

## STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation (FBI), assigned to the FBI Indianapolis Division Joint Terrorism Task Force. In my duties as a Special Agent, I have participated in criminal investigations relating to public corruption, frauds, civil rights violations, firearms violations, and international and domestic terrorism. In addition to my regular duties, I am also 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 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, S.E., 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 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.

### **Facts Specific To Dale And Matthew Huttie**

Following January 6, 2021, videos and photographs came to light showing individuals assaulting law enforcement officers outside the U.S. Capitol on the west side of the building grounds. Specifically, at approximately 2:05 p.m., a crowd of violent rioters assembled on the Lower West Terrace of the Capitol building grounds adjacent to a media tower. Law enforcement officers from U.S. Capitol Police (USCP) and the Washington D.C. Metropolitan Police Department (MPD) had formed a line of bike racks to act as a barrier against the crowd. Officers were standing watch behind this line and fending off repeated attempts by the rioters to pull on the bike racks and assault the officers.

Bodyworn cameras (BWC) from MPD officers in the area appear to show some rioters at around 2:05 p.m. forcefully removing the bike rack barriers. One of the individuals in this area at the time that was captured on BWC was given the identifier AFO-299 in “be on the lookout” (BOLO) publications. AFO-299, circled in red, can be seen among the crowd near the established police line with an American flagpole grasped in his hands, appearing to strike an MPD officer, circled in yellow, with the flagpole, as depicted in Image 1 below:

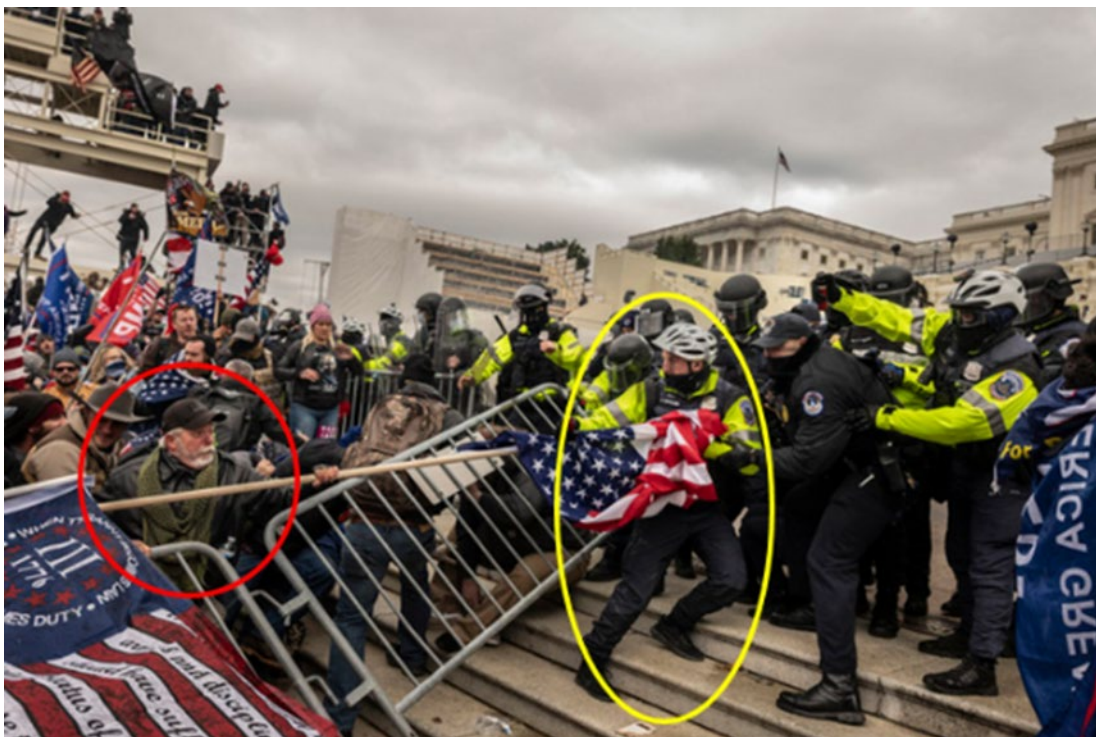


IMAGE 1: MPD Officer victim #1 circled in yellow; AFO-299 circled in red

AFO-299 appears to be striking MPD Officer victim #1 with the flagpole while the officer attempts to maintain his balance on the steps.

As that officer moves away and up the steps, a second MPD officer, MPD officer victim #2, circled in blue, has fallen on the steps and remains there, as shown in Images 2 and 3 below:



IMAGE 2: MPD Officer victim #1 circled in yellow; MPD Officer victim #2 circled in blue; AFO-299 circled in red





IMAGE 3: MPD Officer victim #2 circled in blue

Another officer attempts to pull MPD Officer victim #2 up the steps and away from the rioters, as shown below in Image 4:



IMAGE 4: MPD Officer victim #2 circled in blue

During the time depicted in Images 3 and 4, AFO-299 appears to strike MPD Officer victim #2 with the flagpole, while other officers attempt to pull MPD Officer victim #2 away from AFO-299.



IMAGE 5: MPD Officer victim #2 circled in blue; AFO-299 circled in red

AFO-299 appears to have been involved in a second violent interaction with law enforcement officers approximately thirty minutes later. On another MPD officer's BWC footage, AFO-299 appears to grab a different MPD officer's baton, as if to take the baton, as shown in Images 6 and 7:





IMAGE 6: AFO-299 grabbing at Officer's baton circled in yellow



IMAGE 7: AFO-299 grabbing at Officer's baton circled in yellow

Approximately twenty seconds after attempting to grab the baton, AFO-299 appears to yell, "Surrender!" at the MPD officers.

On April 5, 2021, the FBI released a BOLO depicting AFO-299 as a person of interest in relation to the siege on the Capitol on January 6, 2021. As of August 23, 2021, thirteen tips were provided to the FBI on the identification of AFO-299, all of which were later determined to be inaccurate. The FBI also searched law enforcement databases to identify AFO-299. Law enforcement located a passport photograph of DALE HUTTLE and compared it to photos of AFO-299, and they appeared to be consistent. Agents also compared DALE HUTTLE's driver's license photo and photos of DALE HUTTLE downloaded from publicly available social media accounts with the photos of AFO-299, as depicted above. These photos also appeared to be consistent with photos of AFO-299, leading agents to believe that AFO-299 is DALE HUTTLE.

Agents conducted surveillance of DALE HUTTLE on August 23, 2021, at his place of employment in Merrillville, Indiana. During surveillance, DALE HUTTLE was observed exiting a dark red Honda Odyssey van registered in his name. This vehicle was seen parked at an address that public records check confirm is DALE HUTTLE's residence. A photograph of DALE HUTTLE from this surveillance is presented below.



IMAGE 8

DALE HUTTLE's appearance in Image 8 is consistent with AFO-299 in Images 1, 2, 5, 6, and 7. In particular, during surveillance, your affiant observed DALE HUTTLE wearing keys on a belt loop at his waist. AFO-299 appears to be wearing keys on his belt loop, in the same manner as shown below in Image 9:



IMAGE 9: belt loop keys circled in red

On March 8, 2022, your affiant interviewed DALE HUTTLE's manager at his place of employment in Merrillville, Indiana. At the time, the manager had known DALE HUTTLE for about a year-and-a-half to two years, for the entirety of the time the manager had worked at that location. The manager identified the following photos from January 6, 2021 of AFO-299 as DALE HUTTLE:



IMAGE 10

In a follow-up interview on March 16, 2022, the manager indicated that he believed DALE HUTTLE had taken a trip to Washington, D.C. in early January 2021. Records obtained from the place of employment indicated that DALE HUTTLE was not at work from mid-afternoon January 4, 2021, until January 8, 2021.

Agents located a telephone number for DALE HUTTLE and obtained records from T-Mobile U.S., Inc. that confirmed the phone number was registered in his name, to a street address in Crown Point, Indiana. Public records confirm that DALE HUTTLE resides at that same address.

T-Mobile US, Inc. records indicate that DALE HUTTLE was in Washington, D.C. in proximity to the U.S. Capitol building on January 6, 2021. Call records show that DALE HUTTLE was in communication with a phone number that was later determined to be registered to MATTHEW HUTTLE.

MATTHEW HUTTLE's phone number was listed as the "recovery phone number" for a Google email address associated with a device that was present at the U.S. Capitol building on January 6, 2021. According to Google, that email address had a subscriber "jith thrrd huttle," with a family name listed as "huttle." T-Mobile confirmed that the phone number belonged to



MATTHEW HUTTLE, with a billing address in Hobart, Indiana. Public records showed that the billing address was a residence owned by Donald and Lynn Huttle – the parents of MATTHEW HUTTLE. This billing address is approximately 4.5 miles from DALE HUTTLE's residence in Crown Point, Indiana.

Public records indicate that DALE HUTTLE is MATTHEW HUTTLE's uncle.

A booking photo for MATTHEW HUTTLE, obtained from Porter County Sheriff's Office, in Porter County, Indiana is shown below as Image 10:



IMAGE 10: MATTHEW HUTTLE booking photo

An account located on LinkedIn.com resolved to the same Google email address that was connected to MATTHEW HUTTLE's phone number. That LinkedIn account displayed the following photo, shown as Image 11:



IMAGE 11: LinkedIn image

Videos and photos obtained from open source and from the U.S. Capitol Police appear to show a person whose appearance is consistent with MATTHEW HUTTLE in and around the Capitol building on January 6, 2021. Images 12 and 13 below are drawn from those sources:



IMAGE 12





IMAGE 13

On January 6, 2021, call records between DALE HUTTLE and MATTHEW HUTTLE show that they communicated much more frequently, and for much shorter periods of time, on that day than they had on days before and after January 6, 2021. The image below appears to show them near each other outside of the Capitol building on January 6, 2021:

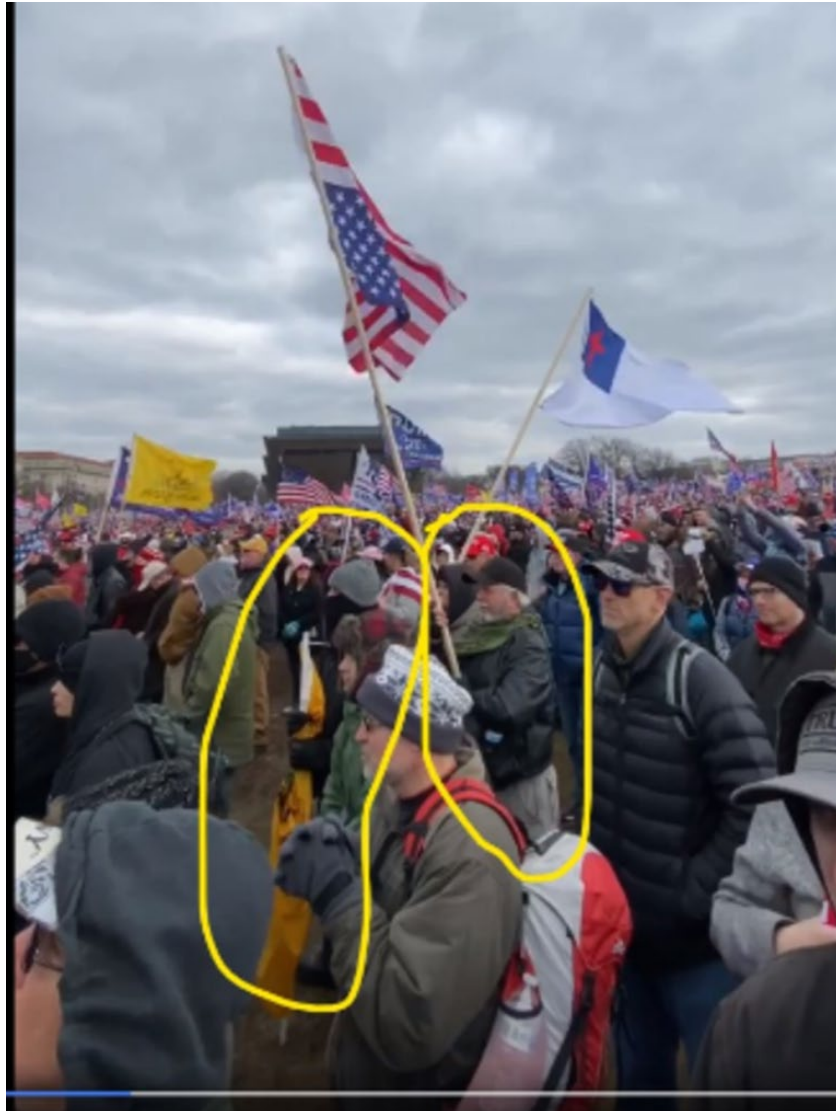


IMAGE 14

During surveillance of DALE HUTTLE's residence in August and September 2021, agents noted a maroon-colored Lincoln sedan parked in front of the home. That sedan is registered to MATTHEW HUTTLE, and in a subsequent surveillance in November 2021, an individual matching MATTHEW HUTTLE's description was seen speaking with DALE HUTTLE at that residence.

Records obtained from Google pertaining to the email account of MATTHEW HUTTLE had geolocation information which showed travel from Hobart, Indiana, to Washington D.C. on January 5, 2021, and then back to Hobart, Indiana, on January 7, 2021.

On January 5, 2021, Google geolocation information showed that MATTHEW HUTTLE went to the National Mall in Washington D.C. at approximately 3:25 p.m. with DALE HUTTLE before returning to his hotel approximately 7:54 p.m. Videos obtained from MATTHEW HUTTLE's Google account show him conducting what appeared to be sight-seeing during his visit

that night. Images 15 and 16, for example, appear to be photos of DALE HUTTLE in Washington, D.C., taken on the evening of January 5, 2021.



IMAGE 15





IMAGE 16

On January 6, 2021, geolocation information showed MATTHEW HUTTLE left his hotel at approximately 7:13 a.m. MATTHEW HUTTLE arrived at the National Mall area approximately 50 minutes later at 8:06 a.m., and was in the area of the Ellipse at approximately 8:35 a.m.

According to this same data, MATTHEW HUTTLE then moved toward the U.S. Capitol at approximately 1:14 p.m. He documented his walk down the National Mall via video, which law enforcement obtained from MATTHEW HUTTLE's Google account.

The videos obtained from MATTHEW HUTTLE's Google account also showed DALE HUTTLE and acquaintances spending time at the Ellipse area and chronicling their walk toward the United States Capitol building. At one point in a video, MATTHEW HUTTLE can be heard saying "We are all going to the state (sic) capitol," and "Going to see if we can get inside."



IMAGE 17

During their movement toward the United States Capitol building, conversations amongst the group can be heard in MATTHEW HUTTLE's video. As MATTHEW HUTTLE and DALE HUTTLE got closer to the Capitol building, an off-camera individual whose voice was similar to that of DALE HUTTLE (based on the sound of his voice in the bodyworn camera video discussed above) stated: "Think we ought to bum rush the Capitol building," "Arrest them all," and "We have enough people to do that." In other videos obtained from MATTHEW HUTTLE's Google account, an individual whose voice was similar to that of DALE HUTTLE can be heard saying: "Let's go, let's go, storm the front," "Let's squeeze our way up there," "Breach it!" and "Are you ready to go to jail? Let's go." A screenshot of that video is depicted in Image 18:



IMAGE 18

After reaching the Capitol, MATTHEW HUTTLE approached the doors to the West Terrace entrance of the Capitol building at approximately 2:56 p.m., and can be heard on video stating: "We're going in." A screenshot from said video is below.





IMAGE 19

Based on the location data associated with the device that listed MATTHEW HUTTLE's phone number, and time stamps from USCP video surveillance, it appears that MATTHEW HUTTLE entered the Capitol building at approximately 2:58 p.m., through doors next to the Senate wing of the building. A screenshot from the video recovered from MATTHEW HUTTLE's Google account shows this entry:



IMAGE 20

MATTHEW HUTTLE moved through a heavily crowded area for approximately one-and-a-half minutes and stated: “There’s cops over here.” MATTHEW HUTTLE is then believed to have exited the building.

Approximately six minutes later, at 3:06 p.m., MATTHEW HUTTLE filmed a new re-entrance into the Capitol through what is believed to be the same door. This video lasts approximately ten-and-a-half minutes and begins with MATTHEW HUTTLE stating: “We’re gonna go into the Capitol.” During this second entry into the U.S. Capitol building, MATTHEW HUTTLE entered multiple offices, the Crypt area, and a number of hallways.

For example, by 3:11 p.m., MATTHEW HUTTLE appears to have reached the Crypt of the Capitol building, as shown below in Image 21, a screenshot of CCTV footage:



IMAGE 21

By 3:09 PM, he appears to have reached Senate room S145, as shown in open source footage, Image 22, and circled in red:

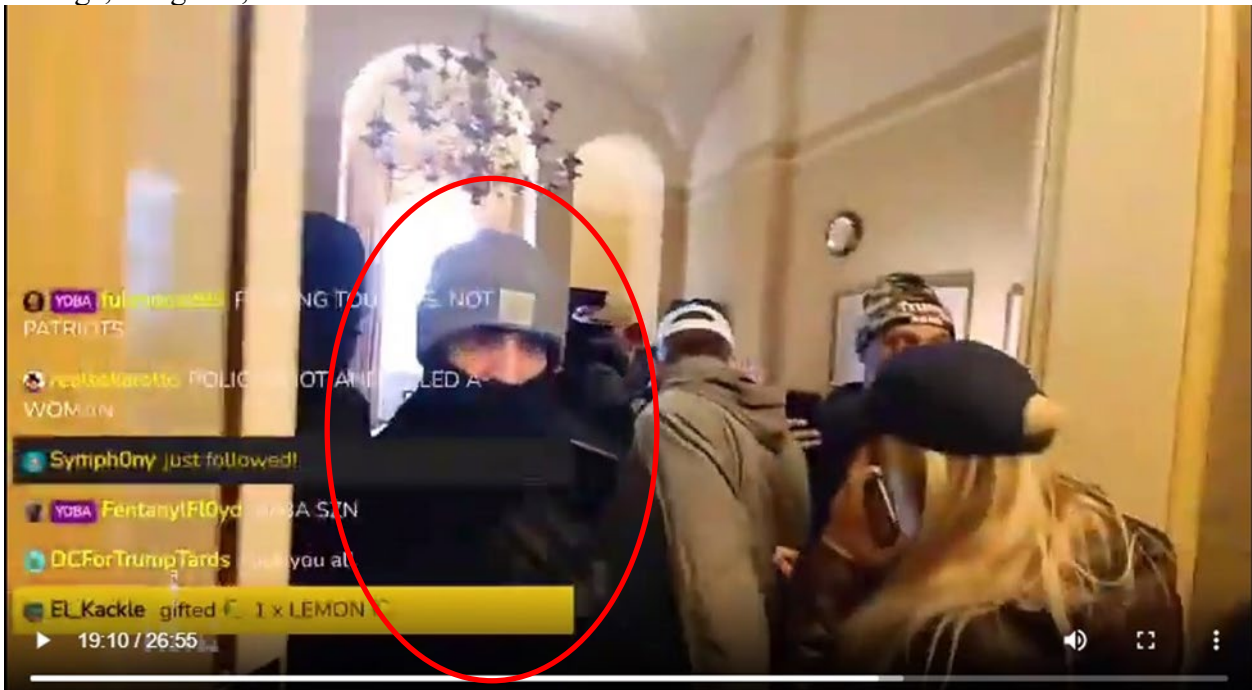


IMAGE 22

By 3:14 p.m., he appears to have reached the Memorial Door on the first floor of the building, as shown below in a screenshot of CCTV footage, Image 23:



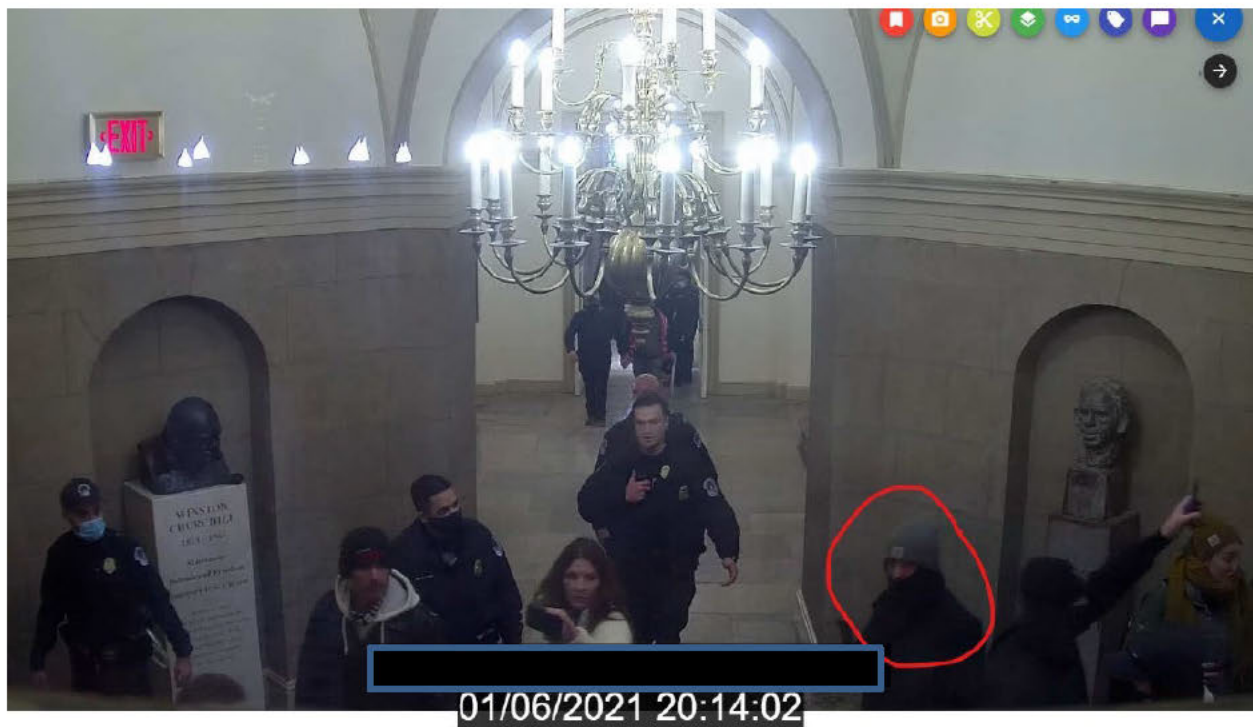


IMAGE 23

Finally, it appears that he exited the building at 3:16 p.m., as shown below in a screenshot of CCTV footage, in Image 24:

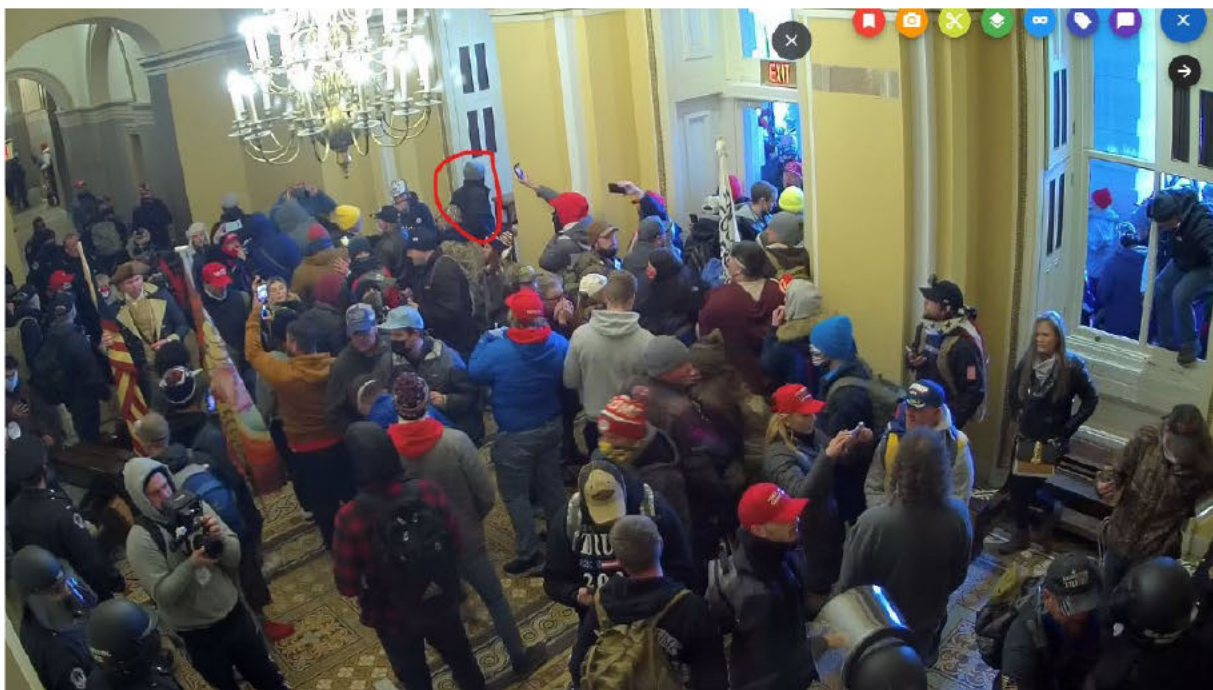


IMAGE 24

At one point during his time inside the Capitol, MATTHEW HUTTLE turns the camera around to show his face and states: "This is me." A screenshot is shown below:



IMAGE 25

The image from this point in the video matches images that were previously identified as MATTHEW HUTTLE found within the U.S. Capitol building and near DALE HUTTLE outside of the U.S. Capitol building.

Based on the foregoing, your affiant submits that there is probable cause to believe that DALE HUTTLE violated:

1. 18 U.S.C. § 111(a)(1) and (b), which makes it a crime to forcibly assault or interfere with any person designated in section 1114 of this title 18 while engaged in or on account of the performance of official duties and uses a deadly or

dangerous weapon (including a weapon intended to cause death or danger but that fails to do so by reason of a defective component). Persons designated within section 1114 include any person assisting an officer or employee of the United States in the performance of their official duties.

2. 18 U.S.C. § 231(a)(3), which makes it a crime 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. “Civil disorder” means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual.
3. 18 U.S.C. § 1752(a)(1), (2), (4) and (b)(1)(A), which make it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; (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 function – all while using or carrying a deadly or dangerous weapon; and (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds, or attempts or conspires to do so. The punishment for violating these provisions by using or carrying a dangerous weapon is imprisonment for up to 10 years. 18 U.S.C. § 1752(b)(1)(A). 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.
4. 40 U.S.C. § 5104(e)(2), which makes it a crime to (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 (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

Based on the foregoing, your affiant submits that there is probable cause to believe that MATTHEW HUTTLE violated:

1. 18 U.S.C. § 1752(a), 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.
2. 40 U.S.C. § 5104(e)(2), which makes it a crime to (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.

[REDACTED]  
Special Agent [REDACTED]  
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 28th day of October 2022.

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MOXILA A. UPADHYAYA  
UNITED STATES MAGISTRATE JUDGE