

STATEMENT OF FACTS

I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and I am assigned to the Washington Field Office. As a Special Agent with the Federal Bureau of Investigation, 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 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.

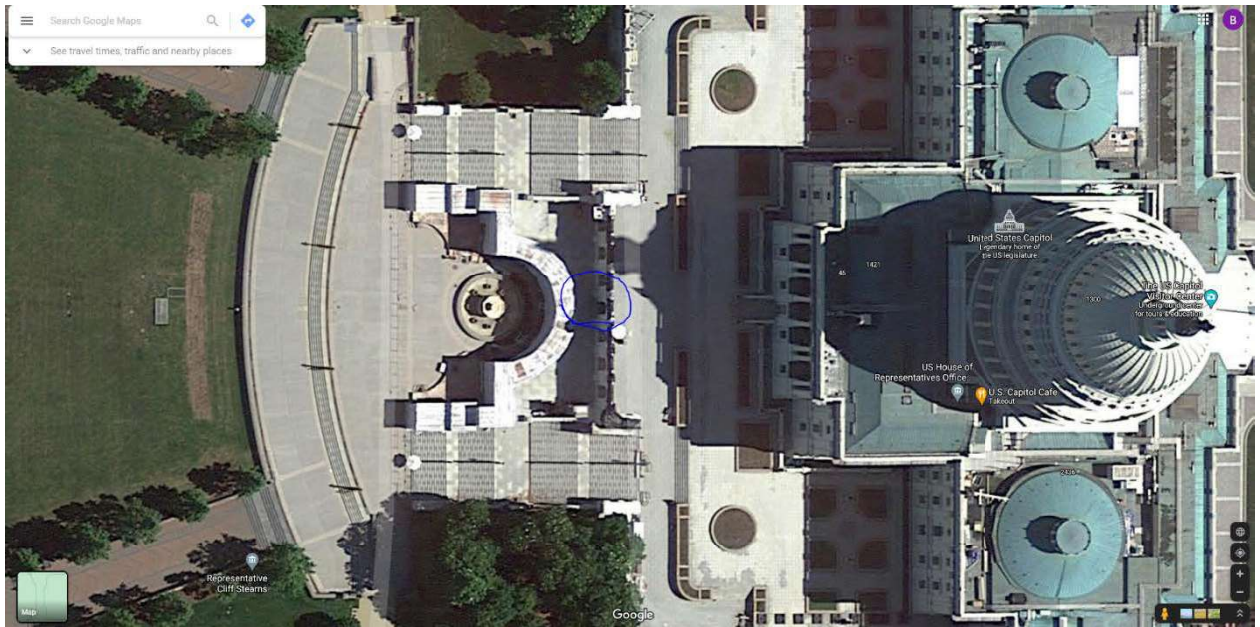
At such time, the certification proceedings still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, between 1:00 p.m. and 2:00 p.m., individuals 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, 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 6, 2020, during the above-referenced events, Officer B.M. (“B.M.”) of the Washington D.C. Metropolitan Police Department (“MPD”) was working his¹ evening shift in his official capacity. During that shift, B.M. was directed to report to the U.S. Capitol building to assist the U.S. Capitol Police in their duties to maintain security of the U.S. Capitol building.

Between 4:00PM and 5:00PM that same day, B.M. walked through an interior tunnel of the U.S. Capitol building and assumed a post in an archway which provided access to the building’s exterior. The approximate location of B.M. was noted by B.M. and is denoted below by the blue markings.



From this archway, alongside other uniformed law enforcement officers, B.M. observed hundreds of individuals gathered outside. Some of these individuals were throwing and swinging various objects at the group of law enforcement officers. While standing in the archway to prevent the group of individuals from breaching the U.S. Capitol building, and while wearing his official MPD uniform, some of these individuals grabbed B.M. and dragged him down the stairs of the Capitol building. These individuals forced B.M. into a prone position on the stairs and proceeded to forcibly and repeatedly strike B.M. in the head and body with various objects.

Specifically, one of the individuals that was depicted in at least one photograph and numerous videos wearing a tan colored jacket, black helmet, green backpack and black gloves near and overtop of B.M. This individual can be seen in the referenced photograph holding an instrument believed to be a police officer’s baton across the police officer’s lower neck. His left hand is on the back side of B.M.

¹ Unless otherwise stated, for the safety of victims and witnesses, victims and confidential sources of information are referred to using male pronouns (regardless of gender) and conversations about victims and confidential sources of information have been altered as necessary to reflect male pronouns.



(PHOTO 1)

In the referenced video, the same individual that appears in the still photograph, can be seen running up the stairs of the United States Capitol and attempting to grab the leg of a presumed police officer. This individual is circled in red in the still frame from the video below. The presumed officer seems to kick the individual away from him causing the individual to fall backwards down the stairs.



(VIDEO 1)

Some moments later, this individual is captured once again seen ascending the stairs of the Capitol, but this time the individual seems to grab a police officer and pulls the officer down the stairs. It also seems that this individual is punching the back of the police officer as he drags him down the stairs. It should be noted that the individual in the still photograph is dressed in the exact same clothes, to include accessories (backpack and gloves), as the individual seen in the video.



(VIDEO 2)

On January 11, 2021, at approximately 1630 hours, officers from the Clarkstown Police Department, responded to a vehicle, Massachusetts Registration 1XRR98, driving erratically in the town of New City, NY. The vehicle was located and the driver, subsequently identified as Jeffrey SABOL, was found covered in blood, suffering from severe lacerations to both thighs and arms. While officers aided SABOL, he made several spontaneous statements to include but not limited to: “I am tired, I am done fighting”, “My wounds are self-inflicted”, I was “fighting tyranny in the DC Capital”, “I am wanted by the FBI”.

Clarkstown Police conducted an inventory search of SABOL’s vehicle. The inventory included, among other items, razor blades, a note with instruction and password to a computer, Sabol’s Passport, Social Security Card, airline e-ticket, rental car agreement, and numerous electronic devices. Most importantly, the car contained a green backpack and a tan Carhartt jacket, similar to the ones depicted in the still-shots above. The vehicle was secured and towed to the Clarkstown Police Impound Yard.

On January 12, 2021, law enforcement officers spoke with SABOL while he was recovering at the Westchester Medical Center. SABOL advised that on January 6, 2021, he was at the U.S. Capitol and he was wearing a brown Carhartt jacket, a black or grey helmet, a big green backpack, and black gloves. The Carhartt jacket was the same jacket that was located in his vehicle the night he attempted suicide and was found by the police, according to SABOL. On

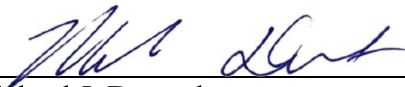
January 13, 2021, law enforcement again spoke with SABOL, and asked SABOL to review the above-referenced VIDEO 1 and 2 of the riots that took place on January 6, 2021 at the U.S. Capitol building. SABOL reviewed the video and stated he was indeed in the video, wearing the same clothes he described above.

SABOL stated to law enforcement that he ran up the stairs and jumped over a barricade. Once over the barricade, SABOL dragged a police officer down the stairs away from the tunnel. SABOL acknowledged that the video seemed to depict him throwing punches at the police officer, but he claims he was "patting him on the back" and saying "we got you man". Once at the bottom of the stairs, SABOL claims he "covered the police officer for his own safety" while others hit the police officer with poles. SABOL retreated from that location and ended up on the left side of the stairway with a crowd of people. SABOL told law enforcement that, approximately fifteen minutes later, a "call to battle was announced" and SABOL "answered the call because he was a patriot warrior". This time, SABOL took a police officer's baton out of the officer's hand and used it to "protect the officer" who was on the ground.

SABOL was shown the above-referenced still photo of a police officer lying face down on the ground with SABOL over him. SABOL acknowledged that he is the individual in the picture. SABOL acknowledged that this picture looked bad and he could not recall if he hit the police officer with the baton because he was in a fit of rage and the details are cloudy.

Based on the foregoing, your affiant submits that there is probable cause to believe that SABOL 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.

Respectfully Submitted,



Michael J. Deutsch
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 15th day of January 2021.



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Robin M. Meriweather
U.S. MAGISTRATE JUDGE