

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America)
v.)
Daryl Johnson, [REDACTED]) Case No.
Daniel Johnson, [REDACTED])

)
)
)
)
)
)
Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the _____
in the District of Columbia, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 1752(a)(1)- Entering and Remaining in a Restricted Building;	
18 U.S.C. § 1752(a)(2)- Disorderly and Disruptive Conduct in a Restricted Building;	
40 U.S.C. § 5104(e)(2)(D)- Violent Entry and Disorderly Conduct in a Capitol Building;	
40 U.S.C. § 5104(e)(2)(G)- Parading, Demonstrating, or Picketing in a Capitol Building	

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.



Complainant's signature

 Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone.

Date: 06/04/2021

 2021.06.04
16:37:19 -04'00'

Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge
Printed name and title

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent assigned to the Federal Bureau of Investigation Omaha Field Office, Waterloo Resident Agency. As part of my duties as a Special Agent, I am currently tasked with investigating criminal activity that occurred on January 6, 2021, in and around the U.S. Capitol grounds. 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.

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.

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.

On January 7, 2021 an individual who will be referred to as, Complainant A, called the FBI National Threat Operations Center to report that DANIEL JOHNSON from Austin, MN posted video to his Snapchat account from inside the U.S. Capitol building during the riot. Complainant A also knew DANIEL JOHNSON to have the cellular telephone number ending in - 8691.

On January 18, 2021, an individual who will be referred to as Complainant B submitted a tip through the fbi.gov/uscapitol online portal which included a screenshot of a Facebook comment written by DANIEL JOHNSON that stated, “I was one of the first ones inside the capitol building.”

On March 1, 2021, an individual who will be referred to as Complainant C, submitted a tip to the FBI through the FBI’s online portal alleging that DANIEL JOHNSON and his father DARYL JOHNSON were inside the U.S. Capitol Building on January 6, 2021, during the riots.

During the investigation, the FBI uncovered videos of DARYL and DANIEL JOHNSON inside the U.S. Capitol. Screenshots from these videos are below. DANIEL JOHNSON is circled in blue, and DARYL JOHNSON is circled in red.

U.S. Capitol Hall of Columns January 6, 2021 (Photograph A)



U.S. Capitol Hall of Columns (Photograph B)



ITV News YouTube Clip (Photograph C)



U.S. Capitol Office Hallway (Photograph D)



The FBI reviewed DARYL JOHNSON's and DANIEL JOHNSON's Facebook pages. On DARYL JOHNSON's Facebook page, DARYL JOHNSON posted photographs of himself wearing articles of clothing similar to those he wore in Photographs A-D, including a puffy navy-blue jacket, eyeglasses, an American flag face scarf, and a backpack with gray straps. Below are the photographs from DARYL JOHNSON's public Facebook profile. DARYL JOHNSON is circled in red.



On April 19, 2021 the Honorable Magistrate Judge G. Michael Harvey, United States Court District of Columbia authorized a search warrant for DARYL JOHNSON's Facebook account. From the search warrant return, the FBI uncovered several comments posted by DARYL JOHNSON referencing himself as having been at the U.S. Capitol riots on January 6, 2021.

Facebook Business Record Page 903

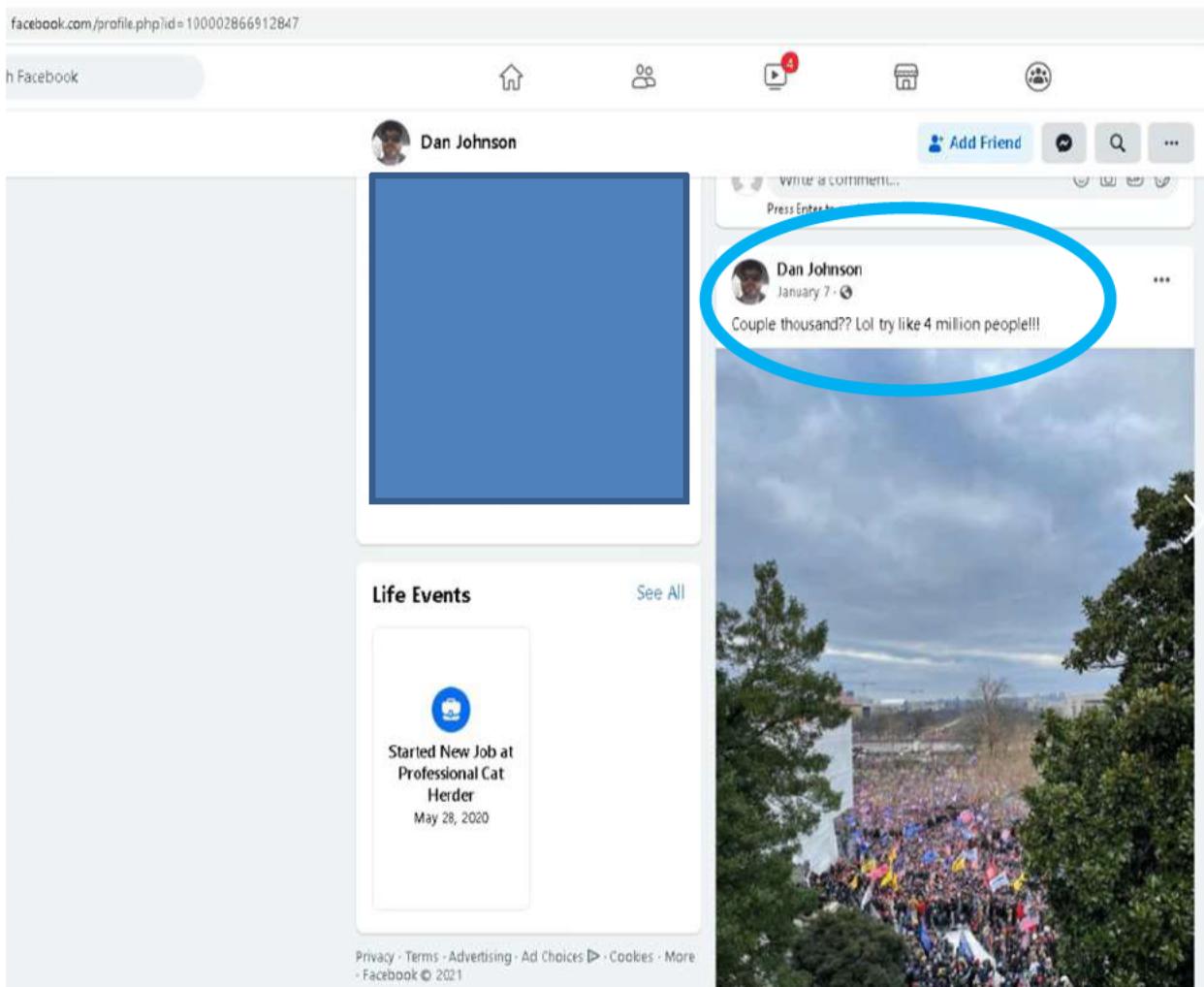
Summary
Daryl Johnson commented on a post from January 6. 'Brett You need to look more deeply into what actually happened - what the media is saying is completely false. It was Antifa causing the damage. I was there! Trump supporters were restraining the Antifa people. Do not believe the reports - it's a complete BS'
Object Id S:_100011532456864:878781772914015:21

Time 2021-01-07 01:15:00 UTC
Type Comments
Summary Daryl Johnson replied to your comment on a post from January 6.
'@[100000936190805:2048:Wade Wubben] yep it does'
Object Id S:_100011532456864:878781772914015:16

Time 2021-01-07 01:03:03 UTC
Type Tagged by Others
Summary Wade Wubben mentioned you in a comment. Content owned by Wade Wubben (100000936190805)
Object Id S:_100011532456864:1232393607155043:6

Time 2021-01-07 00:58:41 UTC
Type Comments
Summary Daryl Johnson commented on a post from January 6. 'I was there the media story is completely crap. The protesters were peaceful until the police started throwing flash bangs and gas at the peaceful crowd'
Object Id S:_100011532456864:878781772914015:15

The FBI also reviewed DANIEL JOHNSON's Facebook page which showed a number of political posts around the time of the U.S. Capitol riots. A Facebook search warrant was signed on May 12, 2021, in the District of Columbia, by the Honorable Judge Robin M. Meriweather, for a Facebook account listed to Dan Johnson. Facebook returns support the conclusion that DANIEL JOHNSON was in Washington, D.C. on January 6, 2021. In one post, dated January 7, 2021, DANIEL JOHNSON posted a photograph of the January 6, 2021, crowd and described the size of the crowd near the U.S. Capitol on his Facebook page: "Couple thousand?? Lol try like 4 million people!!!"



DANIEL JOHNSON also posted on Facebook about entering the U.S. Capitol Building on January 6, 2021. For instance, in private messages between DANIEL JOHNSON and another individual, on January 6, 2021, DANIEL JOHNSON writes “We stormed capitol hill” and “Lol Dad and I were one of the first ones inside.” Also, on a friend’s Facebook page, DANIEL JOHNSON claimed to be one of the first inside the Capitol. Below is a screenshot of JOHNSON’s comments.

(UNCLASSIFIED//FOUO)



10:11 8-0000

1

Dan Johnson

I was one of the first ones inside the capital build

1 wk Like Reply More

1

What no way

1 wk Like Reply More

1

Who got shot

1 wk Like Reply More

1

Dan Johnson

I have no idea I didn't even know it happened till I got back to the hotel

1 wk Like Reply More

1

You take any video

1 wk Like Reply More

1

Dan Johnson

Yeah lol

1

Fucking traitor

Look Like Reply More

1

Dan Johnson

1

Finally, to further identify DARYL and DANIEL JOHNSON as the subjects captured in numerous photographs and video clips taken from inside the U.S. Capitol on January 6, 2021, FBI agents interviewed Officer Lane Schutjer, Detective Bruce Hemann, and Complainant C.

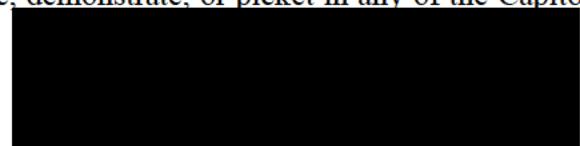
- A. Officer Lane Schutjer of the St. Ansgar Police Department, located in St. Ansgar, Iowa, was shown Photographs A-D. Officer Schutjer identified the subject circled in red in photographs A-D to be DARYL JOHNSON. Officer Schutjer is familiar with the family, because DARYL JOHNSON's father was previously the Mayor of St. Ansgar and because Officer Schutjer has also personally interacted with DARYL JOHNSON.
 - B. Mower County Sheriff's Detective Bruce Hemann, an individual that has had several in-person interactions with Daryl and Daniel Johnson, was shown Photograph C. He identified

the individual circled in red as DARYL JOHNSON. Detective Hemann also believed it was possible that the individual circled in blue was DANIEL JOHNSON.

C. Complainant C personally knows DANIEL JOHNSON. Complainant C was shown photographs taken from inside the U.S. Capitol on January 6, 2021, similar to Photographs A-D. Complainant C identified DANIEL JOHNSON in each of the photographs as the young male in a dark shirt with a gray hat, black sunglasses on top of the hat, and a red, white, and blue neck guard.

Based on the foregoing, your affiant submits that there is probable cause to believe that DARYL JOHNSON and DANIEL JOHNSON 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.

Your affiant submits there is also probable cause to believe that DARYL JOHNSON and DANIEL JOHNSON violated 40 U.S.C. § 5104(e)(2)(D) which makes it a crime to willfully and knowingly 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. Your affiant also submits there is probable cause to believe that DARYL JOHNSON and DANIEL JOHNSON violated 40 U.S.C. § 5104(e)(2)(G) which makes it a crime to willfully and knowingly parade, demonstrate, or picket in any of the Capitol Buildings.



Special Agent [REDACTED]
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 4th day of June 2021.

2021.06.04
16:32:45 -04'00'

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE