UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.
KEVIN JAMES LYONS

Case: 1:21-mj-00037
Assigned to: Judge Zia M. Faruqui
Assigned Date: 1/12/2021
Description: COMPLAINT W/ARREST WARRANT

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 _____ District of Columbia, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. § 1752(a)(1)	Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority
40 U.S.C. § 5104(e)(2)(C) and (D)	Violent Entry and Disorderly Conduct on Capitol Grounds

This criminal complaint is based on these facts:

See attached statement of facts.

❒ Continued on the attached sheet.

Complainant's signature

JARED T. HORAN, Special Agent, FBI
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by Telephone (specify reliable electronic means).

Date: 01/12/2021

Judge's signature

City and state: WASHINGTON, D.C. ZIA M. FARUQUI, U.S. Magistrate Judge
Printed name and title

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AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Jared T. Horan, being first duly sworn, hereby depose and state as follows:

PURPOSE OF AFFIDAVIT

1. This Affidavit is submitted in support of a Criminal Complaint charging Kevin James LYONS (hereinafter "LYONS") with violations of 18 U.S.C. § 1752(a) and 40 U.S.C. § 5104(e)(2)(C) and (D) . Specifically, on January 6, 2021, LYONS was present in Washington, D.C., and knowingly and willfully joined a crowd of individuals who unlawfully entered the U.S. Capitol and impeded, disrupted, and disturbed the orderly conduct of business by the United States House of Representatives and the United States Senate.

BACKGROUND OF AFFIANT

2. I have been a Special Agent with the Federal Bureau of Investigation ("FBI") since 2016. I am currently assigned to a squad that investigates criminal enterprises and violent gangs for the Washington Field Office. I have training and experience in the areas of violent crimes, gang-related criminal activity, interview and interrogation, evidence recovery, and source recruitment.

3. Unless otherwise stated, the information in this Affidavit is either personally known to me, has been provided to me by other individuals, or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause to support an application for an arrest warrant, it does not contain every fact known by me or the United States. The dates listed in this Affidavit should be read as "on or about" dates.

STATEMENT OF FACTS SUPPORTING PROBABLE CAUSE

4. The U.S. Capitol, which is located at First Street, SE, in Washington, D.C., 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.

5. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.

6. On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol. 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. Vice President Mike Pence was presiding in the Senate chamber.

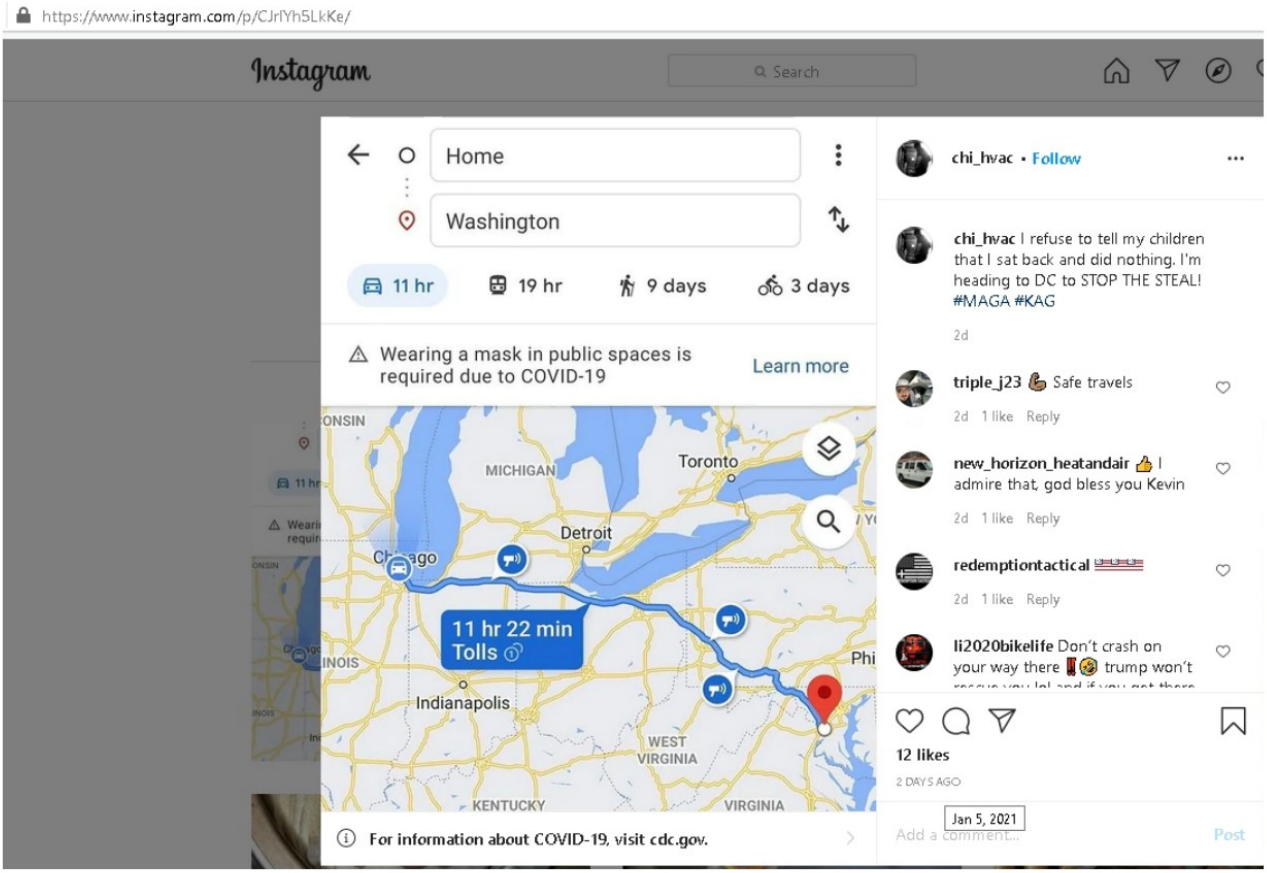
7. With the joint session underway and with Vice President Mike Pence presiding, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol Building, and U.S. Capitol police were present and attempting to keep the crowd away from the Capitol buildings and the proceedings underway inside.

8. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades and officers of the U.S. Capitol Police, and the crowd advanced to the exterior façade of the building. At such time, the joint session was 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. Shortly after 2:00 p.m., however, individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows.

9. Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and the 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 session resumed.

10. 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 scores of individuals inside the U.S. Capitol building without authority to be there, in violation of Federal laws.

11. Following this incident, law enforcement reviewed an Instagram account under the account name @chi_hvac, which appeared, and was later confirmed to belong to LYONS. The main profile page of this account lists the name "Kevin Lyons." Posted on this account, among other things, was the below photo which appeared to be a screenshot of a map tracing a route from LYONS' home, which was in the vicinity of Chicago, IL, as marked on the map and confirmed in law enforcement databases, to the Washington, D.C. area. Beside it was a post that read "I refuse to tell my children that I sat back and did nothing. I am heading to DC to STOP THE STEAL!"



12. The same Instagram account posted the photo below depicting a sign that read "Speaker of the House Nancy Pelosi" and wrote under it "WHOS HOUSE?!?!? OUR HOUSE!!"

4:40
22%
Posts
chi_hvac
United States Capitol
SPEAKER OF THE HOUSE
NANCY PELOSI
1 like
chi_hvac WHOS HOUSE?!?!? OUR HOUSE!!
View all 3 comments
1 hour ago
chi_hvac
Home

13. The above-image appears to capture the area outside of Nancy Pelosi's office within the Capitol.

14. On January 8, 2021, LYONS was interviewed by FBI agents in Chicago at his residence in Chicago, Illinois. During the interview, LYONS provided the following information:

15. LYONS acknowledged that he was in D.C. on Jan 6, 2021, 2021, but was evasive about whether he entered the Capitol Building. LYONS stated that he "100% guaranteed, without incriminating himself" that he saw nothing being damaged. He further stated that in a dream he had, he saw a lot of banging on doors, paper being throwing about, and a mob of people. According to LYONS, in the dream, people really didn't have much choice of where they were going because of the mob. LYONS advised that if he were inside, he was inside for approximately 45 minutes.

16. LYONS was shown the photo referenced above that read "Speaker of the House Nancy Pelosi" at which time LYONS stated, "wow you are pretty good that was up for only an hour." Law enforcement understood LYONS' statement to be expressing surprise that law enforcement officers had found and observed this photograph on his Instagram account because it had only been posted on his account for one hour before it was removed. LYONS then stated that he can't guarantee that he posted it.

17. When subsequently asked whether he still had the picture discussed above on his phone's camera roll, LYONS said yes. LYONS then showed the agents his phone. Displayed on the screen was an image of a wooden plaque with "Speaker of the House Nancy Pelosi" printed on it. The photo on LYONS' phone appeared to be the same photo discussed above that was previously posted and observed on LYONS' Instagram account.

18. When asked if there were any other pictures from the Capitol Building on his phone, LYONS displayed a second picture of the wooden plaque with "Speaker of the House Nancy Pelosi"

printed on it and a video. The second picture of the plaque was nearly identical to the one discussed above. The video was of a group of people walking through what appeared to be the Capitol Building.

19. When asked whether he would be willing to give the FBI agents a copy of the video, LYONS said the file would be too big, and offered to upload his videos to YouTube and email the links to the agents. On January 9, 2020, FBI Special Agent Land (SA Land) received an email from an email address that included LYONS's first and last names. The email stated, "Hello Nice FBI Lady, Here are the links to the videos. Looks like Podium Guy is in one of them, less the podium. Let me know if you need anything else. Kevin Lyons."

20. SA Land opened the first link and viewed a video which showed a large group of people outside the Capitol Building. SA Land recognized the voice of LYONS speaking throughout the video. The video was posted on LYONS's YouTube's channel and was approximately 90 seconds in length.

21. SA Land opened the second link and viewed a video of people walking in what appeared to be a hallway of the Capitol Building. SA Land recognized the voice of LYONS speaking throughout the video. The video was posted on LYONS's YouTube's channel and was approximately 0:3:15 in length.

22. SA Land opened the third link and viewed a video of a group of people walking in the Rotunda of the Capitol Building. The video was posted on LYONS's YouTube's channel and was approximately 48 seconds in length.

23. During the January 8, 2021 in-person interview with LYONS at his home, LYONS also admitted to traveling from Chicago to Washington, DC to attend President Trump's rally.

LYONS described himself as a tourist at the events and said that he had live streamed his experiences.

24. According to LYONS, on January 6, 2021, he took an Uber to the Washington Monument where the rally was held. He attempted to wear his level 3 Kevlar vest, but was unable to fit it over his sweatshirt.

25. LYONS indicated that the rally was the only event he planned on attending that day. LYONS stated that while he was at the rally, he walked along Pennsylvania Avenue and heard "flash bangs" and saw people walking towards him with red faces. The crowd of people continued to push towards the Capitol Building. LYONS claimed that there was very little he could do to escape the crowd because he weighed 140 pounds. LYONS indicated that as he neared the Capitol Building, he saw people tearing up scaffolding and people climbing up the Capitol Building walls. LYONS stated that he walked up the stairs of the Capitol Building and entered it through its rear doors. He claimed that he did not enter through a window.

26. LYONS stated that once he was inside the Capitol Building, he walked to the Rotunda where he took a moment to look at the statues and get his bearings. LYONS indicated that he then walked up an interior staircase to the second floor, but that he did not go into the House of Representative's Chamber because he did not know where it was located. LYONS stated that he stayed primarily in the hallways, but did enter the "big boss" office. LYONS was asked if this was a reference to Nancy Pelosi and he stated yes. Prior to entering Representative Pelosi's office, LYONS indicated that he took a picture of the plaque located outside of Representative Pelosi's office and uploaded the image to his Instagram account. LYONS explained that Representative Pelosi's office was a "good size" office and there were approximately 20 to 30 people in it. He saw a broken mirror, but advised it was broken before he entered the office. LYONS claimed that while

he was in Representative Pelosi's office, a Capitol Police Officer entered with his "40mm" pistol drawn. LYONS indicated immediately raised his arms above his head. LYONS stated that the officer told him to get out and LYONS immediately left the office. As he made his way to the first floor, LYONS indicated that the second floor was filled with tear gas and that he passed by several officers with AR-15 rifles. After exiting the Capitol Building, LYONS stated that he went directly to his vehicle and left Washington, DC.

27. LYONS admitted that @chi_hvac was his Instagram account and @hydra_shoc was his Twitter account.

CONCLUSIONS OF AFFIANT

28. Based on the foregoing, your affiant submits that there is probable cause to believe that LYONS violated:

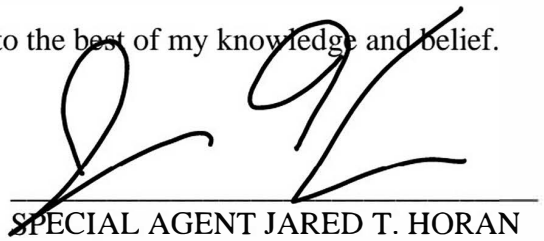
a. 18 U.S.C. § 1752(a), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive 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; (3) knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions, obstruct or impede ingress or egress to or from any restricted building or grounds; or (4) knowingly engage 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 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; and

a. 40 U.S.C. § 5104(e)(2), which makes it a crime for an individual or group of individuals to willfully and knowingly (A) enter or remain on the floor of either House of Congress or in any cloakroom or lobby adjacent to that floor, in the Rayburn Room of the House of Representatives, or in the Marble Room of the Senate, unless authorized to do so pursuant to rules adopted, or an authorization given, by that House; (B) enter or remain in the gallery of either House of Congress in violation of rules governing admission to the gallery adopted by that House or pursuant to an authorization given by that House; (C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of— (i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; or (ii) the Library of Congress; (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; (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; or (G) parade, demonstrate, or picket in any of the Capitol Buildings.

29. As such, I respectfully request that the court issue an arrest warrant for LYONS.

The statements above are true and accurate to the best of my knowledge and belief.



SPECIAL AGENT JARED T. HORAN
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 12th day of January, 2021.

THE HONORABE G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE