

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent with the Federal Bureau of Investigation (FBI), assigned to the FBI Indianapolis Division Joint Terrorism Task Force. 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. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds 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, 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.

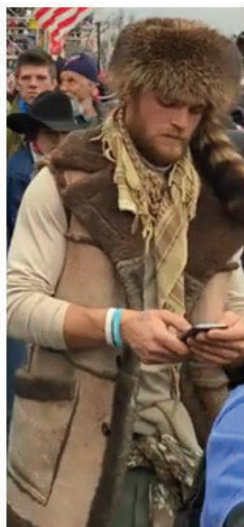
During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of

violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

Images of individuals involved in the January 6, 2021, riot were posted to the FBI website in a searchable format allowing the public to query and find specific images, including the following images:



Photograph #412C



Photograph #412B



Photograph #412A

On August 21, 2021, a complaint call was received by the FBI National Threat Operations Center to report that the person depicted in photographs 412A, B, and C on the government's website depicted Ian Ross Horvath, a former school classmate of the caller. The caller advised that Horvath was approximately 25 years old and was last known to have lived in Montana.

On or about September 14, 2021, Horvath contacted the FBI National Threat Operations Center. Horvath explained that he had located images 412A, 412B, and 412C on the U.S. Capitol Violence Most Wanted images list and identified himself as the subject in the images.

On or about September 14, 2021, Horvath also contacted the Indianapolis Division of the FBI, identified himself, and indicated that he wished to speak with someone regarding his involvement in the riots at the United States Capitol, Washington, D.C. On September 15, 2021, Horvath was contacted by an FBI agent from the Indianapolis Division. Horvath confirmed to the agent that he lived in Plymouth, Indiana, and identified himself as the individual depicted in images 412A, 412B, and 412C on the FBI website.

On September 21, and September 22, 2021, agents of the Indianapolis Division of the FBI contacted Horvath both telephonically and in person to interview him regarding further details of his involvement in the January 6, 2021, riot. During the interview, Horvath reiterated to interviewing agents that he was the individual in photos 412A, 412B, and 412C.

Regarding his involvement in the January 6 riot, Horvath stated that he and an acquaintance drove in the acquaintance's truck to the Washington D.C. area on January 5, 2021. Horvath and his acquaintance stayed overnight in a parking lot south of the White House. On January 6, 2021,

Horvath woke up and attended the rally which took place on the lawn of the Washington Monument. From the rally, Horvath walked with a group to the U.S. Capitol after hearing that others were going that way. After stopping at the Peace Monument, Horvath moved to the Northwest side of the U.S. Capitol building. Horvath observed that a group had broken through the barriers and moved up the stairs of the building in a confrontation with police.

Horvath walked up the stairs near the scaffolding to reach the Capitol Building. When he reached the building, the doors on the West front had been breached. Horvath walked into the building and followed the crowd to a circular column area with paintings on the walls, north of the Rotunda, then ascended a staircase to reach Rotunda. Horvath stated that he left the building after seeing other protestors try to break doors.

Horvath advised agents that he streamed some of the activities on his Facebook live account. Horvath further advised that he used Facebook Messenger to communicate with a friend that he met with on the ledge near the scaffolding on the grounds of the Capitol Building.

A review of video captured inside the Capitol Building on January 6, 2021, revealed an image of Horvath entering the building through the Senate Wing Door at approximately 2:18 p.m. ET as pictured in Photos 1, 2 and 3.

Photo 1

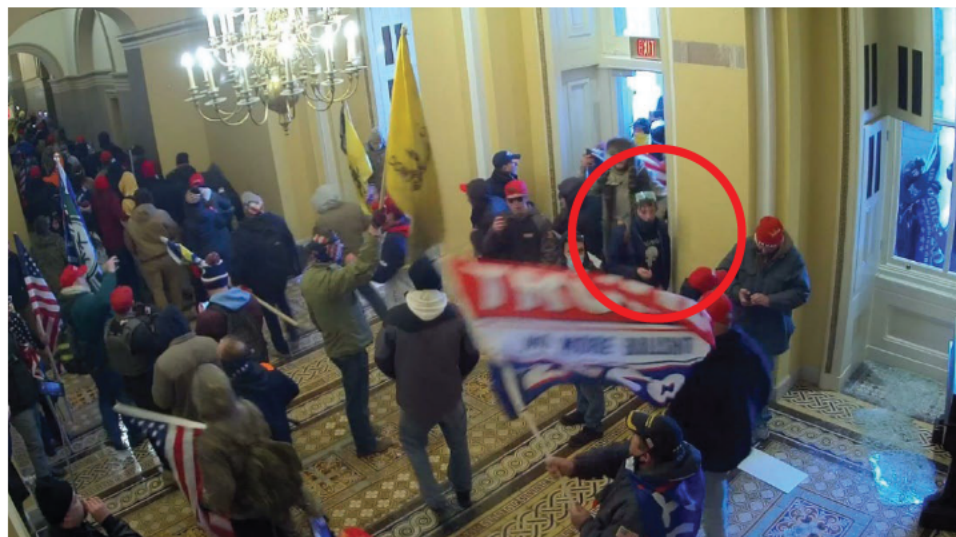


Photo 2



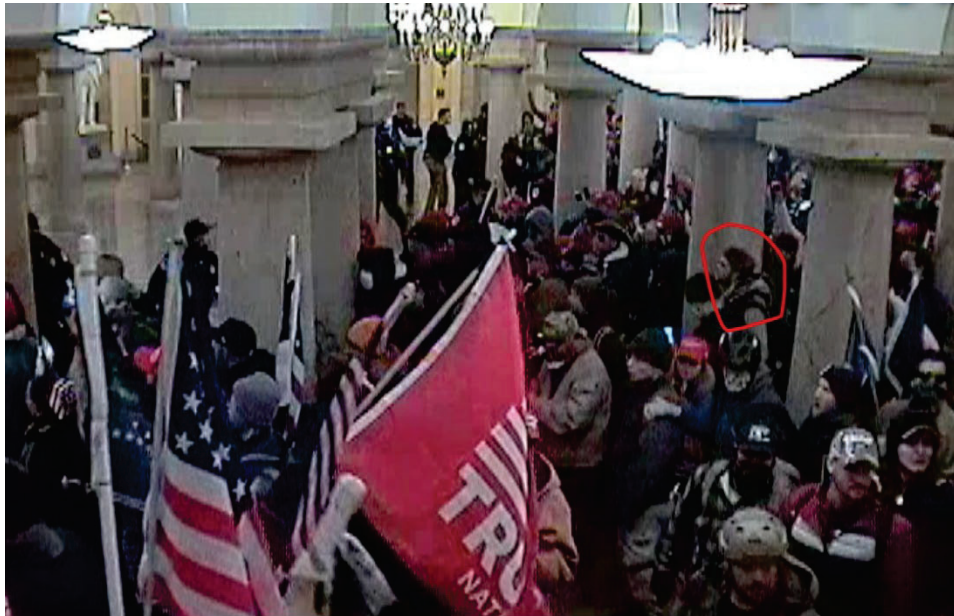
Photo 3



When he entered the Capitol Building, Horvath wore a tan in color winter coat without sleeves and a dark interior, a tan or beige like color shirt underneath. He wore a fur hat with what appears to be a raccoon style tail attached. Horvath also wore a scarf which appeared to be tan or light brown in color. He carried a cellular telephone in his right hand.

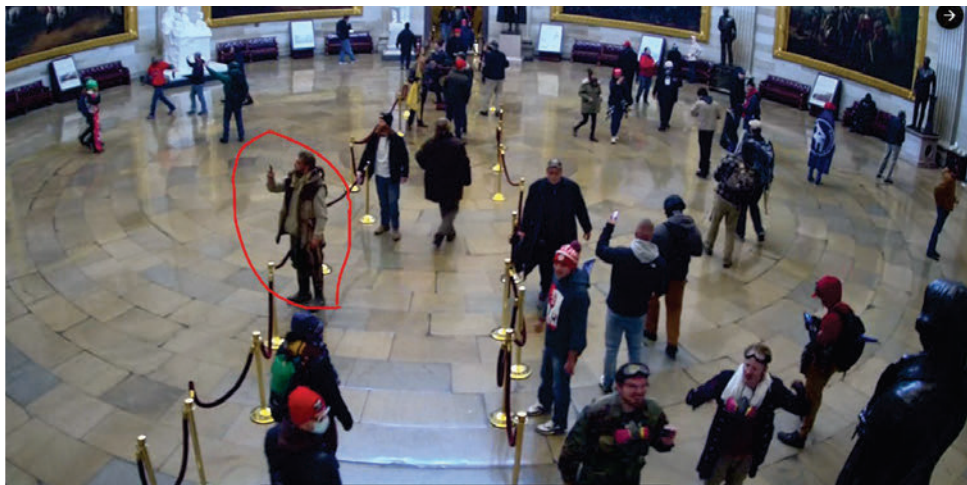
Horvath left the Senate Wing foyer and traveled to the Crypt of the Capitol at approximately 2:25 p.m., as shown in Photo 4.

Photo 4



At approximately 2:32 p.m., Horvath entered the Rotunda, as shown in Photo 5, and remained in the Rotunda until approximately 2:40 p.m.

Photo 5



At approximately 2:47 p.m., Horvath returned to the Senate Wing Door foyer, as pictured in Photo 6. At the time, USCP officers were attempting to block additional rioters from entering the Capitol Building. Moments later, the rioters prevailed and soon filled the foyer. Photo 7 reveals Horvath standing in the foyer with the rioters as he took photos and/or video.

Photo 6



Photo 7



Horvath exited the Capitol Building through the Senate Wing doorway at approximately 2:50 p.m., as shown in Photo 8.

Photo 8



Your affiant obtained a video which shows Horvath leaving the Capitol and can be seen motioning to people to come inside the Capitol and stating, “come on in, all are welcome.”

At approximately 3:00 p.m., after exiting the Capitol, a Metropolitan Police Department officer’s body worn camera captured an image of Horvath as he stood on the grounds of the Capitol while using his cellular phone. See Photo 9.

Photo 9



According to records obtained through a search warrant served on Google, a mobile device associated with Horvath was present at the U.S. Capitol on January 6, 2021. Google estimates device location using sources including GPS data and information about nearby Wi-Fi access points and Bluetooth beacons. This location data varies in its accuracy, depending on the source(s) of the data. As a result, Google assigns a “maps display radius” for each location data point. Thus,

where Google estimates that its location data is accurate to within 10 meters, Google assigns a “maps display radius” of 10 meters to the location data point. Finally, Google reports that its “maps display radius” reflects the actual location of the covered device approximately 68% of the time. In this case, Google location data shows that the subject device, a telephone associated with AT&T and their subsidiary, Cingular Wireless, with a phone number ending with -4291, was inside the Capitol on January 6, 2021.

Based on the foregoing, your affiant submits that there is probable cause to believe that IAN ROSS HORVATH violated 18 U.S.C. § 1752(a)(1) and (2), which make 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 IAN ROSS HORVATH violated 40 U.S.C. § 5104(e)(2), 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 28th day of July 2022.

Handwritten signature of G. Michael Harvey in blue ink.

Digitally signed by G.
Michael Harvey
Date: 2022.07.28 11:46:50
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G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE