

STATEMENT OF FACTS

1. Your affiant, [REDACTED] is a sworn law enforcement officer employed by the New Jersey Office of Homeland Security and Preparedness (“NJOHSP”). I have been a sworn law enforcement officer since February 2010. I am presently assigned full-time as a Task Force Officer (“TFO”) with the Federal Bureau of Investigation (“FBI”) Philadelphia Joint Terrorism Task Force (“JTTF”), South Jersey Resident Agency. As an FBI TFO and member of the JTTF, I have been duly deputized as a federal law enforcement officer, which authorizes affiant to investigate violations of federal criminal law. As part of my duties, I investigate crimes involving domestic and international terrorism. Specifically, I have investigated persons and organizations whom advance violent rhetoric and action in furtherance of same. Often, these investigations are intertwined with criminal acts, such as vandalism, arson, desecration, and other dangerous destructive acts.. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a TFO, 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. On January 8, 2021, an anonymous complainant submitted an online tip to the FBI National Threat Operations Center regarding Parler user @Craftmetal. The tip stated in part, “This individual has been talking about overthrowing the government for weeks in public chat rooms pushing disinformation and talking about hanging and executing people repetitively...” and “He claims to have been in the Capitol Building on the 6th of January and has posted multiple disturbing videos which would seem to substantiate this statement. This person goes by the handle @craftmetal on Parler and other websites and social media...” This anonymous complainant attached screenshots of the subject account, one of which appeared to identify the owner of the account by name and phone number, which is partially redacted below.

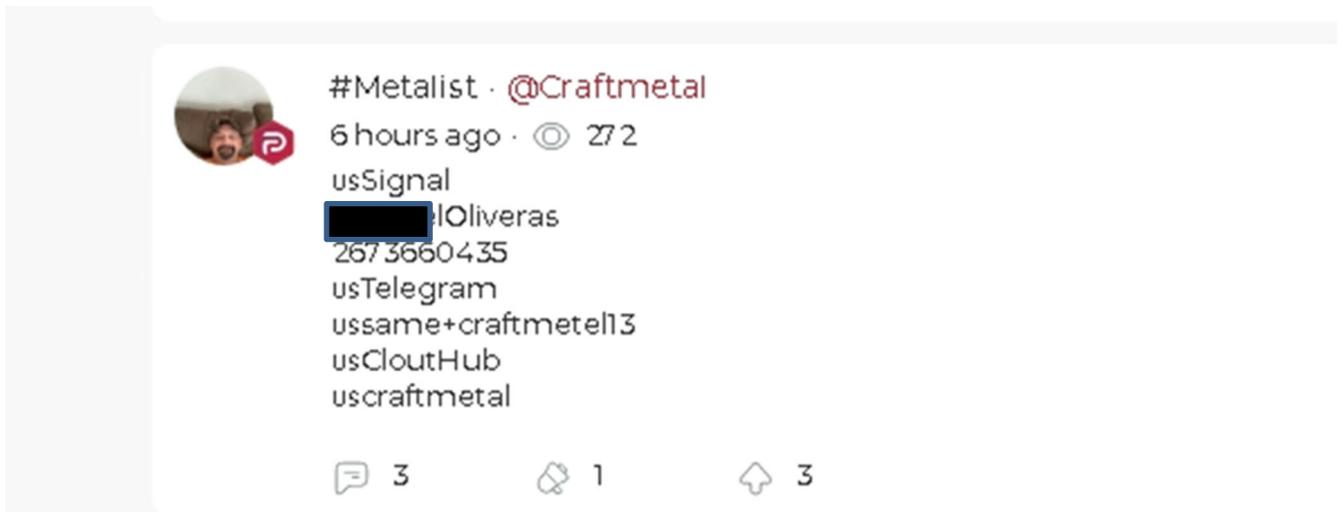


IMAGE ONE

9. A LexisNexis Accurint query for the telephone number ending in 0435 provided in the screenshot from the anonymous tipster yielded two results, including one for Oliveras’s wife and one for Michael Oliveras with an address in Lindenwold, New Jersey, which matches the address listed for MICHAEL OLIVERAS on his New Jersey driver’s license.

10. As part of this investigation, the affiant has confirmed that MICHAEL OLIVERAS resides at the address from LexisNexis Accurint and matches the address listed on his driver’s license, pays rent for his apartment, and has been observed there as recently as November 2021.

11. According to records obtained through a search warrant served on Verizon on January 6, 2021, in and around the time of the incident, the cellphone associated with the number ending in 0435 was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the United States Capitol Building from approximately 2:33 p.m. to 2:39 p.m. Additional legal process in March 2021 confirmed that the telephone number ending in 0435 is serviced on Verizon and MICHAEL OLIVERAS is the subscriber. The legal process confirmed the phone to be an iPhone SE 64GB, black. Returns from a federal search warrant from Apple, Inc. from July 27, 2021 show that MICHAEL OLIVERAS has an Apple ID, ending in numbers 4747 and with the address CEREBRALCC@ICLOUD.COM, connected to the phone number ending in 0435.

12. Following the anonymous complaint, the FBI reviewed the subject Parler account. This review revealed a video that appears to have been taken from inside the U.S. Capitol Building during the riots on January 6, 2021, as well as the posting in IMAGE ONE, showing the contact information provided by the complainant. IMAGE ONE further indicates that the user uses encrypted electronic communications platforms, such as Telegram and Signal. Additional review showed the subject account posted on Parler on January 6, 2021, "I m inside the capital" (sic). DMV records for OLIVERAS contained a driver's license photo consistent with the photo provided by the tip identifying OLIVERAS at the Capitol. Law enforcement subsequently obtained records from the Parler account, as detailed above.

13. On January 10, 2021 an identified complainant submitted a tip to the FBI which read in part as follows, "...One person I follow was at the riot on Wednesday. They posted multiple videos of inside the Capitol building and them harassing members of the press. The account that posted this is @Craftmetal on Parler..." On February 4, 2020, the FBI contacted the complainant who provided the FBI with a video the complainant had compiled. The video compilation consisted of "highlights" from various videos which the complainant claimed were live streamed on @Craftmetal's Parler account. This video compilation showed videos consistent with previously viewed videos from @Craftmetal's Parler account, which were videos of the inside of the Capitol building during the rioting on January 6, 2021.

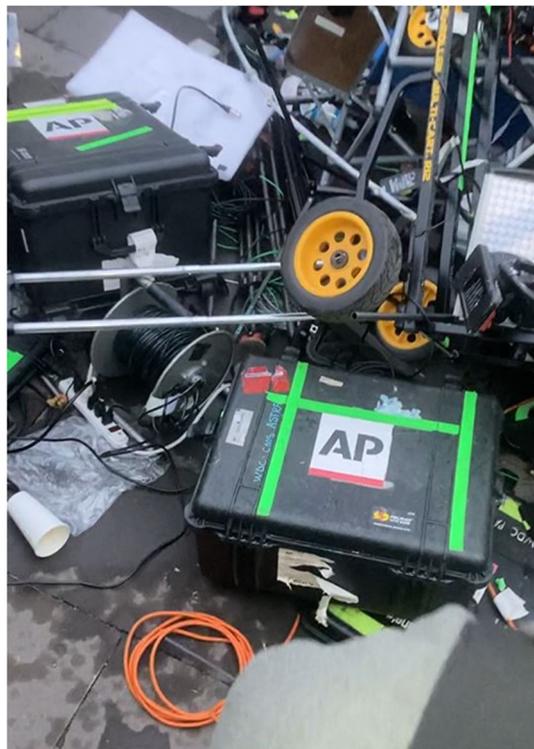
14. On January 10, 2021, an additional identified complainant submitted a tip to the FBI which read in part as follows, "This man (Michael Oliveras of New Jersey) has extensive videos throughout the day on his Parler account (@Craftmetal). One of these videos includes him and others in the House chanting 'whose house? Our house?!' (Link below) I first encountered him when he was inciting violence against counter-protestors at a 'Stop The Steal' rally at the Philadelphia Convention Center on 11/07/2020..." and "...Here is one direct link to a video he posted that was taken yesterday: https://video.parler.com/PW/hr/PWhrExxrt7g_small.mp4".

15. As part of this investigation, affiant reviewed returns from a federal search warrant for @Craftmetal Parler account. Search warrant returns from Parler show this account was created on October 26, 2020 using the telephone number ending in 0435 and email address oliverasmpc@hotmail.com. This telephone number has been confirmed to belong to MICHAEL OLIVERAS through legal process. This email address has been linked to MICHAEL OLIVERAS through open source means. Additionally, records obtained from Microsoft indicated the email

address contacted to OLIVERAS's Parler account, Oliverasmpc@hotmail.com was registered to OLIVERAS.

16. In one private chat found in the Parler return, OLIVERAS stated, "scroll my thread... I posted from dc...." Photos and videos from the Parler return show that OLIVERAS was live streaming from inside the Capitol. Because the live streaming was inside the U.S. Capitol on January 6, 2021, your affiant has probable cause to believe that OLIVERAS illegally entered and remained in the U.S. Capitol on January 6, 2021.

17. One video from OLIVERAS's Parler account showed items believed to belong to the Press being thrown into a pile, while the video is narrated by the person filming, believed to be OLIVERAS, "That's what happens when the fucking fake news shows up at a Patriot rally". A screen shot from that video is below:



18. Another video from OLIVERAS's Parler account, a screen shot of which is provided below, showed unknown individuals pushing to enter the Capitol building, while the video is narrated by the person filming, believed to be OLIVERAS stating, "Here we go. Here's the next rush. There's a push inside, with resistance".



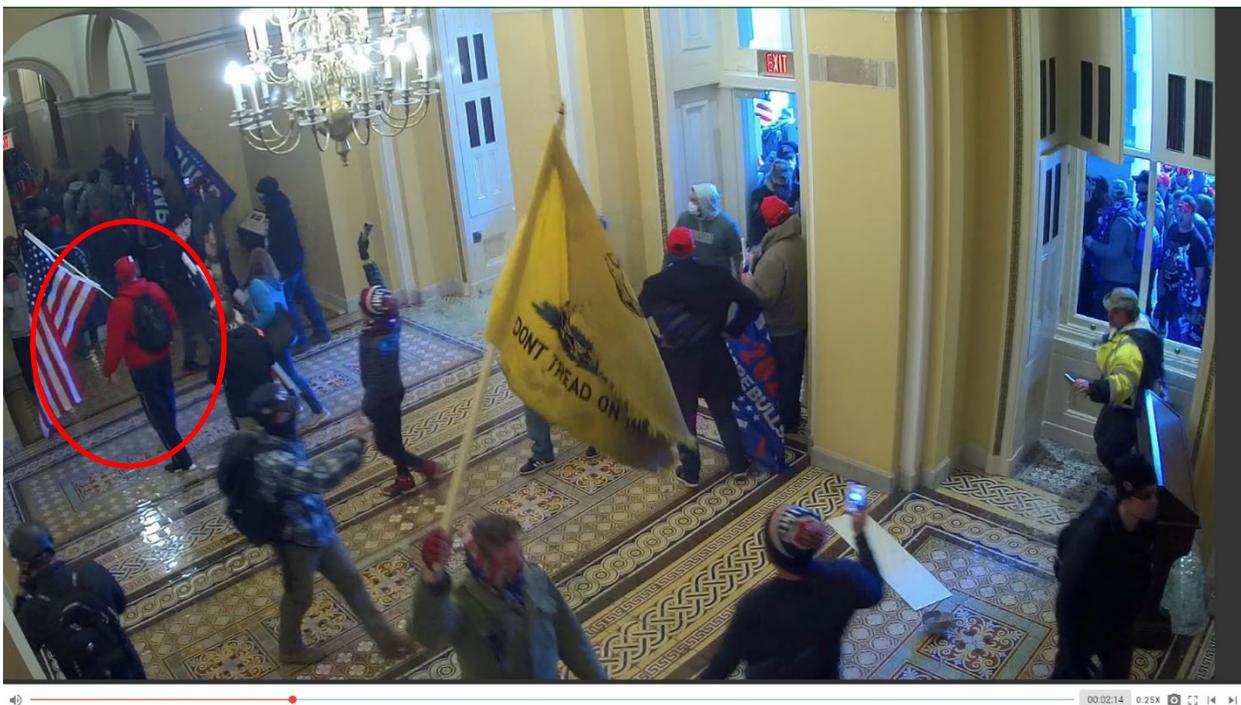
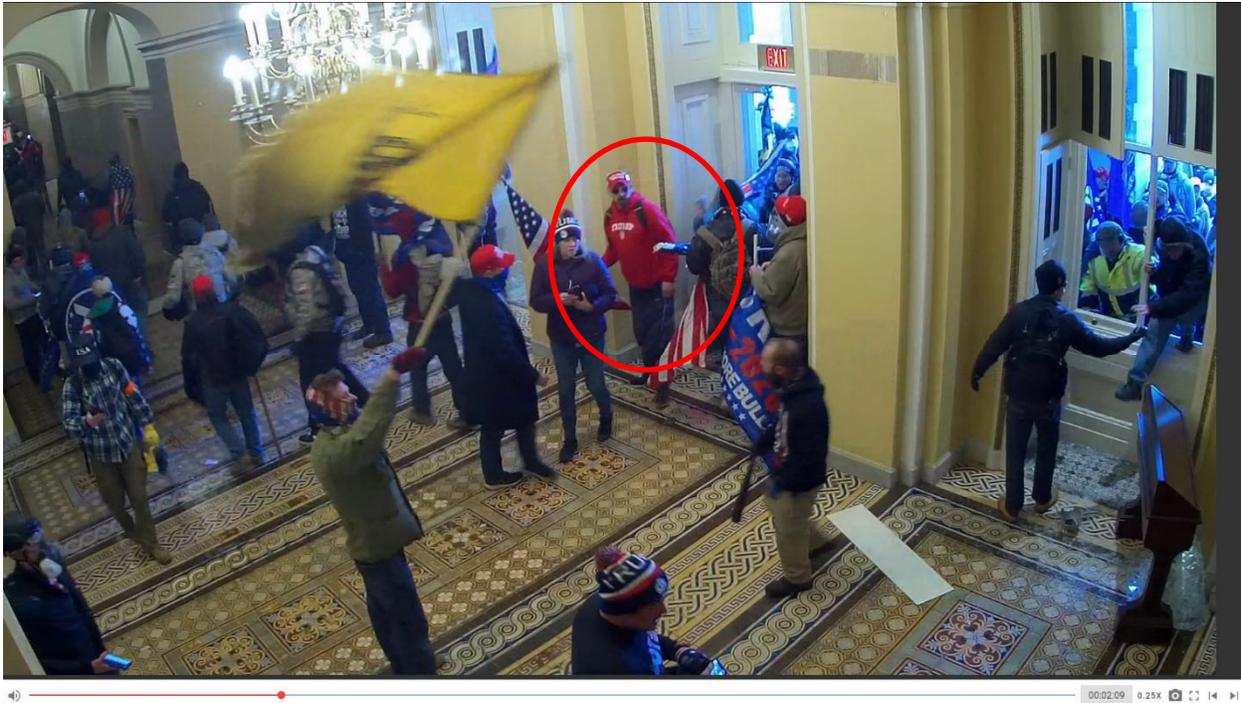
19. An additional video from OLIVERAS's Parler account shows unknown individuals inside the Capitol building, while the video is narrated by the person filming, believed to be OLIVERAS, "Where are the fucking traitors? Drag them out by the fucking hair! Where are the fucking traitors?".



20. In another private chat from Parler, OLIVERAS stated on January 6, 2021 at approximately 1:11 a.m., to an unknown individual with the handle @WreckinBall who was a Parler user, “LeeetsFuuukinGoooooo!!!!”.

21. In another private chat from Parler, OLIVERAS stated on December 24, 2020, “I’ll be back in DC 1/6/21”.

22. After reviewing CCTV footage from inside the United States Capitol Building, OLIVERAS was observed entering the Capitol Building. OLIVERAS was observed wearing a red sweatshirt with white wording “TRUMP” on the front of the sweatshirt, a red hat with white lettering on the front and what appears to be buttons attached to the side of the hat, black pants with a stripe down the side of the leg, black sneakers with white soles and a black backpack. OLIVERAS is also carrying an American flag attached to a flag pole.



23. Additional video footage from OLIVERAS inside the Crypt of the Capitol Building appear to show OLIVERAS utilizing his cellular telephone to video inside the Capitol. A screenshot of which is below:



24. Further, on January 6, 2021, OLIVERAS posted to Parler the following two posts:

“Sending messages and videos today was not even an option with the service interruptions”

“This is like a Fukin joke, trying to post a video Ready to throw my phone against something solid in nature.”

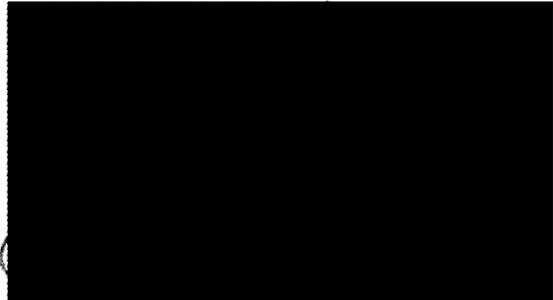
25. On August 4, 2021, photos of OLIVERAS inside the Capitol were shown to an individual who has a limited professional relationship with OLIVERAS and has seen him in person approximately five times. This individual was not able to identify OLIVERAS in the photos.

26. On the same day, photos of OLIVERAS inside the Capitol were shown to an individual who has known OLIVERAS for over twenty years and has a very personal relationship with OLIVERAS. This individual identified OLIVERAS in three separate photos.

27. Based on the foregoing, your affiant submits that there is probable cause to believe that MICHAEL OLIVERAS 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; 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.

28. Your affiant submits there is also probable cause to believe that MICHAEL OLIVERAS violated 40 U.S.C. § 5104(e)(2)(D) and 40 (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; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



Attested to by the applicant in accordance with
telephone, this 8th day of December 2021.

HONORABLE ROBIN M. MERIWEATHER
UNITED STATES MAGISTRATE JUDGE