

## STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to Federal Bureau of Investigation (FBI) Phoenix Division. In my duties as a special agent, I investigate Domestic Terrorism threats to include matters related to Racially Motivated Violent Extremism (RMVE), Anti-Government, Anti-Authority Violent Extremism (AGAAVE), and other domestic threats which do not fall within RMVE or AGAAVE. 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.

### I. Introduction

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. Two of the individuals who were inside the Capitol without authority to be there have been identified as Jaimee AVERY and Daniel AVERY of Phoenix, Arizona.

Social media and video footage of the event show rioters making statements consistent with Anti-Authority/Anti-Government (AA/AG) Extremism. A review of open source and social media posts leading up to and during the event indicate that individuals participating in the “Stop the Steal” rally were angered about the results of the 2020 Presidential election, and felt that Joseph Biden had unlawfully been declared President-Elect. Users in multiple online groups and platforms discussed traveling to the Capitol armed or making plans to start a “revolution” on that day. Participants in the riot used violence, which resulted in injuries to multiple law enforcement officers and damage to the United States Capitol building, all with the intent to subvert the certification of the electoral election ballots and thereby disrupt the election of the President of the United States in furtherance of their AA/AG ideology.

## **II. Facts Pertinent to Avery Investigation**

### **A. Daniel AVERY and Jaimee AVERY Outside of Capitol**

On or about August 10, 2022, the undersigned reviewed a picture from <https://www.epochtimes.com/b5/21/1/8/n12676436.htm>, depicted below, which appeared to be Daniel AVERY in Washington D.C. on January 6, 2021 wearing a dark colored jacket, a dark colored hat with an American flag, a dark glove on his right hand and a dark colored backpack. Daniel AVERY is pictured with another person who was identified in the article as “Jaimee,” who is carrying a “3%er’s” flag, wearing a blue jacket and a red, white, and blue “USA” hat. Jaimee AVERY has the same listed residential address as Daniel AVERY per Arizona DMV records.

Quinton, a Westerner who came to Washington to attend the rally, told reporters that the CCP CCP is the most terrifying organization in the world, more vicious than Hitler, and socialism and communism are like cancerous tumors in society.

He said that the CCP seized people's freedom, persecuted people with conscience, and slaughtered the people, saying, "I know from different sources that the CCP has harvested organs alive, and an investigation report accuses the CCP of not using anesthetics to harvest organs alive, and the evidence is conclusive and there is no doubt, which is very frightening."

Jaimee, another Westerner, said the CCP persecuted Falun Gong practitioners and removed their organs for trafficking, using the means of satan the devil.



Jaimee (left), a member of the public at the DC rally in Washington, D.C., and friends supported the "END CCP" on January 6. (Lee Kwai Soo/EPOCH Times)

A publicly available YouTube video, a screenshot of which is depicted below, [https://www.youtube.com/watch?v=0Mn-WR\\_183E&t=5920](https://www.youtube.com/watch?v=0Mn-WR_183E&t=5920) (time stamp 1:38:40), appeared to depict the same two people as described above walking down Constitution Avenue in Washington D.C. on January 6, 2021. The person who appeared to be Daniel AVERY is seen wearing dark full-length pants, black and white shoes, and dark gloves on his hands. Jaimee AVERY is also depicted carrying what appears to be the same "3%er's" flag, wearing the same blue jacket, and red, white, and blue "USA" hat as seen in the www.epochtimes.com picture and holding a red object which appeared to be a cell phone.



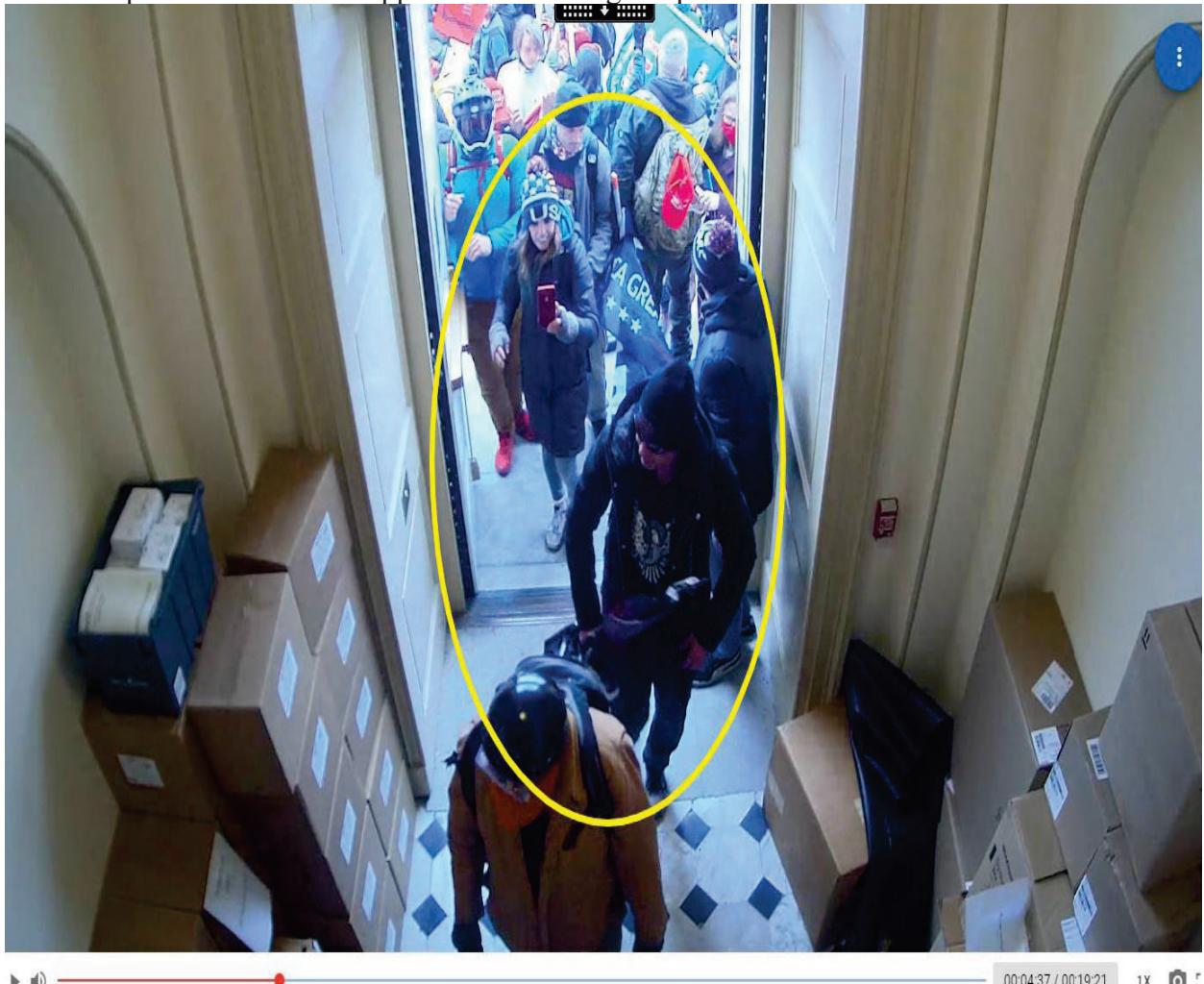
A publicly available FaceBook video, a screenshot of which is depicted below, shows what appeared to be the same two people as mentioned above in Washington D.C. The two people are seen matching the same descriptions as above with the “3%er’s” flag.



B. Daniel AVERY and Jaimee AVERY Inside of Capitol

A review of US Capitol surveillance camera data by the FBI Washington Field Office Conspiracy Intelligence Team confirms Daniel AVERY and Jaimee AVERY entered the US Capitol on January 6, 2021, at approximately 14:44:37 EST through the Upper West Terrace Door.

14:44:37 – Daniel and Jaimee entered the Capitol through the Upper West Terrace Door and walked east up the stairs. Jaimee appeared to be using her phone.



A review of US Capitol surveillance camera data further determined Daniel AVERY and Jaimee AVERY spent approximately 18 minutes in the Capitol, during which they walked through the Rotunda, the East Front Corridor, and the Brumidi Corridor before exiting through the North Door at 15:02:15 EST.

14:45:30 – Daniel AVERY and Jaimee AVERY entered the Rotunda from the west, walked north, and then exited through the north door. Jaimee appeared to be using her phone.

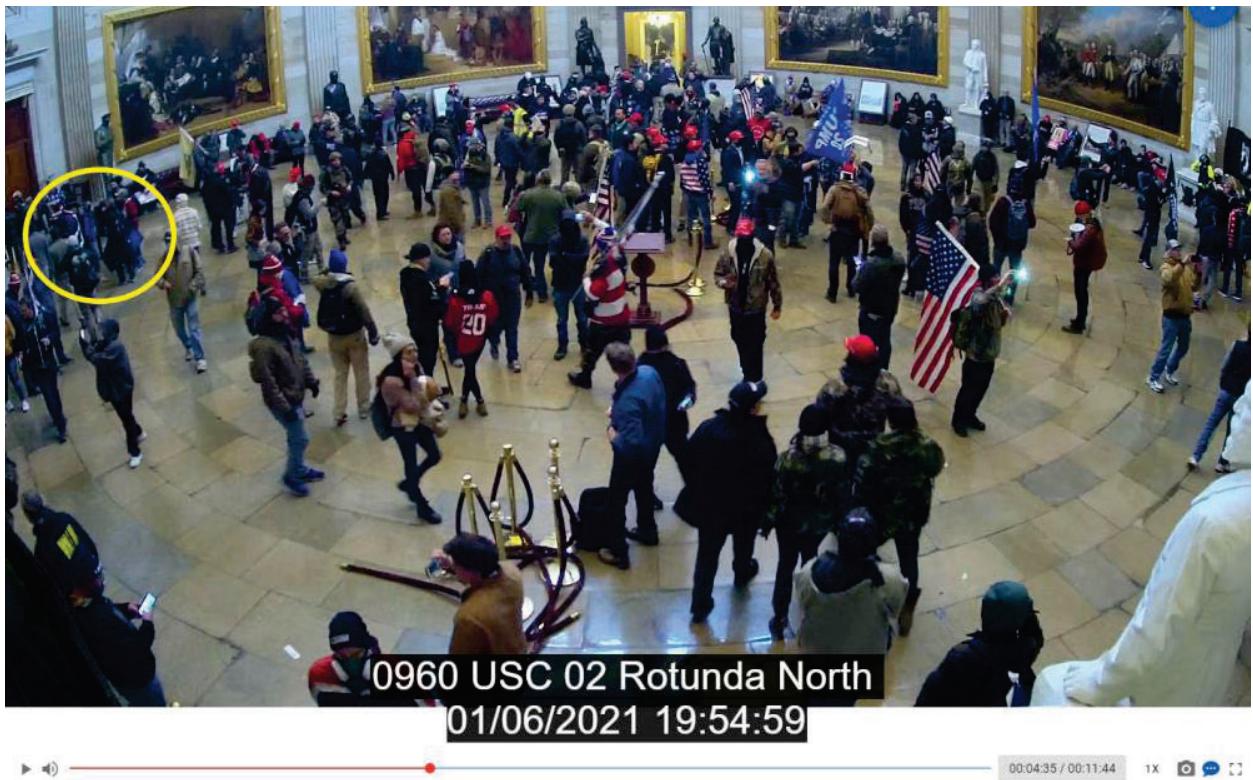


14:54:15 - Daniel AVERY and Jaimee AVERY reentered the Rotunda from the north entrance.



▶ ⏪ 00:03:57 / 00:11:44 1X 🔍

14:54:34 – Daniel AVERY and Jaimee AVERY appeared to talk to people near the east door of the Rotunda.



14:55:43 – Daniel AVERY and Jaimee AVERY exited the Rotunda through the east door.



▶ 🔍 00:04:58 / 00:11:44 1X 📸 💬

14:55:52 – After exiting the Rotunda, Jaimee AVERY stood near the door using her phone for approximately 41 seconds. Daniel AVERY stood on the other side of the door.



0686 USCH 02 Rotunda Door Interior

01/06/2021 19:55:56

▶ 🔍 00:00:57 / 00:08:55 1X 📸 💬 🎞

14:56:34 – Daniel AVERY and Jaimee AVERY began walking north.



▶ ⏪ 00:01:35 / 00:08:55 1X 🔍

14:56:53 – Daniel AVERY and Jaimee AVERY walked down the East Front Corridor and Jaimee AVERY appeared to use her phone.



0200 USCS 02 East Front Corridor near S206

01/06/2021 19:57:17

▶ 🔍 00:17:16 / 00:19:59 1x 📸 💬 🎧

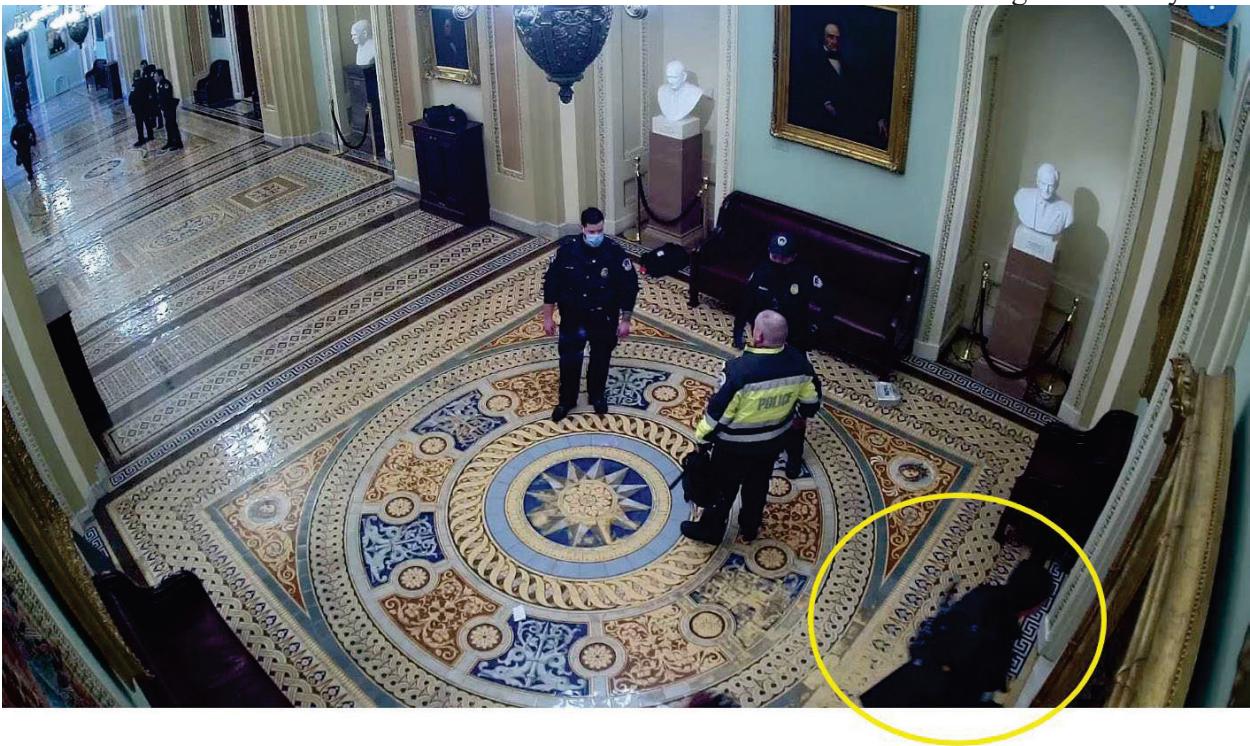
14:57:41 – Daniel AVERY and Jaimee AVERY walked north.



14:57:53 - Daniel AVERY and Jaimee AVERY turned east at the end of the hallway.

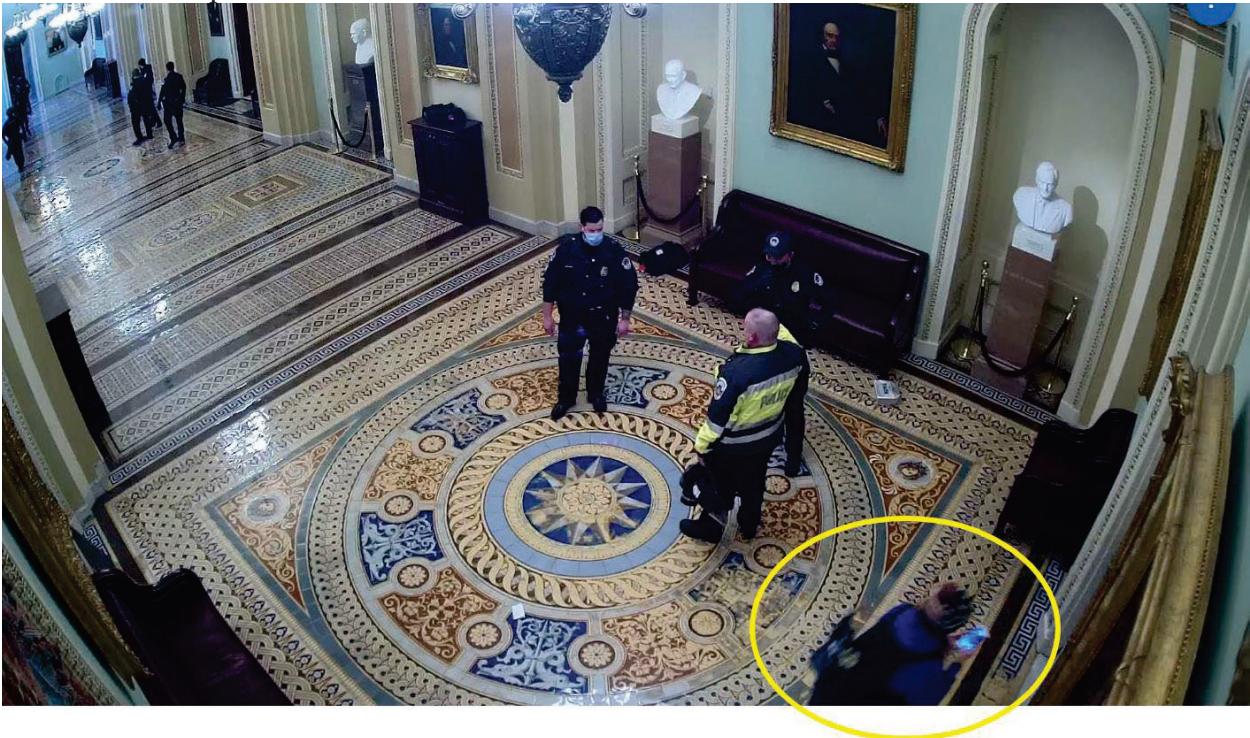


14:57:51 – Daniel AVERY walked east in the Ohio Clock Corridor after exiting the hallway.



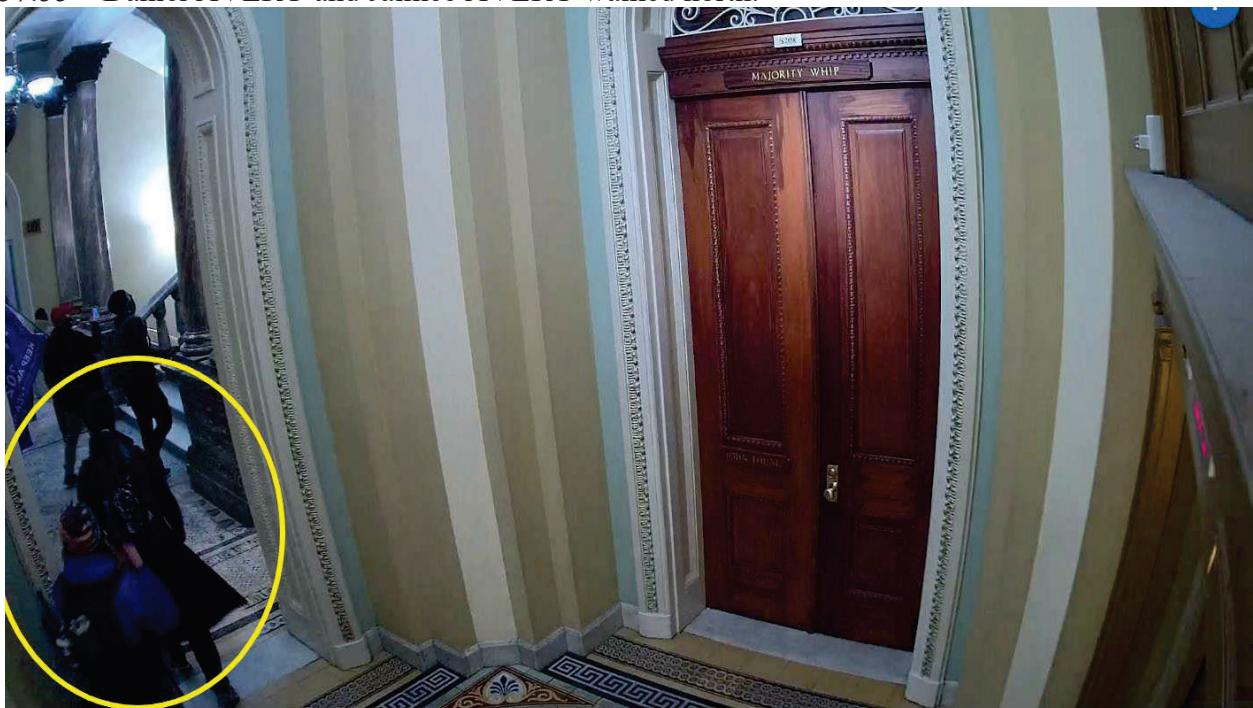
▶ 🔍 00:17:49 / 00:19:58 0.5x 🔍

14:57:52 – Jaimee AVERY walked east in the Ohio Clock Corridor after exiting the hallway and appeared to use her phone.



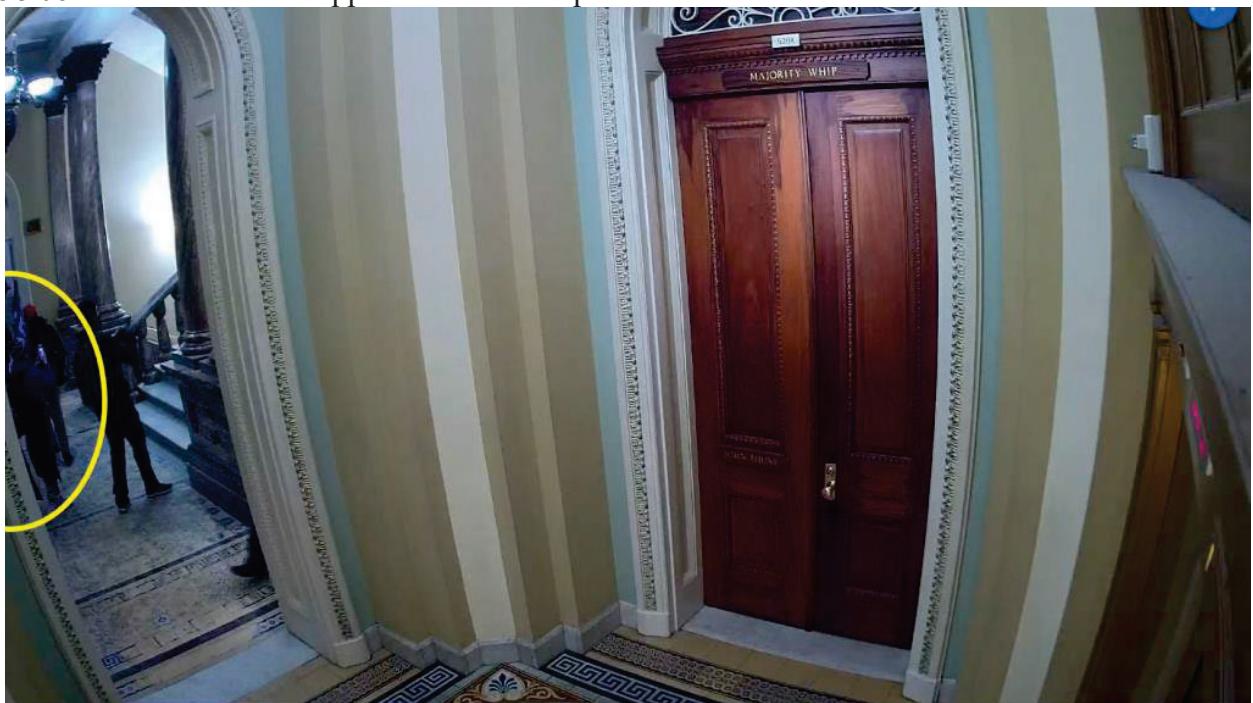
▶ 🔍 00:17:50 / 00:19:58 1x 🔍

14:57:55 – Daniel AVERY and Jaimee AVERY walked north.



▶ 🔍 00:17:55 / 00:19:58 1X 📸

14:58:06 – Jaimee AVERY appeared to use her phone.



▶ 🔍 00:18:05 / 00:19:58 1X 📸

14:58:31 – Daniel AVERY and Jaimee AVERY walked down the stairs.



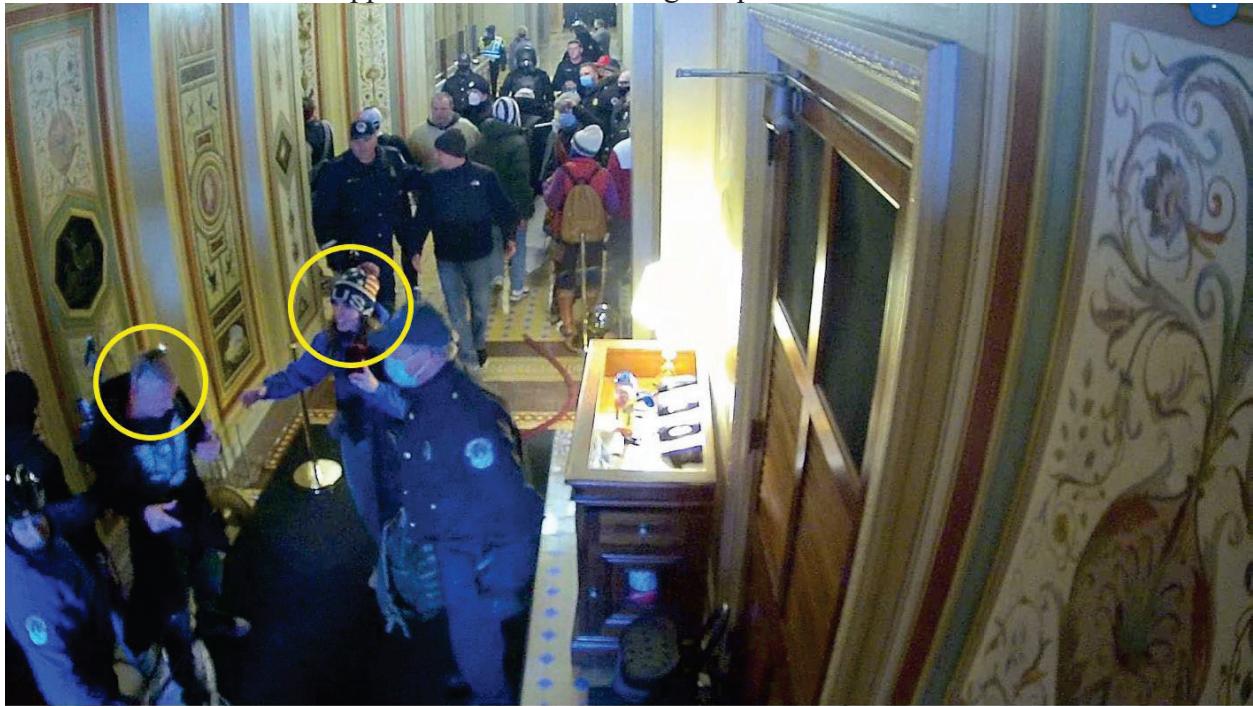
▶ 🔍 00:18:32 / 00:19:58 1X 📸 ⏹

15:01:08 – Daniel AVERY and Jaimee AVERY walked near the North Door Appointment Desk and towards the North Door. Jaimee AVERY appeared to use her phone.

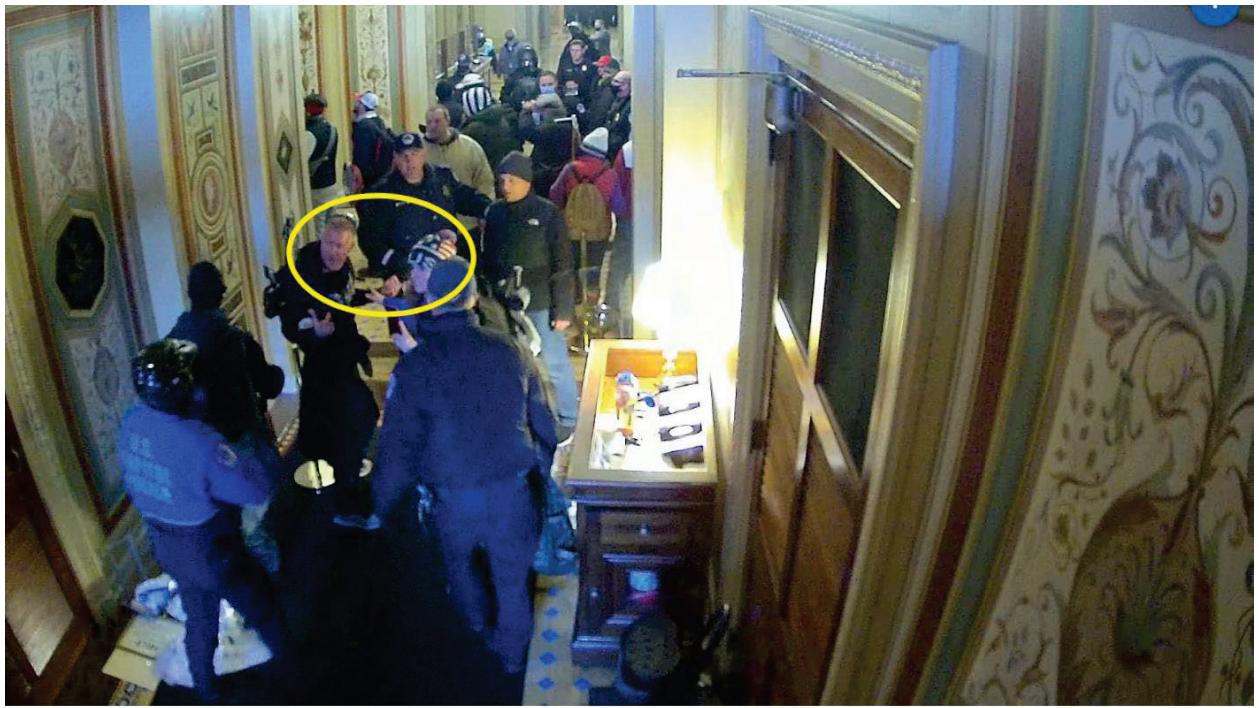


▶ ⏪ 00:03:30 / 00:10:08 1x

15:01:49 – Daniel AVERY and Jaimee AVERY engaged with law enforcement officers. The law enforcement officers appeared to move Daniel AVERY and Jaimee AVERY away from the North Door. Jaimee AVERY appeared to continue using her phone.



▶ ⏪ 00:03:45 / 00:10:08 1x



▶

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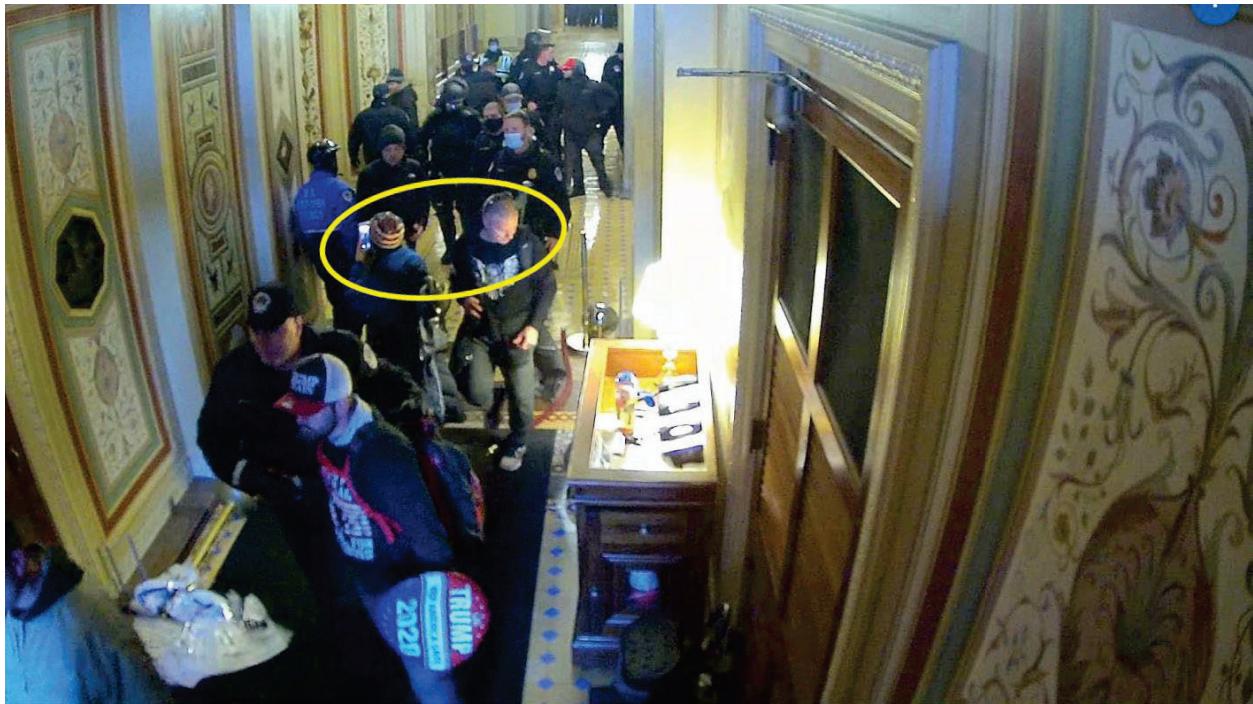
●

00:03:46 / 00:10:08

1X



15:02:12 – Jaimee AVERY appeared to use her phone to capture photo or video of a law enforcement officer.



▶ ⏴ 00:04:08 / 00:10:08 1X 🔍

15:02:15 – Daniel AVERY and Jaimee AVERY exited the US Capitol through the North Door.



▶ ⏴ 00:04:11 / 00:10:08 1X 🔍

### III. The Continuing Investigation

On or about August 10, 2022, your affiant reviewed the following publicly available FaceBook page for a Jaimee AVERY (<https://www.facebook.com/jaimeeavery>), and Arizona DMV pictures for Daniel AVERY and Jaimee AVERY. These FaceBook pictures appear to match driver's license photos for Jaimee AVERY and Daniel AVERY, both of which list a residential address of 27512 N 58th Ln; Phoenix, AZ 85083-7384. The Facebook and DMV pictures appear to match the above depicted people who entered the United States Capitol Building on January 6, 2021.





Jaimee Avery updated her profile picture.

July 6, 2020 ·

...



53

1 Comment

Share



Jaimee Avery updated her profile picture.

December 4, 2019 ·

...



117

15 Comments

Share





On October 5, 2022, Your Affiant performed physical surveillance on 27512 N 58th Lane, Phoenix, Arizona. The following three vehicles were observed:

- a Silver Toyota sports car, Arizona License Plate CDL1223
- a Dark Gray Toyota Tacoma, Arizona License Plate ALG4682
- a Blue Toyota 4 Runner, Arizona License Plate CFN0237

All three vehicles that were observed at the residence are registered to either Daniel Avery, Jaimee Avery, or both. Baseline checks for registered vehicles to Jaimee Avery and Daniel Avery show the following vehicles:

- CDL1223 2017 Toyota 86
- ALG4682 2010 Toyota Tacoma
- CFN0237 2018 Toyota 4Runner
- FM48RV 1999 Honda Trx400
- ALG4683 2010 Toyota Corolla
- 98241F 2008 Trailer

On November 25, 2022, Your Affiant performed physical surveillance in the vicinity of the Avery residence, 27512 N 58th Lane, Phoenix, Arizona. Your Affiant observed a male exit the residence. Your Affiant was able to determine the male that exited the residence was Daniel Avery based on his driver's license photo. Your Affiant determined that this is the same person who appeared within the Capitol building on January 6, 2021.

On December 2, 2022, physical surveillance was performed on 27512 N 58th Ln, Phoenix, AZ. Your Affiant observed a female exit the home and travel to a nearby shopping center in a blue Toyota 4Runner. Your Affiant later observed a woman enter the 4Runner. Your Affiant was able to identify the woman as Jaimee Avery based off of her driver's license photo and publicly

available social media photos. Your Affiant was able to determine this is the same person who appeared within the Capitol building on January 6, 2021.

On September 5, 2023, FBI Special Agents interviewed Daniel AVERY at his residence of 27512 N 58<sup>th</sup> Lane, Phoenix, AZ. Daniel AVERY stated that he and his wife were present in Washington, D.C. for a few days around January 6, 2021. Daniel AVERY stated that they stayed at a hotel across from Freedom Plaza, either a Hyatt or Marriott. Daniel AVERY indicated that on January 6, 2021, they watched President Trump speak and walked around town, ending the night eating Vietnamese food. When asked directly if he entered the Capitol Building on January 6, 2021, Daniel AVERY stated that he did not enter the Capitol Building and that he "wouldn't" enter the building. At that point, Daniel AVERY stated that he wanted an attorney present for the conversation.

Based on the foregoing, your affiant submits that there is probable cause to believe that Daniel AVERY and Jaimee AVERY 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 Daniel AVERY and Jaimee AVERY 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.

FBI Phoenix Division

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 5th day of February 2024.

2024.02.05  
16:41:09 -05'00'  
  
HON. ROBIN M. MERIWEATHER  
U.S. MAGISTRATE JUDGE