

STATEMENT OF FACTS

On January 6, 2021, your affiant, Alejandro M. Flores, was on duty and performing my official duties as a Special Agent with the Federal Bureau of Investigation (“FBI”). 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 violations 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.

At 8:45am on January 11, 2021, **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES**, who are brothers, reported in-person to the Helena (Montana) Police Department because they had seen themselves on news coverage of regarding the riot at the United States Capitol, and they believed they were wanted by the Federal Bureau of Investigation (“FBI”). **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** were provided copies of the FBI “BOLO” for January 6, 2021, and each circled a picture of himself. At approximately 10am, an FBI Special Agent responded to the Helena Police Department to interview **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES**. The FBI Special Agent informed **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** that they were not under arrest, that they could leave at any time, and that their interview was being recorded. **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** advised that they wanted to turn themselves in, and wanted to have an attorney present before they answered questions. **JOSHUA CALVIN HUGHES** and **JEROD HUGHES** provided their contact information to the FBI Special Agent and were allowed to return home.

A review of surveillance and social media footage confirms that **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** were present at the United States Capitol building on January 6, 2021, and that they actively participated in the riot. **JOSHUA CALVIN HUGHES** was observed wearing a green coat, a red stocking hat, glasses and a beard. **JEROD WADE HUGHES** was seen wearing a long-sleeved black shirt, glasses, and short hair.

JOSHUA CALVIN HUGHES and **JEROD WADE HUGHES** were present and participated as a group of rioters who broke open windows and doors and forced entry into the United States Capitol building. Specifically, video footage shows **JOSHUA CALVIN HUGHES** standing next to a man who threw a 2x4 piece of wood through a window, and **JEROD WADE HUGHES** is watching the events from just a few feet away.



JOSHUA CALVIN HUGHES



JEROD WADE HUGHES

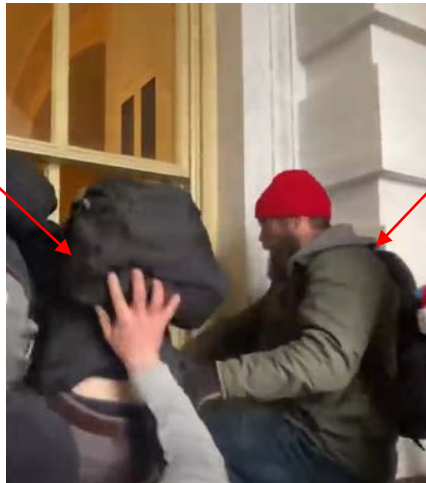
Immediately thereafter, **JEROD WADE HUGHES** can be seen on video watching from a few feet away as another rioter attempted to kick his way through a door into the United States Capitol. When that rioter was not able to kick his way through the door, **JEROD WADE HUGHES** rejoined his brother and watched as a third rioter broke through a window using a plastic riot shield that appears to have been taken from a law enforcement officer. Once all of the glass

was broken out of the window frame, **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** joined other rioters in climbing through the window into the Capitol.



JEROD WADE HUGHES

JOSHUA CALVIN HUGHES



Internal surveillance footage shows that **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** entered the United States Capitol building at approximately 2:13pm, and were among the first ten rioters to enter at this location.



JOSHUA CALVIN HUGHES

JEROD WADE HUGHES

Once inside the Capitol, **JEROD WADE HUGHES**, both on his own and with another rioter, kicked a door until the lock broke so that other rioters could enter the United States Capitol. **JOSHUA CALVIN HUGHES**, upon seeing **JEROD WADE HUGHES** kick the door, walked toward the door to assist in kicking it open, but the door is opened before he could reach it.



Once the door was opened, **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** worked their way back to the front of the mob and advanced toward the Senate floor.



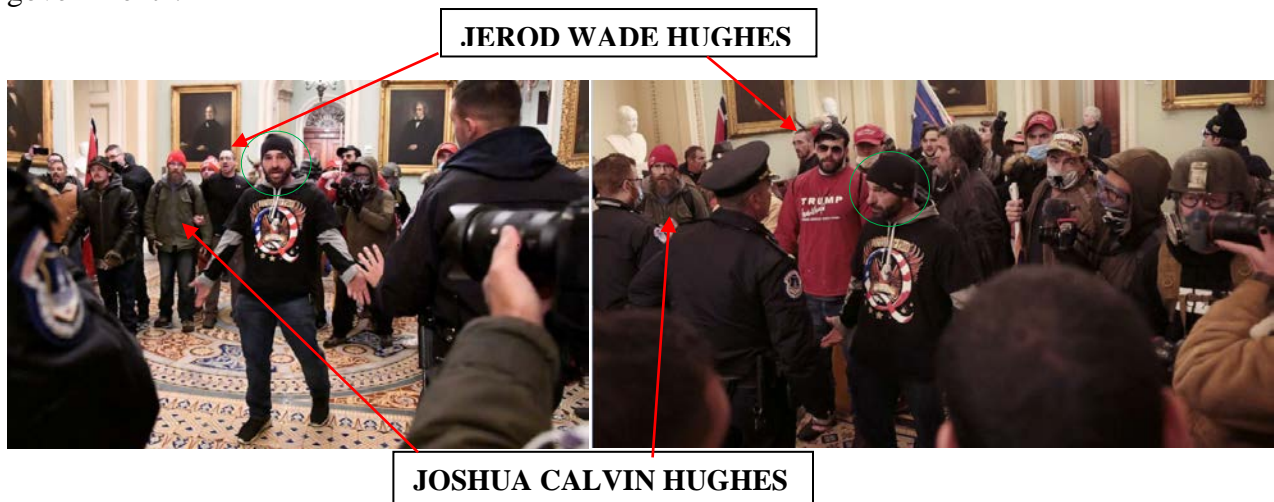
JOSHUA CALVIN HUGHES and **JEROD WADE HUGHES** then joined up with Douglas Austin Jensen¹ who was engaged in a confrontation with Capitol Police Officer Eugene Goodman. Officer Goodman repeatedly ordered the rioters to back up and leave the Capitol building. **JOSHUA CALVIN HUGHES**, **JEROD WADE HUGHES**, and the other rioters refused those commands. Rather, the rioters kept advancing toward Officer Goodman in a menacing manner – even as Officer Goodman retreated to recover a baton that had been dropped onto the floor. The video shows that Douglas Austin Jensen (circled below in green) was the primary aggressor, followed immediately by **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES**.



¹ Douglas Austin Jensen is charged in Case Number 21-CR-6 (TJK).

Officer Goodman, who was facing the rioters on his own, retreated up the stairs and radioed twice for backup to direct other officers to the mob's location. Jensen, followed by the mob, chased Officer Goodman up the stairs. As Douglas Austin Jensen pursued Goodman, he was followed by **JOSHUA CALVIN HUGHES, JEROD WADE HUGHES**, and the other rioters. When Officer Goodman reached the second floor, he positioned himself so that he was between the rioters and the Senate floor – which had not yet been evacuated. Realizing that he could not prevent the mob from storming the Senate floor by himself, Officer Goodman baited the rioters into continuing to follow him – luring them away from the Senate floor and into an adjacent hallway.

Several additional U.S. Capitol Police officers joined Officer Goodman in that hallway and attempted to quell the mob. Officers reported that they were too far outnumbered to attempt to arrest the rioters, so instead they used their training to try and de-escalate the situation by talking with individuals in an attempt to calm them down. Notwithstanding these efforts, officers were met with shouting and aggression. In reviewing a digital video recording of this altercation, rioters can be heard shouting “this is our house,” “this is *our* America,” and “we’re here for the corrupt government”.



A Capitol Police Officer reported that, during this altercation, one of the rioters slammed a fire extinguisher on the ground causing it to rupture. The Officer described that it sounded like an “explosion,” and – given both the sound and the white powder in the air – both the rioters and the officers were momentarily shocked and everyone took a step back.

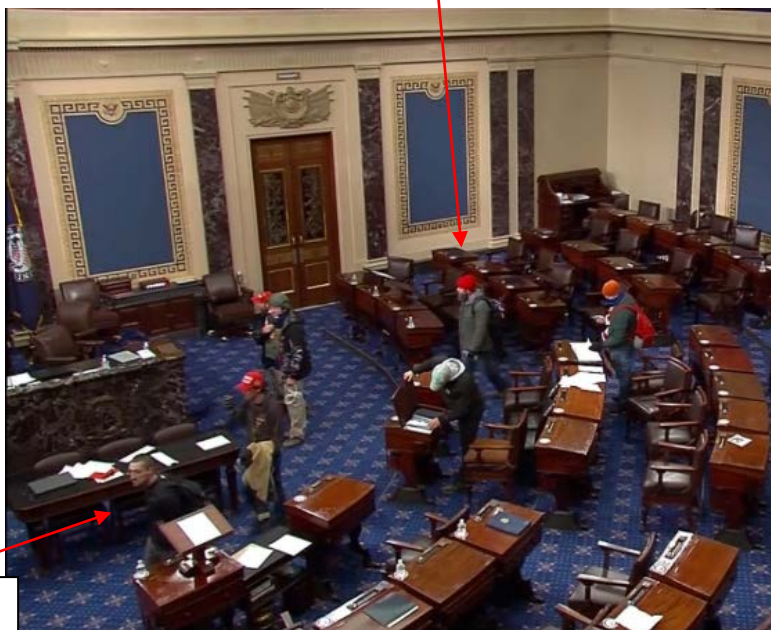


The Officer reported that, after that event, he and the rest of the officers were able to de-escalate the tension between the rioters and the officers, and the rioters all left the atrium where this confrontation occurred.

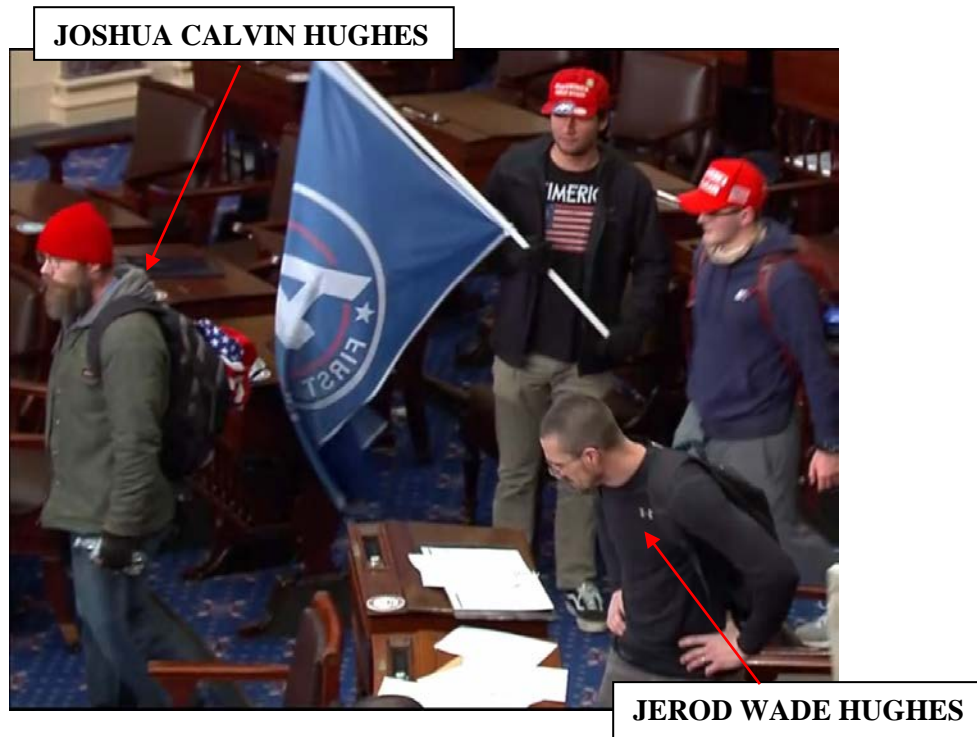
Upon leaving the atrium, **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** found their way onto the Senate floor – which had since been evacuated while this confrontation took place. While on the Senate floor, **JOSHUA CALVIN HUGHES**, **JEROD WADE HUGHES**, and other rioters sat in Senators' chairs, opened Senators' desks, and reviewed sensitive material stored therein.



JOSHUA CALVIN HUGHES



JEROD WADE HUGHES



Based on the foregoing, your affiant submits that there is probable cause to believe that **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** 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. 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.

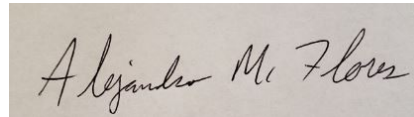
Your affiant submits there is also probable cause to believe that **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** violated 40 U.S.C. § 5104(e)(2)(A), (C), and (G), which make it a crime to willfully and knowingly (A) enter or remain on the floor of either House of Congress or in any cloakroom or lobby adjacent to that floor, in the Rayburn Room of the House of Representatives, or in the Marble Room of the Senate, unless authorized to do so pursuant to rules adopted, or an authorization given, by that House; (C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of— (i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; or (ii) the Library of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Your affiant submits there is also probable cause to believe that **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** 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.

Finally, your affiant submits there is probable cause to believe that **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** violated 18 U.S.C. § 1512(c)(2), which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings.

Your affiant submits there is probable cause to believe that **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** violated 18 U.S.C. § 1361, and 2, by willfully injuring or deprecating of any property of the United States, or attempting to do so, or aiding and abetting in the commission of those acts, and the damage or attempted damage to such property exceeds \$1,000.



Special Agent Alejandro M. Flores
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 28th day of January 2021.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE