

## STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent with the Federal Bureau of Investigation (FBI). I have been in this position since January 2021 when I completed new agent training at the FBI Academy in Quantico, Virginia. I am assigned to the Knoxville Division of the FBI. I work within the FBI's Counterterrorism Branch to investigate and to disrupt terrorist plots in the United States and abroad. During my time as a Special Agent, I have conducted and participated in a variety of investigations, including international and domestic terrorism investigations. Currently, I am tasked with investigating criminal activity in and around the United States Capitol grounds on January 6, 2021. As part of my duties, I have participated in the execution of federal search and arrest warrants. As a Special Agent, 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 facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause, it does not contain every fact known by me or the FBI. The dates and times listed in this Affidavit should be read as "on or about".

### **Background: Events at the U.S. Capitol on January 6, 2021**

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 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.

### **Identification of Edward Kelley**

1. In March 2021, an individual (“Witness 1”) told the FBI that Witness 1 drove a man named “Ed,” whose last name was not known to Witness 1, to Washington, DC on January 5, 2021, after being asked to do so by their pastor. Witness 1 described Ed as a white male who is approximately 35 years old. Witness 1 and Ed stayed in separate rooms at the Marriott Moxy Washington, DC Downtown Hotel. Witness 1 and Ed checked out on January 7, 2021, and drove back to Tennessee.

2. In May 2021, records were received from the Marriott Moxy Washington, DC Downtown Hotel showing that a guest named Edward KELLEY, address 2033 Sequoyah Avenue, Maryville, TN, stayed at the hotel and checked in on January 5, 2021.

3. FBI personnel interviewed KELLEY twice in June 2021. KELLEY informed the FBI that he traveled to Washington, DC with Witness 1 on January 5, 2021. KELLEY admitted that, on the morning of January 6, 2021, he attended the rally for President Trump at The Ellipse before walking to the United States Capitol building. In both interviews, KELLEY stated to your Affiant that he walked around the outside of the Capitol but did not enter the building. KELLEY described the clothing he was wearing on January 6, 2021, as a black hoodie, green/grey pants, a backpack, and a red MAGA hat. KELLEY also discussed attending prayer meetings across the street from the Planned Parenthood facility in Maryville, TN.

4. In December 2021, the FBI received additional information regarding KELLEY’S movements at the Capitol on January 6, 2021. The new information included pictures (including the one immediately below posted by a third-party on Facebook) of KELLEY at the Peace Monument across from the United States Capitol Building using a cell phone and wearing a red MAGA hat, a black hoodie with white writing, and a dark tan backpack secured across his chest with a campaign-type button just below the chest strap.



5. In another photo (the image to the right) that appears to have been taken on January 5, 2021, the black hoodie is seen more clearly. The white portion of the hoodie spells TCAPP in a white block across the chest. According to open-source research, TCAPP is an abbreviation for The Church at Planned Parenthood. TCAPP has a location in Maryville, TN across the street from Planned Parenthood.



6. Your affiant is familiar with KELLEY's appearance from interviewing him and reviewing his image from Tennessee DMV records, and I have determined that the individual in these pictures on January 5 and 6 in Washington, D.C., is Edward KELLEY.

7. According to public information on Facebook, TCAPP in Maryville, TN has been holding occasional outdoor services that are streamed live on Facebook. According to this public information on Facebook, TCAPP in Maryville held their first meeting on December 29, 2020. Video footage uploaded to Facebook shows KELLEY in attendance at the December 29<sup>th</sup> meeting (KELLEY is in the background in the still shot of the footage shown on the left below). Videos from Facebook also reflect that TCAPP clothing, including what appear to be black hoodies, is sold at TCAPP events (as seen in the image to the right below).





8. Bank records reflect that KELLEY made a \$40.00 purchase from “THE CHURCH AT PLANNED Knoxville TN” on December 29, 2020. Bank records also reflect a \$504.63 charge from “MOXY DC MARRIOTT WASHINGTON DC” on January 8, 2021.

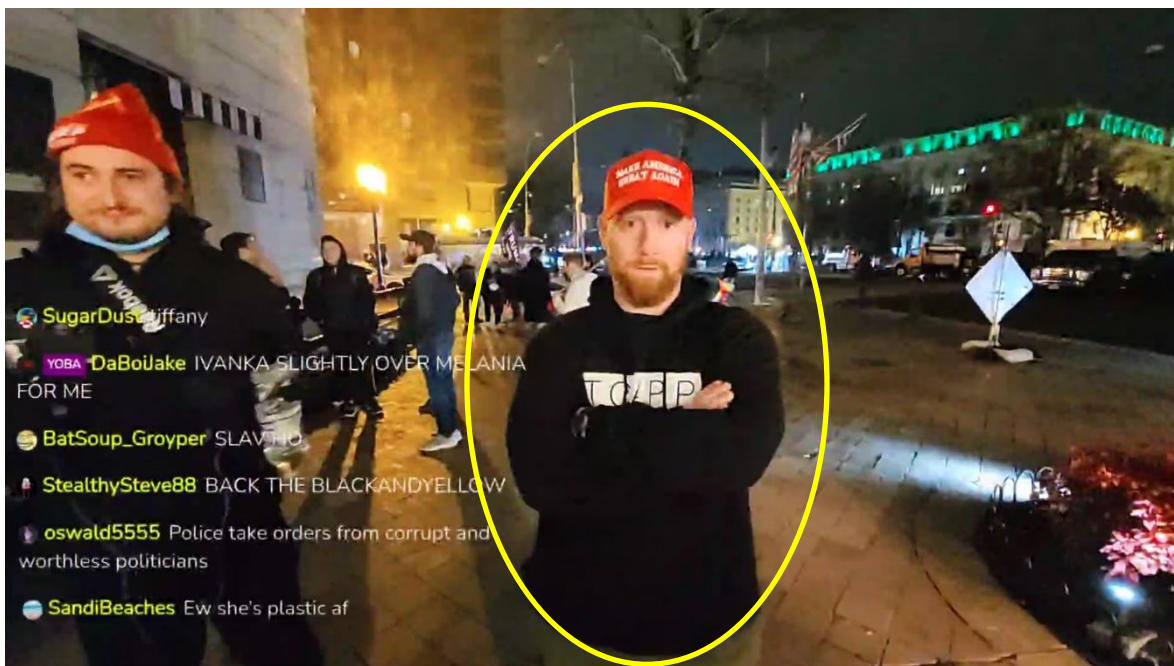
9. Additional photos from January 6, 2021, show that KELLEY moved from The Peace Monument to the Capitol building where he can be seen initially wearing a gas mask, clear glasses, black and grey gloves, and a green tactical helmet. KELLEY, however, kept the black TCAPP hoodie and dark tan backpack secured across his chest. KELLEY also appears to have been wearing the same campaign-type button that he had on while at the Peace Monument after putting on the helmet, gas mask, clear glasses, and gloves as seen in the photo below. The button appears to have come off before KELLEY enters the Capitol building. A green attachment can be seen on the right side of the backpack.



***Video Footage Review Regarding EDWARD KELLEY***

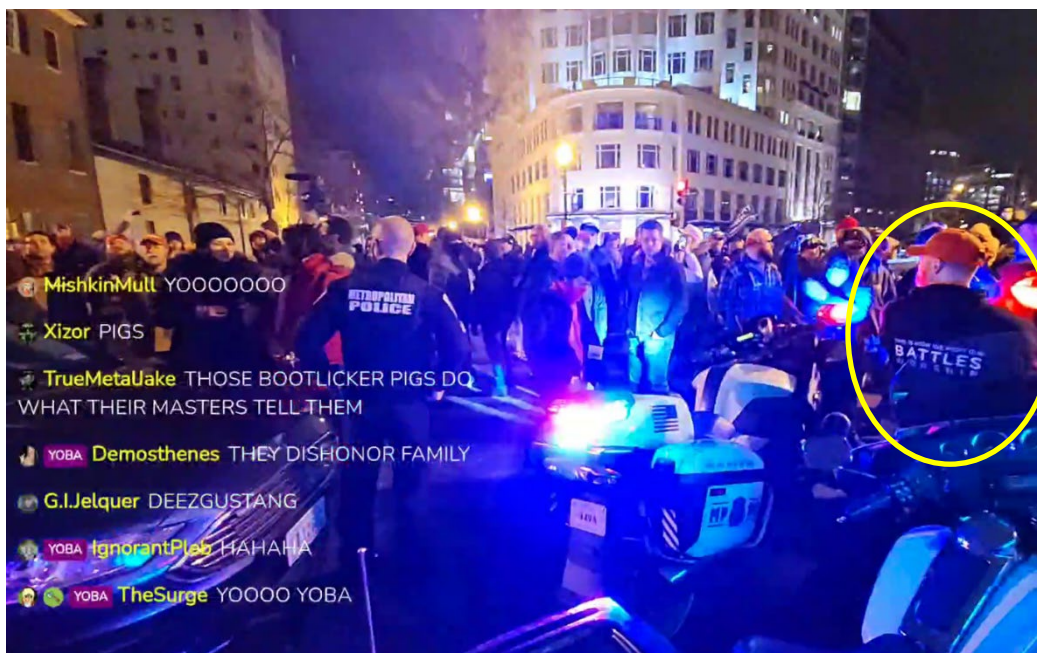
10. After receiving the images from above, law enforcement (LE) reviewed numerous surveillance videos from the U.S. Capitol building and videos publically available online.

11. KELLEY is first seen in the Washington DC area in the video “DC IRL w\_ Loulz-WvJmKpaMR.mp4”. The video appears to be a recording of a livestream on DLive by “Baked Alaska” that took place on January 5, 2021. KELLEY is first at 1:09:40 in the video and then intermittently through 2:50:00 in the video. KELLEY can be seen wearing a red MAGA hat, green/grey pants, and a black hoodie with a white block spelling TCAPP across the chest as seen in the image below.

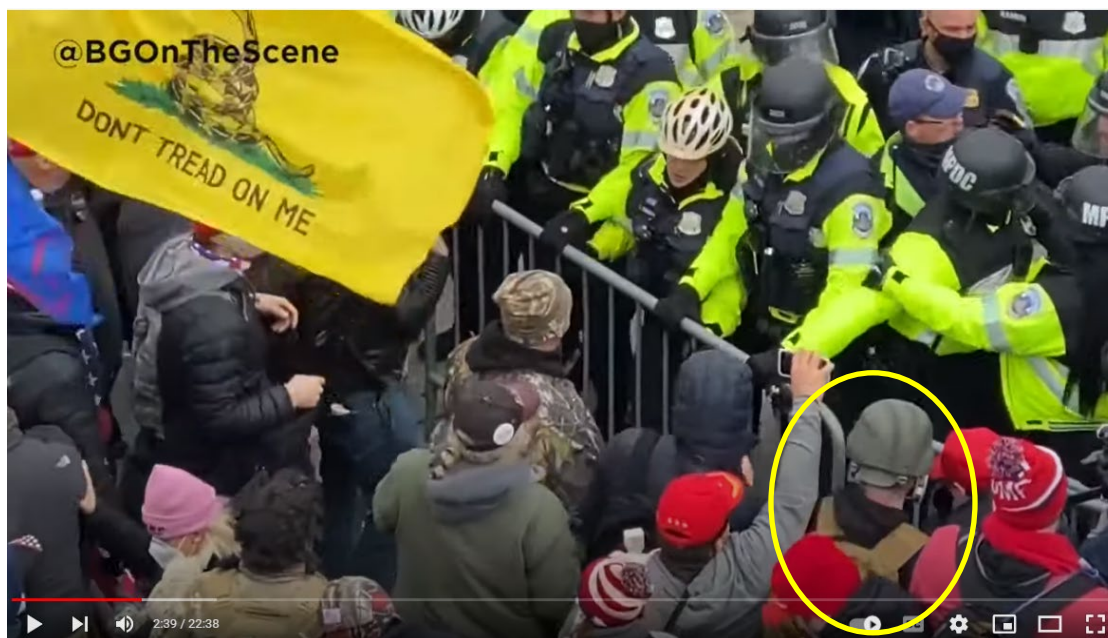


12. The back of the hoodie had small text above the words “BATTLES” over “WORSHIP” in white as seen in the image below. As seen in the video, KELLEY is initially amongst the crowd outside the Willard hotel before LE breaks up the crowd. KELLEY moves with the crowd to Black Lives Matter Plaza. At 2:37:45 and 2:48:07 in the video, KELLEY is amongst the crowd when an unknown man announces “We need to go into the Capitol” tomorrow.



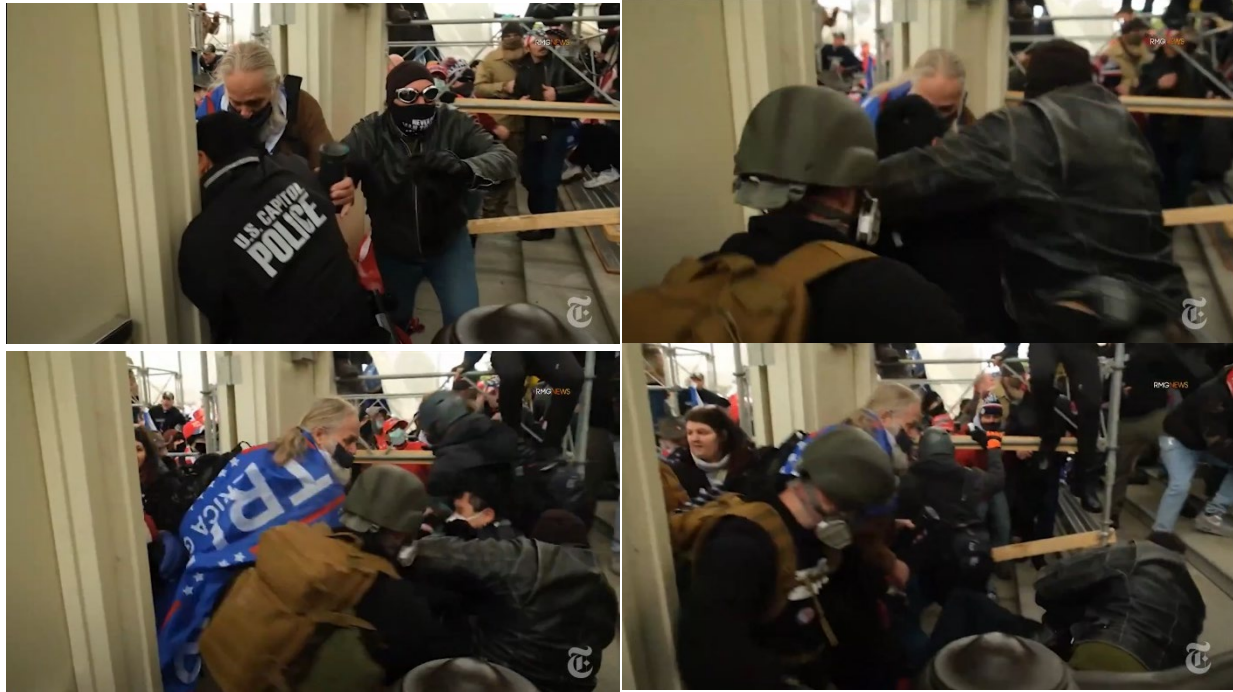


13. In the footage from January 6, 2021, KELLEY is first seen in “Photographer, Brendan Gutenschwager, shares video of siege on the US Capitol” (<https://www.youtube.com/watch?v=gTurnetBh4A>), at approximately 2:39 in the video standing in front of metal barricades and LE outside the West Front of the Capitol building as seen below.

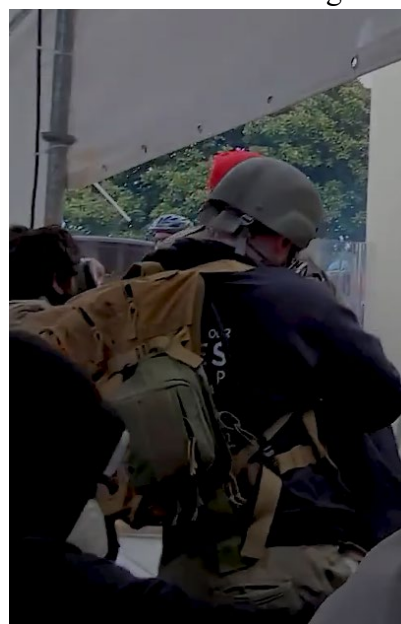
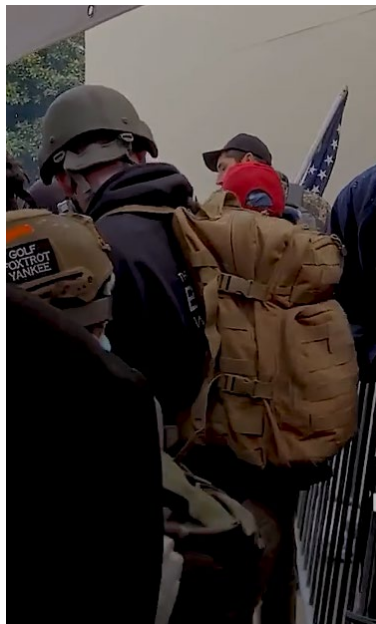


14. KELLEY then moves to the scaffolding over the stairs of the West Front of the Capitol building. From approximately 17:10-17:15 in the video “Day of Rage: How Trump Supporters Took the U.S. Capitol, Visual Investigations” (<https://www.youtube.com/watch?v=jWJVMoe7OY0>), KELLEY, along with two other

unidentified men, are in an altercation with a USCP officer. KELLEY and the other two men throw the USCP officer to the ground as depicted in the four images below.

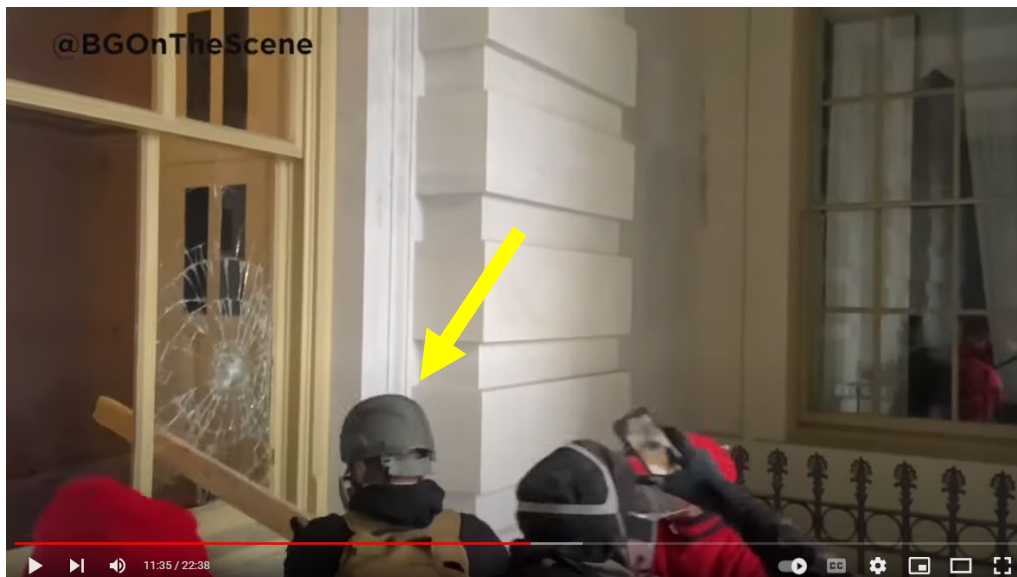


15. KELLEY moves to the top of the stairs with the crowd before being stopped by LE as seen in the YouTube video “Storming of the United States Capitol Remastered” by Jayden X ([UCfXh9pdmgESJsVCo2F52Z-A](https://www.youtube.com/watch?v=UCfXh9pdmgESJsVCo2F52Z-A)). KELLEY can be seen pushing and pulling on a metal barricade with LE on the other end. From 5:32-5:37 in the video, white text can be seen on the back of KELLEY’s black hoodie beneath the backpack. From beneath the backpack on the left, the text begins with a “B” above a “W” as seen below on the left. From beneath the backpack on the right, the white text ends with a “S” over a “P” as seen below to the right.





16. KELLEY moved with the crowd closer to the Capitol building outside the Senate Wing Door. At 11:35 in the previously mentioned video “Photographer, Brendan Gutenschwager, shares video of siege on the US Capitol”, KELLEY can be seen using a piece of wood to breach the window adjacent to the Senate Wing Door, as seen in the image below.



17. As seen in Capitol building surveillance footage, KELLEY entered the window to the left of the Senate Wing Door at 2:13 PM, as seen in the image below. KELLEY was the fourth person to enter the breached window.





18. KELLEY moved to the still closed Senate Wing Door and kicked it open as seen in the image below.



19. KELLEY moved further into the Capitol building with the crowd. As seen in the previously mentioned YouTube video “Day of Rage: How Trump Supporters Took the U.S. Capitol, Visual Investigations”, KELLEY and the group are confronted by LE Officer Eugene Goodman. KELLEY can be seen talking directly to Officer Goodman at 19:50 in the video and as seen in the image below.



20. In the surveillance footage, KELLEY can be seen moving through several areas of the Capitol building, including the Ohio Clock Corridor, the Crypt, the Senate Gallery, and the



Rotunda. See images below. At approximately 2:30 PM, KELLEY changed from the gas mask into a red, white, and blue medical mask.







21. In the video “LIVE COVERAGE - Mob storms the U.S. Capitol on Jan. 6th 2021” ([https://www.youtube.com/watch?v=\\_EQfUbe4bL8](https://www.youtube.com/watch?v=_EQfUbe4bL8)) at 5:53:02 in the video , KELLEY can be seen in the Senate Gallery.

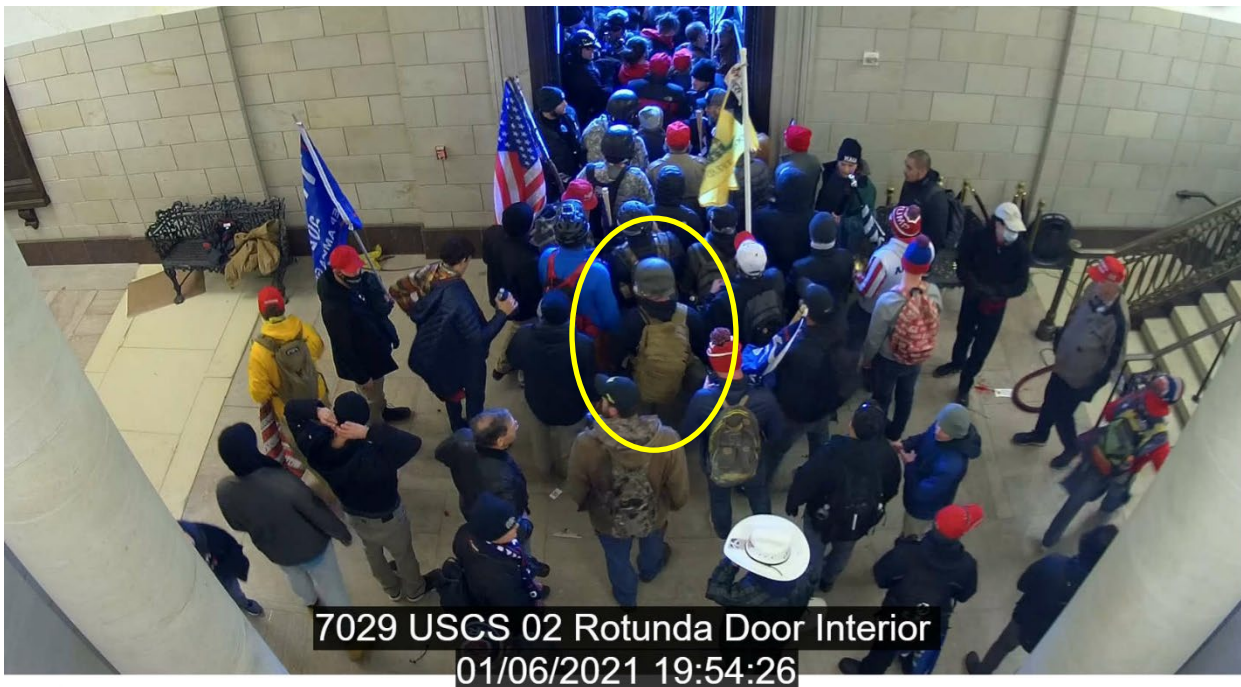


22. KELLEY is seen on surveillance footage in the Rotunda using what appears to be a cellphone.





23. KELLEY exited the Capitol building through the Rotunda Door at 2:54 PM as seen below.



24. Based on the video footage, KELLEY appears to have remained in the Capitol building for approximately 40 minutes.

### **Probable Cause Conclusions**

Based on the foregoing, your affiant submits that there is probable cause to believe that Edward KELLEY violated 18 U.S.C. § 111(a)(1) and 2, which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in section 1114 of title 18 while engaged in or on account of the performance of official duties, or to aid, abet, counsel, command, induce, or procure the commission of such offenses. Persons designated within section 1114 include any person assisting an officer or employee of the United States in the performance of their official duties.

Your affiant submits there is also probable cause to believe that Edward KELLEY violated 18 U.S.C. 231(a)(3) and 2, 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.

Your affiant submits there is also probable cause to believe that Edward KELLEY violated 18 U.S.C. § 1361, by willfully injuring or depredating of any property of the United States.

Your affiant submits that there is also probable cause to believe that Edward KELLEY violated 18 U.S.C. § 1752(a)(1), (2) and (4), and 2, which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; (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; and (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds, or attempt or conspire to do so; or to aid, abet, counsel, command, induce, or procure the commission of such offenses. 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.

Finally, your affiant submits there is probable cause to believe that Edward KELLEY violated 40 U.S.C. § 5104(e)(2)(B), (D), (F) and (G) which makes it a crime to willfully and knowingly (B) enter or remain in the gallery of either House of Congress in violation of rules governing admission to the gallery adopted by that House or pursuant to an authorization given by

that House; (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; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; 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 3rd day of May, 2022.

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ROBIN M. MERIWEATHER  
U.S. MAGISTRATE JUDGE