

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Tennessee Bureau of Investigation assigned to the FBI Joint Terrorism Task Force as a full-time Task Force Officer. As such, I am responsible for investigating and mitigating threats involving domestic groups and/or lone offenders who commit violations of federal law through means of force, intimidation, or violence in furtherance of radical ideologies and/or agendas. My current duties include investigating criminal activity that occurred in and around the United States Capitol grounds on January 6, 2021. 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 that appeared to be captured on mobile devices of people present on the scene depicted evidence of violations of local and federal law, including many people inside the U.S. Capitol building without authority to be there.

As part of my investigation of the events of January 6, 2021, I have reviewed the driver's license photograph of JAMES WAYNE BROOKS ("BROOKS") of Knoxville, Tennessee, as well as images posted on BROOKS' Facebook page that appear to be the same person depicted in his driver's license photo. I have compared those images with images recorded on January 6, 2021 by U.S. Capitol video surveillance cameras and law enforcement body-worn cameras. A man whose appearance is consistent with, and appears to match, that of the person depicted in BROOKS' driver's license photo and images posted on his Facebook page is shown in U.S. Capitol surveillance videos walking through the Capitol Building for approximately 10 minutes on January 6, 2021.

BROOKS' Facebook account is publicly identified as www.facebook.com/jimi.brooks1 ("BROOKS' Facebook page"). Facebook records show that a particular VISA credit card number is associated with the account. I contacted VISA Inc. on September 28, 2021 and requested the name of the financial institution associated with that card number. VISA Inc. identified the financial institution. On October 13, 2021, I received records from that financial institution showing that JAMES W. BROOKS is the cardholder for the account. The records further show that between the dates of January 5 and January 8, 2021, the credit card on the account was used to make purchases at the Residence Inn and Metro 012 in Bethesda, Maryland. The Residence Inn in Bethesda, Maryland is approximately 10.7 miles from the U.S. Capitol.

I reviewed an incident report dated December 26, 2019, which was completed by the Knox County, Tennessee, Sheriff's Office after BROOKS reported the theft of his license plate. BROOKS' phone number was listed on the report as [REDACTED]. I obtained records from Verizon Wireless on September 28, 2021, which showed BROOKS has been the subscriber associated with the telephone number [REDACTED] since October 2019, and that the same credit card number associated with BROOKS' Facebook account, which also was used to make purchases at the Residence Inn and Metro 012 in Bethesda, Maryland between January 5 and January 8, 2021, has been used to make payments on BROOKS' Verizon Wireless account.

According to records obtained through a search warrant served on Verizon Wireless, the mobile phone associated with [REDACTED] was identified as having utilized a cell site consistent with providing service to a geographic area that include the interior of the U.S. Capitol Building on January 6, 2021. Verizon Wireless records indicate that BROOKS was in and/or around the restricted area of the U.S. Capitol, to include inside of the Capitol Building, between the times of 2:29 p.m and 5:07 p.m. on January 6, 2021.

On May 9, 2021, BROOKS created a "live" video of himself from his Facebook page. The following image is taken from that video:

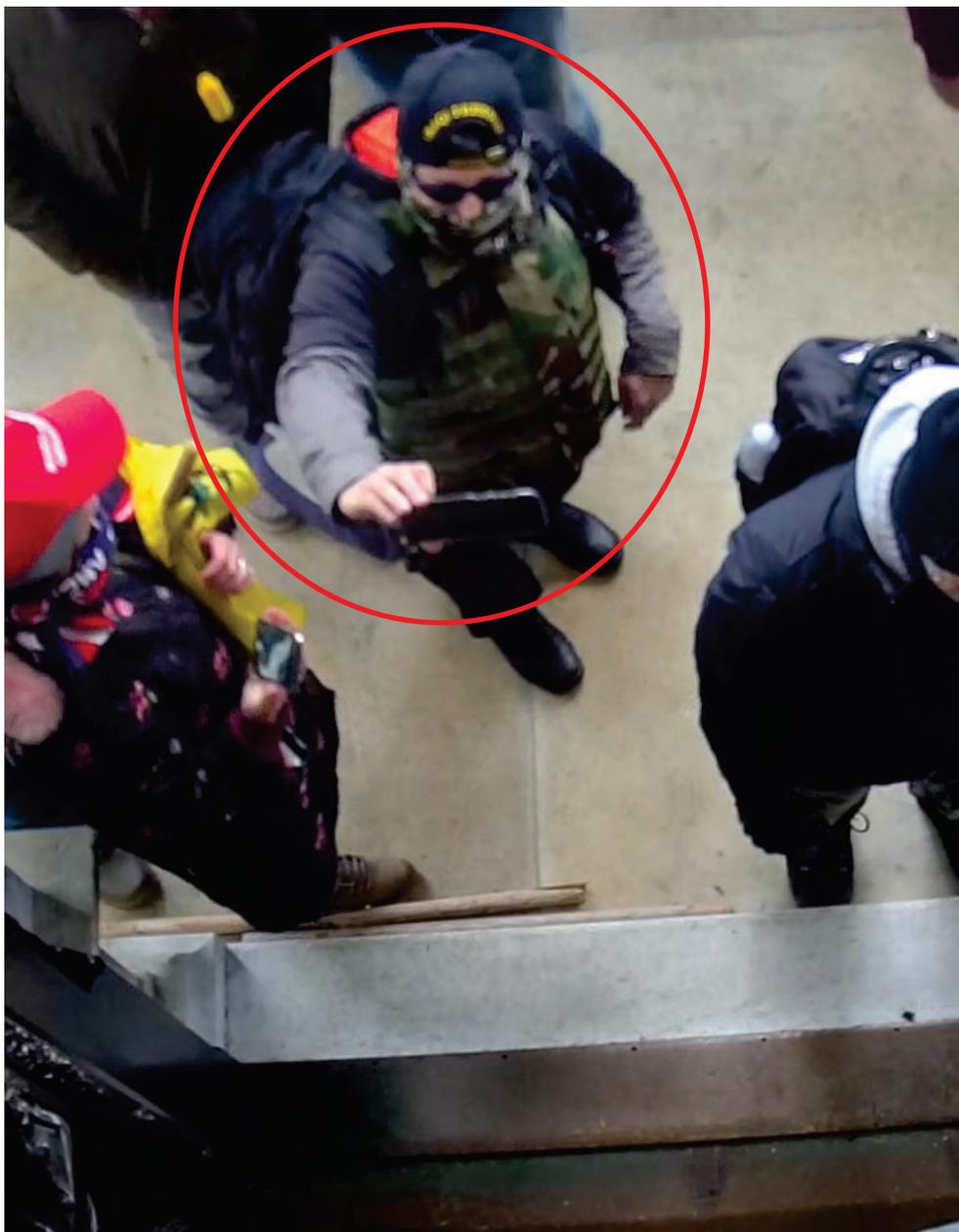


A post on BROOKS' Facebook page dated May 16, 2021 shows BROOKS with his arm around a woman and is captioned, "No one has a clue how much I luv this beautiful amazing woman" In the photo, BROOKS is wearing a black hoodie with red lining in the hood and a lighter gray sleeve, blue sunglasses, and a hat with the word "Veteran" embroidered in yellow/gold on the strap of the hat:



BROOKS appears to be wearing the same distinctive hoodie, or one just like it, in his Tennessee driver's license photo. The man in BROOKS' driver's license photo appears to be the same man in the above-referenced images posted on BROOKS' Facebook page.

A Capitol Building surveillance video camera captured the following image of a man on January 6, 2021, taking photos or videos with a mobile phone just outside a door to the Capitol Building, wearing what appears to be the same distinctive hoodie (black with red-lined hood and gray sleeves) as the one BROOKS is wearing in the above-referenced picture posted on his Facebook page on May 16, 2021:¹



The following image from a U.S. Capitol surveillance video camera on January 6, 2021 shows a man, who appears to be wearing the same items as the man shown above, carrying a blue

¹ The backward-turned cap in this video appears (while the video is playing) to bear the word “Veteran” in yellow/gold lettering across its strap. Unlike the hat BROOKS is wearing in his Facebook images, the hat in this video also appears (while the video is playing) to bear the words “Iraqi Freedom” on its back.

South Carolina state flag that appears in the video to have a red United States Marine Corps logo attached to it. The man appeared about 2:29 p.m. Eastern Standard Time (EST) near the scaffolding by the Upper West Terrace. He then walked up the steps and climbed onto the railing of the Upper West Terrace and began waving the flag as seen below. (The time stamp in the screenshots of Capitol cameras is in Coordinated Universal Time (UTC), five hours ahead of EST).



The following images recorded by Capitol Building surveillance video cameras on January 6, 2021 show what appears to be the same man wearing the same distinctive clothing and accessories (black hoodie with red-lined hood and gray sleeves, camouflage vest, backpack, backward-turned dark cap with yellow lettering, sunglasses, and camouflage gaiter-style mask), carrying a rolled-up red-white-and-blue flag, inside the Capitol Building:





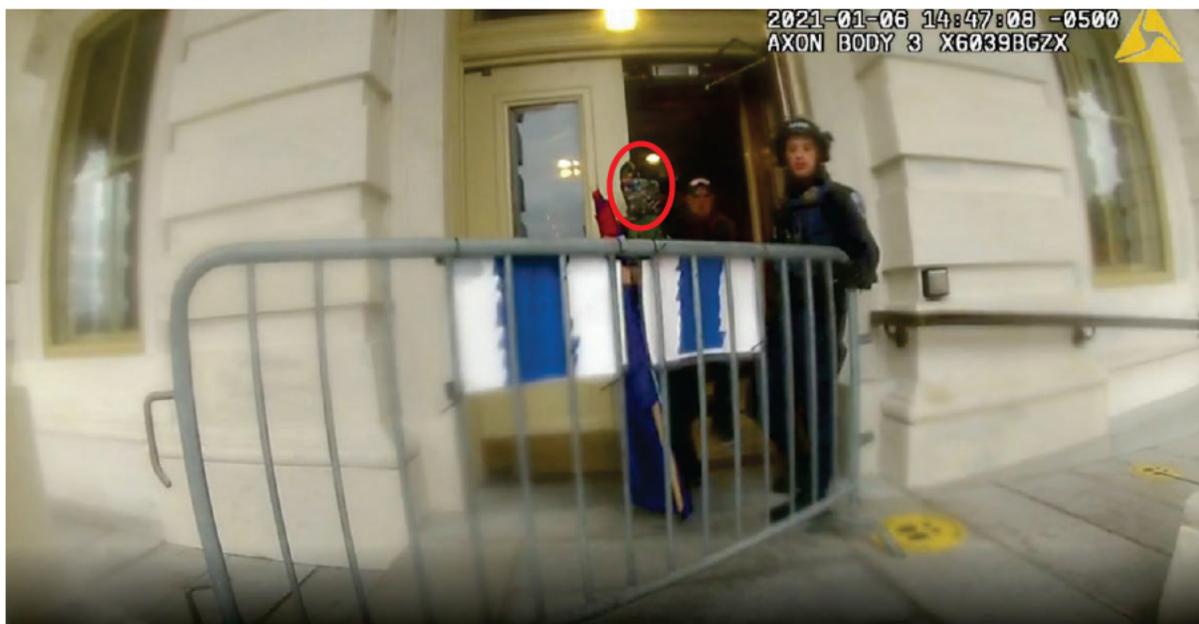
As shown in the photos above, the man has a communications radio attached to the left side of his military-style vest.

The following images recorded by law enforcement body-worn cameras (“BWC”) on January 6, 2021 show what appears to be the same man wearing the same distinctive clothing and accessories, carrying what appears to be the same flag, and with a communications radio attached to the left side of his military-style vest, exiting the Capitol Building:





In the video screenshotted above, the man’s communication radio’s antenna is visible, and the words “Iraqi Freedom Veteran” are visible on the front panel of the man’s backward-turned hat.²



² In a photo posted to BROOKS’ Facebook page on February 5, 2021, BROOKS appears shirtless on a motorcycle bearing a large windshield decal that says, “O.I.F. III 04-05 Freedom Isn’t Free.” I know from my training and experience that “O.I.F.” is commonly associated with Operation Iraqi Freedom.



The following images from officers' BWC show the same man at the Capitol on January 6, 2021, with his mask lowered:



Approximately 2:48 p.m. EST



Approximately 4:38 p.m. EST

Based on my personal comparison of BROOKS' Facebook images and Tennessee driver's license photo with the above-referenced images recorded by U.S. Capitol surveillance cameras and BWC, the man shown in the above-described video footage inside the U.S. Capitol Building and on restricted U.S. Capitol grounds on January 6, 2021 appears to be BROOKS. Based upon my review of additional surveillance video recorded inside the Capitol Building on January 6, 2021, BROOKS walked through the interior of the Capitol Building for about 10 minutes on that date.

I interviewed BROOKS' sister, Wilma Brooks, on October 20, 2021. Ms. Brooks had lived with BROOKS as recently as 2020, when he was staying in her home. Ms. Brooks stated that her other brother, Eddie Brooks, told her that BROOKS was at the U.S. Capitol on January 6, 2021. Ms. Brooks was shown images of the above-depicted person taken at the U.S. Capitol on January 6, 2021, and stated that if she "were a betting woman," she would say the person shown in the images taken inside the Capitol Building and on Capitol grounds is BROOKS. I understood her to mean that those images most likely depict BROOKS. Ms. Brooks also stated, after being shown a picture of BROOKS wearing a hat with the words "Iraqi Freedom Veteran" embroidered on it, that BROOKS served two tours of military duty in Iraq. Ms. Brooks also provided me with the following photo of BROOKS, which she received from their brother, Eddie Brooks:



This appears to be the same person, wearing the same sunglasses and hat, as the person depicted in the photo posted on BROOKS' Facebook page on May 16, 2021:



Based on the foregoing, your affiant submits that there is probable cause to believe that BROOKS violated 18 U.S.C. §§ 1752(a)(1) and (2), which make 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 BROOKS 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.



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 3rd day of January, 2021.

  
G. Michael Harvey
2022.01.03
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G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE