

## STATEMENT OF FACTS

Your affiant, Angelo DeFeo, is a Special Agent assigned to the Federal Bureau of Investigation, Nashville Resident Agency, Nashville, Tennessee. In my duties as a Special Agent, I generally investigate violent felony offenses. Currently, I am tasked with investigating criminal activity in and around U.S. 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 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.

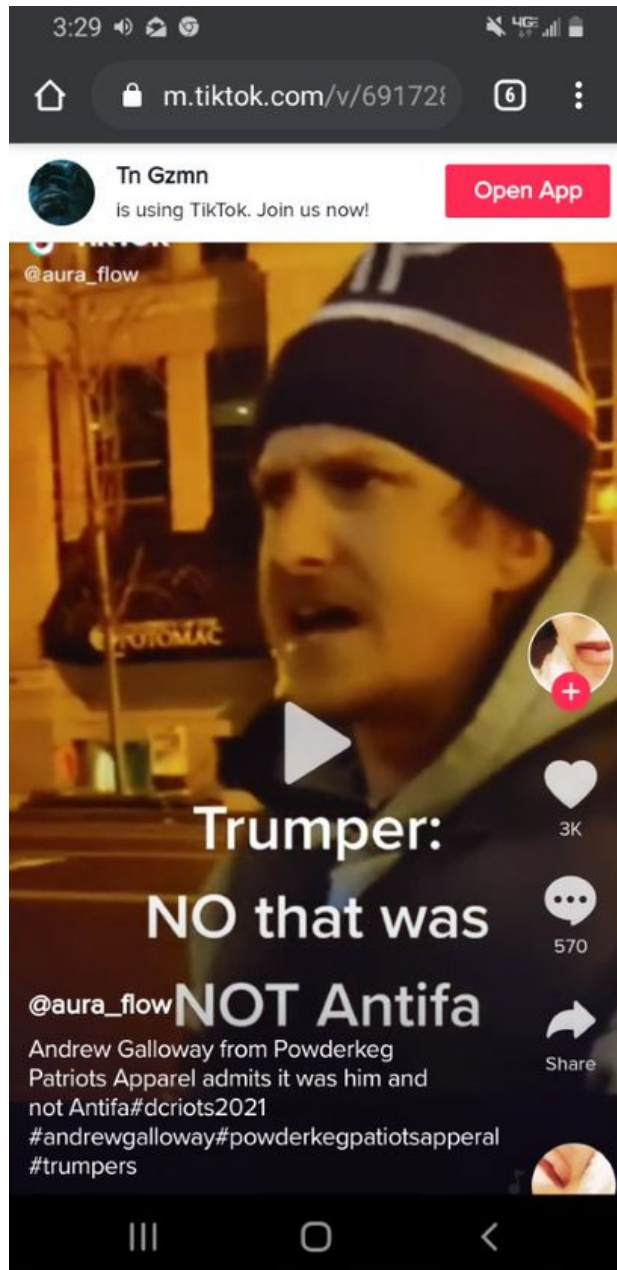
At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals 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.

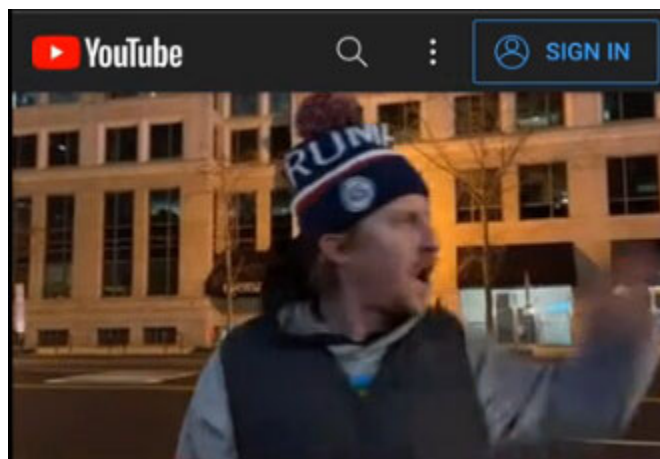
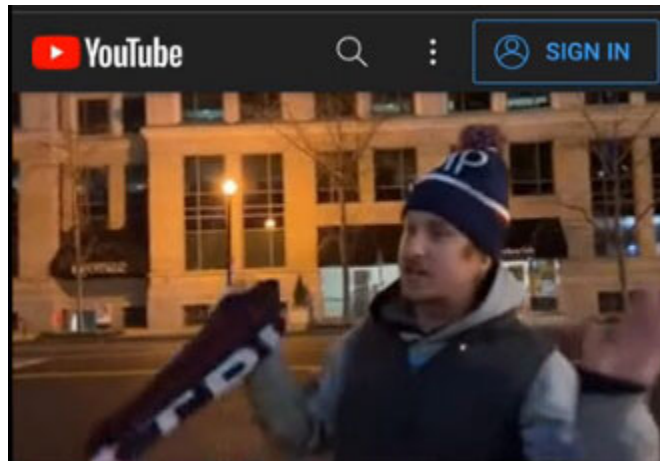
During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of

violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

Following the events at the Capitol, the FBI received an online tip submission concerning Andrew James Galloway's participation in the January 6, 2021, Capitol riot. The tip attached a TikTok video, in which Galloway states, "Yeah, that was us today; no that wasn't Antifa." A still from the TikTok video showing Galloway is below.

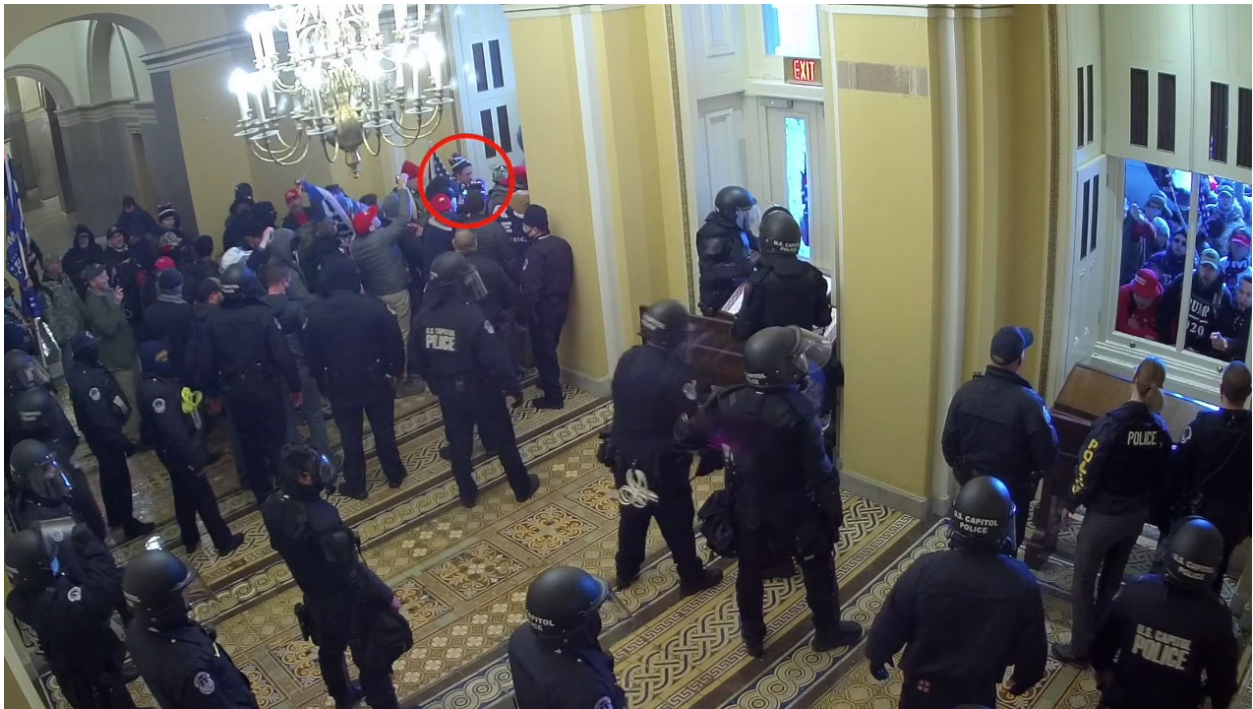


This video has been deleted from TikTok; however, your affiant viewed a substantially similar video that was uploaded to YouTube. Two stills from the YouTube video are below.

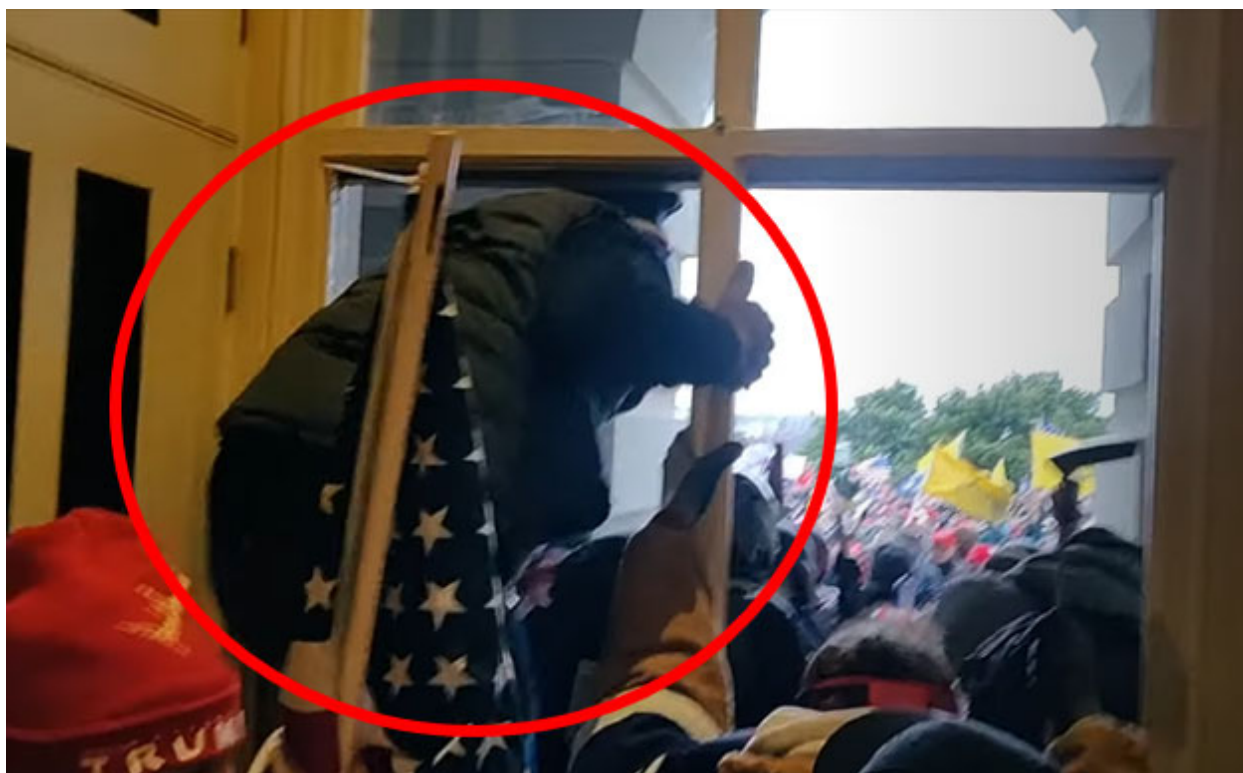


After receiving this tip, the FBI identified Galloway in U.S. Capitol surveillance footage. The Capitol surveillance footage shows that, at 2:24 p.m., Galloway entered the Capitol building through a breached window at an entrance known as the Senate Wing Door. Galloway then walked through the Crypt. At approximately 2:34 p.m., he returned to the Senate Wing Door to exit the Capitol through another breached window. In the surveillance footage, as well as in the stills above, Galloway is wearing a distinctive winter toboggan-style hat with “TRUMP” written in white letters and a white, round emblem on the front of the hat. Galloway is also wearing a navy-blue and maroon scarf with white lettering while inside the Capitol. This appears to be the same scarf Galloway is holding in one of the images above. Finally, Galloway is wearing a dark vest in Capitol surveillance footage and in the images above. Stills from the Capitol surveillance footage are below. Galloway is circled in red.

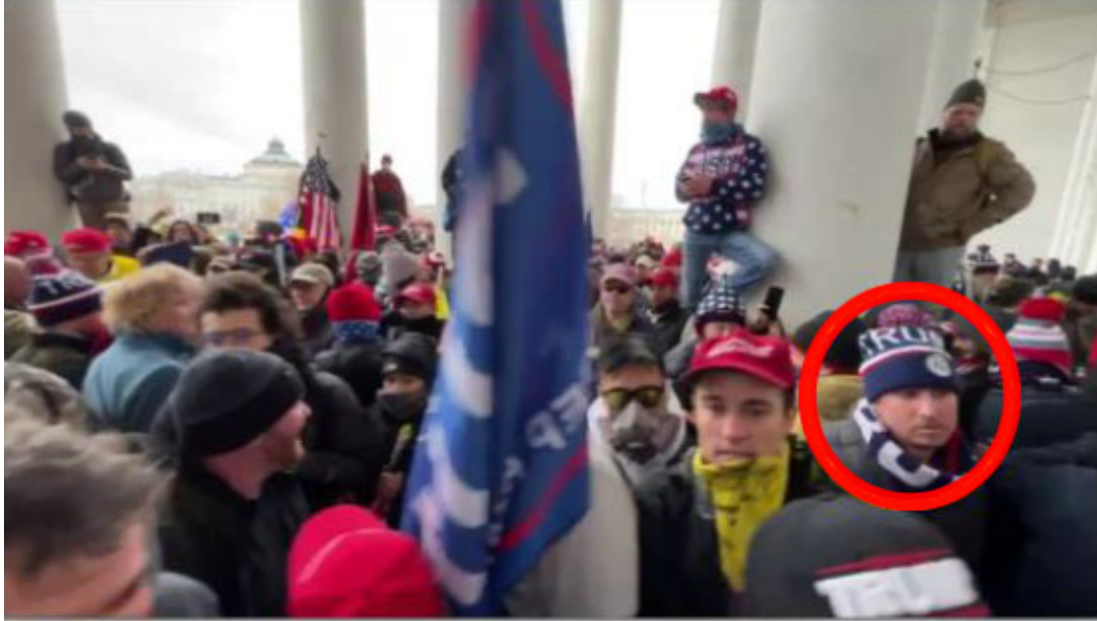




The FBI uncovered additional video of Galloway that shows him on Capitol grounds and inside of the Capitol building. Stills from these videos are below. Galloway is circled in red.







After identifying Galloway in Capitol surveillance footage, the FBI interviewed Galloway in his home outside of Cody, Wyoming. Galloway positively identified himself in the TikTok video provided by the tipster and did not dispute his presence in the vicinity of the Capitol. However, Galloway stated that he did not enter the Capitol building but only approached from the outside.

Based on the FBI agent's observations of Galloway during the in-person interview, the interviewing agent determined that Galloway is the individual in the images above. In addition, your affiant has compared Galloway's official Wyoming driver's license photograph with the images above and determined that the images appear to match.

Finally, the FBI identified Galloway's cellular telephone number, a number ending in -9698, based on records obtained from Verizon Wireless. The Verizon cellular telephone number, ending -9698, was cross-referenced against cellular tower records that were obtained through a search warrant served on Verizon on January 6, 2021. In and around the time of the incident, a phone associated with Verizon telephone number ending -9698 was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the U.S. Capitol building.

Based on the foregoing, your affiant submits that there is probable cause to believe that Andrew James Galloway 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; 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 Andrew James Galloway 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 deliberation 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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Angelo DeFeo  
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 4<sup>th</sup> day of January 2022.

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G. MICHAEL HARVEY  
U.S. MAGISTRATE JUDGE