

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA	:	Case No:
	:	
v.	:	
	:	VIOLATIONS:
	:	
TOMMY FREDERICK ALLAN,	:	
	:	
Defendant.	:	
	:	18 U.S.C. § 641
	:	(Damage or Theft of Federal Property)
	:	
	:	18 U.S.C. § 1752(a)
	:	(Restricted Building or Grounds)
	:	
	:	
	:	40 U.S.C. § 5104(e)(2)
	:	(Violent Entry or Disorderly Conduct)
	:	

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
AND ARREST WARRANT**

I, Jeremy C. Linton, being first duly sworn, hereby depose and state as follows:

PURPOSE OF AFFIDAVIT

1. This Affidavit is submitted in support of a Criminal Complaint charging TOMMY FREDERICK ALLAN (“ALLAN”) with violations of 18 U.S.C. §§ 641, 1752(a), and 40 U.S.C. § 5104(e)(2).

BACKGROUND ON AFFIANT

2. I am an “investigative or law enforcement officer of the United States” within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies. This affidavit intended to show merely that there is sufficient probable cause for the requested warrant. It does not set forth all of my knowledge, or the knowledge of others, about this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, I respectfully submit that there is probable cause to believe that violations of 18 U.S.C. § 641 (Damage or Threat to Federal Property); 18 U.S.C. § 1752 (Unlawful Entry into Restricted Building or Grounds); and 40 U.S.C. § 5104(e)(2) (Violent Entry and Disorderly Conduct); have been committed by an individual believed to be TOMMY FREDRICK ALLAN (“ALLAN”).

5. On January 6, 2021, your affiant, Jeremy Linton, was on duty and performing my official duties as a Special Agent for the FBI. Specifically, I have been a Special Agent with the Federal Bureau of Investigation (“FBI”) since 2014. I am currently assisting with the investigation of criminal activity in and around the U.S. Capitol on January 6, 2021. As a federal agent, I am authorized to investigate violations of laws in the United States, and as a law enforcement officer I am authorized to execute warrants issued under the authority of the United States.

BACKGROUND

Background – The U.S. Capitol on January 6, 2021

6. The United States Capitol Police (USCP), the FBI, and assisting law enforcement agencies are investigating a riot and related offenses that occurred at the United States Capitol Building, located at 1 First Street, NW, Washington, D.C., 20510, on January 6, 2021.

7. At the U.S. Capitol, the building itself has 540 rooms covering 175,170 square feet of ground, roughly four acres. The building is 751 feet long (roughly 228 meters) from north to south and 350 feet wide (106 meters) at its widest point. The U.S. Capitol Visitor Center is 580,000 square feet and is located underground on the east side of the Capitol. On the west side of the

Capitol building is the West Front, which includes the inaugural stage scaffolding, a variety of open concrete spaces, a fountain surrounded by a walkway, two broad staircases, and multiple terraces at each floor. On the East Front are three staircases, porticos on both the House and Senate side, and two large skylights into the Visitor's Center surrounded by a concrete parkway. All of this area was barricaded and off limits to the public on January 6, 2021.

8. The U.S. Capitol is secured 24 hours a day by USCP. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by USCP. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol.

9. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.

10. On January 6, 2021, a joint session of the United States Congress convened at the U.S. Capitol. 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 U.S. Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which took place on November 3, 2020 ("Certification"). The joint session began at approximately 1:00 p.m. Eastern Standard Time (EST). 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.

11. 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 USCP were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

12. At around 1:00 p.m. EST, known and unknown individuals broke through the police lines, toppled the outside barricades protecting the U.S. Capitol, and pushed past USCP and supporting law enforcement officers there to protect the U.S. Capitol.

13. At around 1:30 p.m. EST, USCP ordered Congressional staff to evacuate the House Cannon Office Building and the Library of Congress James Madison Memorial Building in part because of a suspicious package found nearby. Pipe bombs were later found near both the Democratic National Committee and Republican National Committee headquarters.

14. Media reporting showed a group of individuals outside of the Capitol chanting, "Hang Mike Pence." I know from this investigation that some individuals believed that Vice President Pence possessed the ability to prevent the certification of the presidential election and that his failure to do so made him a traitor.

15. At approximately 2:00 p.m., some people in the crowd forced their way through, up, and over the barricades and law enforcement. The crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by U.S. Capitol Police Officers or other authorized security officials. 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 law enforcement attempted to maintain order and keep the crowd from entering the Capitol.

16. 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 law enforcement, as others in the crowd encouraged and assisted those acts. Publicly available video footage shows an unknown

individual saying to a crowd outside the Capitol building, “We’re gonna fucking take this,” which your affiant believes was a reference to “taking” the U.S. Capitol.



17. 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. That is, at or about this time, USCP ordered all nearby staff, Senators, and reporters into the Senate chamber and locked it down. USCP ordered a similar lockdown in the House chamber. As the subjects attempted to break into the House chamber, by breaking the windows on the chamber door, law enforcement were forced to draw their weapons to protect the victims sheltering inside.

18. At approximately 2:30 p.m. EST, known and unknown subjects broke windows and pushed past USCP and supporting law enforcement officers forcing their way into the U.S. Capitol on both the west side and the east side of the building. Once inside, the subjects broke windows and doors, destroyed property, stole property, and assaulted federal police officers. Many of the

federal police officers were injured, several were admitted to the hospital, and at least one federal police officer died as a result of the injuries he sustained. The subjects also confronted and terrorized members of Congress, Congressional staff, and the media. The subjects carried weapons including tire irons, sledgehammers, bear spray, and Tasers. They also took police equipment from overrun police including shields and police batons. At least one of the subjects carried a handgun with an extended magazine. These actions by the unknown individuals resulted in the disruption and ultimate delay of the vote Certification.

19. On January 9, 2021, a complainant (“C-1”) submitted an online tip to the FBI via <https://www.fbi.gov/USCapitol>. C-1 submitted four images, which C-1 described as postings to a Facebook account with the username of “Tommy Allan,” that appeared to be taken in Washington, D.C. on January 6, 2021. Included with the four images was the following description, “This guy named Tommy Allan had several personal videos posted from the Trump Rally that shows them leaving and saying they are going to storm the Capitol, he then has one of them breaking windows and some footage from actually inside the Capitol building, talking to Capitol police. He also shared a disturbing post that said the next step of the Insurrection was to get rid of Justice Roberts.” FBI Agents interviewed C-1 on January 17, 2021, regarding the images C-1 had provided to the FBI. C-1 did not know ALLAN personally and was not “friends” with ALLAN on Facebook. On January 6, 2021, C-1 discovered the Tommy Allan Facebook page while viewing a post from one of C-1’s Facebook friends, which contained the Tommy Allan posts. C-1 stated the four images submitted with the tip were screenshots of public postings to the Tommy Allan Facebook page.

20. C-1 further described that the Tommy Allan Facebook page had one video which showed the breaking of windows of the U.S. Capitol Building, and another video had footage from what C-1 believed to be from inside the U.S. Capitol Building. C-1 stated that it made screenshots

of the Tommy Allan Facebook page on January 6, 2021. One such screenshot (“IMAGE-1”) captured multiple individuals in military style tactical attire in Washington, D.C. with the caption “These are my people. PATRIOTS!” Another image (“IMAGE-2”) was captioned “You don’t want to hear the evidence. Fine! Here my Roar you fucking communist bastards. Give me freedom or give me death.” IMAGE-1 and IMAGE-2 are provided below:



IMAGE- 1

IMAGE- 2

21. IMAGE-1 appears to have been taken on the Ellipse, as the south side of the White House appears in the background. I am aware that on the morning of January 6, 2021, a large crowd gathered on the Ellipse to hear speakers prior to marching to the U.S. Capitol.¹ IMAGE-2

¹ The distinctive patch “Three Percenter” in the image, identifies a right wing militia organization which claims to be a small number of dedicated “patriots” protecting Americans from

is a picture of the exterior of the Embassy Suites Hotel at 10th and K Sts., NW in Washington, D.C.

22. On January 15, 2021, a second complainant (“C-2”) telephoned the FBI to report ALLAN participated in the events at the U.S. Capitol Building on January 6, 2021, in Washington, D.C. C-2 reported that ALLAN entered the U.S. Capitol Building and recorded his actions on Facebook, and made videos of himself inside the Capitol. C-2 added that after ALLAN returned to Rocklin, California, he deleted his Facebook account and videos.

23. On January 16, 2021, your affiant compared the thumbnail Facebook profile picture in the name Tommy Allan provided by C-1 to a photo from a government database bearing the name Tommy Frederick Allan. Based on the similarity of the images, I determined that C1 and C2 were referring to ALLAN.

24. Airline records confirmed that ALLAN traveled via American Airlines from Sacramento, California to Washington, D.C. on January 5, 2021, and from Washington, D.C. to Sacramento, California on January 7, 2021.

25. On January 16, 2021, FBI agents conducted a follow-up interview of C-2 regarding the information that he/she provided to law enforcement. C-2 advised that he/she has known ALLAN and interacted with him on a number of occasions. According to C-2, ALLAN stated that he climbed a rope on the wall of the Capitol grounds to gain entry. C-2 also observed posts on Facebook by ALLAN of himself inside the Capitol Building. After returning to Rocklin, California, C-2 learned that ALLAN took down his Facebook page, and destroyed documents he

government tyranny, just as the patriots of the American Revolution protected early Americans from British tyranny. They draw their name from the inaccurate historical claim that only three percent of Americans fought in the Revolutionary War against the British.

removed from the Senate Building in the backyard of his Rocklin, California home. In his/her initial report, C-2 reported that ALLAN removed documents from Speaker of the House Nancy Pelosi's office. However, upon re-interview, C-2 wasn't certain that the documents were specifically from Speaker Pelosi's office or documents removed from some other location inside the Senate Building.

26. Your affiant reviewed closed circuit video recordings of the United States Senate Chamber from video recording timestamp (timestamp) 15:03 to 15:10 on January 6, 2021. On that video recording from Camera 6 ("CAMERA-6") of the Senate Chamber, I observed an individual I believed to be ALLAN enter the Senate Chamber. I shared several screen captures of that individual, including IMAGE-3 below, with an FBI agent who had interviewed ALLAN face-to-face on January 16, 2021 for approximately 45 minutes.



IMAGE- 3

27. An agent who interviewed ALLAN in person positively recognized the individual in the screen captures as ALLAN. Additionally, on January 20, 2021, C-2 positively identified the individual in the screen capture in IMAGE-3 as ALLAN.

28. At timestamp 15:03:39, I observed ALLAN within the Senate Chamber carrying a United States flag on flagpole. At this time I did not observe him to have documents in his hands

or in his pockets. The flag in ALLAN's possession appeared to have a gold fringe around the outer edges of the flag, a gold colored eagle affixed to the top of the pole, and a distinctive gold cord tied to the flag pole. The flag in ALLAN's possession resembles another flag present on this video within the Senate Chamber, as seen in IMAGE-4.



IMAGE- 4

29. At timestamp 15:05:10, I observed ALLAN standing between the Presiding Officer's desk and the desk of the Journal Clerk, Parliamentarian, Legislative Clerk and Assistant Secretary of the Senate (hereinafter the "FRONT DESK") as shown in IMAGE-4, using his right hand to grab white papers laid out near the corner of the FRONT DESK. At timestamp 15:05:29, ALLAN was observed setting papers down on top of and perpendicular to another stack of documents. At timestamp 15:05:41, CAMERA-6 pans away and ALLAN is no longer in view. At timestamp 15:06:36, I again observed ALLAN, yet the papers do not appear to be present on the aforementioned stack of documents. As ALLAN turned his body with respect to CAMERA-6, I observed white papers which appeared to be folded in half lengthwise, and lodged in ALLAN's left rear pocket (these papers had not previously been in his pocket). At timestamp 15:09:19, I

observed ALLAN leaving the Senate Chamber with the same flag previously described. Furthermore, I observed what appeared to be white papers in his left rear pocket. At timestamp 15:09:52, uniformed law enforcement officers entered the chamber from the doorway which ALLAN previously departed. In the uniformed law enforcement officer's possession was a United States flag closely resembling the flag ALLAN carried as he entered and exited the Senate Chamber.

30. On January 19, 2021, your affiant reviewed a video posted on a news media website which appeared to contain composite footage ("VIDEO") taken by individuals inside the U.S. Capitol on January 6, 2021.² Approximately 8 minutes and 31 seconds from the beginning of the VIDEO, I observed footage from within the Senate Chamber which showed ALLAN taking a document the FRONT DESK, folding it in half lengthwise, and placing it in his back left pocket. ALLAN's position with respect to the FRONT DESK and placement of the document in his back left pocket, is consistent with what I observed from CAMERA-6 footage at timestamp 15:06:36. Based upon this, there is probable cause to believe ALLAN removed a document from on or around the FRONT DESK and left the Senate Chamber with the same document in his possession.

31. On January 18, 2021, an FBI employee located a video ("VIDEO-2") posted on the Facebook profile of another individual on January 6, 2021. On January 19, 2021, I received VIDEO-2 to review. In VIDEO-2, I observed ALLAN standing outside of the U.S. Capitol, holding multiple documents in his hand. One of these documents reads "Senate of the United States, One Hundred Seventeenth Congress, Calendar of Business, Wednesday, January 6, 2021."³

² Available at <https://www.newyorker.com/news/video-dept/a-reporters-footage-from-inside-the-capitol-siege>.

³ The Sacramento FBI Agent who interviewed ALLAN on January 16, 2021, also reviewed VIDEO-2 and recognized the individual holding the documents as ALLAN.

While background and ambient noise on the video mitigated my ability to obtain a direct quote, on VIDEO-2, I observed ALLAN show another document and stating, it was “a letter from Trump” and was “signed by Trump,” or words to that effect. As ALLAN displayed the aforementioned letter to the camera, I observed what appeared to be President Trump’s signature at the bottom of the document, which I am familiar with from open source information. I observed ALLAN state to the individual recording VIDEO-2 that he had removed the documents in his hand from the desk of Senate Majority Leader Mitch McConnell.

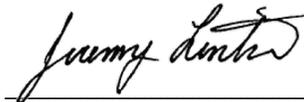
32. In VIDEO-2, ALLAN then essentially stated he “stormed the building” while pointing to the U.S. Capitol Building. ALLAN then stated that upon entering the Senate Chamber, “some people started grabbing shit and I was like no bro, don’t fuckin, don’t destroy our Senate. You know, don’t do that... I didn’t feel good about that.” Upon being asked by an unknown individual off-camera why he took the documents, ALLAN replied because he was a “taxpayer,” or words to that effect. ALLAN then stated “they took my flag,” and “they took it from me right before I left.” I believe ALLAN was referencing the United States flag, which was the property of the U.S. Capitol Building, which had been recovered from him after he left the Senate Chamber.

33. Based on the foregoing, your affiant submits that there is probable cause to believe that ALLAN violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enters (or attempts or conspires) 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

34. Your affiant submits there is also probable cause to believe that ALLAN violated 40 U.S.C. § 5104(e)(2)(A); 40 U.S.C. § 5104(e)(2)(D); and 40 U.S.C. § 5104(e)(2)(G), which makes it a crime to willfully and knowingly (A) enter or remain on the floor of either House of Congress; (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.

35. Furthermore, your affiant submits, there is probable cause to believe that ALLAN also violated 18 U.S.C. § 641, which makes it a crime to “steal, purloin, or knowingly convert to his use or the use of another, . . . a thing of value of the United States or any department or agency thereof or any property made under contract for the United States or any department or agency thereof.”



Jeremy Linton
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 20th day of January 2021.

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE