

## STATEMENT OF FACTS

I, Marty Trevino, am a Task Force Officer assigned to the Federal Bureau of Investigation and have served in that capacity since October 2020. By virtue of my assignment with the FBI, I am authorized to conduct investigations into violations of U.S. law. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510 (7) of Title 18 United States Code. As a Task Force Officer, I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of violations of Federal criminal.

### *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.

***Identification and Conduct of DAVID CHARLES RHINE***

On or about January 10, 2021, a tipster (TIPSTER 1) called the FBI National Threat Operations Center to report that David Rhine, cellular telephone number xxx-xxx-0113 (x0113), of Bremerton, Washington<sup>1</sup>, had entered the U.S. Capitol building in Washington, DC on January 6, 2021. Information provided by TIPSTER 1 included that on January 6, 2021, Rhine's wife made a post to Facebook that Rhine had entered the Capitol building during the protest. After seeing the post, TIPSTER 1 confronted Rhine about being in the Capitol building and told him he needed to make a report about his part in the entering of the Capitol. Rhine did not deny entering the Capitol building and said, "the Capitol police moved the barriers to me [sic] into the building."

On January 12, 2021 another tipster (TIPSTER 2) submitted an online tip to the FBI to report that, based on second-hand knowledge, David Rhine, business telephone number xxx-xxx-1030, business address in Gig Harbor, Washington<sup>2</sup>, had been inside the Capitol during the riots of January 6, 2021.

Based on a search of open-source information and law enforcement databases, agents identified a DAVID CHARLES RHINE (RHINE) living in Bremerton, Washington with the same identifiers as those provided by TIPSTER 1.

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 phone number x0113, subscribed to by RHINE, was identified as having used a cell site consistent with providing service to a geographic area that included the interior of the U.S. Capitol building.

According to records obtained through a search warrant served on Google, a mobile device associated with phone number x0113, subscribed to by RHINE, was present at the U.S. Capitol on January 6, 2021. Google estimates device location using sources including GPS data and information about nearby Wi-Fi access points and Bluetooth beacons. This location data varies in its accuracy, depending on the source(s) of the data. As a result, Google assigns a "maps display radius" for each location data point. Thus, where Google estimates that its location data is accurate to within 10 meters, Google assigns a "maps display radius" of 10 meters to the location data point. Finally, Google reports that its "maps display radius" reflects the actual location of the covered device approximately 68% of the time. In this case, Google location data shows that a device associated with phone number x0113 was within or around the U.S. Capitol on January 6, 2021 between the time of 2:24 PM and 4:47 PM.

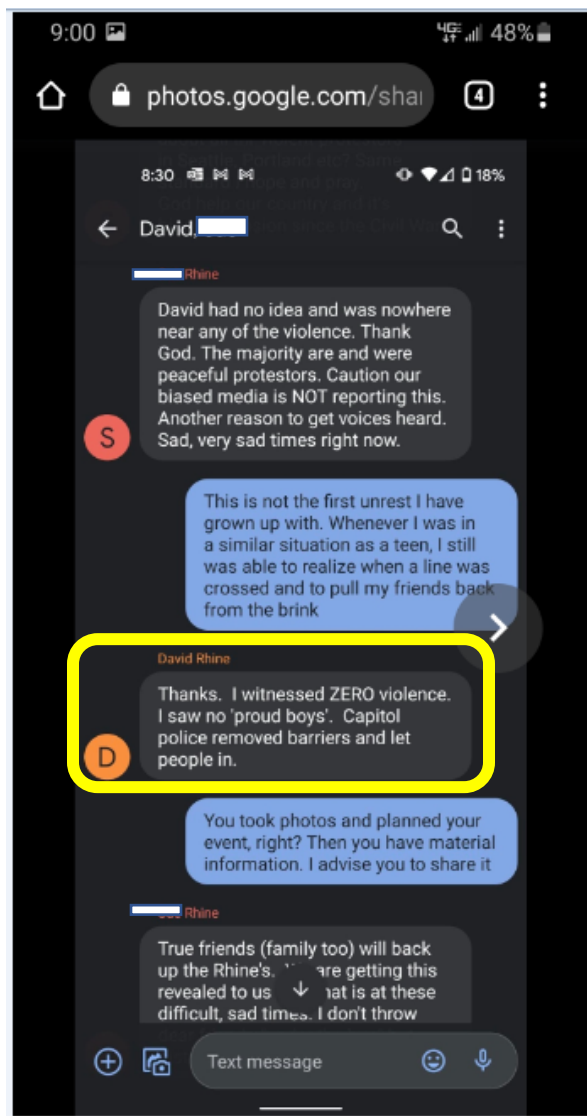
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<sup>1</sup> The full phone number and partial address were provided by TIPSTER 1, but are omitted here due to the public nature of this filing.

<sup>2</sup> The full phone number and full address were provided by TIPSTER 2, but are omitted here due to the public nature of this filing.

On or about February 1, 2021, agents attempted to interview RHINE at his place of work. RHINE confirmed his identity but declined to comment upon being questioned regarding his presence in Washington D.C. on January 6, 2021.

On or about March 16, 2021, agents conducted an interview of TIPSTER 1, who had known RHINE since 2017. TIPSTER 1 had no indication that RHINE traveled to Washington D.C. in January 2021 until a friend informed him of a Facebook post by RHINE's wife stating that she was proud of her husband because he had been at the January 6th rally and had entered the Capitol. TIPSTER 1 did not see the actual post, but saw a screen shot sent to him by his friend referring to RHINE entering the U.S. Capitol building on January 6, 2021. TIPSTER 1 believed that RHINE's wife deleted the Facebook post shortly after posting it. TIPSTER 1 reached out to RHINE and RHINE's wife via text message in regards to his presence in the U.S. Capitol. RHINE responded that he saw no violence, and that the Capitol police removed barriers and let people in:



In September 2021, TIPSTER 1 reviewed the following photograph taken from closed-circuit video (CCV) from inside the U.S. Capitol building on January 6, 2021. TIPSTER 1 identified the person circled as RHINE. RHINE appears to be wearing a dark blue hooded jacket, a red hat and a backpack, and to be carrying a blue flag with white stars. TIPSTER 1 reviewed several other screenshots believed to be of RHINE but could not confirm RHINE's identity due to the quality of the images.



A review of video footage from U.S. Capitol CCV footage of the events of January 6, 2021 revealed a person believed to be RHINE present in various locations the U.S. Capitol building.<sup>3</sup> I believe the person identified in the series of screenshots below to be RHINE based on a comparison of CCV footage with the photograph of RHINE identified by TIPSTER 1. I tracked this individual on multiple CCV cameras throughout the U.S. Capitol building based on his clothing and accessories, and based on a comparison of the CCV footage with RHINE's most recent driver's license photograph.

At approximately 2:42 PM (19:42:22Z) CCV captured a person believed to be RHINE entering the U.S. Capitol building on the second floor through the Upper House Door. He was wearing a dark blue hooded jacket and red hat, and appeared to be carrying a blue flag with white stars (sometimes referred to as Washington Headquarters Flag) and white cowbells:

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<sup>3</sup> All times listed from Capitol Police videos are shown in "Zulu" time. On January 6, 2021, Zulu time was expressed as military time five hours ahead of Eastern Standard Time. For instance, the time of 19:00 is 2:00 PM, Eastern Standard Time.



At approximately 2:46 PM (19:46:54Z), CCV captured a person believed to be RHINE wearing what appears to be the same dark blue hooded jacket and red hat, and carrying what appear to be the same flag and cowbells in the House Gallery hallway on the third floor of the U.S. Capitol building:



At approximately 2:47 PM (19:47:38Z) CCV captured a person believed to be RHINE wearing what appears to be the same dark blue hooded jacket and red hat, and carrying what appear to be the same flag and cowbells walking down a third floor hallway of the U.S. Capitol building:



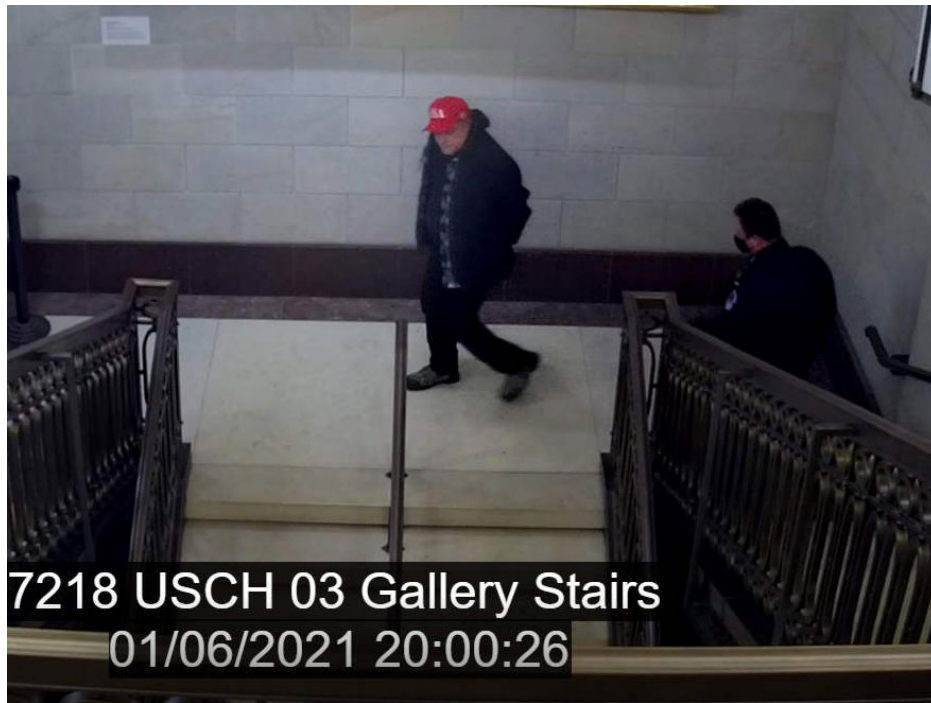
At 2:47 PM (19:47:58Z), CCV captured a closer shot of a man believed to be RHINE wearing what appears to be the same blue hooded jacket and red hat, and carrying what appear to be the same flag. As explained above, TIPSTER 1 identified the person circled below as RHINE:



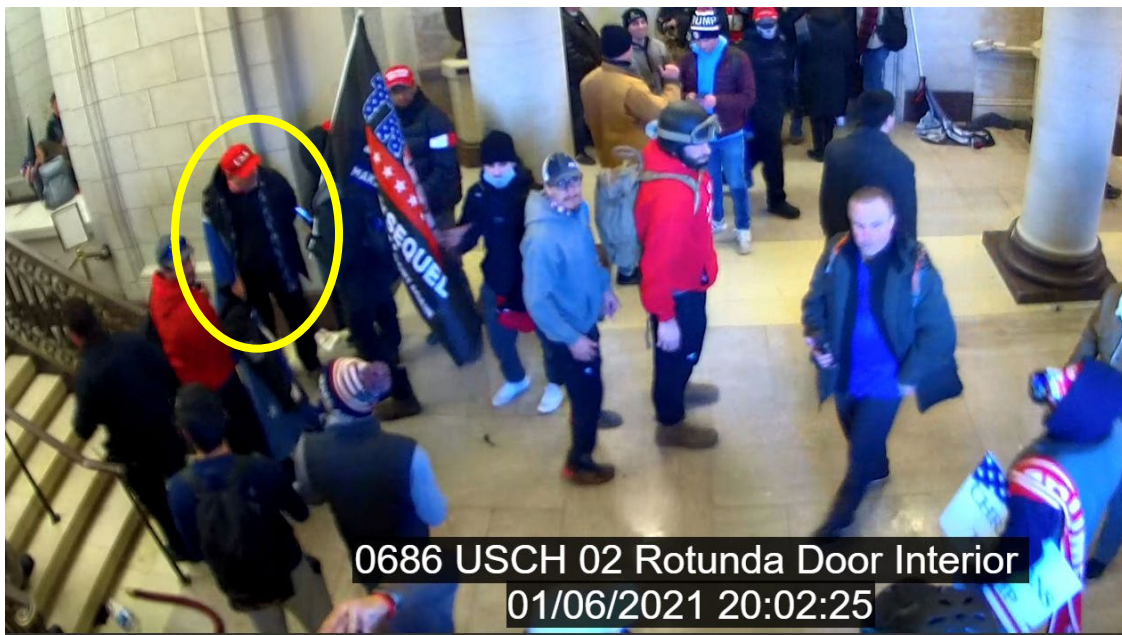
RHINE was confronted by a Capitol Police Officer, later identified as Officer J.A., while on the third floor. At approximately 2:57 PM (19:57:17Z), CCV captured a person believed to be RHINE wearing a red hat and dark jacket being detained by Office J.A. According to Officer J.A., RHINE was searched and found in possession of two knives and pepper spray. Those items were seized by officers and RHINE was placed in flex cuffs behind his back:



At approximately 3:00 PM (20:00:26Z), CCV captured a person believed to be RHINE wearing a red hat and dark hooded jacket being escorted down the down the Gallery Stairs to the second floor of the U.S. Capitol building:

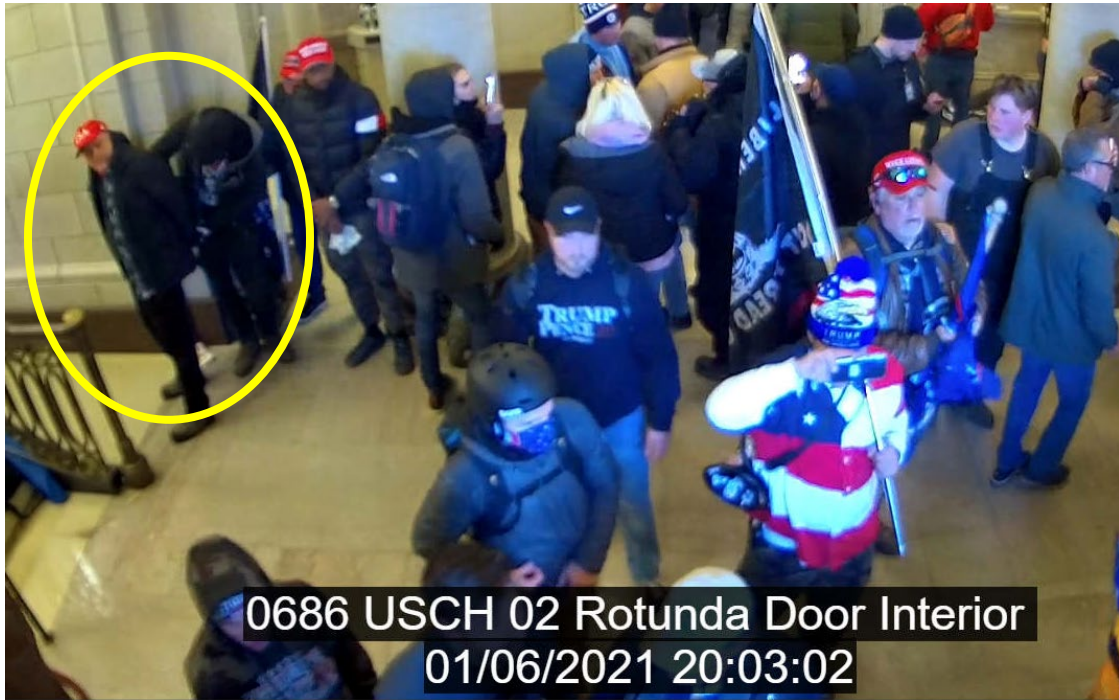


At approximately 3:02 PM (20:02:25Z), CCV captured Officer J.A. releasing RHINE in the Rotunda Door interior area and walking away. RHINE still had flex-cuffs on after being released. According to Officer J.A., Officer J.A. told RHINE he was releasing him and for RHINE to exit the Capitol building. RHINE told the officer he would leave the building. The officer left RHINE, still flex-cuffed, in the second floor Rotunda door area and returned to his other duties:



At approximately 3:03 PM (20:03:02Z), CCV captured an unidentified individual taking the flex-cuffs off of RHINE:





At approximately 3:04 PM (20:04:15Z), CCV captured a person believed to be RHINE wearing a red hat and dark hooded jacket, with his phone visible, and the unknown individual at the stairs in the Rotunda Door interior area:



At approximately 3:04 PM (20:04:54Z), CCV captured a person believed to be RHINE wearing a red hat and dark jacket leaving the U.S. Capitol building through the Rotunda Door:

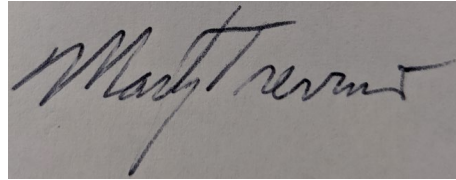


### *Criminal Charges*

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

A rectangular box containing a handwritten signature in black ink. The signature appears to read "Marty Trevino" in a cursive script.

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Marty Trevino, FBI, Task Force Officer

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 4th day of November 2021.

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G. MICHAEL HARVEY  
U.S. MAGISTRATE JUDGE