

STATEMENT OF FACTS

Your affiant, Robert M. Hamilton, is employed as a Joint Terrorism Task Force Officer by the Federal Bureau of Investigation (“FBI”). Specifically, I am assigned to the Columbia Field Office, Joint Terrorism Task Force, tasked with the investigation of criminal violations of federal law. In my duties as a Task Force Officer, I have experience with investigations and legal process involving threats to federal officials and matters of national security. As a federally sworn Task Force Officer, 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.

Background

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.

Conduct of PAUL GRAY COLBATH

On or about January 11, 2021, a tipster contacted the Federal Bureau of Investigation (FBI) National Threat Operations Center to report that PAUL GRAY COLBATH, of Fort Mill, SC had been publicly bragging to friends and family about participating in the riots within the United States Capitol Building.

On or about January 22, 2021, COLBATH agreed to be interviewed by the FBI, including the undersigned, at his residence. He stated that he did not “assault” the Capitol building, but did enter it via an open door. Before entering the Capitol, COLBATH heard the sound of glass breaking, which he stated he assumed was a window.

During the interview, COLBATH stated that when he first entered the Capitol building, he was in a hallway, and saw a cloud of what he believed was tear gas, and he saw a man near him who had been affected by the tear gas. He ushered the unidentified man into a nearby office to get fresh air. He did not know whose office he occupied. He advised that he saw a broken window and vandalism to the office, and when he saw the clear signs of destruction, he knew that being in the Capitol building was wrong. He only stayed in the office a short time, and he believed it was no more than five minutes.

COLBATH provided your Affiant with two video files via text message that he claimed he had made with his cellular telephone just before making entry to the Capitol building.

One of the videos appears to have been made from the outside of a door to the Capitol building from the perspective of someone approximately 15 to 20 people back in the crowd. The crowd is making entry to the Capitol building through the door. *See Exhibit 1 (screenshot).*

Exhibit 1



COLBATH said that he left the area at approximately 4:56 PM and headed back to his hotel by 5:00 PM to avoid violating the curfew that had been put in effect. He made it back to his hotel in Chinatown, which he believed was called MOTTO-BY HILTON, and stayed the night before returning to South Carolina the next morning.

COLBATH advised that it felt good to get this off his chest. He stated that he did not want to turn himself in, because he did not feel like he did anything criminal, but that he still felt guilt about his participation. He felt ashamed and like he made “a big mistake.” He did not take any weapons with him to the Capitol or plan to promote sedition or overthrow the government.

During the interview, COLBATH advised that his cellular telephone number is xxx-xxx-0028 (“x0028”)¹, and that this was his number on January 6, 2021. Search warrant results from T-Mobile, the provider for this telephone number, for phone numbers located in and around the Capitol at the time of the events described above did not identify the cellular telephone number x0028 in the search.

After meeting COLBATH in person during the interview described above, I identified an individual I believe to be COLBATH on closed circuit video (CCV) from inside the Capitol building on January 6, 2021. CCV captures COLBATH entering the Capitol building through the Senate Fire Door at approximately 2:42 PM and looking to the left. *See* Exhibit 2. COLBATH is

¹ The full phone number is known to the affiant but omitted here due to the public nature of this filing.

seen walking with another man into a side office. *See* Exhibit 3. Shortly after, COLBATH exits the Capitol building and reenters approximately 30 seconds later. COLBATH exits the Capitol building for the second time approximately six minutes after he initially entered. *See* Exhibit 4.

Exhibit 2

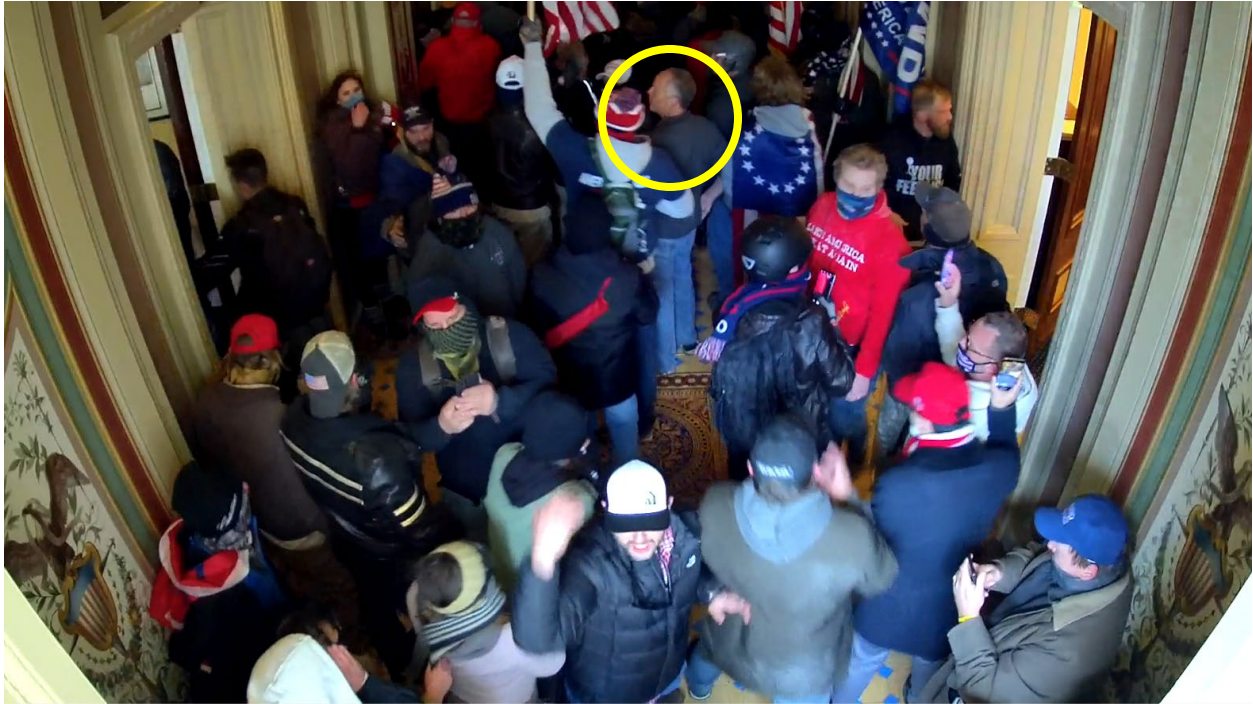


Exhibit 3



Exhibit 4



Based on my in-person interview with COLBATH, I identified additional CCV footage of COLBATH on the Capitol grounds on the Upper West Terrace after he was seen exiting the Capitol building. *See* Exhibit 5. He appears to be wearing the same gray collared shirt and white undershirt as the man identified in Exhibits 2 through 4. He is also wearing a black ear band and is talking on a cell phone.

Exhibit 5




On or about August 26, 2021, COLBATH voluntarily came to a non-custodial interview at the Rock Hill Resident Agency of the FBI. During the interview, which was recorded, COLBATH

reviewed CCV video footage and still images of himself inside and outside the U.S. Capitol Building on January 6, 2021, including the video described in Exhibits 2 through 5. COLBATH confirmed that he was the subject identified as such in the videos and photographs.

Charges

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



Robert M. Hamilton
Task Force Officer
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 20th day of October 2021.

HON. ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE