

## STATEMENT OF FACTS

Your affiant, Michael K. Arbittier, 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, 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.

ANTON LUNYK (hereinafter LUNYK) is 26-year-old American citizen. Based on New York State Department of Motor Vehicle records, LUNYK resides in Brooklyn, New York. As discussed in detail below, LUNYK appears 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.

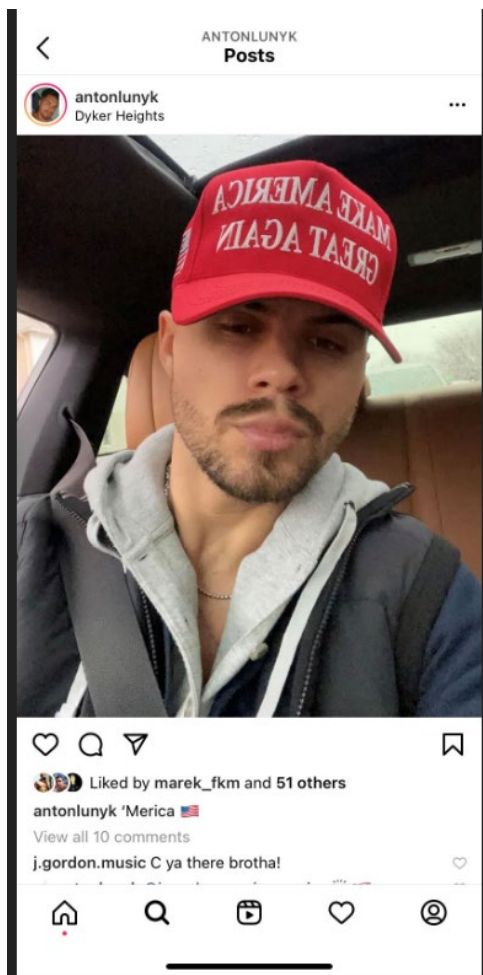
Witness 1 provided an online tip to the FBI regarding the riot at the U.S. Capitol. On January 18, 2021, law enforcement interviewed Witness 1. Witness 1 advised that he/she attended college with ANTON LUNYK and he/she recognized LUNYK in the background of a New York Post Twitter image (shown below in Image 1). The individual identified by Witness 1, LUNYK, is the individual in Image 1 wearing what appears to be a red hat, gray hood, vest, long sleeve shirt, and a scarf, and holding what appears to be a cell phone in his hand.

**Image 1**



In addition, Witness 1 told law enforcement that LUNYK’s telephone number is 347-445-0419 and that LUNYK’s Instagram account is “antonlunyk”; Witness 1 also provided law enforcement with a screenshot from LUNYK’s Instagram account as shown in Image 2. Image 2 is a screenshot of ANTONLUNYK’s Instagram post with the caption “Merica” and a photo of LUNYK, who appears to be wearing a red Make America Great Again (MAGA) hat, grey hooded sweatshirt, and a vest.

**Image 2**



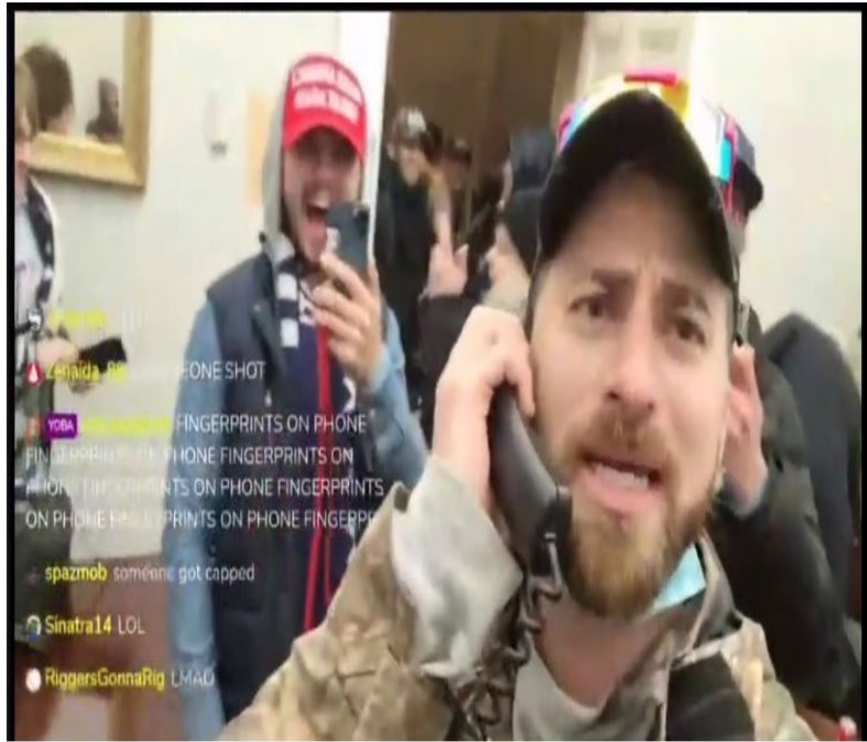
Subscriber information provided by Facebook, Inc. confirmed telephone number 347-445-0419 was registered to Instagram account “antonlunyk.”

Law enforcement also received a tip from Witness 2. Witness 2 does not know LUNYK personally. Witness 2 informed law enforcement that Witness 2’s friend sent Witness 2 a post containing a photo of LUNYK from an Instagram account bearing the name ANTONLUNYK. Witness 2 provided law enforcement with ANTONLUNYK’s Instagram post, as shown in Image 3, which contain the caption, “This is going to be an interesting next few weeks . . . who else is going to DC this week?” Witness 2 also provided law enforcement with a screenshot from an online article, as shown in Image 4. Image 4 is a screenshot of a video from inside the U.S. Capitol on January 6. (The video is available at <https://www.adn.com/alaska-news/anchorage/2021/01/16/he-went-from-a-childhood-in-anchorage-to-alt-right-fame-now-the-social-media-personality-known-as-baked-alaska-been-arrested-for-storming-the-us-capitol/>.) Witness 2 identified the individual pictured in Image 3 as the same individual pictured in Image 4. Witness 2’s friend (name not provided to law enforcement) identified the individual as “Anton

Lunyk” who lived in Brooklyn, New York. Witness 2 stated that the individual in Image 3 was wearing the same vest and hoodie combination as the individual in the background of Image 4. In addition, Witness 2 advised that the Instagram user ANTONLUNYK posted from inside the U.S. Capitol. However, Witness 2 stated that the posts had since been deleted.

**Image 3**

**Image 4**



As described above, Images 1 and 4 contain a screenshot from a live streaming video. Law enforcement reviewed the live streaming video and identified the location of LUNYK as within the designated working space of a United States Senator.

Law enforcement conducted a manual review of United States Capitol Police (USCP) closed-circuit television (CCTV). USCP CCTV places an individual with a matching outfit of a red MAGA hat, navy vest, and gray hooded sweatshirt inside the U.S. Capitol building, as shown in Images 5 and 6. Image 5 is a screenshot from the CCTV footage of Senate Wing Door captured on January 6, 2021, at approximately 3:08 p.m., with a red circle around the suspect. Image 6 is a screenshot from the CCTV footage of House Wing Door captured on January 6, 2021, at approximately 3:12 p.m.



**Image 5**



**Image 6**



New York City License Plate Readers (LPR) captured New York State license plate #HYS3048 departing New York on January 5, 2021, at approximately 11:54 p.m. and returning into New York on January 6, 2021, at approximately 8:28 p.m. Washington D.C. LPRs captured New York State license plate #HYS3048 in the vicinity of Washington D.C. at approximately 3:48

a.m. New York Police Department records indicate LUNYK received a moving violation on September 25, 2020, while operating a 2019 White Lexus R3 Sedan bearing New York State license plate # HYS3048.

Based on the foregoing, your affiant submits that there is probable cause to believe that LUNYK 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 LUNYK 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.



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Michael K. Arbittier  
Special Agent  
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1  
by telephone, this 5th day of May 2021.

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G. MICHAEL HARVEY  
U.S. MAGISTRATE JUDGE