

STATEMENT OF FACTS

On January 6, 2021, your affiant, Peter Schrammel was on duty and performing my official duties as a Task Force Officer. Specifically, I am assigned to the FBI New York Joint Terrorism Task Force (JTTF), tasked with investigating criminal activity in and around the Capitol grounds. As a Task Force Officer, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws. The following facts come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies. This affidavit is intended to show merely that there is sufficient probable cause for the charges below. It does not set forth all of my knowledge, or the knowledge of others, about this matter.

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 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, 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.

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.

Based upon my participation in the investigation, I submit that there is probable cause to believe that CHRISTOPHER W. ORTIZ, hereinafter ORTIZ, was among the individuals who invaded the U.S. Capitol building during the events summarized above.

In the days following the riot, the FBI received tips through the FBI Tip Line and elsewhere from multiple individuals alleging that ORTIZ posted content to his Instagram story indicating that he entered the U.S. Capitol along with other rioters on January 6, 2021.

For example, on or about January 7, 2021, an individual (Witness-1) contacted the FBI via online portal and informed law enforcement that he/she had video of ORTIZ at the U.S. Capitol during the riots on January 6, 2021. Witness-1 provided their contact information. During a subsequent phone call, Witness-1 stated in sum and substance that: (1) he/she has known ORTIZ for approximately five years; (2) they previously worked together for 2 years; and (3) they were “friends” on Instagram and followed each other’s posts.

Witness-1 also provided to the FBI the Instagram handle associated with ORTIZ, @chrispy0ats. Witness-1 stated in sum and substance and in part that he/she knows ORTIZ’s Instagram because they have followed each other as “friends” and that the Instagram profile picture associated with chrispy0ats is a picture of ORTIZ. The photo in Figure One is that of ORTIZ’s Instagram profile picture.



Figure One

Law enforcement subsequently searched the New York State Department of Motor Vehicles (DMV) and located information for a CHRISTOPHER W. ORTIZ. DHS searched and located information for a CHRISTOPHER W. ORTIZ to include a passport photo. Based on an

examination of ORTIZ's driver's license photo, and a U.S. passport photo, I believe that the individual depicted in the above Instagram profile photograph of pictured person leaning on arms with water and trees in the background is ORTIZ.

Witness-1 additionally emailed to the FBI screen recorded video of what Witness-1 represented to be, and appears to be, video that Witness-1 took of ORTIZ's Instagram story, @chrispy0ats, establishing ORTIZ outside of, entering, and inside of the U.S. Capitol on January 6, 2021. For example, Figure Two is a screenshot from that video, and clearly shows that the person who recorded the video is inside the U.S. Capitol along with a crowd of other persons.



Figure Two

Moreover, when the crowd of rioters enters the building, the video includes a male voice yelling, "Onward, Onward!" Witness-1 identified the audible voice as belonging to ORTIZ.

Additional members of the public reached out to the FBI Tip Line with information and screen recorded video pertaining to ORTIZ's Instagram story, utilizing Instagram handle @chrispy0ats, at the U.S. Capitol.

On January 19, 2021, the FBI contacted an individual who provided his/her first and last names, and contact information ("Witness-2"). Witness-2 said he/she has known ORTIZ since high school. Witness-2 provided a screen recorded video of ORTIZ's Instagram story at the U.S. Capitol utilizing the Instagram handle @chrispy0ats. Witness-2 played the video for interviewing agents. During the video a male was seen scaling the U.S. Capitol building and a male voice was heard screaming "Yeah!" At another point the camera shows a large crowd at the U.S. Capitol door; the same male voice yelled "Yeah! We're at the door!" At yet another point the same male voice was heard yelling, "Onward, Onward!" while entering the U.S. Capitol building. The male voice was recognized, and confirmed, by Witness-2, to be the voice of ORTIZ.

Witness-2 engaged in an Instagram direct message (DM) exchange with ORTIZ. Witness-2 provided the Instagram direct message conversation. Witness-2 asked ORTIZ what he was doing there. ORTIZ replied, "participating in government." ORTIZ also responded, "Lol they can come and get me; I didn't break or vandalize or steal; I walked through and out." ORTIZ added, "I'd storm the Capitol for you any day." Figures Three and Four include photographs of the DM exchange that ORTIZ engaged in with Witness-2.

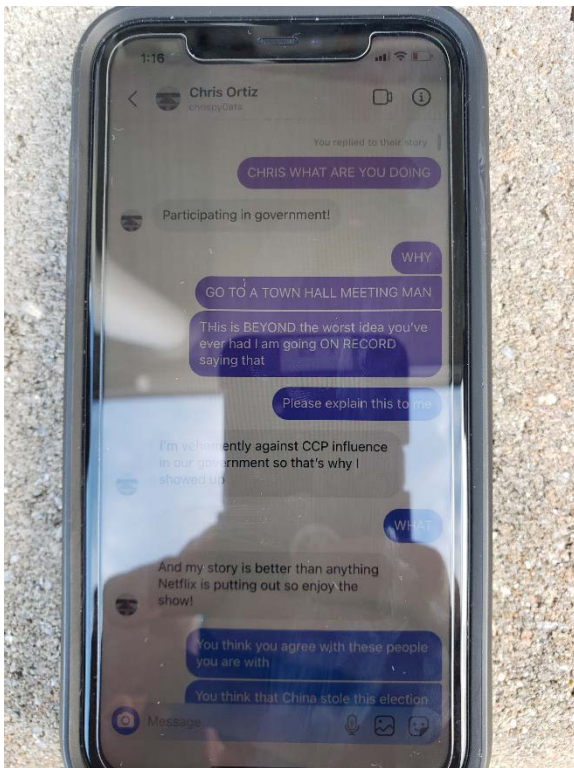


Figure Three

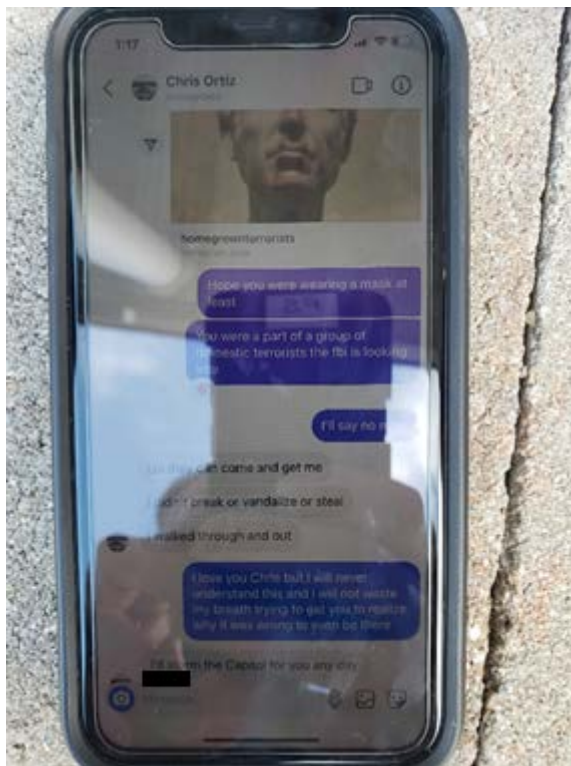



Figure Four

Finally, on January 21, 2021, the government received subscriber information for the Instagram account “chrispyOats,” which indicated that the account is registered to “Chris Ortiz.”

Based on the foregoing, your affiant submits that there is probable cause to believe that CHRISTOPHER W. ORTIZ 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. 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 ORTIZ violated 40 U.S.C. § 5104(e)(2)(D) & (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.



PETER SCHRAMMEL
TASK FORCE OFFICER
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 22nd day of January 2021.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE