

STATEMENT OF FACTS

Your affiant, Jason Novick, is a Special Agent assigned to the Federal Bureau of Investigation – Philadelphia Division South Jersey Resident Agency. In my duties as a Special Agent, I am responsible for investigating violations of federal law and threats to U.S. national security. 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 violations 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. Thousands of people made their way inside the perimeter of the Capitol grounds and approached the Capitol building. 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.

Beginning on or about January 7, 2021, investigative agencies began receiving tips, reviewing video, and researching open-source materials. Multiple tips and open-source information identified PETER MICHAEL KRILL, JR. (“KRILL”) as possibly being involved in the events at the Capitol on January 6, 2021.

In January 2021, a tipster (“Tipster-1”) reported to the FBI’s online tip submission system that he/she viewed a video posted to TikTok by user @petekrilldontgiveafuck, which appeared to have been taken during the January 6 riot at the U.S. Capitol. The FBI was able to locate and view this video on a publicly available online social media platform. Image #1 below is a screen shot of that video:

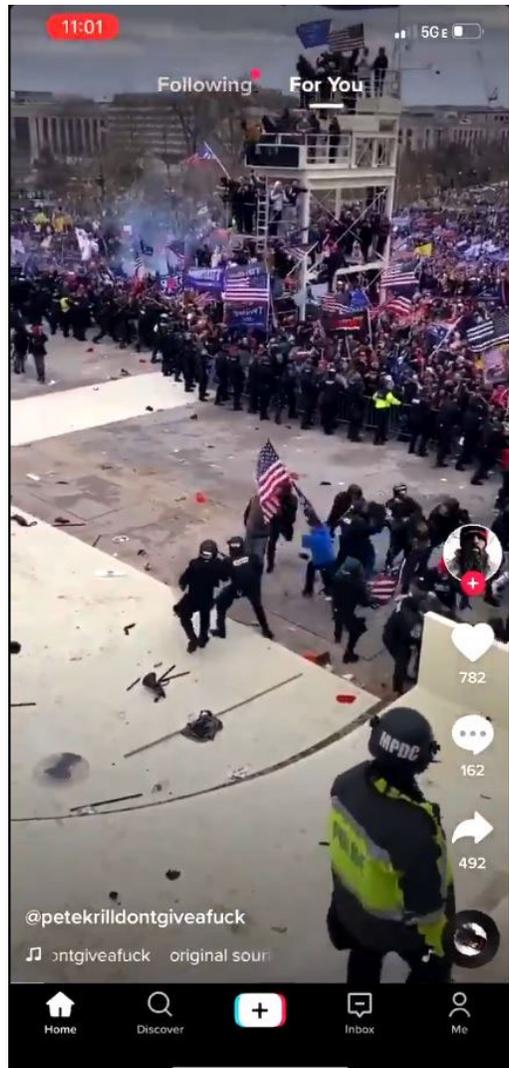


Image #1

The video is 53 seconds long. Based on my training, experience, and ongoing investigation of the January 6, 2021 riot, I am familiar with the U.S. Capitol Building and its surroundings. I recognize the video as depicting the scene on the north side scaffolding of the U.S. Capitol Building at approximately 2:28 p.m. EST on January 6, 2021, an area where members of the general public were not permitted to be.

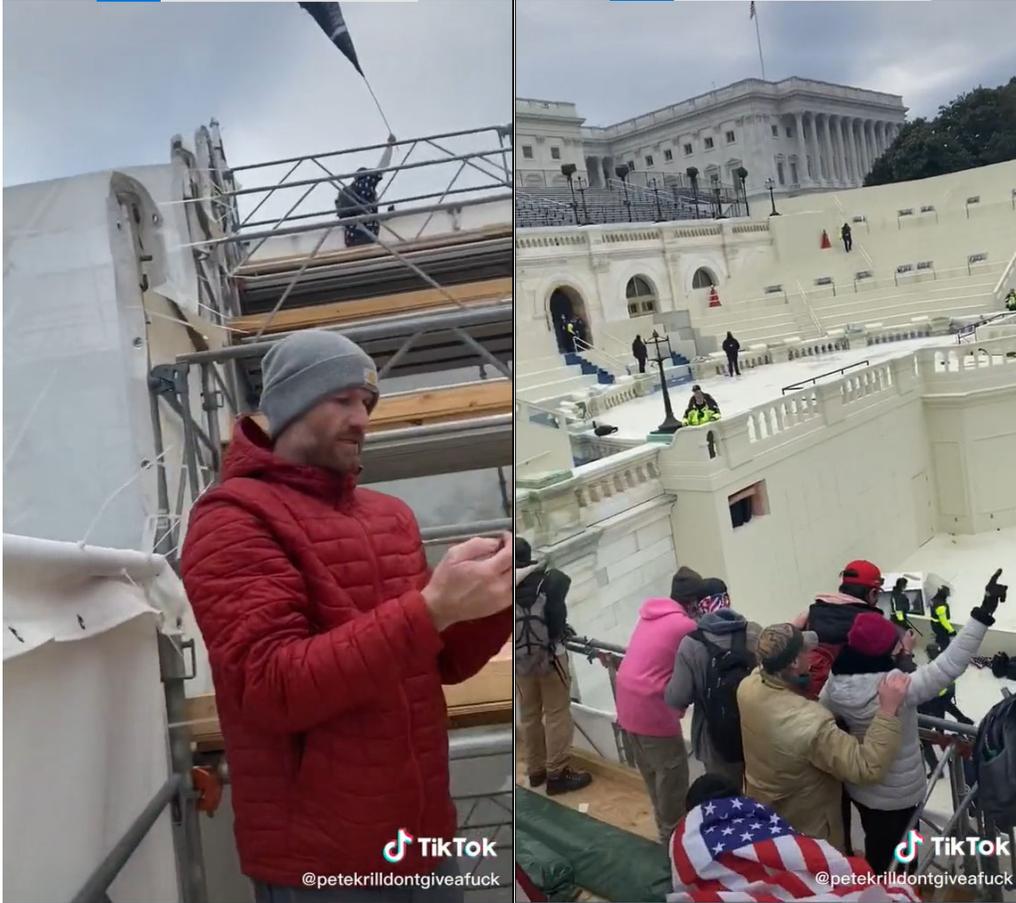
In September 2021, a different tipster (“Tipster-2”) reported to the FBI’s National Threat Operations Center that an individual, known to Tipster-2 as “Pete,” had videos on his phone from inside the U.S. Capitol building. Tipster-2 stated that he/she obtained this information from his/her co-workers. Tipster-2 informed the FBI that “Pete” owned a construction company called PMK Construction. Based on open-source research, the FBI determined that PMK Construction was operated by PETER MICHAEL KRILL, JR., a resident of Sewell, New Jersey. Tipster-2 was shown the driver’s license photo for KRILL and positively identified the individual depicted as “Pete.”

In July 2022, the FBI obtained subscriber information for the TikTok account that posted the video whose screen shot is depicted in Image #1. According to the information provided by TikTok, phone number (***)***-2979 was listed as the phone number used to register the TikTok account. Also in July 2022, the FBI obtained subscriber information for phone number (***)***-2979 which indicated that the subscriber was a woman known to the FBI to be KRILL’s wife based on social media and motor vehicle registration information. Additionally, the home address listed on the subscriber information was KRILL’s residence in New Jersey as listed on his driver’s license. An open-source search for PMK Construction also listed (***)***-2979 as the contact phone number for the company.

Cell site data for telephone number (***)***-2979 was obtained from the phone provider. That data showed that the device associated with that telephone number was located in the vicinity of the U.S. Capitol building on the afternoon of January 6, 2021.

Internet Protocol (“IP”) session history data provided by TikTok showed that throughout the day on January 6, 2021, TikTok account @petekrilldontgiveafuck was accessed from IP addresses located in Washington, D.C. and assigned to the account by T-Mobile. Based on my training and experience and my familiarity with mobile communication technology, I believe this to mean that a device associated with cellular telephone number (***)***-2979 was used to access TikTok account @petekrilldontgiveafuck from Washington, D.C. on January 6, 2021.

The FBI identified and viewed another video posted to TikTok by user @petekrilldontgiveafuck which appeared to have been taken during the January 6 riot at the U.S. Capitol. That video is 24 seconds long and appears to be taken by an individual standing on the north side scaffolding of the U.S. Capitol Building within a few minutes of the video described above. Images #2 and #3 below are screen shots of that video:



Images #2 and #3

Law enforcement reviewed other video showing the crowd protesters in front of the west side of the U.S. Capitol and on the scaffolding at approximately the same time as the TikTok video described above. For example, an open-source video appears to show the same approximate area during the same approximate time period of the TikTok video. The open-source video appears to show an individual carrying an American flag and wearing camouflage pants, a blue sweatshirt, a helmet, and goggles standing on the scaffolding with an arm outstretched holding a cell phone. The location of the individual matches the TikTok video described above and shown in Images #2 and #3. Image #4 below is a screenshot from the open-source video, and the individual holding the phone is circled in red. The individual wearing a red coat and gray hat seen in Image #2 above as well as the individual in the pink hooded sweatshirt seen in Image #3 can be seen in Image #4 below. Both of the individuals visible in both videos are identified in yellow squares in Image #4 below. This appears to be approximately the same time KRILL captured Images #2 and #3 above.



Image #4

Law enforcement also reviewed images and video from inside the Capitol building. The individual matching the description of the person in the dark sweatshirt holding the phone in Image #4 also appears to match an individual shown in open-source Image #5 below:



Image #5

Tipster-2 was shown the photo depicted in Image #5 above and stated that it bore a “strong resemblance” to KRILL.¹

¹ Tipster-2 was also provided with a link to an open-source video in which the individual believed to be KRILL can be seen and heard shouting at law enforcement officers standing behind a barricade on the west side of the U.S. Capitol building. Tipster-2 stated the individual’s

On September 28, 2022, I interviewed Witness-1, an individual who has known KRILL for many years. Witness-1 reviewed Image #5 above and identified the individual as KRILL. Witness-1 stated that KRILL is missing his pinky finger on his right hand, and Witness-1 noted that the pinky finger on the right hand of the individual in Image #5 also appears to be missing.

Based on my training and experience, as well as my familiarity with the U.S. Capitol Building gained via my participation in this investigation, I recognize Image #5 as depicting the Capitol Rotunda.

Law enforcement officers reviewed surveillance video from cameras mounted within the U.S. Capitol Building and observed the individual in Image #5 entering the U.S. Capitol Building from the Upper West Terrace door at approximately 2:36 p.m. EST and exiting the U.S. Capitol Building from the east side of the Capitol at approximately 3:23 p.m. EST.

Law enforcement officers also reviewed footage from the body worn cameras (“BWC”) of Metropolitan Police Department (MPD) officers present at the U.S. Capitol on January 6, 2021. I reviewed the footage from the BWC of MPD Officer T.T., who was located in a group of law enforcement officers on the West side of the U.S. Capitol stationed behind a protective barricade separating the officers from a group of protesters on the other side. At approximately 1:35 pm, KRILL can be seen in the BWC footage grabbing the barricade and pulling it away from the officers, briefly allowing a group of protesters to push into the officers before being pushed back behind the barricade. Image #6 below is a screen shot from Officer T.T.’s BWC showing the moment KRILL grabs the barricade.



Image #6

voice did not sound like KRILL’s; however, Tipster-2 stated he/she was “hard of hearing” in one ear and had difficulty discerning voices, especially when there is ambient noise as was the case in the video reviewed by Tipster-2.

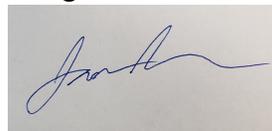
Based on the foregoing, your affiant submits that there is probable cause to believe that KRILL violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to 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 KRILL violated 40 U.S.C. § 5104(e)(2)(D) 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; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Your affiant submits there is also probable cause to believe that KRILL violated 18 U.S.C. § 111(a)(1), which makes it a crime for anyone to forcibly assault, resist, oppose, impede, intimidate, or interfere with any United States law enforcement officer while that officer is engaged in the performance of their official duties.

Finally, your affiant submits that there is probable cause to believe that KRILL violated 18 U.S.C. § 231(a)(3), 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.

A rectangular box containing a handwritten signature in blue ink, which appears to read "Jason Novick".

Jason Novick
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 14th day of December 2022.

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE