

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, [REDACTED] being first duly sworn, hereby depose and states as follows:

PURPOSE OF THE AFFIDAVIT

1. This affidavit is submitted in support of a Criminal Complaint for GABRIEL BROWN, charging violations of 18 U.S.C. § 1752(a)(1) and (2), 18 U.S.C. § 1363 and 2, and 40 U.S.C. § 5104(e)(2)(F).

BACKGROUND OF AFFIANT

2. I am a Special Agent assigned to the Federal Bureau of Investigation (FBI). I am currently assigned to FBI Washington Field Office (WFO). 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.

3. Unless otherwise stated, the information in this Affidavit is either personally known to me, has been provided to me by other individuals, 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 to support an application for an arrest warrant, it does not contain every fact known by me or the United States. The dates listed in this Affidavit should be read as “on or about” dates.

STATEMENT OF FACTS SUPPORTING PROBABLE CAUSE***Background – The U.S. Capitol on January 6, 2021***

4. 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.

5. 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.

6. 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.

7. 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 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 the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

8. 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.

9. After the U.S. Capitol was breached, United States Capitol Police (USCP) requested assistance from law enforcement agencies in the area to protect the Capitol, keep people from entering the Capitol, and expel the crowd that was inside the Capitol. Multiple officers with the Metropolitan Police Department and other law enforcement officers came to assist.

10. 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.

11. Additionally, news coverage of January 6, 2021, documented numerous attacks on members of the news media who were present to cover the events at, around, and in the U.S. Capitol building. These included reports of members of the news media being harassed, threatened, robbed, and assaulted based on their perceived roles as journalists, and equipment belonging to several news organizations was stolen, damaged, and/or destroyed.

Facts Specific to This Complaint

12. At approximately 4:50 p.m., on January 6, 2021, a large crowd made its way to and/or past a media staging area that was set up outside the northeast corner of the U.S. Capitol, on U.S. Capitol grounds. As individuals moved past metal barricades that had been set up around the staging area, media members were forced to flee the area before recovering all their cameras and associated equipment. Numerous members of the crowd began to destroy the equipment,

including cameras, tripods, lights, shades, and remote broadcasting equipment that belonged to various media outlets. Numerous members of the crowd yelled inflammatory rhetoric against the members of the media. One member of the media who was forced to flee the scene estimated that the equipment from his particular news organization that was destroyed was valued at between \$30,000 and \$34,000. The image in Figure 1 depicts the staging area after the members of the news media had been forced to flee.

Figure 1

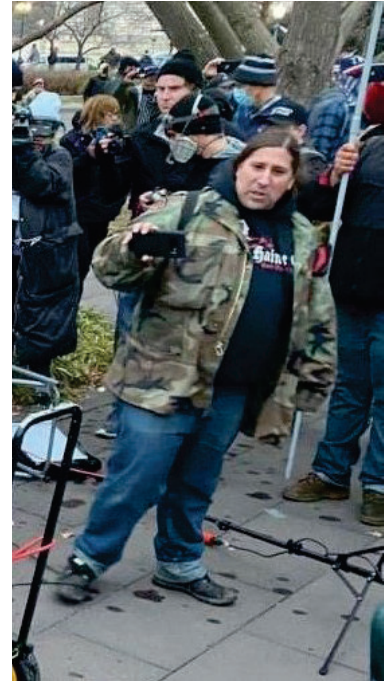


13. On February 4, 2021, the FBI posted to its website Photographs #204-AOM (“assault on media”) A-B, seeking the public’s assistance identifying an individual who was present at the media staging area.¹ Specifically, as captured in several publicly posted videos and images, the man pictured in Photographs #204-AOM A-B, later identified as

¹ This bulletin is publicly available: <https://www.fbi.gov/wanted/seeking-info/violence-at-the-united-states-capitol>.

GABRIEL BROWN, participated in the assault on the media staging area at the northeast side of the U.S. Capitol at approximately 5 p.m. on January 6, 2021. BROWN kicked and/or stomped on media equipment that belonged to media outlets and verbally encouraged others to steal and destroy media equipment. Photographs #204-AOM A-B are depicted in Figures 2A and 2B below.

Figures 2A and 2B



14. A video located at uniform resource locator (“URL”): <https://youtu.be/L1bLZaKIJdg> depicts BROWN kicking a cart that appeared to be for the purpose of hauling media equipment (at approximately 1:34 into the video) and kicking a case intended to hold media equipment (at approximately 1:40 minutes into the video). Still images from the video capturing that conduct are depicted below in Figures 3 and 4.

Figure 3



Figure 4



15. A publicly available video located at URL:

https://www.youtube.com/watch?app=desktop&v=Tg_SJh9b_A&feature=youtu.be with the title

“media equipment destruction gabriel brown gb0083” (hereafter, “gb0083 video”) depicts BROWN recording his own perspective at the media staging area. Your affiant concluded that the video shows BROWN’s perspective based on a comparison of the viewpoints captured on that video and angles from other recordings showing BROWN present at the staging area with a recording device. For example, Figure 5, below, depicts an image captured at 1:51 minutes into the gb0083 video, while Figure 6 (taken from the video described in paragraph 14, above) depicts an image captured at 1:38 minutes into that video (as does Figures 3 and 4, above, also taken from the video described in paragraph 14, above). The positioning of the recording camera in Figure 5 clearly corresponds to the positioning of BROWN in Figure 6.

Figure 5



Figure 6



16. Additionally, at approximately 3:15 into the gb0083 video, BROWN speaks to another individual present at the media staging area who was also recording the events. BROWN says to that individual “my name’s Gabriel Brown GB0083 YouTube channel.”

17. BROWN can be heard making statements in the gb0083 video encouraging the theft and destruction of media equipment. Specifically, at approximately 1:39 minutes into the video BROWN states, “Yeah, fuck yeah. Take a souvenir. Fuck yeah.” At approximately 1:46 minutes into the video BROWN can be heard saying, “Anything good in there? Yeah, smash that shit” as another man stomped on a case containing media equipment, as depicted in Figure 5, above.

18. At approximately 6:30 minutes into the gb0083 video BROWN can be heard yelling, “They’re allowed to do this. You didn’t want to do your fucking job. Well, you know what, now you can’t. You know what, the media did not want to do its job so now they fucking can’t. We’ll do it! We got the cameras. We got the freaking voice. We’re going to go out and do it.”

19. At approximately 7:22 minutes into the gb0083 video BROWN can be heard saying, “Their legacy is dead. It’s dead right here.”

20. At approximately 10:24 minutes into the gb0083 video BROWN can be heard saying, “Fuck the AP. You fucking frauds. You want to fucking lie about all of us. Well, you know what, here, report this shit! Because your fucking media is dead mother fucker. It’s dead, the legacy media is dead.”

21. In an additional video, originally located at URL: <https://youtu.be/-I3H2Ztjqto> that has been taken down as of the date of this affidavit but was captured and preserved for evidentiary purposes by law enforcement, a man believed by your affiant to be BROWN based on similarities in clothing, physical build, and voice, can be seen standing in a crowd of people on January 6,

2021, immediately outside a western entrance of the U.S. Capitol. That area of the exterior plaza of the U.S. Capitol was closed to members of the public on January 6, 2021.

22. In the video described in paragraph 21, above, BROWN asks another individual if he can borrow a bullhorn, at which point BROWN begins speaking into the bullhorn towards the U.S. Capitol building, as depicted in Figure 7, below. BROWN at one points states, “You stole the Senate from us, you stole the House from us, and now you think you’re going to steal the presidency from us? Let me tell you something—you want to take peaceful revolution away from us? Well you better prepare for fucking violent revolution. I don’t want violence. I believe in peaceful resolve. But you’re making it goddamn impossible for us.” After approximately seven minutes of speaking into the bullhorn, BROWN walks away from the U.S. Capitol building as the video ends.

Figure 7



23. A video posted on Twitter located at URL: <https://twitter.com/i/status/1357380550898589697>, recorded outside the U.S. Capitol on January 6, 2021, later in the evening after the events described above, depicts a man signing a “Stop the

Steal” banner affixed to the side of a trailer pulled by a truck. Based on similarities in clothing, physical build, and voice, your affiant believes the man to be BROWN. In the video, BROWN signs “Gabriel Brown Freedom!!” as depicted in Figure 8, below, and then states, “Freedom! I’m signing my John Hancock on this, because I give my life to liberty, and I will stand by it as I always have. I swore an oath to defend our liberty a long time ago, and that’s why I’m signing this.” The individual recording the video then states, “Thank you for your service sir,” to which BROWN responds “absolutely.” The recording individual then states, “Absolutely Gabriel, Mr. Brown,” to which BROWN responds, “Yup.”

Figure 8

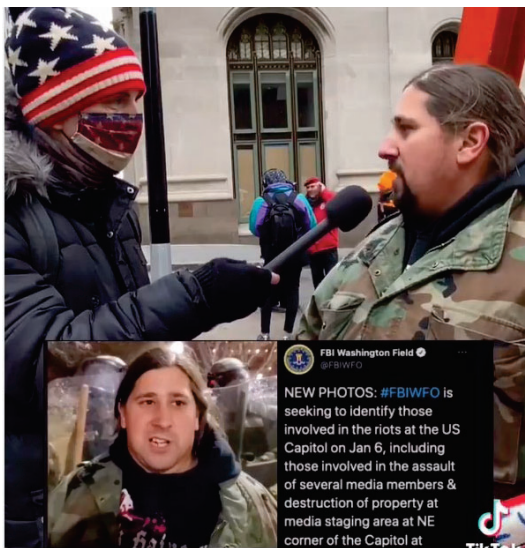


24. A longer version of the above video, originally located at URL: https://youtu.be/JZT171k-N2w?list=PLRuTgNrJQfWa_HUpO8Hv-qVOuLP5Y7d61 that has been taken down as of the date of this affidavit but was captured and preserved for evidentiary

purposes by law enforcement, depicts BROWN immediately prior to signing the banner. At approximately 3:50 minutes into the video BROWN states, “I hope the AP enjoyed their fucking pile of shit. Fucking pile of shit camera equipment. They fucking earned it. I’m going to sign this fucker right now.”

25. A publicly-available video posted on Instagram on February 6, 2021, located at URL: https://www.instagram.com/p/CK9O4t5D_Tg/, depicts a man being interviewed about the events at the U.S. Capitol on January 6, 2021. The man being interviewed, believed by your affiant to be BROWN, was wearing a woodland camouflage military-style field jacket and hairstyle that closely resembles BROWN from videos taken at the media staging area on January 6, 2021. The video as posted on Instagram juxtaposed the interview with Photograph #204-AOM (“assault on media”) A, as depicted in Figure 9 below.

Figure 9



26. In the interview, BROWN was asked if he was at Capitol Hill and he replied, “Yes I was. I was there.” When asked what happened, BROWN responded, “I thought it was a Woodstock concert, there were so many people outside. Were there some, like, crazy characters there? Sure. And some of them went a little over the top. I actually filmed all of my journey up

there. It's on my YouTube channel. You can check it out and see what I filmed.” When asked what his YouTube channel was, BROWN replied, “GB0083. . . G, as in my name Gabriel. B, as in Brown. 0083.” BROWN then stated, “I mean yeah there were people that smashed stuff, and maybe stole stuff. I’m sure they’ll be prosecuted, or they probably should be.”

27. Subscriber records from Google for YouTube profile gb0083 included a Google Pay account linked to profile gb0083 with the name Gabriel Brown and an address based out of Bayville, New York. The most recent logon IP address for the YouTube account resolves to Dorchester, Massachusetts.

28. The FBI has received a series of e-Tips that corroborated the possible identity for Photographs #204-AOM A-B as GABRIEL BROWN, of Bayville, New York.

29. One e-Tip, received from an individual herein referred to as WITNESS 1, indicated that WITNESS 1 wanted to make the FBI aware of a person who participated in the rioting at the Capitol Building on January 6th. WITNESS 1 identified the individual as Gabriel Brown and indicated that Gabriel Brown lives in Bayville, New York. WITNESS 1 is familiar with Gabriel Brown through knowledge of a person with an existing relationship with a family member of Gabriel Brown. On June 23, 2021, your affiant contacted WITNESS 1 by phone and e-mailed WITNESS 1 images of Photographs #204-AOM A-B. WITNESS 1 responded that the images were “definitely the same person (Gabriel Brown) we discussed over the phone.” WITNESS 1 indicated that Gabriel Brown is a well-known subject in the community of Bayville, New York, and WITNESS 1 resides in a nearby community.

30. A database query for the name GABRIEL BROWN in Bayville, New York produced a match of GABRIEL MORGAN BROWN with a date of birth in 1983 and an address in Bayville, New York. A DMV query of the name GABRIEL BROWN with the same date of

birth provided a driver's license photo that your affiant has compared to the images of BROWN present at the U.S. Capitol on January 6, 2021, as depicted above. While the individual in the driver's license photo has a beard, the photo has the same eye color, hair color, eyebrows, hairstyle, and distinctive facial shape/structure as the individual in Photographs #204-AOM A-B of BROWN. Based on the comparison of those photos and the other video images described above, your affiant believes the driver's license photo is clearly of the same person.

31. The FBI received an additional e-Tip from an individual, herein referred to as WITNESS 2, who recognized the person depicted in photograph #204-AOM A due to familiarity with the neighborhood in which the person depicted in photograph #204-AOM A resides. WITNESS 2 did not know the name of the person depicted in photograph #204-AOM A, but WITNESS 2 provided two possible addresses of BROWN off the same street in Bayville, NY.

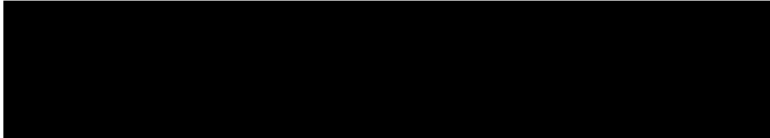
32. Two e-Tips were received that identified the individual in Photographs #204-AOM A-B as a "Gabriel Lewis" of Bayville, NY. Your affiant is aware of a step-brother of BROWN with the surname of Lewis. A search of publicly available databases did not reveal a Gabriel Lewis living in Bayville, NY, and a comparison of a photograph of the step-brother and Photographs #204-AOM A-B did not reveal physical or clothing similarities between those individuals.

33. Based on all of the foregoing information, as well as my training and experience, I respectfully submit that there is probable cause to believe that BROWN violated Title 40 U.S.C. § 5104(e)(2)(F), which makes it a crime to engage in an act of physical violence in the United States Capitol Grounds.

34. I also respectfully submit that there is probable cause to believe that BROWN violated Title 18 U.S.C. § 1752(a)(1), which makes it a crime to knowingly enter or remain in any restricted building or grounds without lawful authority to do so, and Title 18 U.S.C. § 1752(a)(2),

which makes it a crime to 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. As noted above, the area immediately outside the U.S. Capitol building where BROWN spoke into a bullhorn was so “restricted” on January 6, 2021.

35. I also respectfully submit that there is probable cause to believe that BROWN violated Title 18 U.S.C. § 1363 and § 2 , which makes it a crime to, within the special maritime and territorial jurisdiction of the United States, such as within the United States Capitol Grounds, willfully and maliciously destroy or injure any structure, conveyance, or other real or personal property, or attempt or conspire to do so, or to aid and abet such conduct. The U.S. Capitol and the U.S. Capitol grounds are federal property within the special maritime or territorial jurisdiction of the United States.



FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 25th day of June 2021.



Digitally signed by G. Michael
Harvey
Date: 2021.06.25 14:11:33
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G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE