

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Task Force Officer (TFO) with the Federal Bureau of Investigation (FBI) Joint Terrorism Task Force (JTTF). My duties as a Task Force Officer include, but are not limited to, investigating cases of domestic and foreign terrorism, counter-proliferation, drug smuggling, human smuggling, financial crimes, and cyber crimes. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Task Force Officer, 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.

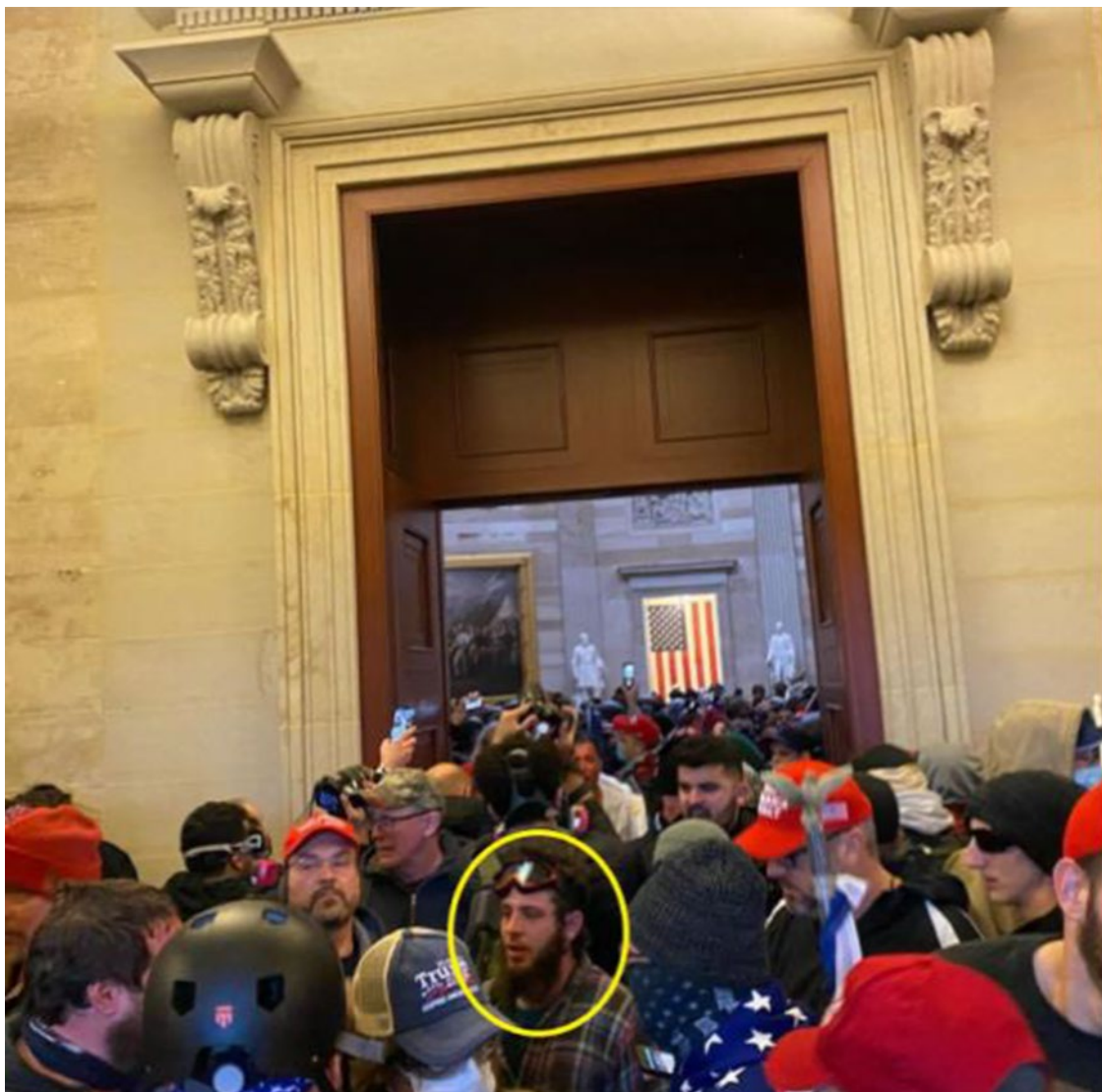
During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

Facts Specific to Dustin SARGENT

According to records obtained through a search warrant which was served on Google LLC, a mobile device associated with Dustin Sargent; Google Identification Number, [REDACTED] 0754; phone number [REDACTED] 7196; and email [REDACTED] 8058@gmail.com was present at the U.S. Capitol on January 6, 2021. In this case, Google location data shows that a device associated with Dustin Sargent; Google Identification Number, [REDACTED] 0754; phone number [REDACTED] 7196; and email [REDACTED] 8058@gmail.com was in and around the U.S. Capitol Building during the time of 2:15 P.M. and 5:03 P.M. (approximate), which is during the known timeframe of the Capitol Building riot event on January 6, 2021.

According to records obtained via subpoena served on Google LLC, the subscriber of Google Identification Number, [REDACTED] 0754; and email [REDACTED] 8058@gmail.com, was listed as [REDACTED] and Dustin SARGENT. Additionally, the recovery SMS number listed for Google Identification Number, [REDACTED] 0754; and email [REDACTED] 8058@gmail.com was listed as [REDACTED] 7196. According to records obtained through a search warrant which was served on AT&T, on January 6, in and around the time of the incident, the cellphone associated with [REDACTED] 7196 was identified as having utilized a cell site consistent with providing service to a geographic area that includes the interior of the United States Capitol building. Further, records obtained via subpoena served on AT&T, revealed that user of telephone number [REDACTED] 7196 was identified as Dustin SARGENT.

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 scores of individuals inside the U.S. Capitol building without authority to be there, in violation of Federal laws. Photographs and videos of several of these persons were disseminated via social media and other open-source online platforms. Those persons included a male wearing a plaid shirt, ski goggles, gloves, and tan pants. The image below depicts the individual, circled below, whom law enforcement has probable cause to believe is Dustin SARGENT, known to reside in Pennsylvania.

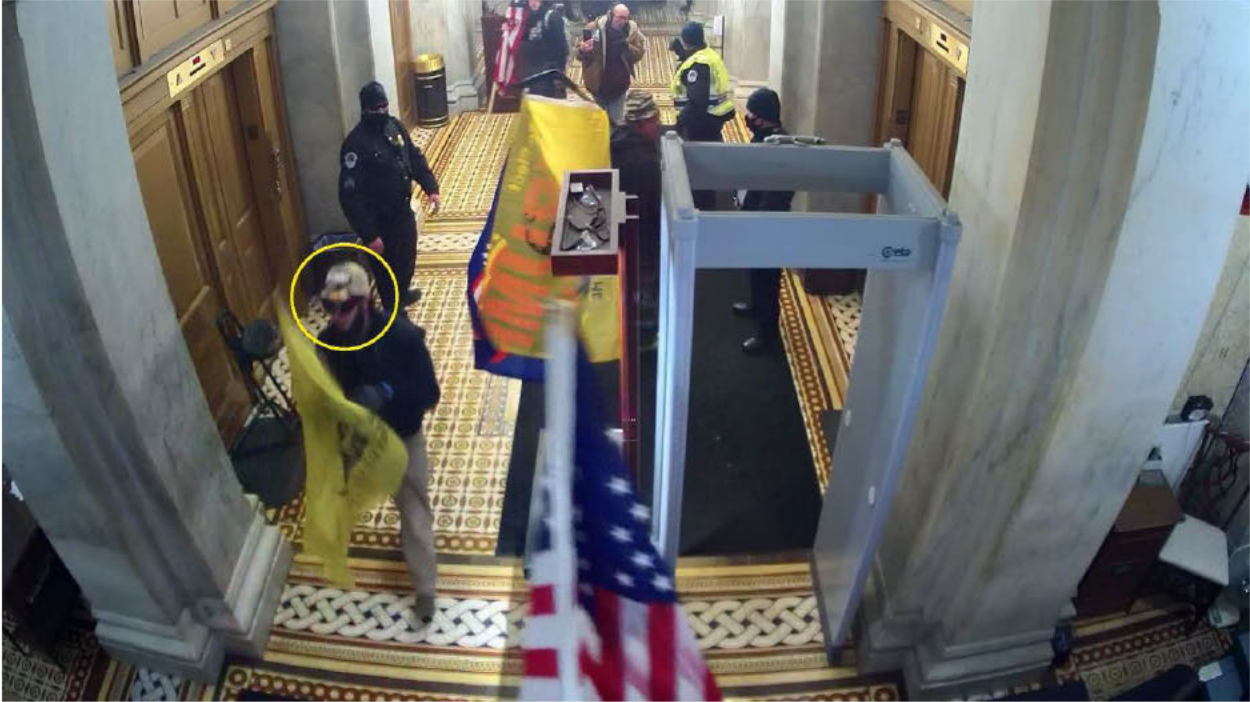


The photograph above depicts an individual, whom your affiant assesses to be DUSTIN SARGENT, inside of the Capitol on January 6, 2021, just outside of the rotunda dome. Numerous photographs/screenshots from videos taken by third parties show an individual assessed to be DUSTIN SARGENT in and around the Capitol that day. SARGENT can be seen in the images below:



Closed Circuit Television (CCTV) footage from inside the Capitol also shows an individual your affiant assesses to be Dustin SARGENT inside the Capitol on January 6. The CCTV footage shows Dustin SARGENT entering the Capitol through a broken window at the Senate Wing Door on the west side of the Capitol, then leaving the Capitol building before making his way to the east side of the building and re-entering the Capitol a second time through the east Rotunda doors. Dustin SARGENT, on the east side of the Capitol, changed clothing and removed his hat and jacket before entering the Capitol a second time. After re-entering through the east Rotunda Doors, Dustin SARGENT then remained in the Capitol for approximately forty minutes before finally exiting. Images from the CCTV footage are included below:





00:06:38 / 00:08:55 1x

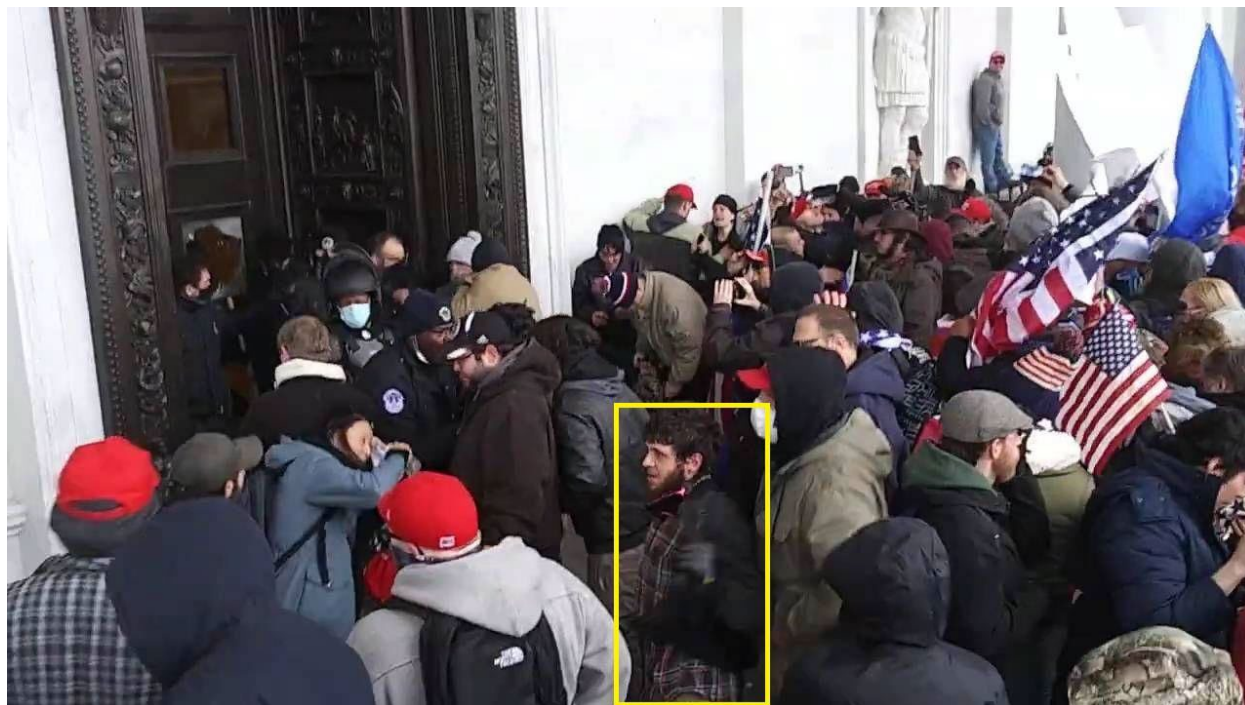


00:01:37 / 00:15:10 1X

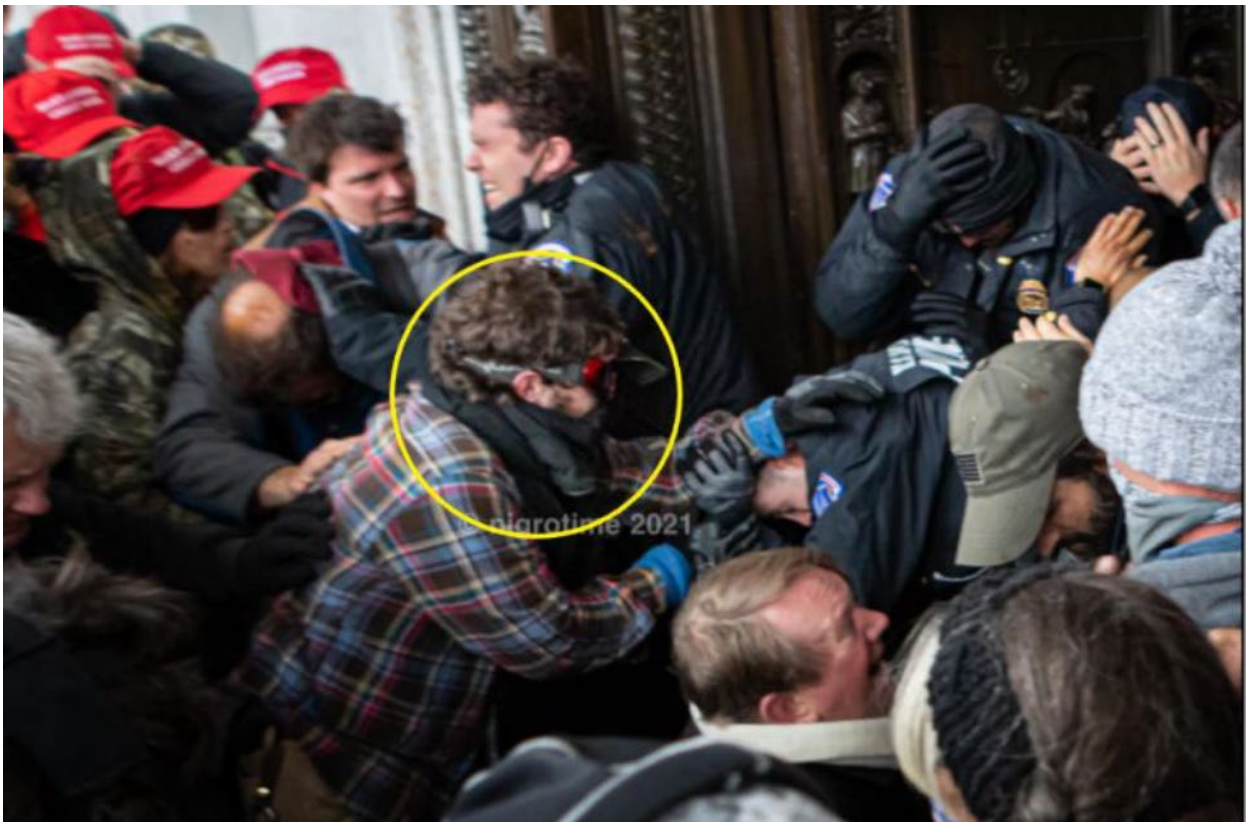


00:04:45 / 00:08:55 1X

A screenshot from a third-party video showing Dustin SARGENT without his hat and removing his jacket near the east Rotunda doors is included below:



In addition to the above images of Dustin SARGENT, your affiant has also reviewed images taken from an open-source video that shows Dustin SARGENT engaging in aggressive shoving with police officers at approximately 2:36 PM, who were trying to stop other rioters from entering the Capitol. In the video, members of the riot can be heard singing the national anthem outside doors to the Capitol, and once the national anthem ends, members of the mob, including Dustin SARGENT physically engage police officers. Dustin SARGENT can be seen pushing officer D.V., and grabbing officer M.F. in an apparent attempt to physically force these officers and others away from the doors to allow other rioters into the Capitol. SARGENT engaged in three assaults against these two officers during this exchange. The exchange with officers can be seen in the screenshot image below



Additionally, your affiant identified a Facebook account belonging to Dustin SARGENT. Facebook records show the subscriber of Facebook Identification Number (FBID) [REDACTED] 3187, is Dustin SARGENT. Photographs of Dustin SARGENT on SARGENT's public Facebook page were reviewed by your affiant. Your affiant compared the Facebook photos of Dustin SARGENT to images of Dustin SARGENT in and around the Capitol, and your affiant assesses that the person in and around the Capitol is Dustin SARGENT. Additionally, there is at least one Facebook photo of Dustin SARGENT wearing a hat that he appears to have been wearing in/around the U.S. Capitol. Your affiant also compared the images of Dustin SARGENT at the Capitol to the Pennsylvania Department of Transportation driver's license photo for Dustin SARGENT. Your affiant assesses that the images depicted above of Dustin SARGENT at the U.S. Capitol match in likeness the Pennsylvania Identification photo for Dustin SARGENT. Further, your affiant conducted an interview of an individual who knows Dustin SARGENT personally (hereinafter "Witness 1"). Witness 1 is a law enforcement officer who has personally interacted with Dustin SARGENT on several occasions. Witness 1 was shown photographs/screenshots of Dustin SARGENT in and around the Capitol on January 6, 2021, and Witness 1 positively identified Dustin SARGENT as the individual in the images.

On October 26, 2022, a federal search warrant was served on Facebook authorizing the search of Dustin SARGENT's Facebook account. The data provided by Facebook in response to this search warrant included a number of direct messages and conversations that Dustin SARGENT had with others discussing the events of January 6, both before and after that date. In one conversation, dated December 13, 2020, Dustin SARGENT discusses his frustration with the

results of the 2020 Presidential Election, and discusses what to do in response. Specifically, SARGENT responds to a question about "...who do we fight?" Dustin SARGENT responds in part that the fight will be with "traitors in our government" and "...cops and military..." A screenshot of this conversation is included below:

Author [REDACTED]
Sent 2020-12-13 16:30:00 UTC
Body So who do we fight? The democrats? Or antifa and BLM?

Author Dustin Sargent (Facebook: [REDACTED] 3187)
Sent 2020-12-13 16:31:49 UTC
Body Like I said BLM and antifa are small potatoes

Author Dustin Sargent (Facebook: [REDACTED] 3187)
Sent 2020-12-13 16:33:15 UTC
Body Your going to be fighting the traitors in our government and there bought and payed for cops and military..... but theres more good ones then bad ones... the bad ones take their orders from corrupt politicians and government employees

Earlier in the same conversation with the same individual, Dustin SARGENT discusses apprehending government employees, and states in part that "were (sic) not gonna let them steal our country..." SARGENT also suggests there will be "military courts" for these government employees and states that the penalty for treason is "DEATH." A screenshot of this portion of the conversation is included below:

Author Dustin Sargent (Facebook: [REDACTED] 3187)
Sent 2020-12-13 15:25:55 UTC
Body So were not we are going to expose them while legally apprehending all government employees that could have committed treason... and if the military court finds them guilty....LOOK UP THE PENALTY FOR TREASON!!!!DEATH

Author [REDACTED]
Sent 2020-12-13 15:35:30 UTC
Body You are fucking ready man

Author Dustin Sargent (Facebook: [REDACTED] 3187)
Sent 2020-12-13 15:37:59 UTC
Body I am were not gonna let them steal our country.... you might not be ready now... but in reading were you work gets fucked up then you cant go to work... then you'll have two choices.... hide and protect your family... or fight.... I recommend you hide because theres wouldn't be a man to protect your family.... I however have dad and sean to stay and protect

In another conversation dated January 4, 2021, just two days prior to the events of January 6, 2021, Dustin SARGENT is asked directly how he think the protest is going to go. SARGENT

states that he wants his wife to be able to come to the hospital if he is going to die, and that people in the government "...may be publicly hung." A screenshot of this conversation is included below:

Author [REDACTED]
Sent 2021-01-04 17:17:28 UTC
Body So how do you think this protest is gonna go ??

Author Dustin Sargent (Facebook: [REDACTED] 3187)
Sent 2021-01-04 17:17:31 UTC
Body If shit goes down I want maranda to be able to come to the hospital if I'm gonna die

Author Dustin Sargent (Facebook: [REDACTED] 3187)
Sent 2021-01-04 17:18:33 UTC
Body I expect the government to be intimidated more then the blm/ antifa punks ever have...

Author Dustin Sargent (Facebook: [REDACTED] 3187)
Sent 2021-01-04 17:18:47 UTC
Body They will be exposed public

Author Dustin Sargent (Facebook: [REDACTED] 3187)
Sent 2021-01-04 17:19:02 UTC
Body They may publicly be hung

Your affiant has also viewed videos from a third-party showing an individual your affiant believes is Dustin SARGENT inside the Capitol, just outside the House Chamber. In the video near the House Chamber, where lawmakers were to preside over the certification of the 2020 Presidential election, Dustin SARGENT can be heard admonishing the police for not letting him and others enter the Chamber. Dustin SARGENT can be heard at one point saying, "you saw it, this is our chance, if we don't succeed it's over!" In another video, Dustin SARGENT can be heard telling a police officer defending the House Chamber, "You let us in there, you deserve a medal of honor." The police did not let Dustin SARGENT and the rest of the mob inside.

Dustin SARGENT can be heard in another video at this location speaking to the police officers who were preventing him and others from entering the House Chamber. Specifically, Dustin SARGENT can be heard in this video complaining to officers, "you're supposed to be with us!" A screenshot of a video showing SARGENT at the House Chamber doors is included below:



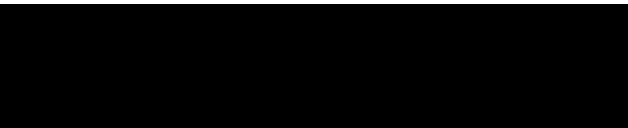
Based on the foregoing, your affiant submits that there is probable cause to believe that Dustin SARGENT violated 18 U.S.C. § 1752(a)(1) and (2), and (4), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and 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 Dustin SARGENT violated 40 U.S.C. § 5104(e)(2)(D), (F) 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, or (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; or (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Your our affiant submits there is also probable cause to believe that Dustin SARGENT 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.

Your affiant submits there is also probable cause to believe that Dustin SARGENT violated 18 U.S.C. § 111(a)(1), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in 18 U.S.C. § 1114. Persons designated within Section 1114 include certain federal officers or employees or those assisting them, where such acts involve physical contact with the victim of that assault, while the officer or employee is engaged in or on account of the performance of official duties.

Finally, your affiant submits there is also probable cause to believe that Dustin SARGENT violated 18 U.S.C. §§ 1512(c)(2) and 2, which makes it a crime to corruptly obstruct, influence, or impede an official proceeding, and to attempt to do so. A proceeding before Congress is an “official proceeding” for purposes of 18 U.S.C. § 1512(c)(2) as defined in 18 U.S.C. § 1515(a)(1)(B).



FBI Task Force Officer
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 23rd day of January 2023.

ZIA M. FARUQUI
UNITED STATES MAGISTRATE JUDGE