with the telephone number ending -3600 was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the U.S. Capitol building.

Additionally, your affiant obtained U.S. Capitol Police Closed Circuit Television (CCTV) recordings from January 6, 2017. In a review of those recordings, your affiant identified individuals, based on facial features and clothing, as described by the abovementioned witnesses, believed to be CLIFTON and JOHNSTON inside the U.S. Capitol building. Your affiant also identified JOHNSTON in the CCTV videos based on your affiant's in-person observations of JOHNSTON.

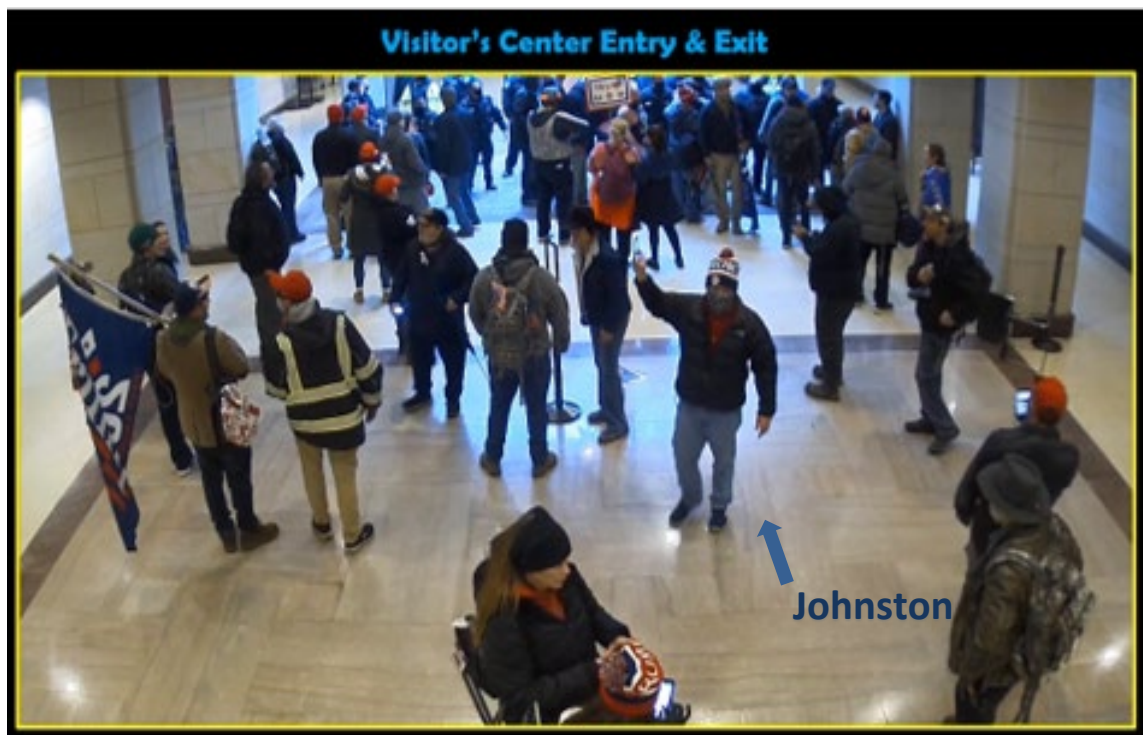
US Capitol Entry

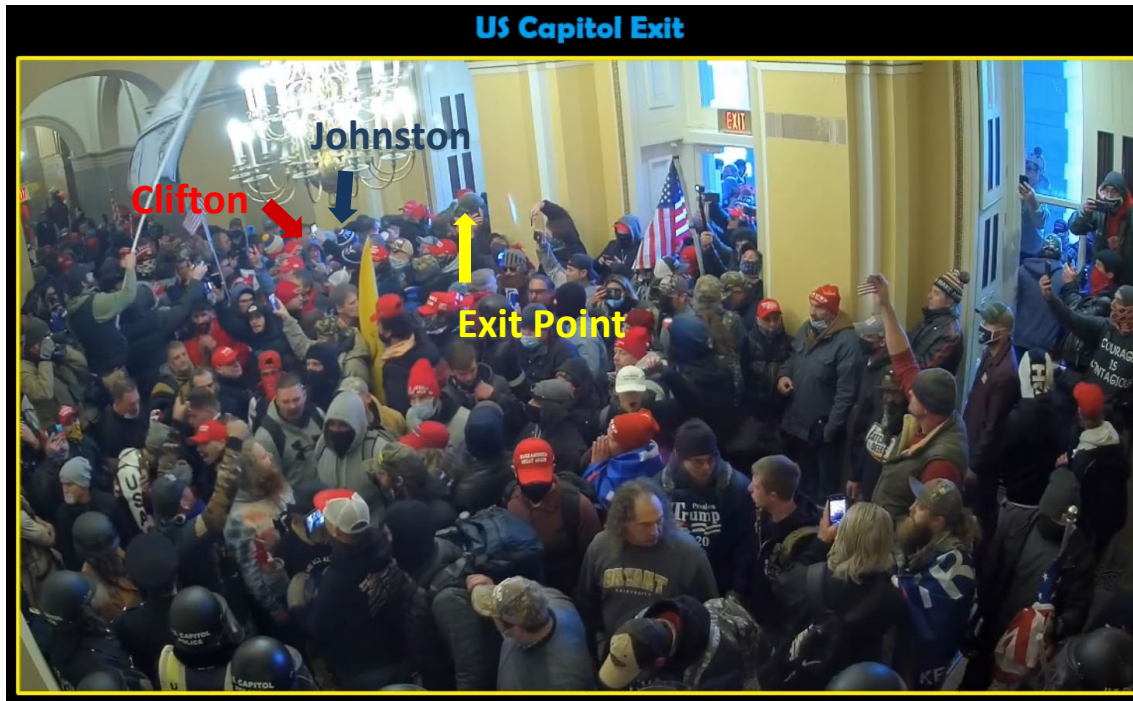


US Capitol Entry









On August 3, 2021, the United States District Court for the District of Columbia issued a search warrant, signed by the Honorable G. Michael Harvey, United States Magistrate Judge, for records from CLIFTON's Facebook account.

Some of the relevant posts obtained from CLIFTON's Facebook include:


- On 01/03/2021, User Chad Clifton states: This is Complete BS and it's his own people. Nothing they said meant squat to him! This is the future you wanted? I don't think so. See you in DC ❤️usTrump2020us❤️
- On 01/07/2021, conversation between Facebook User Chad Clifton and Facebook User Andy Balao. Andy Balao: U get lock up yet 😊. How bad is it. Be safe my friend Chad Clifton: I'm otw home now. We are good and no harm. Awesome day!!❤️ususu💎
- On 01/09/2021, conversation between Facebook User Chad Clifton and Facebook User Jewel Clifton. Chad Clifton: I'm telling you right now don't say anything out loud that you don't want somebody else to hear We are in a war and 95% of the people don't even know it When I went to DC that was an experience of a lifetime. I'm sorry that I went inside a broken door where we could have potential he got in trouble but I was a patriot and I made sure that people didn't destroy things and picked up trash and we respectful. The medium made it look like we were a bunch of demons destroying things in which we were not in anyway.

Based on the foregoing, your affiant submits that there is probable cause to believe that CHAD GORDON CLIFTON and DAVID CHARLES JOHNSTON 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 CHAD GORDON CLIFTON and DAVID CHARLES JOHNSTON violated 40 U.S.C. § 5104(e)(2) (D) and (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.

Respectfully submitted,



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 16th day of May, 2022.

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE