

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA	:	MAGISTRATE NO.
	:	
v.	:	VIOLATIONS:
	:	
SAMUEL CHRISTOPHER MONTOYA,	:	18 U.S.C. § 1752(a)(1)
Defendant.	:	(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)(E)
	:	(Impeding Passage Through the Capitol
	:	Grounds or Buildings)
	:	
	:	40 U.S.C. § 5104(e)(2)(G)
	:	(Parading, Demonstrating, or Picketing in a
	:	Capitol Building)

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
AND ARREST WARRANT

Your affiant, Jessica L. Stone, is a Special Agent with the Federal Bureau of Investigation (FBI) assigned to the San Antonio Field Office (SAFO), Counterterrorism Division. 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, 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.

On January 11, 2021, the FBI received a tip to the National Threat Operations Center from W-1, a family member of Samuel Christopher Montoya. W-1 reported that W-1 had proof that Montoya was physically inside the U.S. Capitol near the shooting of a woman on January 6, 2021. FBI agents interviewed W-1 on January 17, 2021 to follow up on the tip received. W-1 stated that Montoya worked for Infowars and that Montoya showed a video of himself walking through the Capitol and captured footage of the death of Ashli Babbitt. W-1 reported that Montoya showed the video to family members who all recognized Montoya as being the one in the video and having taken the video. On February 24, 2021, W-1 was shown a still shot of the narrator's face, from when he turns the camera on himself in the 44-minute video described below; W-1 commented that it was an "old picture of him" and positively identified the image as Montoya.

Your affiant has reviewed an open-source video posted on January 6, 2021, entitled “Patriots Storm Congress Raw Footage Includes Execution of Ashli Babbitt.”¹ The approximately 44-minute video is embedded with the tag “THERESISTANCE.VIDEO” and the narrator identifies himself as “Sam with Infowars.com.” The video captures “Sam” going from the Capitol grounds into the Capitol Building along with crowds of protesters on January 6, 2021, at one point turning the camera on himself and exclaiming, “It feels good to be in the Capitol baby!” A screenshot of that moment is depicted below:



The narrator “Sam” was wearing a tan jacket, red “Make America Great Again” baseball cap, and black backpack. Your affiant has observed that “Sam” matches the appearance of Montoya on his driver’s license.

The 44-minute video captures Montoya’s movements outside and then inside the Capitol Building until he arrives by the doors outside the Speaker’s Lobby, where it depicts the shooting of the woman publicly identified as Ashli Babbitt. Screenshots of the 44-minute video are below:

¹ The video is available at <https://cantcensortruth.com/watch?id=5ff6857e00bac0328da8e888>.





During the video, Montoya makes the following statements:

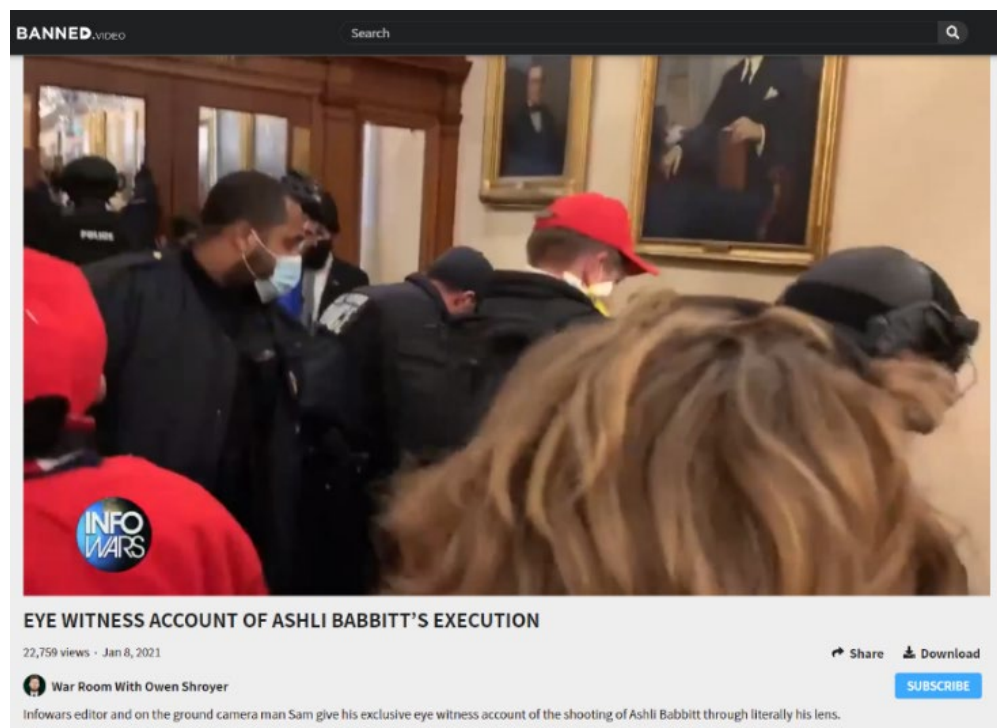
- 9:55 – “We’re gonna crawl, we’re gonna climb. We’re gonna do whatever it takes, we’re gonna do whatever it takes to MAGA. Here we go, y’all. Here we go, y’all. Look at this, look at this. I don’t even know what’s going on right now. I don’t wanna get shot, I’ll be honest, but I don’t wanna lose my country. And that’s more important to me than—than getting shot.”
- 11:04 – “We have had enough! We’re not gonna take your fucking vaccines! We’re not gonna take all your bullshit! The people are rising up! Folks, I am now on the steps of the Capitol. Here we go! Here we go! Having a good time!”
- 12:55 – “We are in the Capitol, baby! Yeah!”
- 15:40 – “We’re all being a little bit too rowdy for sure.”
- 16:07 – “Here we are in the US Capitol in Washington DC in the Capitol building, it has officially been stormed by Trump supporters. Again, the US Capitol building in Washington DC has officially been stormed by Trump supporters. And here we are, taking our—the people’s house back!”
- 17:38 – “I’m sure these officers are scared, but we’re here, we’re here to just show that we’ve had enough. We’ve had enough.”
- 34:05 – “We don’t hurt innocent people; we don’t tear down statues! We don’t tear down

statues! We take our house back! We take the people's house back!"

At times during the video, Montoya describes himself to others inside the Capitol Building as a "reporter" or "journalist" as he attempts to get through crowds. The director of the Congressional press galleries within the Senate Press office did a name check on Samuel Christopher Montoya and confirmed that no one by that name has Congressional press credentials as an individual or via any other organizations.

Your affiant has also reviewed several interviews with Montoya on the Infowars show "War Room with Owen Shroyer" regarding the events at the U.S. Capitol. On January 8, 2021, Shroyer interviewed Montoya in a video titled "EYE WITNESS ACCOUNT OF ASHLI BABBITT'S EXECUTION"² Montoya - who is credited as "Sam," and a "Video Editor" at "Infowarsstore.com" – describes to Shroyer hearing the gunshot and his recollections of the scene of the shooting. His "exclusive" footage that is played features his same voice narrating as in the 44-minute video, and appears to depict activity by the Speaker's Lobby sometime after the conclusion of his 44-minute video. Screenshots from the January 8 interview and Montoya's footage that was played during the interview are below:

² The video is available at <https://banned.video/watch?id=5ff915155e209037e6bf0529>.



On January 11, 2021, Shroyer interviewed Montoya, who was again credited as “Sam,” “Video Editor,” and “Infowarsstore.com,” and appeared to be wearing the same tan jacket he had

been wearing at the U.S. Capitol. During the interview, Montoya spoke about his firsthand observations of “agitators” inside the Capitol Building.³ Shroyer noted that “Sam shot hours of footage that day and he’s still going through it.” Montoya stated, among other things, “I was there. I was there on the outside. I was there on the inside.” A screenshot from the January 11 interview is below:



On January 12, 2021, Shroyer interviewed Montoya a third time. Montoya, again credited as “Sam,” “Video Editor,” and “Infowarsstore.com,” described observations he made about possible “agitators” inside the Capitol Building based on his review of open-source video footage.⁴

³ The video is available at <https://banned.video/watch?id=5ffc430b368a63bf88c883a>.

⁴ The video is available at <https://banned.video/watch?id=5ffe4b8f0d763c3dca0e2895>.



Your affiant has also reviewed U.S. Capitol Police surveillance that captures Montoya at various locations inside the Capitol Building. The footage is consistent with locations depicted from Montoya's perspective on his 44-minute video. The footage shows Montoya wearing the tan jacket, red "Make America Great Again" baseball cap, and black backpack from his 44-minute video. Screenshots from the U.S. Capitol Police footage are below:

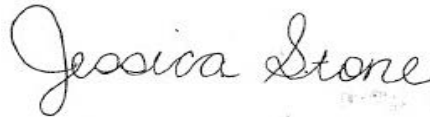




Based on the foregoing, your affiant submits that there is probable cause to believe that Samuel Christopher Montoya violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; and (2) knowingly, 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. 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 Samuel Christopher Montoya violated 40 U.S.C. § 5104(e)(2)(D), (E), and (G), which make 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; (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



SPECIAL AGENT JESSICA L. STONE
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 8th day of April, 2021.

ZIA M. FARUQUI
UNITED STATES MAGISTRATE JUDGE