

Case: 1:22-mj-00261
Assigned To : Faruqi, Zia M.
Assign. Date : 11/29/2022
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, Madison Kirsch is a Special Agent assigned to the Knoxville Division. In my duties as a special agent, I have investigated criminal violations involving drug crime, gang criminal enterprises, various financial crimes, terrorism, and wire/mail fraud, among others. I have training and experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, and various other criminal laws and procedures. I am a federal law enforcement officer who is engaged in enforcing criminal laws, including violations of Title 18 of the United States Code. Additionally, 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, detection, investigation, or prosecution of a violation 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, 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.

Facts Connecting Isaiah Farnsworth to the January 6, 2021, Attack on the U.S. Capitol

On February 13, 2021, the National Threat Center received an online tip via tips.fbi.gov from a person residing in Boulder, CO. The tip indicated that an individual named Isaiah Farnsworth of Broomfield, CO may have participated in the riot at the Capitol on January 6, 2021. According to the tipster, there were posts and videos on Farnsworth's Facebook page indicating he was in Washington, D.C. on January 6, 2021, and that Farnsworth participated in the rally for President Trump. The tipster notes that, during one video post on January 7, 2021, Farnsworth is shown to be at a gathering in a house and stating that he (Farnsworth) was in the Capitol. The tipster alleged that, in the video, Farnsworth is asked "Did you get up on that Capitol Building" and Farnsworth replies, "Yes sir, you know, um, that's my house."

The FBI subsequently completed a review of Farnsworth's online personas. The review revealed, among other on-line personas, a Facebook account for Farnsworth. A search of Farnsworth's Facebook page indicated that Farnsworth attended the rally in Washington D.C. on January 6, 2021. Images posted to Farnsworth's Facebook account on and around January 6, 2021, such as the image shown below, appear to show Farnsworth near the Capitol Building on January 6.



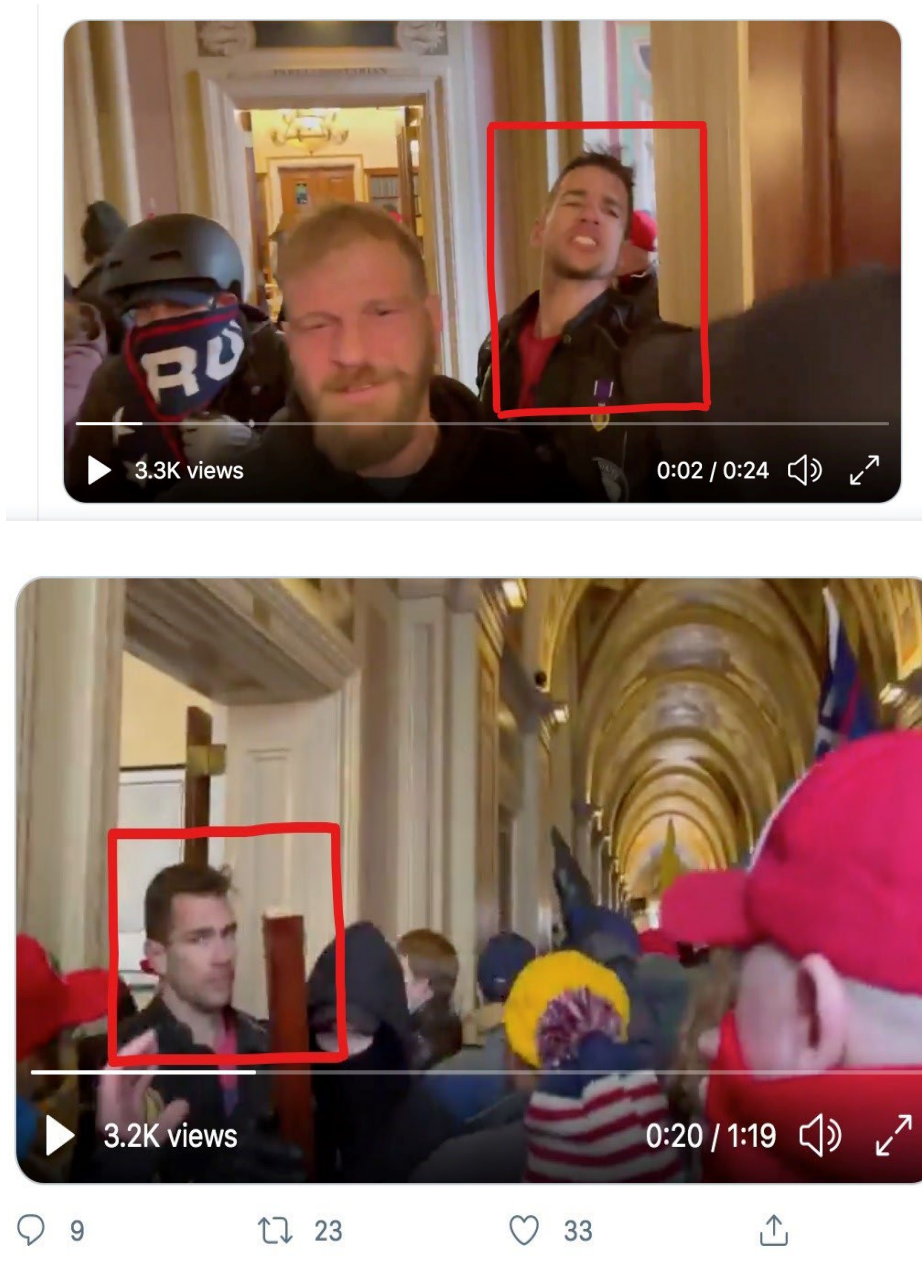
In a video posted to Farnsworth's Facebook account dated January 6, 2021, a person believed to be Farnsworth can be heard stating "We have a right to be at our house," "We have a right to be on our lawn," "We have a right to bring our grievances to the government," and "Never, never be passive about such a powerful government any longer."

On or about January 7, 2021, Farnsworth posted a photograph of a "STOP THE STEAL" sign prominently displayed in the foreground of the photograph hoisted by an individual amidst a large crowd which appeared to be outside of the Capitol on January 6. A video indicated as "live" was posted by Farnsworth on or about January 7, 2021 and depicts a recorded conversation between Farnsworth and a male named Andy. In the video, Andy asked Farnsworth, "Did you get up on the Capitol building?" Farnsworth replied "Yes sir. You know that's my house. I told them to respect my house, don't break nothing don't steal nothing."

Video footage that appeared to be captured on mobile devices of persons present on the scene depicted scores of individuals inside the U.S. Capitol building without authority to be there, in violation of Federal laws. Photographs and videos of several of these persons were disseminated via social media and other open-source online platforms. Two such social media videos featured a male individual wearing a red shirt under a dark jacket adorned with patches and what appears to be at least one military medal. In one of the videos, the male individual can also be heard shouting, "No breaking or stealing. We respect our house." Your affiant compared a known photograph of Farnsworth (below) with the male individual captured in these videos and determined that their appearance was consistent.



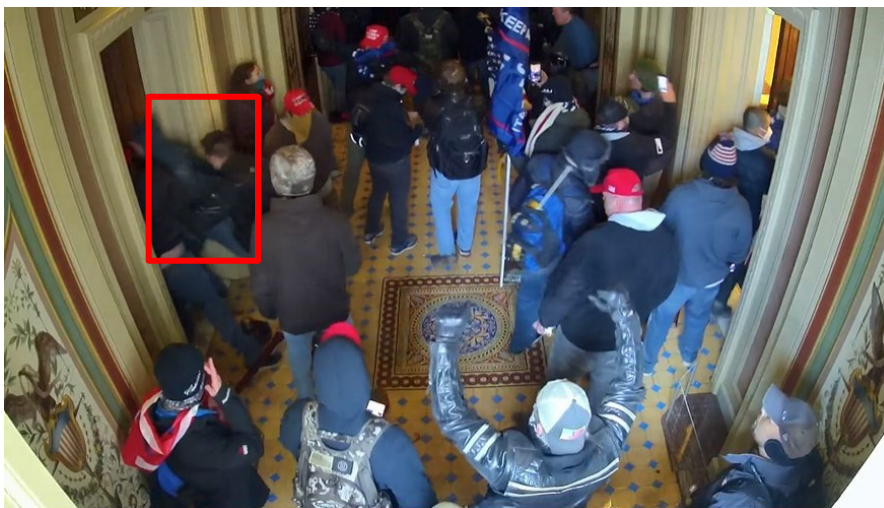
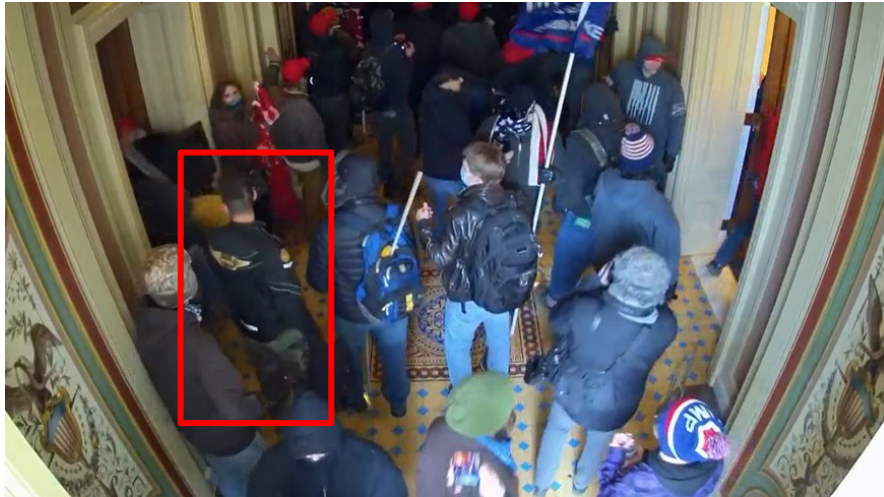
Screen captures from these two social media videos are below; the male individual believed to be Farnsworth is highlighted in a red box:



A review of Farnsworth’s criminal history indicated Farnsworth was a sex offender registrant with the Broomfield, CO Police Department. On March 18, 2021, a detective with the Broomfield Police Department telephonically verified she has had frequent interaction with Farnsworth. The detective visually identified Farnsworth in the two above-referenced social media videos showing Farnsworth inside the Capitol building on January 6, 2021. The videos did not contain the red boxes shown in the screenshots above.

Your affiant conducted a review of U.S. Capitol surveillance footage (CCTV), which captured Farnsworth entering the Capitol the via the Parliamentary Door, located on the west side of the Senate wing of the building at approximately 2:44 p.m. on January 6, 2021. CCTV

shows Farnsworth, shortly after entering the Capitol building, assisting in the breach of a door of an interior office, breaking the door in the process. Screenshots of this footage are below; Farnsworth is highlighted in red boxes:



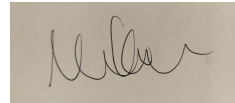
Farnsworth exited the Capitol building through the same door that he entered at approximately 2:47 p.m.

Based on the foregoing, your affiant submits that there is probable cause to believe that ISALIAH FARNSWORTH violated 18 U.S.C. § 1752(a)(1), (2), and (4), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; (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 engages in any act of physical violence against any person or property in any restricted building or grounds; 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 ISAIAH FARNSWORTH violated 40 U.S.C. § 5104(e)(2)(D), (F), and (G), 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; (F) engage in an act of physical violence in the Grounds or in any of the Capitol Buildings; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Your affiant submits there is also probable cause to believe that ISAIAH FARNSWORTH violated 18 U.S.C. § 1361 and Section 2, by willfully aiding and abetting the injuring or depredating of any property of the United States.



SA Madison Kirsch
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 29th day of November, 2022.

HONORABLE ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE