

STATEMENT OF FACTS

Your affiant, Benjamin Karp, is a Special Agent assigned to the FBI Los Angeles Division. In my duties as a Special Agent, I investigate domestic and international terrorism cases. 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, detection, investigation, or prosecution of violations 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, 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 or about January 8, 2021, the FBI received a tip that an individual by the name of Rafael VALADEZ Jr. (“VALADEZ”), of Indio, California, had live-streamed his participation in the attack on the Capitol on January 6, 2021. On or about February 4, 2021, the tipster provided FBI with a recording of VALADEZ’s Facebook “Story” from January 6, 2021. The recording contained several video clips and images that VALADEZ appears to have taken and posted to his Facebook “Story.”

In one of the video clips, the individual holding the camera, whom your affiant believes to be VALADEZ, enters the U.S. Capitol through the northwest Senate Wing door. *See Figures 1 & 2.* As shown in Figure 2, VALADEZ appears to enter behind an individual wearing a white cowboy hat.



Figure 1



Figure 2

Another video clip, taken from a hallway inside the U.S. Capitol, shows other rioters entering an office in the U.S. Capitol. *See Figure 3.*



Figure 3

In addition, the recording contains a photograph that VALADEZ appeared to post of himself, standing outside the U.S. Capitol, with the caption: "A day to Remember." See *Figure 4*.

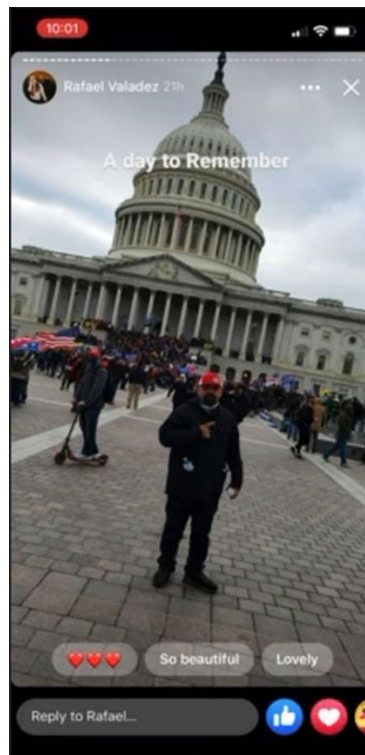


Figure 4

During the course of this investigation, I have reviewed surveillance camera footage from inside the United States Capitol on January 6, 2021. This footage shows a man resembling VALADEZ, as depicted in Figure 4, above, entering the northwest Senate Wing door at approximately 2:20 p.m behind an individual wearing a white cowboy hat. This footage is consistent with Figure 2, above, which shows VALADEZ entering the U.S. Capitol behind an individual wearing a white cowboy hat.

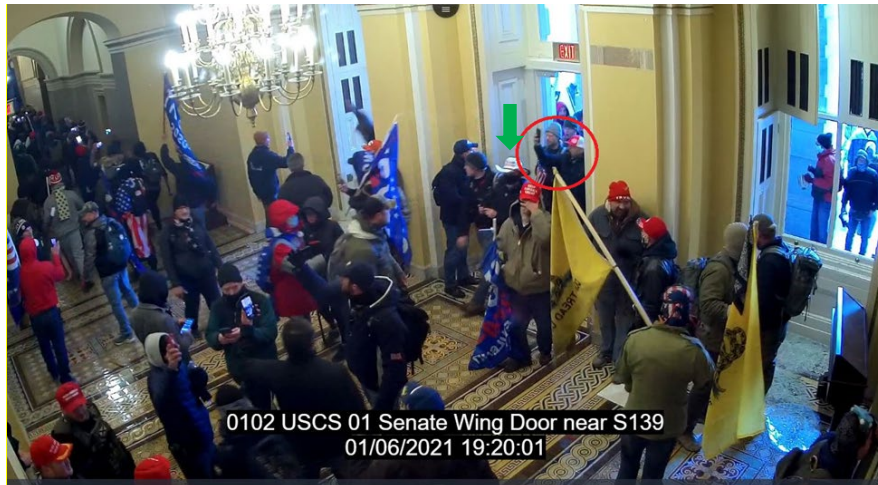


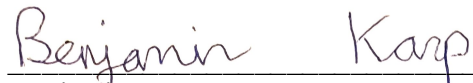
Figure 5

After receiving this tip and reviewing the surveillance footage, your affiant obtained a search warrant for VALADEZ’s Facebook account. VALADEZ’s Facebook records contained several of the same videos that were in the recording provided to FBI by the tipster. Additionally, the account subscriber records listed a cell phone number ending in -5642 and the following email address: “dssciple@[REDACTED].” According to records obtained from AT&T pursuant to a subpoena, the telephone number ending in -5642 is registered to Rafael Valadez, with the e-mail address “dssciple@[REDACTED],” who resides in Indio, California.

Finally, your affiant has compared the photograph in Figure 4 to VALADEZ’s California’s driver’s license photo, and believes them to be the same person.

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



Benjamin Karp
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 9th day of November, 2021.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE