

STATEMENT OF FACTS

Your affiant, Jhoan Sebastian Cummings, is a Special Agent with the Federal Bureau of Investigation assigned to the Joint Terrorism Task Force. In my duties as a special agent, I have participated in investigations during the course of which I have conducted physical surveillance, interviewed witness, executed court-authorized search warrants, and used other techniques to secure relevant information. 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 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.

***Identification of Antonio Ferrigno and Francis Connor's
Involvement in Offenses of January 6, 2021***

ANTONIO FERRIGNO JR (hereinafter FERRIGNO) is a 26-year-old male and FRANCIS CONNOR (hereinafter CONNOR) is a 23-year old male, who both reside in Brooklyn, New York. As discussed in detail below, FERRIGNO and CONNOR appear to have traveled to Washington, D.C., from New York City on or about January 6, 2021, and participated in the rioting at the Capitol, along with another charged defendant Anton Lunyk.

Lunyk currently has a pending case in D.C. District Court based on his involvement in the events of January 6, 2021. Pursuant to search warrants for Lunyk's Instagram account and Lunyk's cell phone, law enforcement identified additional evidence of FERRIGNO and CONNOR'S involvement in the events of January 6, as described in greater detail below.

Image 1 below is a photo taken from defendant Lunyk's Instagram, reviewed pursuant to a search warrant. Image 1 appears to capture CONNOR (circled in blue) and FERRIGNO (circled in red) standing inside the U.S. Capitol with defendant Lunyk.

Image 1



According to Instagram records, Lunyk sent above Image 1 to Instagram users later determined to be FERRIGNO and CONNOR.

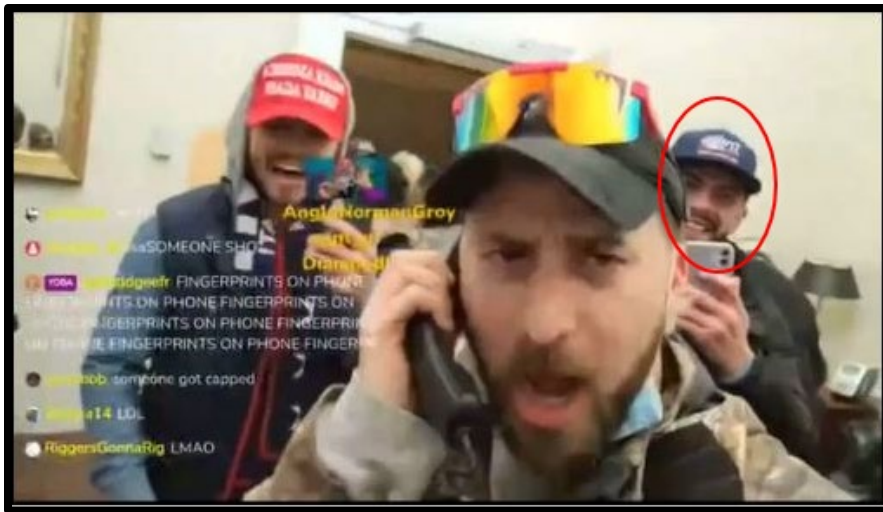
Law enforcement subsequently identified FERRIGNO and CONNOR, based on a review of records from Lunyk's Instagram account that were obtained through a search warrant. For FERRIGNO, the Instagram records included a user ID of 144326588 and Username aferrigno13 as "Antonio Ferrigno".

Law enforcement subsequently obtained additional Instagram records for UID 144326588 and username aferrigno13, which provided a registered user of "Antonio Ferrigno", vanity name of "antt.ferrigno", a registered email address of avferrigno@gmail.com and a telephone number of ending in -3187.¹

For CONNOR, Lunyk's Instagram records included a user ID of 364765536 and username "francisconnor". Law enforcement subsequently obtained additional Instagram records for UID 364765536 and username "francisconnor" and the records provided a registered email address: fconnor1986@gmail.com. Google LLC provided records for fconnor1986@gmail.com, and the records showed that the registered user is Francis Connor with recovery email address fconnor1@verizon.net and telephone number ending in -6980.²

Images 2, 3, and 4 are screenshots from a live streaming video streamed by defendant Anthime Gionet aka "Baked Alaska". Law enforcement reviewed the live streaming video and identified the location of FERRIGNO and CONNOR as within the designated working space of a United States Senator. Images 2 and 3 show FERRIGNO (circled in red) wearing a blue hat. Image 4 shows Connor (circled in blue).

Image 2



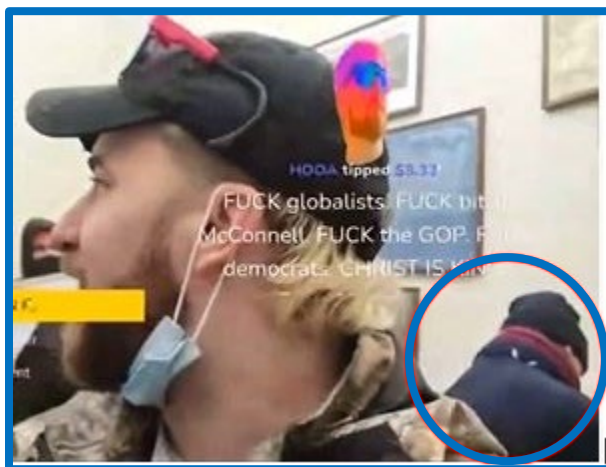
¹ The full phone number was provided by the Provider, but only the last four digits are included in this statement of facts.

² The full phone number was provided by the Provider, but only the last four digits are included in this statement of facts.

Image 3



Image 4



Law enforcement conducted a manual review of United States Capitol Police (USCP) closed-circuit television (CCTV). USCP CCTV captures FERRIGNO and CONNOR with defendant Lunyk inside the Capitol on January 6.

FERRIGNO appears to be wearing a matching outfit of a navy Trump hat, black jacket, light blue-ripped jeans, dark colored shoes and a Trump scarf as shown in Images 1, 2, 3 when compared to the individual captured in USCP CCTV shown in Images 5, 7, and 8.

CONNOR appears to be wearing a matching outfit of a dark-in-color winter hat, multi-colored scarf, and boots as shown in Image 1 when compared to the individual captured in USCP CCTV shown in Images 6, 7, and 8.

Image 5



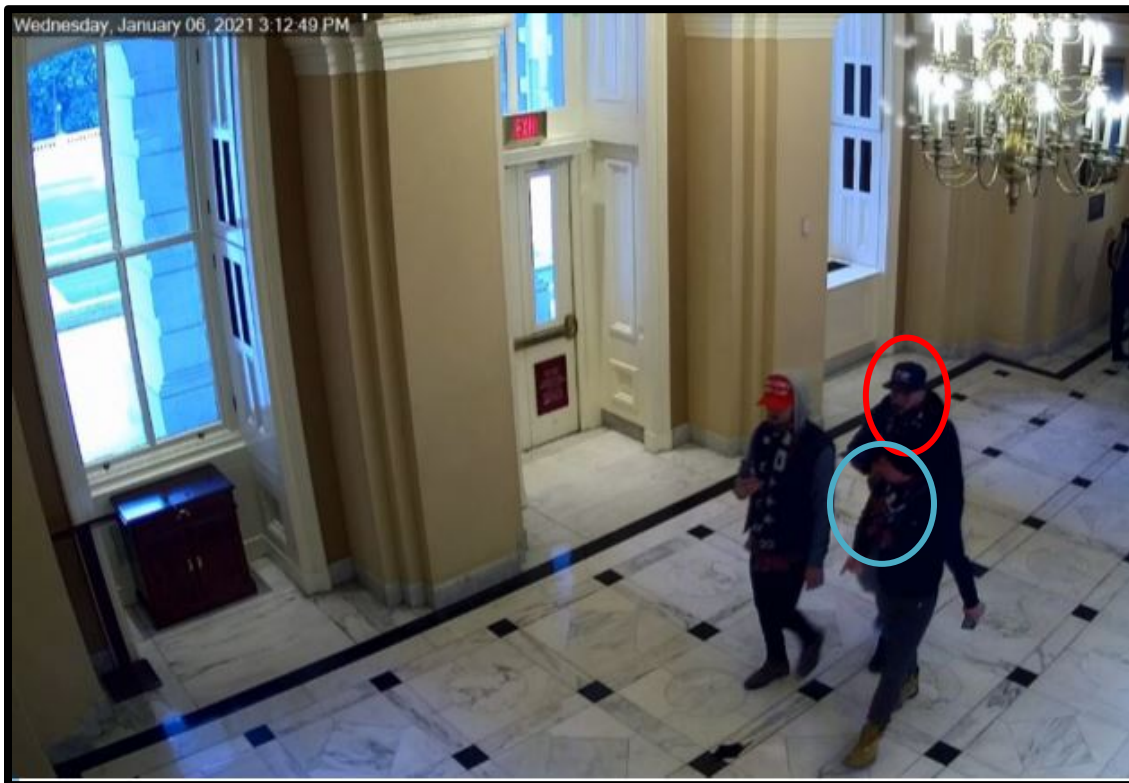
Image 6



Image 7



Image 8

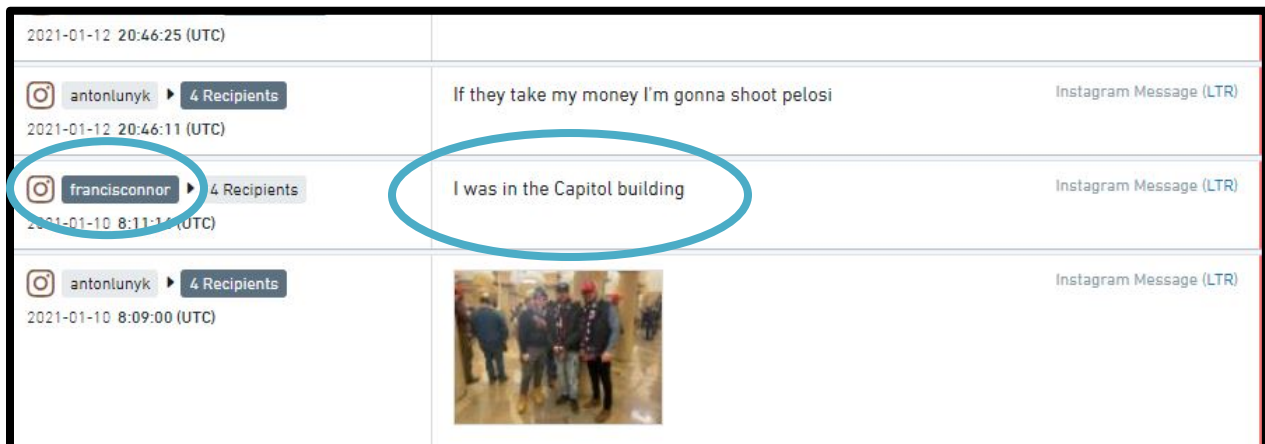


Images 5 and 6 are screenshots from the CCTV footage of Senate Wing Door captured on January 6, 2021, at around 3:08 p.m., with a red circle around FERRIGNO and a blue circle around CONNOR.

Images 7 and 8 are screenshots from the CCTV footage of House Wing Door captured on January 6, 2021, at around 3:12 p.m. FERRIGNO and CONNOR appear to be walking with defendant Lunyk.

Lunyk's Instagram account further contained messages between CONNOR and Lunyk. As explained above, records reveal that Instagram user "francisconnor" is suspect CONNOR. Lunyk sent "francisconnor" the photo seen in Image 1 above. Instagram user "francisconnor" replied stating, "I was in the Capitol building." Image 9 below is a screenshot of these Instagram messages.

Image 9



Pursuant to a search warrant, law enforcement obtained defendant Anton Lunyk's text messages. Messages between Lunyk and "Antonio Ferrigno" and "Francis" further corroborate FERRIGNO and CONNOR's presence in the U.S. Capitol on January 6.

Law enforcement conducted a manual review of defendant Anton Lunyk's cell phone pursuant to a search warrant. Upon review, it revealed that the user of a telephone number ending in -6980) associated with FRANCIS CONNOR, requested a video of himself "jumping" out the window. ANTONIO FERRIGNO (using the phone number ending in -3187) subsequently sends a video depicting CONNOR climbing out the Senate Wing Window. FERRIGNO then states, "maybe if ur clothing wasn't so distinct people would know it's u." Furthermore, FERRIGNO sends a photograph depicting Anton Lunyk, FRANCIS CONNOR, and ANTONIO FERRIGNO inside the U.S. Capitol building (Image 1). In response to the images, "Francis" (CONNOR) subsequently replies "These can't go anywhere."

Further review of defendant Anton Lunyk's cell phone pursuant to a search warrant return, revealed text messages from "Antonio Ferrigno" (FERRIGNO) denying his participation in the riots that took place at the U.S. Capitol. FERRIGNO'S text messages stated the following: "I

wasn't in the capitol so idc", "The footage I have someone air dropped to me" and "That's not me I don't have facial hair."

Screenshots of some of these messages between FERRIGNO, CONNOR, and Anton Lunyk are show below in Images 10 through 18. Because these messages are taken from defendant Anton Lunyk's cell phone, the messages from "Me" are presumed to be from Anton Lunyk.

Image 10

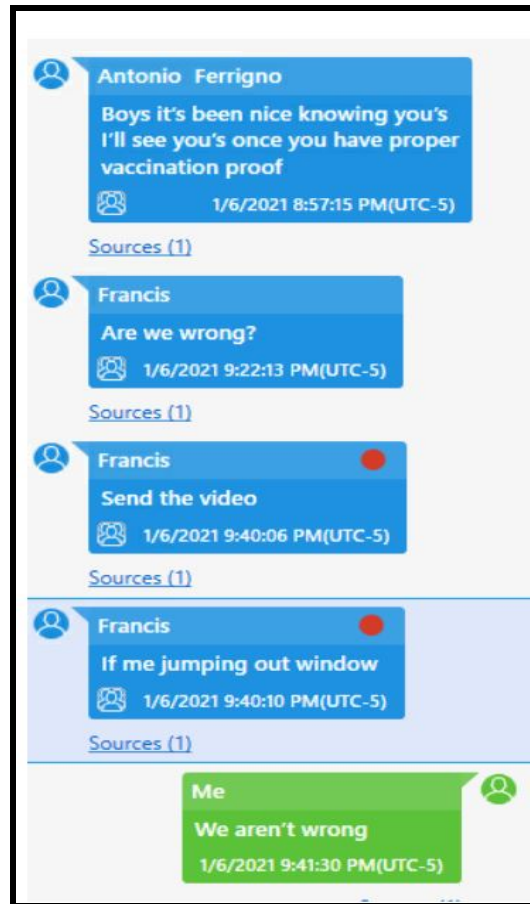


Image 11

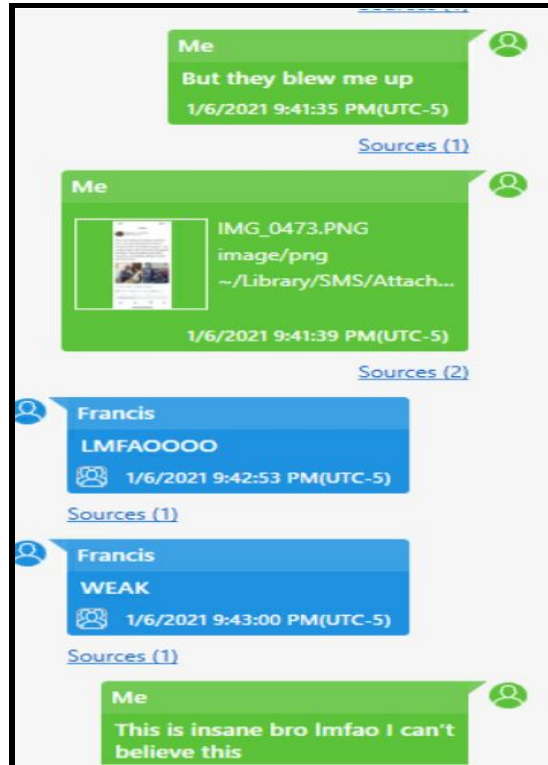


Image 12

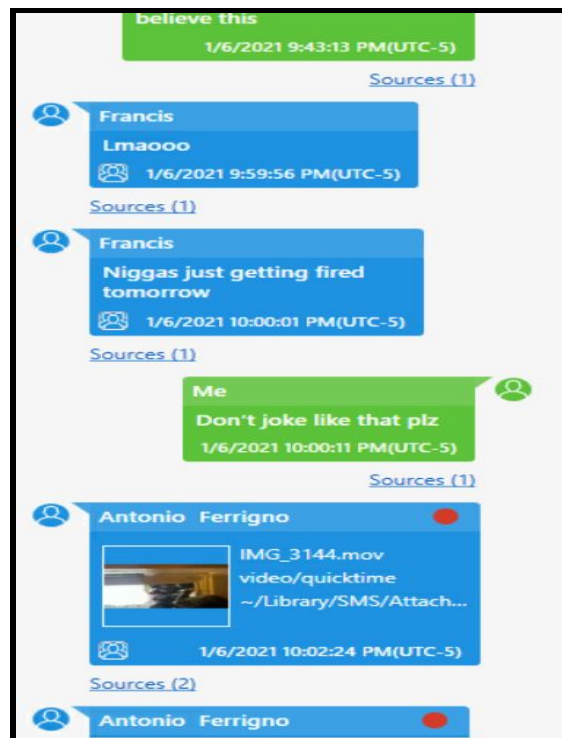


Image 13

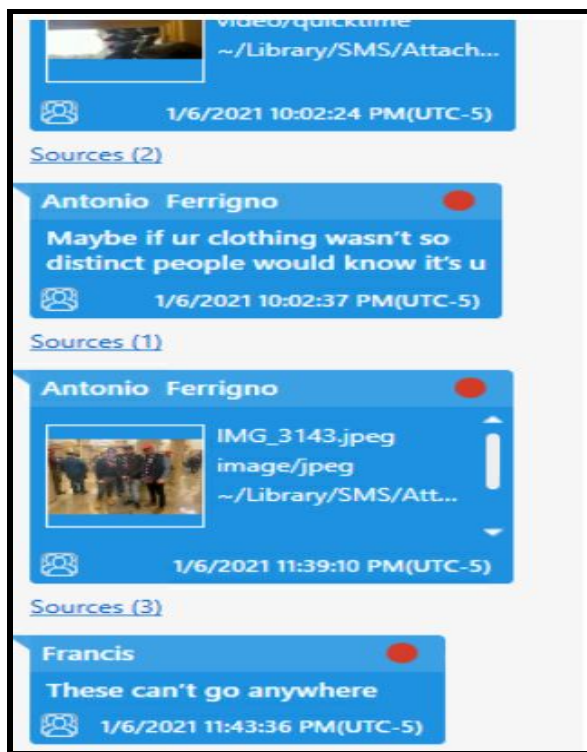


Image 14

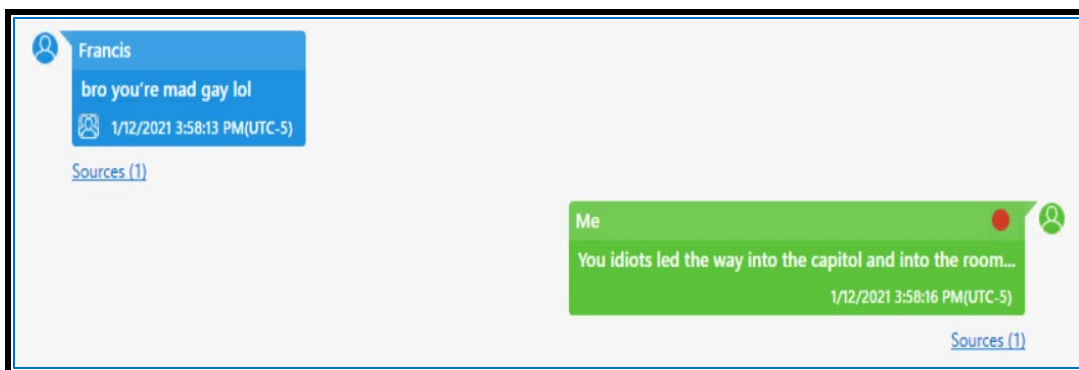


Image 15

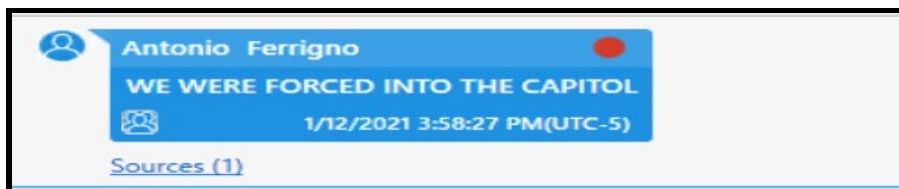


Image 16

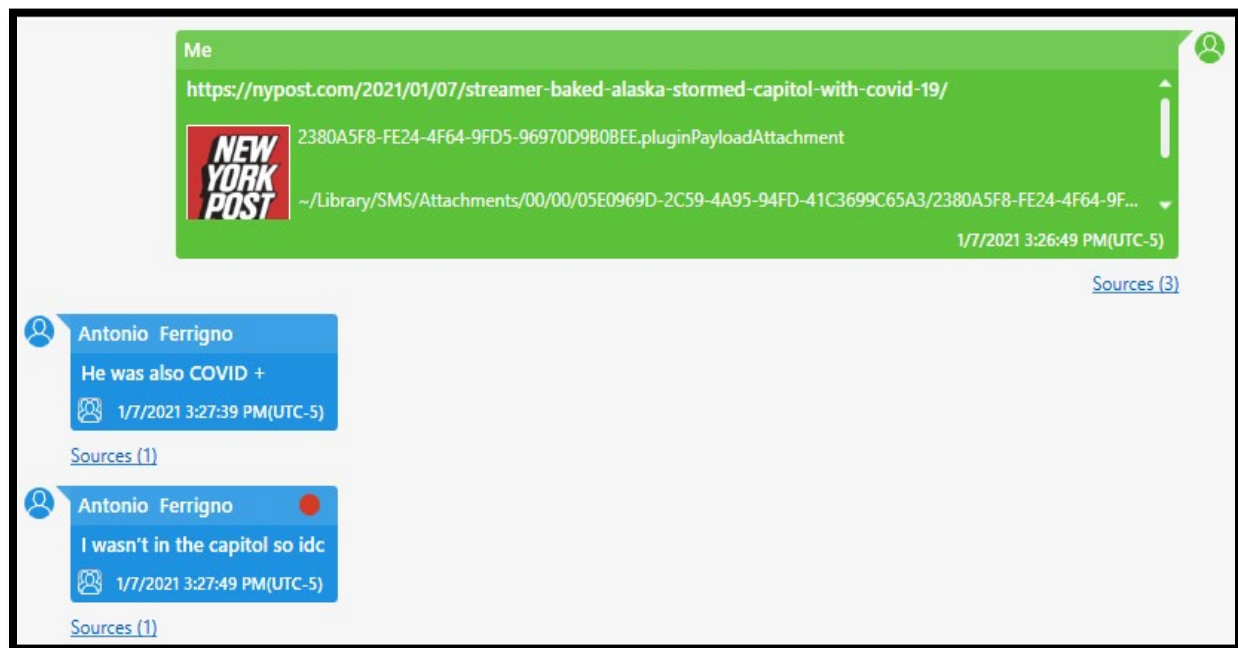


Image 17

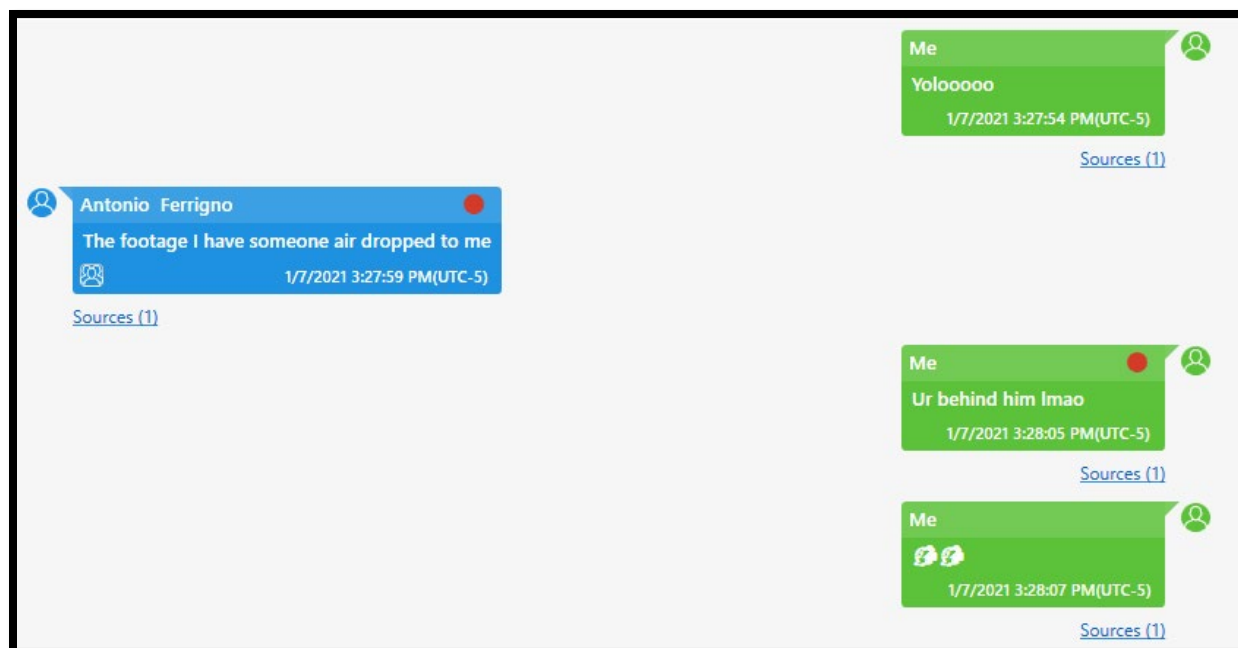
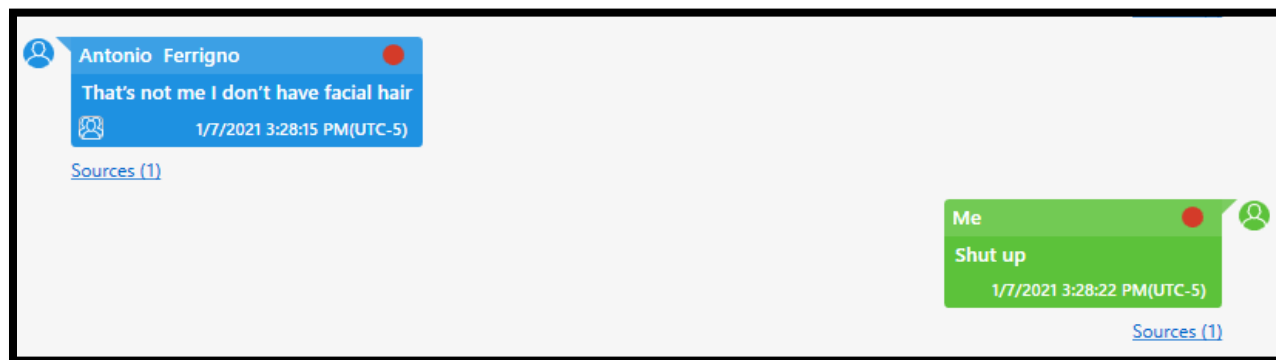


Image 18



The above shown text messages sent by “Antonio Ferrigno” were sent using the phone number ending in -3187. Law enforcement records indicate that telephone number ending in -3187 is associated with FERRIGNO.

The above shown text messages sent by “Francis” were sent using the phone number ending in -6980. Law enforcement records indicate that telephone number ending in -6980 is associated with CONNOR.

According to records obtained through a search warrant which was served on Verizon, on January 6, 2021, in and around the time of the incident, the cellphone associated with the phone number ending in -6980³ was identified as having utilized a cell site consistent with providing service to a geographic area that includes the interior of the United States Capitol building. As discussed above, this phone number is associated with CONNOR.⁴

Law enforcement reviewed Department of Motor Vehicle records and photos for FERRIGNO and CONNOR, and when compared to the above Image 1 and CCTV, the Subjects appear to be those same individuals.

Based on the foregoing, your affiant submits that there is probable cause to believe that ANTONIO FERRIGNO JR and FRANCIS CONNOR 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.

³ The full phone number was provided by the Provider, but only the last four digits are included in this statement.

⁴ Based on information available to law enforcement, both FERRIGNO and LUNYK used T-Mobile.

Your affiant submits there is also probable cause to believe that FERRIGNO and CONNOR 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.



Jhoan Sebastian Cummings
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 27th day of August 2021.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE