

STATEMENT OF FACTS

I, Christen Holcombe, am a Special Agent with the Federal Bureau of Investigation and have served in that capacity since 2021. In my duties as a Special Agent, I have experience with investigations and legal process involving threats to federal officials and matters of national security. By virtue of my employment 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 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.

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 Weston Sobotka

On January 10, 2021, the FBI received an online tip from “Tipster 1,” who worked at the same company as WESTON SOBOTKA. Tipster 1 attached a screenshot of a text exchange (Exhibit 1A) which included a picture of an individual inside the Capitol building on January 6, 2021. Tipster 1 identified the individual in the picture, SOBOTKA, as a co-worker at the same company.

On January 29, 2021, Special Agent Daniel Murphy of the FBI Las Vegas Field Office interviewed Tipster 1 by phone regarding the tip. Tipster 1 explained to SA Murphy that one of the company’s associates, SOBOTKA, texted another employee a selfie-style photo which captured SOBOTKA’s presence inside the U.S. Capitol on January 6, 2021. Tipster 1 then called SOBOTKA to discuss the incident. SOBOTKA recounted to Tipster 1 that he had been present at the Capitol with a friend on January 6, 2021. SOBOTKA detailed his movements up the stairs of the Capitol and through the doors where he saw what he described as a gorgeous room. SOBOTKA witnessed violence involving police and protestors, to include the deployment of tear gas. SOBOTKA recounted he remained inside the Capitol despite the violence and waited alongside a police officer.

Tipster 1 provided SA Murphy with contact information on file at the company for SOBOTKA. Tipster 1 provided a permanent address in Colorado Springs, CO, temporary address in Ashburn, VA, and cell phone number xxx-xxx-7233.¹ Open-source reporting confirmed the addresses and phone number as being associated with SOBOTKA. Colorado DMV records returned a driver’s license photo for SOBOTKA at the Colorado address provided by his employer. Physical surveillance at the tipster-provided Ashburn, VA address between March 10, 2022 and July 26, 2022 identified the presence of a vehicle registered to Weston Sobotka and allowed Agents to identify SOBOTKA from a distance of three feet (when compared against the images and video referenced throughout the remainder of this document) as recently as July 21, 2022.

On January 22, 2021, an additional tip was reported to the FBI from “Tipster 2” from a Warrenton, Virginia IP address by an anonymous user. The submitted text in the tip said, “Weston Sobotka was one of the individuals who stormed into the Capitol building. He worked on one of my construction sites and showed photos from his phone of when he was inside. He was relieved of his duties at [the company].”

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

On November 19, 2021, a T-Mobile subpoena produced customer information which indicated the XXX-XXX-7233 number provided by Tipster 1 belonged to a family account in the name of Cynthia Sobotka with phone number XXX-XXX-4496. The production also confirmed the device associated with XXX-XXX-7233 placed and received calls and transmitted text messages on January 6, 2021. A search warrant of the Apple account associated with XXX-XXX-7233 returned a saved “contact” in which XXX-XXX-4496 was saved as “Mom.” The Apple account was also associated with email address westonwarrior@gmail.com

On January 10, 2022, a biometric search of SOBOTKA’s driver’s license photo in the government database which houses all digital multimedia related to Capitol Riot investigations returned a bystander cell phone video which showed a face-matched individual outside of the easily identifiable East Front of the U.S. Capitol (Exhibit 2).

Subsequent review of U.S. Capitol Police CCTV footage of the East Front entrance revealed the presence of an individual matching the dress and appearance of SOBOTKA in the selfie-style photo provided by Tipster 1 (Exhibit 1A) as well as the bystander cell phone video (Exhibit 2). The individual can be followed on multiple redundant CCTV cameras as he enters the east entrance of the Capitol at 3:02 p.m. (Exhibit 3), moves to the rotunda and takes a selfie (Exhibit 4), moves throughout the rotunda (Exhibit 5A), exits the rotunda, remains in the building using his phone (Exhibit 5B), and exits with the crowd as it is pushed by police at 3:30 p.m. (Exhibit 5C). Throughout his 28 minutes in the Capitol, the individual has his cell phone in hand, either capturing photos and videos or appearing to send text messages. He can be seen on CCTV taking a selfie-style photo which captures the ceiling of the rotunda (Exhibit 4). The pose captured on CCTV (Exhibit 4) matches the pose made in the selfie-style photo of SOBOTKA provided by Tipster 1 (Exhibit 1A).

Social media searches identified both a Facebook and Instagram account (Exhibit 1B and 1C) for a male whose name and appearance matched those provided by Tipster 1. The Instagram post in Exhibit 1B captures the same blue and yellow zip-up shirts worn by the individual in the tipster-provided selfie from January 6, 2021 (Exhibit 1A). Federal Grand Jury subpoenas of Facebook and Instagram indicated that each account (weston.sobotka and westonsobotka, respectively) was associated with email account westonwarrior@gmail.com and that Facebook account weston.sobotka was associated with XXX-XXX-7233. The phone number had been used for account verification purposes when logging into Facebook. An Instagram post on December 13, 2020 from account “westonsobotka” with caption “Stop say what’s that sound, something corrupt is going down,” (Exhibit 1C) implied SOBOTKA was presence at the Freedom Plaza for a Trump rally. Open-source research indicated protestors rallied on December 12, 2020 to protest the outcome of the 2020 Presidential Election. A Google search warrant for account westonwarrior@gmail.com produced an auto-generated email notifying westonwarrior@gmail.com that an iPhone had logged into his Twitter account Washington D.C. at 5:08 pm on December 12, 2020. Google also produced customer information confirming a billing address which matches the Colorado Springs address on SOBOTKA’s driver’s license.

EXHIBIT 1A

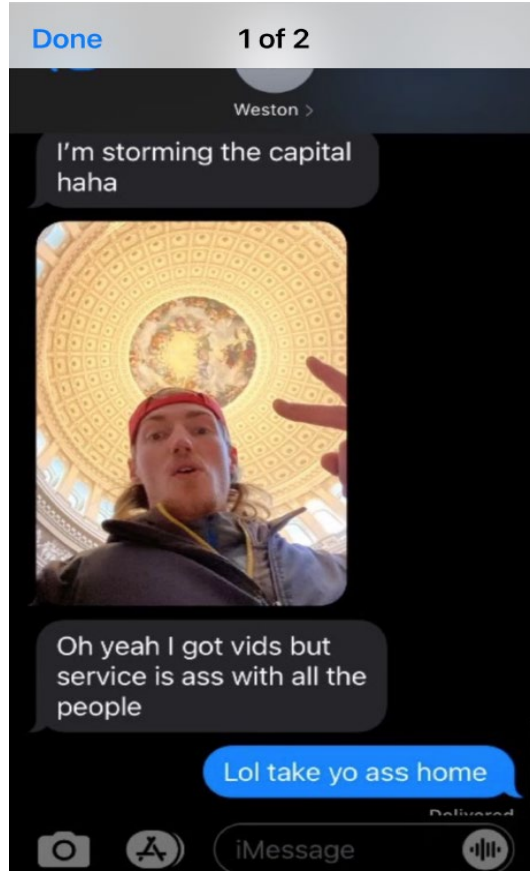


EXHIBIT 1B

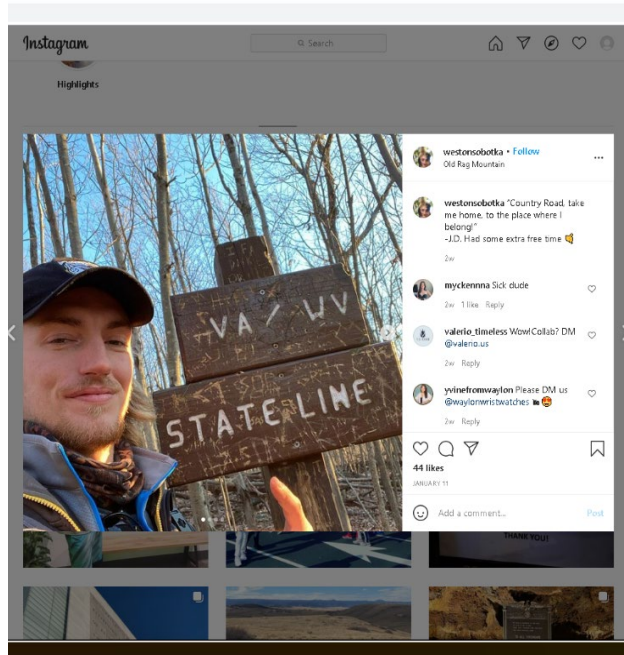


EXHIBIT 1C



 **westonsobotka** • Follow
Freedom Plaza

 **westonsobotka** "Stop say what's that sound, something corrupt is going down"
-UNCLE JAM

78w

25 likes

DECEMBER 13, 2020

EXHIBIT 2

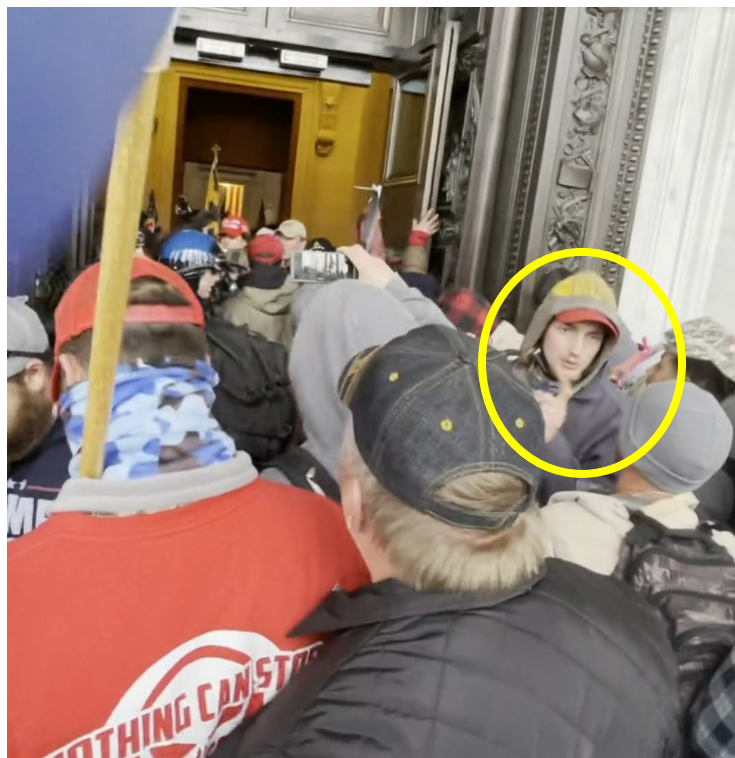


EXHIBIT 3

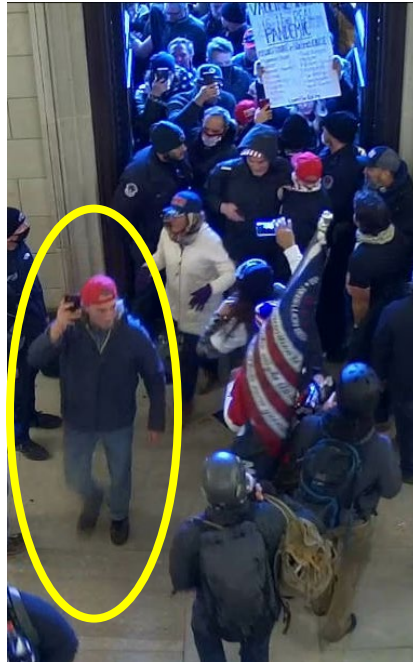


EXHIBIT 4



EXHIBIT 5A



EXHIBIT 5B

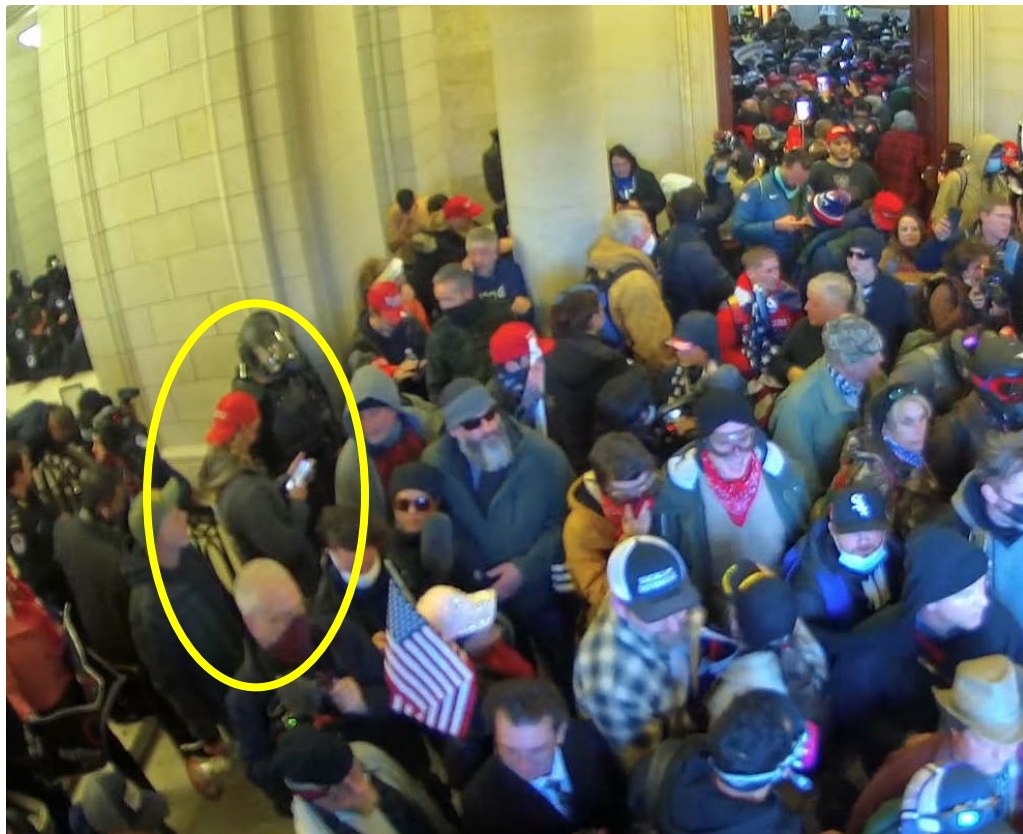
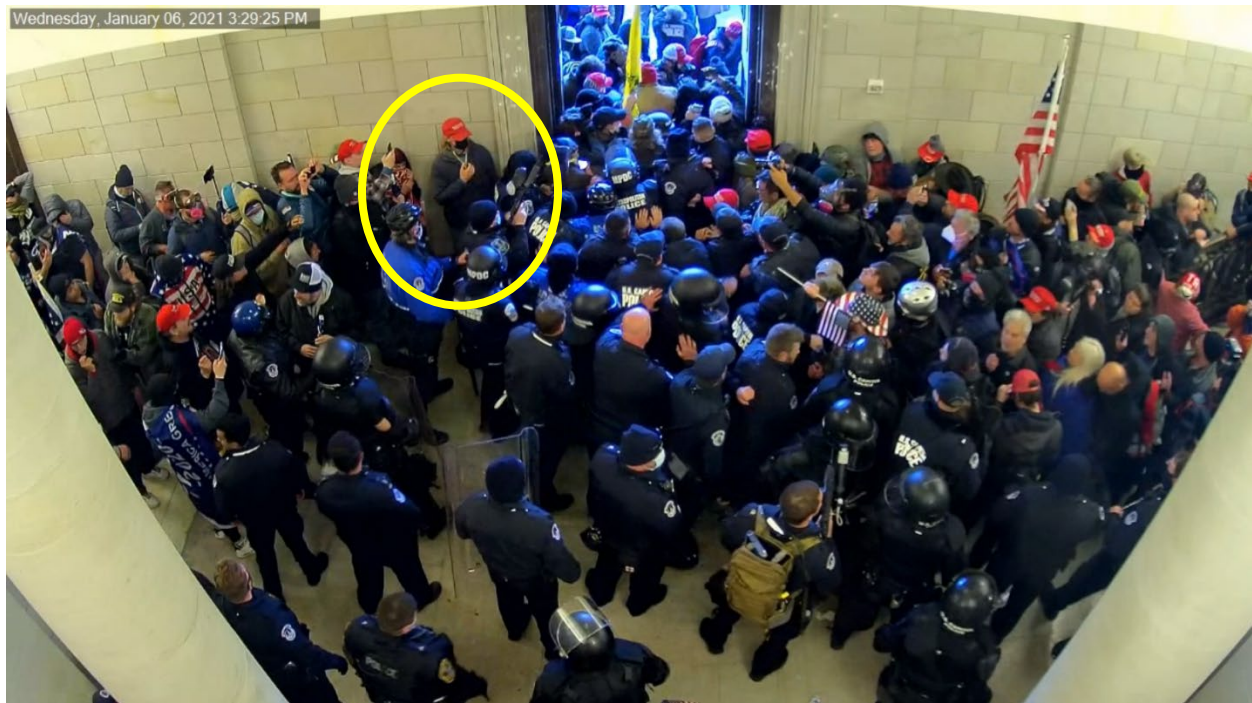


EXHIBIT 5C



Based on a comparison of the selfie-style photo provided by Tipster 1, described above (Exhibit 1A), and the photo from SOBOTKA's Instagram account (Exhibit 1B), your affiant believes the individual circled in Exhibits 2 through 5C is SOBOTKA.

Based on the foregoing, your affiant submits that there is probable cause to believe that SOBOTKA 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 SOBOTKA violated 40 U.S.C. § 5104(e)(2), 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; (G) parade, demonstrate, or picket in any of the Capitol Buildings.



Christen Holcombe
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 17th day of August 2022.

ROBIN M. MERIWEATHER

U.S. MAGISTRATE JUDGE