

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent for the Federal Bureau of Investigation (FBI) assigned to national security matters. In my duties as a Special Agent, I am responsible for investigating a variety of federal violations, including those involving international and domestic terrorism. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent, 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 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, shortly 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 or about January 12, 2021, an anonymous tip was received by the FBI. The tipster stated that a "Jon Sanders" bragged to the tipster that he was there (during the Capitol riot on January 6, 2021) and was only 70 feet away from the lady who was shot at the Capitol Building. The tipster possibly worked with Jon Sanders at Lewis Bakery in Vincennes, Indiana.

On January 14, 2021, an interview was conducted with Jon Sanders, identified as JONATHAN ACE SANDERS SR. (SANDERS), at Lewis Bakery, located at 2792 South Old Decker Road Vincennes, Indiana 47591.

During the interview SANDERS said he drove to Washington DC on January 5, 2021 with two friends, (Witness #1[W-1] and Witness #2 [W-2]) to attend the Stop the Steal Rally.

SANDERS said he went to the Capitol Mall area to listen to President Donald Trump's speech. At the end of the speech he and his friends followed a crowd towards the Capitol Building. When asked how close SANDERS got to the Capitol Building, he said he went inside. SANDERS said he went inside the Rotunda area of the Capitol Building and took pictures and videos while inside. SANDERS also said he talked to the Capitol Police once inside the Capitol Building. While inside SANDERS said he also heard that a lady was shot.

During the interview SANDERS provided his cellular telephone number as 812-881-9527. Prior to SANDERS entry into the Capitol Building, he described at least two instances where the Capitol Police cracked open the Capitol Building doors to launch tear gas into the crowd.

On January 28, 2021 an interview was conducted with W-1, who confirmed SANDERS presence at the Capitol with W-1 and W-2 on January 6, 2021. SANDERS told W-1, SANDERS saw a guard open the Capitol Building doors and throw tear gas into the crowd. SANDERS also told W-1 that SANDERS went inside the Capitol Building Rotunda area and talked to guards inside.

On February 4, 2021 an interview was conducted with W-2, who confirmed SANDERS presence at the Capitol with W-1 and W-2 on January 6, 2021. W-2 was able to make it to the threshold door area but did not go inside the Capitol Building. W-2 said they lost sight of SANDERS and assumed SANDERS went inside the Capitol Building. W-2 stated that while W-2 was on the street, W-2 saw SANDERS come out of the Capitol Building with a large crowd. W-2 later changed this statement during the interview, and said that W-2 did not see SANDERS come out of the building

W-2 stated that SANDERS told W-2 he went inside the Capitol, and that SANDERS told W-2 that SANDERS took pictures inside the Capitol Building. SANDERS texted W-2 a picture of inside the Capitol Building. W-2 provided his cellular telephone number as 615-504-7242.

On February 1, 2021 phone numbers associated with SANDERS and W-2 were analyzed through a Verizon search warrant to determine if cellular activity occurred in the vicinity of the Capitol Building on January 6, 2021. The data showed that SANDERS and W-2's phones connected to a tower at or near the Capitol Building on January 6, 2021 between the hours of 1:00 PM Eastern Standard Time (EST) and 6:30 PM EST. The data showed that SANDERS cellular telephone was number 812-881-9257 and made a call to W-2's cellular telephone number 615-504-7242. The data also showed that SANDERS cellular telephone downloaded a file while connected to a cellular tower at or near the Capitol Building. On March 29, 2021 a 2703(d) order also confirmed that the cellular telephone number 812-881-9257 was active on January 6, 2021 and registered to SANDERS.

On February 22, 2021, U. S. Capitol security footage of January 6, 2021 was reviewed. A driver license photograph of SANDERS was used to compare with the screen shots below, and it was consistent with SANDERS appearance and dress, and showed him inside the Capitol Building in the Rotunda area on January 6, 2021. That person is circled in red:



On March 4, 2021, W-2 was re-interviewed. During the interview, the above surveillance photos were shown to W-2 who said "it looked like Ace" referring to Jonathan Ace Sanders. When

asked to provide the full name of the person circled in the picture, W-2 said “Jonathan Ace Sanders”.

Based on the foregoing, your affiant submits that there is probable cause to believe that JONATHON ACE SANDERS, SR 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 Jackson Kostolsky violated 40 U.S.C. § 5104(e)(2)(D) and (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.


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 14th day of May 2021.



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ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE