

STATEMENT OF FACTS

Your affiant, Michael Shaffer, is a Special Agent with the Federal Bureau of Investigation (FBI) assigned to the Erie, Pennsylvania, Resident Agency, Pittsburgh Field Office. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As an FBI Special Agent, I am authorized by law to engage in the prevention, detention, 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.

Slye's Participation in the Capitol Riot

The FBI received information that MIKHAIL EDWARD SLYE ("SLYE") was involved in an incident with law enforcement just outside of the Capitol building on January 6, 2021. SLYE used a bike rack type barricade to intentionally trip a Capitol Police Officer, identified below as D.T., while the officer and his team were attempting to rescue another officer caught in the crowd. Further review of available video and surveillance video revealed that SLYE also illegally entered the Capitol building on January 6, 2021. In at least one of the surveillance videos, SLYE is observed using his cellular telephone. Additionally, a witness revealed that SLYE posted a "Facebook live video" on his Meta account.

On June 18, 2021, the website seditionhunters.org¹ posted a collection of screen captures taken from online videos of the Capitol riots to various social media platforms. They dubbed the unknown subject "JackTheTripper." As a result of the online post to social media platforms, the unknown subject was ultimately identified as SLYE, as explained further below. Exhibit 1, below is a copy of the seditionhunters.org social media post.

Exhibit 1



¹ Seditiohunters.org is a website that purports to be "a global community of open-source intelligence investigators (OSINT) working together to assist the U.S. FBI and Washington D.C. Capitol Police to find those who committed crimes on January 6 at the Capitol. It investigates publicly available videos and photographs to find additional information about individuals who are wanted by the FBI and/or Capitol police. It creates "Do You Know" posters and composites and ask the public to share them on social media platforms including but not limited to Twitter, Facebook, Instagram and YouTube."

On August 16, 2021, former Capitol Police Officer D.T. was interviewed by the FBI. Just before 2:00 p.m., D.T. met up with two on-shift officers and afterwards arrived at the Capitol North doors where rioters were trying to break into the building. The rioters then moved outside the exterior doors and barricaded the police inside using the bike rack type barricades the Capitol Police typically use to designate restricted areas of the Capitol. It was at this point when D.T. received a call that two Capitol Police Officers were stranded in the area known as the Upper West Terrace-North. Officers, including D.T., exited the Capitol building through the North doors and forced their way through the makeshift barricade constructed by the rioters on the exterior doors to affect a rescue of the stranded officers. D.T. exited first and was tripped by a bike rack that someone had moved into his path and fell down the stairs. After getting back to his feet, D.T. moved into the crowd of rioters to locate the stranded officers.

D.T. indicated that he suffered injuries as a direct result of the tripping incident.

Digital Evidence

Following the events at the U.S. Capitol on January 6, 2021, the FBI conducted a review of surveillance camera footage obtained from security cameras located inside and outside of the U.S. Capitol (CCTV), body-worn camera (BWC) footage from the Metropolitan Police Department, and open-source videos obtained via social media and the internet. FBI personnel were able to identify SLYE in the videos.

SLYE was featured in an interview type video filmed coincident to the riot at the Capitol on January 6, 2021 and posted to YouTube. The video is titled “Stop The Steal Rally - Jan 6, 2021” and is approximately 32 minutes and 22 seconds in length. In the approximately 54 second segment that features SLYE, he answers several questions posed by the interviewer. This “interview” video allowed investigators to identify the clothing that SLYE was wearing on January 6, 2021 which was a black “Trump” stocking cap featuring the former President’s signature, a blue coat splatter with what appears to be white paint, a grey hooded sweatshirt and a yellow kerchief type mask with what appear to be speech bubbles on it. At the time of the interview, the interviewer was wearing a blue baseball type helmet with a facemask. SLYE is observed carrying and wearing this helmet in some of the other videos. Exhibit 2, below, is a screenshot from the video:

Exhibit 2



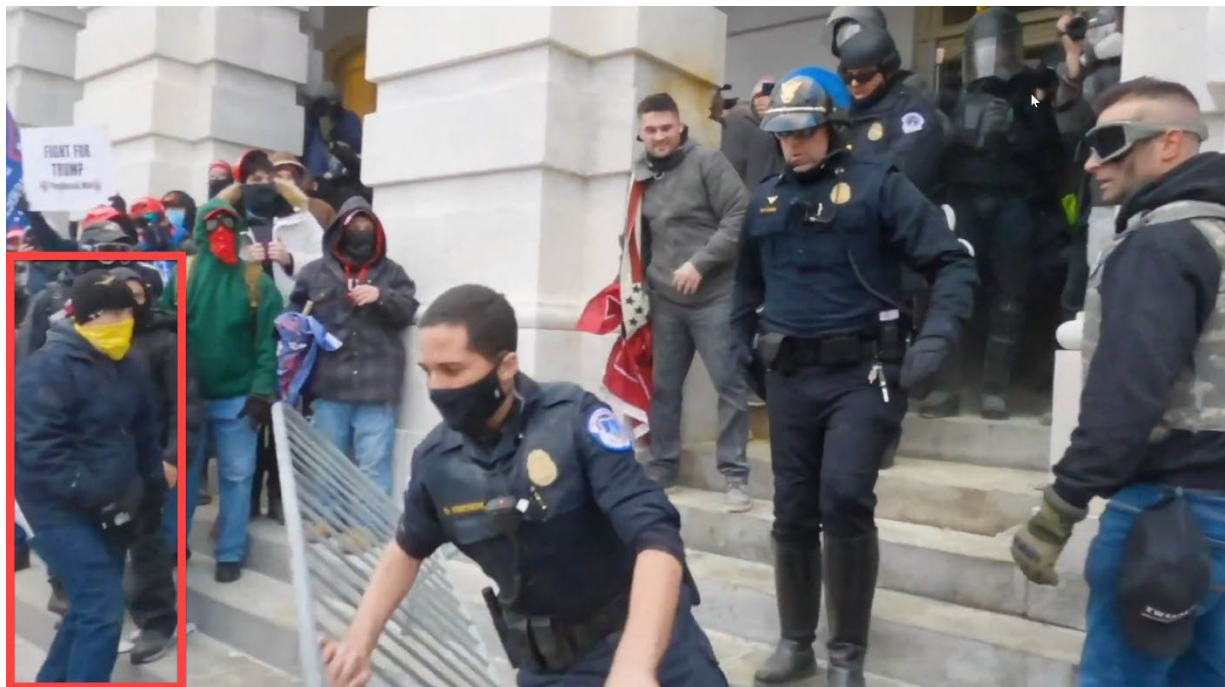
A second video posted to the internet featured SLYE as he was standing outside of the Capitol building. It is titled “Parler video eGOoR3I08FkK_1080p” and is shot from behind SLYE and it features a full length shot of all of the clothing SLYE was wearing. At one point in the video, SLYE turned around and looked at the photographer. Visible in this video are the Levi blue jeans (identifiable by the pocket stitch design), the previously mention helmet as well as what appear to be several papers that SLYE appeared to have folded in half and stuffed into a rear pocket of his jeans. Exhibit 3, below, is a screenshot from this video:

Exhibit 3



A third video titled, “Capitol Takeover GoPro POV_1080pFHR” captures SLYE throw the bike rack type barrier in front of Officer J.T., tripping him and causing him to fall down the flight of stairs. When J.T. falls onto the landing, he slides for approximately a foot revealing the force behind the fall. The video only captures a black gloved hand throwing the barrier. After J.T. is tripped, the video pans to the crowd and reveals that SLYE was the individual who threw the barrier. SLYE is wearing the same clothing as featured above but has his mask pulled up to hide his face. Exhibit 4, below, is a screenshot of from the video:

Exhibit 4



The fourth video is titled, “Battle over Northeast entrance to U.S. Capitol on January 6 - PREVIOUSLY UNRELEASED 4K FOOTAGE” and captures the same scene above from a second angle. In this video, SLYE is seen pushing and maneuvering the barrier prior to the Capitol Police’s exit from the building. The photographer was positioned at the top of the stairs looking down towards SLYE. This video does not capture SLYE throwing the barrier at J.T., but it reveals that SLYE was the only one in a position to throw the barrier. Exhibit 5, below, is a screenshot of SLYE from this video:

Exhibit 5



Later in the same video, SLYE is observed at the top of the steps near the exterior doors. The Capitol Police are attempting to secure the doors and the rioters are actively preventing the police from closing and securing the doors. A rioter in a red “Trump” stocking cap was filmed screaming at the Capitol Police and using obscenities. As SLYE steps up waving his hands and appears to be about to yell something, the Capitol Police deploy OC spray hitting SLYE in face. At this point, SLYE’s face mask has slipped down to his chin. Exhibit 6, below, is a screenshot of SLYE getting sprayed with OC:

Exhibit 6



The fifth video, titled “Siege of The Capitol and Deadly Shooting on January 6th” again captures SLYE getting sprayed with OC but from the opposite angle. SLYE is heard moaning after getting spray directly in the face with OC. SLYE turned toward the camera and his face was clearly visible however, because he was close to the camera and the camera was also sprayed with OC the video is slightly out of focus. Exhibit 7, below, is a screenshot from the video after SLYE is sprayed with OC:

Exhibit 7



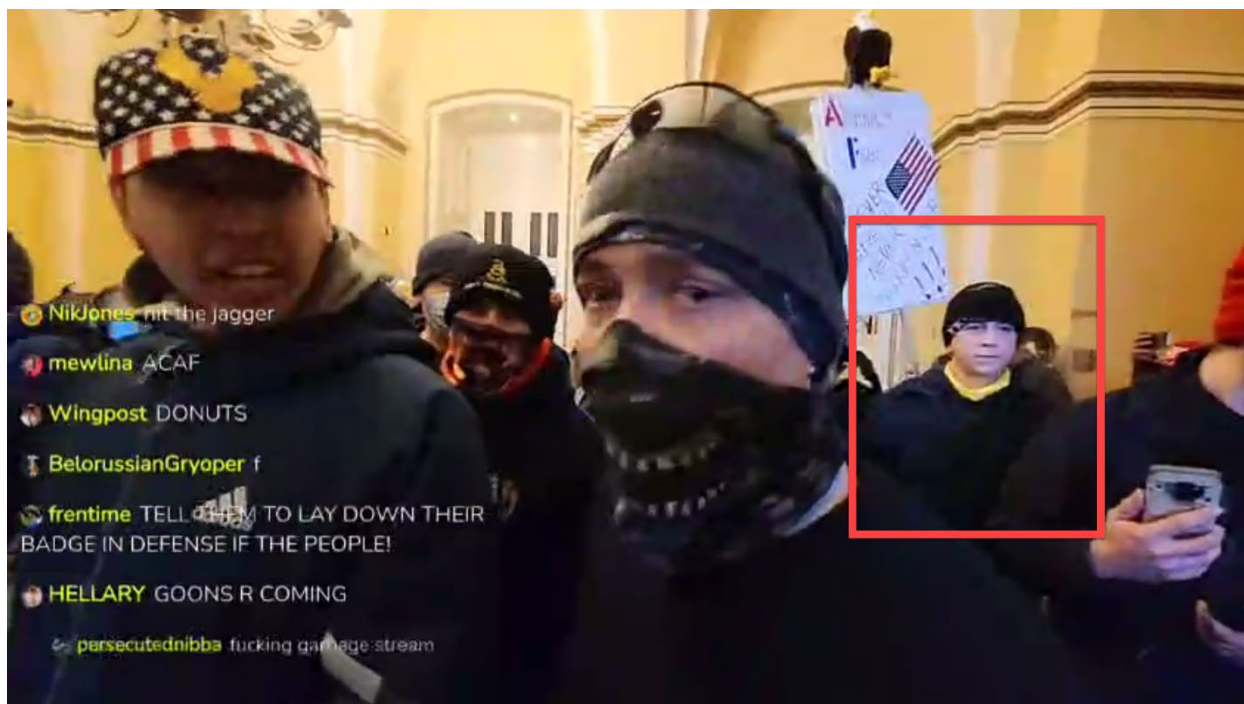
An Instagram image recovered from social media was located where SLYE appears to be getting his eyes flushed with water. It appears that this image was taken after the Capitol Police sprayed SLYE with OC. Exhibit 8, below is a copy of the Instagram image:

Exhibit 8



SLYE also appears in a video livestreamed from inside the U.S. Capitol building on January 6, 2021 titled, “TRUMP RALLY DC · DLive - w-QvhT-Gg 3”. This video appears to be a livestream video where individuals not at the incident are posting comments on the screen as the live video plays. It appears the video was taken from just inside the Senate wing door. A later review of the surveillance videos from the Capitol confirmed this assessment. Exhibit 9, below, is a screenshot from the video:

Exhibit 9



Capitol Surveillance Video

A review of the surveillance video from the Capitol provided additional corroboration that SLYE entered the U.S. Capitol building when it was closed to the public. According to a review of Capitol Police surveillance video, SLYE entered the building through the Senate Wing door area on the northwest side of the Capitol at approximately 2:56 p.m. EST and then depart through the same area at approximately 2:59 p.m. EST. SLYE reentered the building at approximately 3:05 p.m. EST again through the Senate Wing door area. At approximately 3:35 p.m. EST, SLYE exited the building through the same area and did not return.

At approximately 2:56 p.m. EST, SLYE was observed on the camera installed near the Senate wing door entering the building through the broken-out window on right side of the screen. SLYE was wearing the same clothing as described above but has his mask pulled up over his nose and is wearing the baseball type helmet with the face mask. Exhibit 10, below, is a screenshot from the video:

Exhibit 10



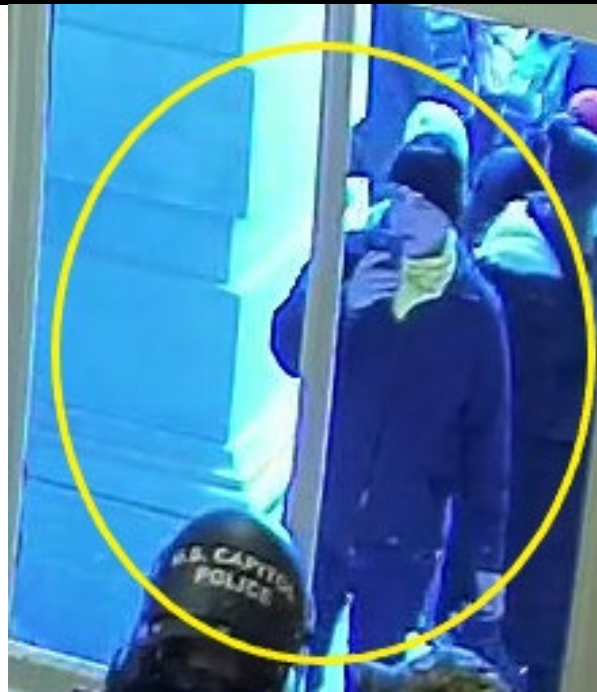
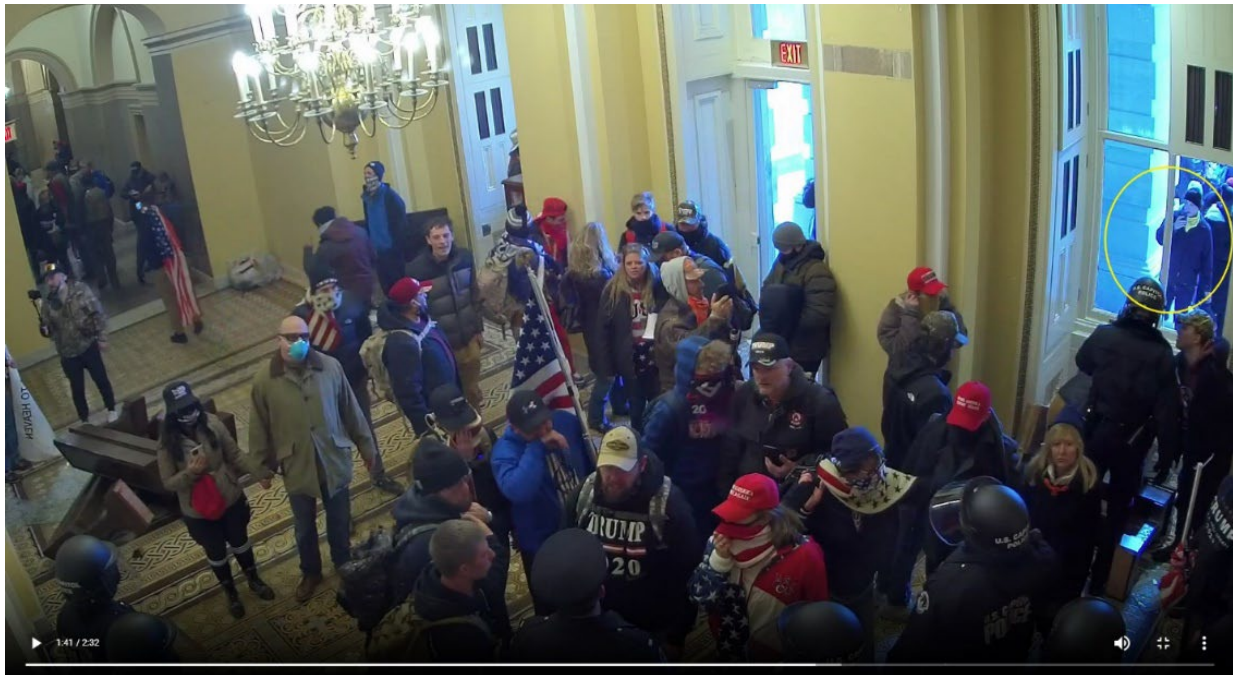
At approximately 2:59 p.m. EST, SLYE was observed on the same camera installed near the Senate wing door exiting the building through the broken-out window on the left side of the screen. SLYE is wearing the same clothing as described above. Exhibit 11, below, is a screenshot from the video:

Exhibit 11



At approximately 3:02 p.m. EST, SLYE was observed on the same camera installed near the Senate wing door standing on the exterior of the building. SLYE appears to be holding his cell phone out in front of his face. SLYE is wearing the same clothing as described but has removed the helmet and the mask covering his face. Exhibit 12, below, is a screenshot from the video:

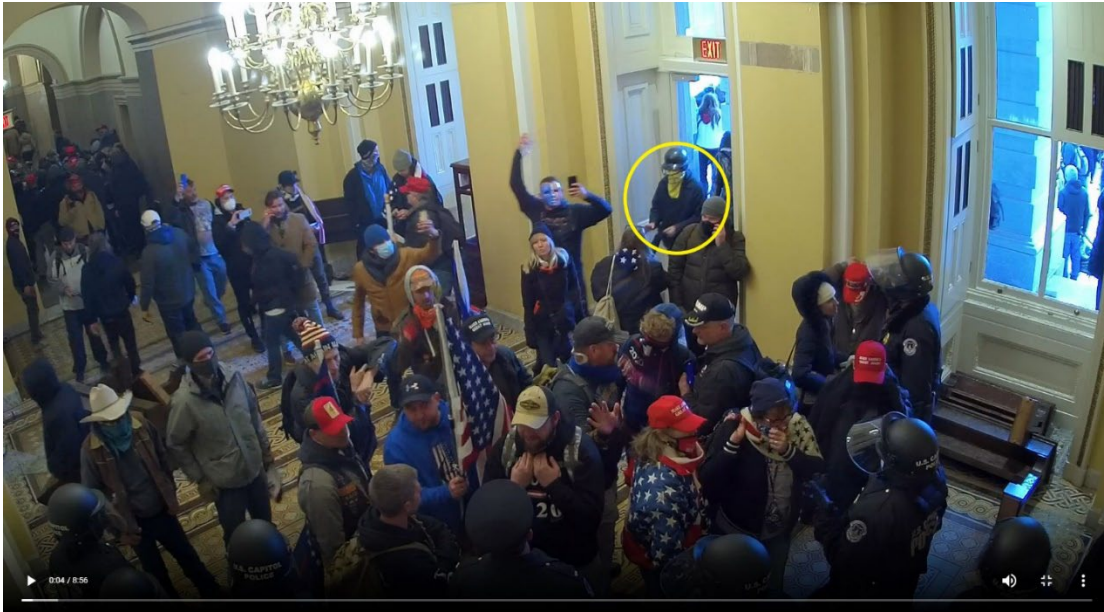
Exhibit 12



(Exhibit 12 cropped and blown up)

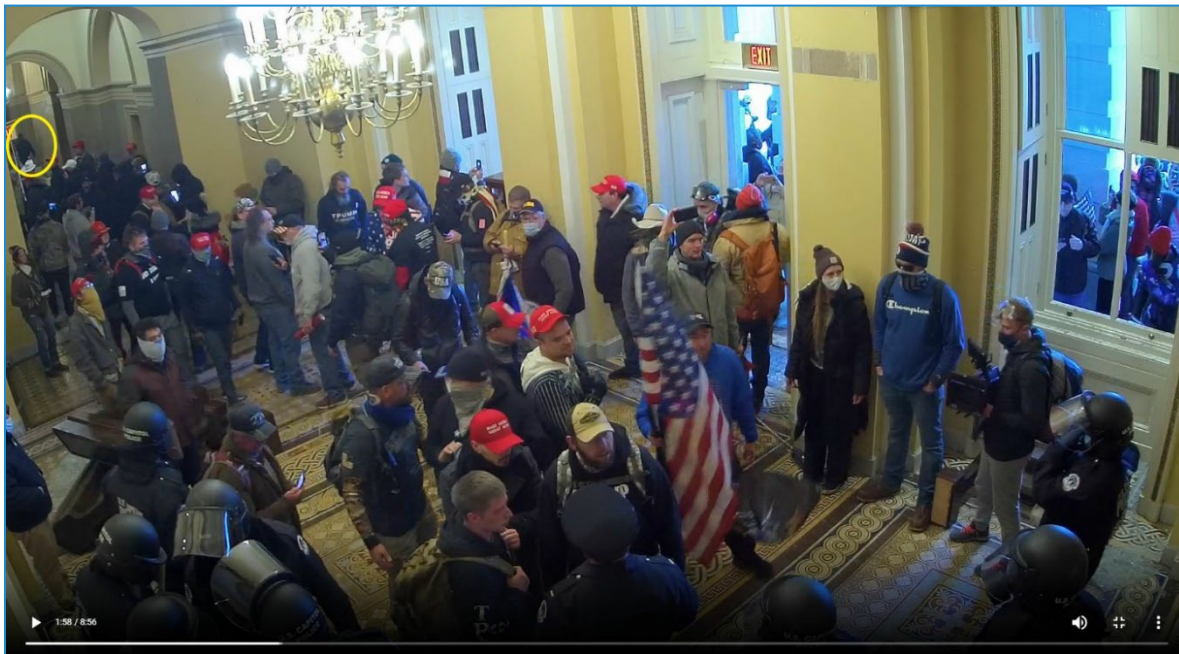
At approximately 3:05 p.m. EST, SLYE is observed on the same camera installed near the Senate wing door entering the building through the door in the right center of the screen. SLYE is wearing the same clothing as described above but has re-installed his yellow gaiter to cover his face as well as the helmet. Exhibit 13, below, is a screenshot from the video:

Exhibit 13



At approximately 3:07 p.m. EST, SLYE was observed on the same camera installed near the Senate wing door on the left side of the screen. SLYE is traveling down the hallway towards the crypt. Exhibit 14, below, is a screenshot from the video:

Exhibit 14



From approximately 3:07 p.m. EST to 3:27 p.m. EST, SLYE was observed numerous times on security cameras installed in the crypt area of the U.S. Capitol. SLYE was wearing the same clothing as described above. The fold paper in his rear pants pocket, visible in Exhibit 3, above, is still visible as he moved about the crypt area. Exhibit 15, below, is a screenshot from one of the camera angles:

Exhibit 15



At approximately 3:30 p.m. EST, SLYE was again observed on a security camera installed on near the Senate wing door on the left side of the screen. SLYE is wearing the same clothing as described above but removed the helmet and his mask was no longer covering his face. This appears to be the same timeframe as Exhibit 9, above. Some of the same individuals pictured in Exhibit 9, above, are visible in this video as well. Specifically, the individual carrying the large white homemade sign is visible in both videos. Exhibit 16, below, is a screenshot from the video:

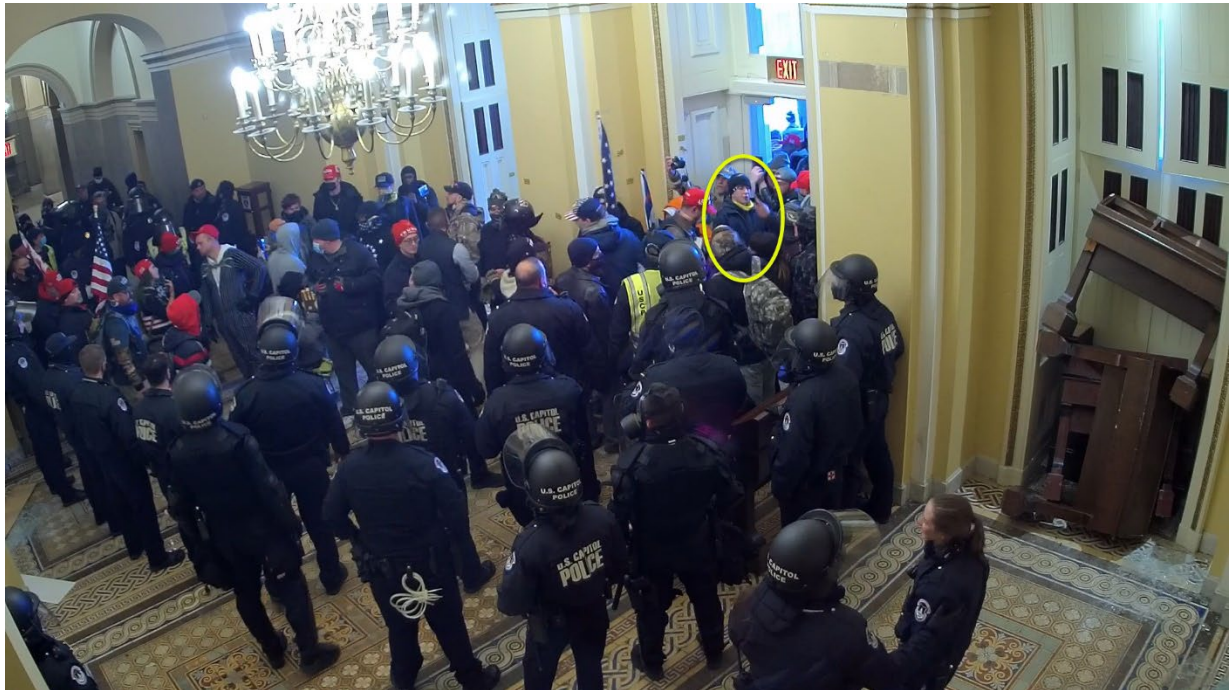
Exhibit 16



(Exhibit 16 cropped and blown up)

SLYE stands in the entry area for a few minutes and then exits through the door at approximately 3:35 p.m. EST. Exhibit 17, below, is a screenshot taken from the surveillance video:

Exhibit 17



(Exhibit 17 cropped and blown up)

Interview of Witness #1

On June 18, 2021, an individual referred to as Witness #1, reported the identification of SLYE from the seditionhunters.org post (Exhibit 1). Witness #1 has not seen SLYE in

approximately 7 years and only spoke to SLYE briefly on one occasion. Witness #1 reported that he/she was certain that the individual featured in Exhibit 1 was SLYE even though he/she had only met him briefly approximately 7 years ago.

Interview of Witness #2

On July 2, 2022, an individual referred to as Witness #2, was interviewed by the FBI. Witness #2 has known SLYE for more than five years. Witness #2 has had occasion to interact with SLYE over an extended period of time so that Witness #2 is familiar with SLYE's style of speech and mannerisms. Witness #2 was shown stills and videos of the individual believed to be SLYE from January 6, 2021 at the U. S. Capitol. Witness #2 identified the individual as SLYE. Further Witness #2 reported that he/she was "Facebook friends" with SLYE and received a Meta notification on January 6, 2021 that SLYE was using "Facebook live" from the Washington, D.C. Witness #2 did not view the video live as it was being recorded. However, Witness #2 viewed the video posted to SLYE's Facebook page several days later. Witness #2 showed the interviewing personnel SLYE's Facebook page that featured the video. Witness #2 reported that when he/she reviewed the "Facebook live" video it did not feature SLYE himself in the video but appeared to have been taken facing outward so as not to record the photographer. Witness #2 reported that the video appeared to be a recording of the crowd from the "Stop the Steal" rally as they walked towards the Capitol on January 6, 2021. Witness #2 remembered seeing different landmarks in the video which he/she recognized as being in Washington, D.C.

Charges

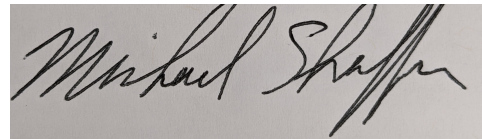
Your affiant submits there is also probable cause to believe that MIKHAIL EDWARD SLYE, violated 18 U.S.C. § 111, which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in section 111 of this title while engaged in or on account of the performance of official duties.

Your affiant submits there is probable cause to believe that MIKHAIL EDWARD SLYE violated 18 U.S.C. § 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

Based on the foregoing, your affiant submits that there is probable cause to believe that MIKHAIL EDWARD SLYE violated 18 U.S.C. §§ 1752(a)(1), (2) & (4), 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; (4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds; 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 MIKHAIL EDWARD SLYE violated 40 U.S.C. §§ 5104(e)(2)(D), (F) & (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; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



MICHAEL SHAFFER,
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 29th day of September 2022.

UNITED STATES MAGISTRATE JUDGE
MOXILA A. UPADHYAYA