

STATEMENT OF FACTS

Your affiant, _____ is a Special Agent with the Federal Bureau of Investigation (FBI) assigned to Louisville Field Office, Joint Terrorism Task Force. I graduated from the FBI Academy in Quantico, Virginia as a Special Agent. In my duties as a Special Agent, I have gained training and experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, the exploitation of lawfully obtained evidence and data, and various other procedures. I have conducted and participated in several complex investigations of domestic and international terrorism, and I am currently assigned to a squad investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a federal law enforcement 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. The facts in this Statement of Facts come from my personal observations, my training and experience, and information obtained from other agents and witnesses.

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.

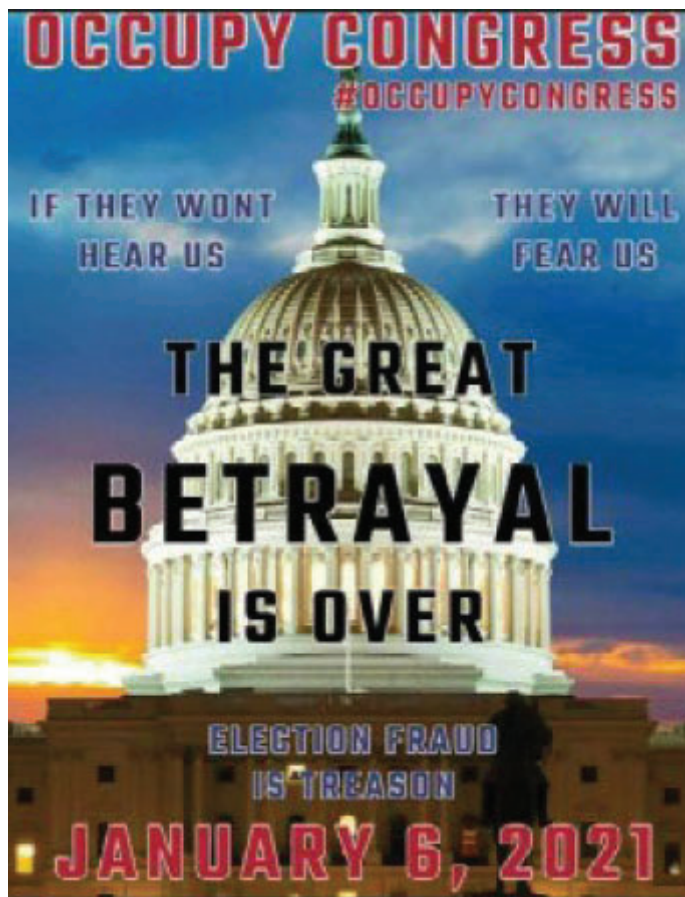
Daniel Edwin Wilson

The FBI obtained information on a Facebook messenger group chat in which, between on or about November 7, 2020 and November 17, 2020, members discussed “civil war” and the need to bring people together to fight against election fraud, and the need to move to encrypted platforms for planning purposes. Statements in the group included, “We must rise up if they try to illegally seat Biden,” and “We have been planning. be careful of what you post on social media. we are doing it quietly behind the scenes.”

On or about November 17, 2020, one of individuals on the Facebook group chat (Person 1) told the group that another individual (Person 2) would join the Facebook chat and set up a secure site for everyone to use. On or about that same date, Person 1 added Person 2 to the group. On or about that same date, Person 2 posted on the Messenger group “[Person 1] asked me to get a secure site for all to communicate. If you want to stay on social media then you will be more likely compromised but you’re more than welcome to do so.” Person 2 posted on the Facebook group an invitation link to an encrypted Telegram Messenger group and encouraged others to join.

The FBI has identified a group named the “Coalition of the Unknown” (“COTU”), which was registered to Telegram Messenger (“Telegram”), a messaging app that offers end-to-end encryption of chats and messages. Person 2 is an administrator for the COTU group. Person 2 and others used this group to discuss plans for January 6, 2021. On or about December 19, 2020, then-President Trump tweeted, “Peter Navarro releases 36-page report alleging election fraud ‘more than sufficient’ to swing victory to Trump <https://washex.am/3nwaBCe>. A great report by Peter. Statistically impossible to have lost the 2020 Election. Big protest in D.C. on January 6th. Be there, will be wild!” On or about December 22, 2020, Person 1 made the following statement in the COTU group: “January the 6th will be the target date for D.C. this goes to all groups that can help to defend those that can not defend themselves.” A member of the chat going by the moniker “Live Wire,”—who the FBI has identified as Daniel Edwin Wilson (“WILSON”) by using an open-source tool used to detect social media accounts, which linked the moniker “Live Wire” to WILSON—responded to Person 1 by stating, “Ooh Rah. Curb stomp crew all in!!!” Later that same day, WILSON wrote, “We are willing to work and coordinate with others but I am a gray ghost ranger.” Based on my investigation, I understand “gray ghost ranger” to refer to WILSON’s affiliation with a militia known as the “Gray Ghost Militia.”

On or about December 22, 2020, WILSON posted to the COTU group, “For new members in case you are not aware DC on the sixth here we come.” About one minute later, another individual in the COTU group posted the below image.



About a minute later, WILSON responded, "Some of us in here are extremely active patriots so if you want to start getting boots on the ground reach out we do the damn thing." A few minutes later, WILSON posted, "What's the current thoughts on Battle rattle? Everyone has differing opinions my personal opinion is if we're going to go in and take over the world Guns up. if we're just trying to put on a show leave them at home." Another individual responded, "I would always carry it with me at least a vest and plates under clothing." WILSON responded, "Absolutely you can wear your attire I will have my plates on I was just talking about firearms." Another individual responded, "I wouldn't do firearms. Looks bad firing in a crowd. Knives and batons." WILSON replied, "That's my opinion you can ask people here that know me I'm a hands-on kind a guy." Later that same day, WILSON added, "I have to admit I have carried my expandable baton both times I've been there I understand it's against the rules but I haven't had a problem yet hard knuckle gloves are a must." Later that same day, WILSON wrote, "It is an easy choice but it's not an easy choice I stand with you all I will go down swinging." Later that same day, WILSON posted, "They might set up a perimeter as usual this line was pushed out even further I expect the sixth and the 20th to continue with that trend but they cannot stop us from walking in We've already been up there twice so we are starting to understand the lay of the land and how to get around and what to expect if anybody has any questions feel free to ask."

On or about December 23, 2020, WILSON posted a link in the COTU group to an open letter from the website oathkeepers.org, entitled "Open Letter to President Trump: You Must Use Insurrection Act to 'Stop the Steal' and Defeat the Coup."

On or about December 24, 2020, WILSON discussed in the COTU group his plan to travel to Washington D.C. on January 6th, including with another individual (Person 3). Among other messages, WILSON and Person 3 exchanged the following messages in the COTU group:

Person 3: Yes a lot is happening legally and a lot can happen on the 6th. The most important thing is for the Electoral College results to get contested and that Patriotic Militias set differences aside and gather together.

WILSON: In my opinion I don't think it's time to gun up for the sixth we have to play this out but if they seat Biden on the 20th all bets are off it's gonna happen even if Trump wins we have to get this government under control it's been crossing my mind if we go to a Civil War do we try to take Washington DC first or do we try to take state capitals first.

...
WILSON: Our team is going. I have had a lot of people reaching out to me about going on the sixth it's going to be the biggest one yet.

...
Person 3: No the intention on the 6th is for Congress to reject the Electoral College vote and to get the Supreme Court to hear We The People and examine the evidence of Voter Fraud.

WILSON: We have more and more every day citizens starting to stand up we have to have these people behind us in order to support the movement and make this work.

...
WILSON: It will not seem like it but they're all looking to us to lead them all the patriots that have been active and out there in fighting the people are looking to us to lead them.

...
Person 3: We take the Lincoln memorial area. We use our vehicles. We gather concrete barriers. It's in great tactical position. Snipers aren't in good position and worse case scenario we retreat and blow the bridge.

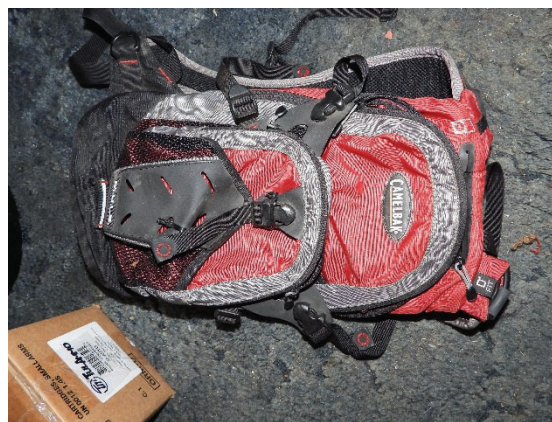
WILSON: When tyranny becomes law resistance becomes duty and good men must do bad things.

On or about December 27, 2020, WILSON posted in the COTU group, "I am ready to lay my life on the line. It is time for good men to do bad things." Later that same day, WILSON posted, "Y'all wanna do it. Ask your self. Are you really ready. This is not for the faint of heart."

On or about March 9, 2021, WILSON was voluntarily interviewed by the FBI. In this interview, WILSON claimed that he traveled to Washington, D.C. with Person 1 on January 5, 2021, in WILSON's vehicle. WILSON stated that he and Person 1 attended the speech by then-President Donald Trump on the morning of January 6, 2021, but they had trouble hearing due to the amount of people in attendance. WILSON said that he and Person 1 then went to the U.S. Capitol building, where they passed an area where fencing was originally set up. WILSON repeatedly denied having entered the U.S. Capitol building and claimed he did not know anyone that entered the building. WILSON said that he associates with local Kentucky militia groups, but that he is "not a legitimate member of any militia." WILSON showed interviewing agents photographs he had taken on January 6, 2021. The photographs depicted WILSON wearing a blue hooded sweatshirt, a red backpack and an olive-green fabric pouch in front. One of these photographs is below, depicting WILSON to the right.



On or about June 3, 2022, during the execution of a search warrant authorized on WILSON's home, law enforcement seized pieces of clothing that appear to match what WILSON wore inside the U.S. Capitol building on January 6, 2021, including a blue hoodie and brown shoes. Law enforcement also observed and seized a red backpack at WILSON's residence. Additionally, law enforcement observed a tactical plate carrier that included the label "LIVEWIRE," the same moniker WILSON utilized in the COTU group. Photographs of both items appear below.



Law enforcement also seized six firearms from WILSON's residence, which were stored in a backpack and in a cabinet in his residence. In the cabinet in WILSON's residence, certain semiautomatic rifles were covered by clothing. Photographs of firearms seized are copied below. As discussed further below, WILSON was prohibited from possessing firearms at the time, due to previous felony convictions. At least two of the seized firearms were loaded at the time of seizure, and another two did not have serial numbers.

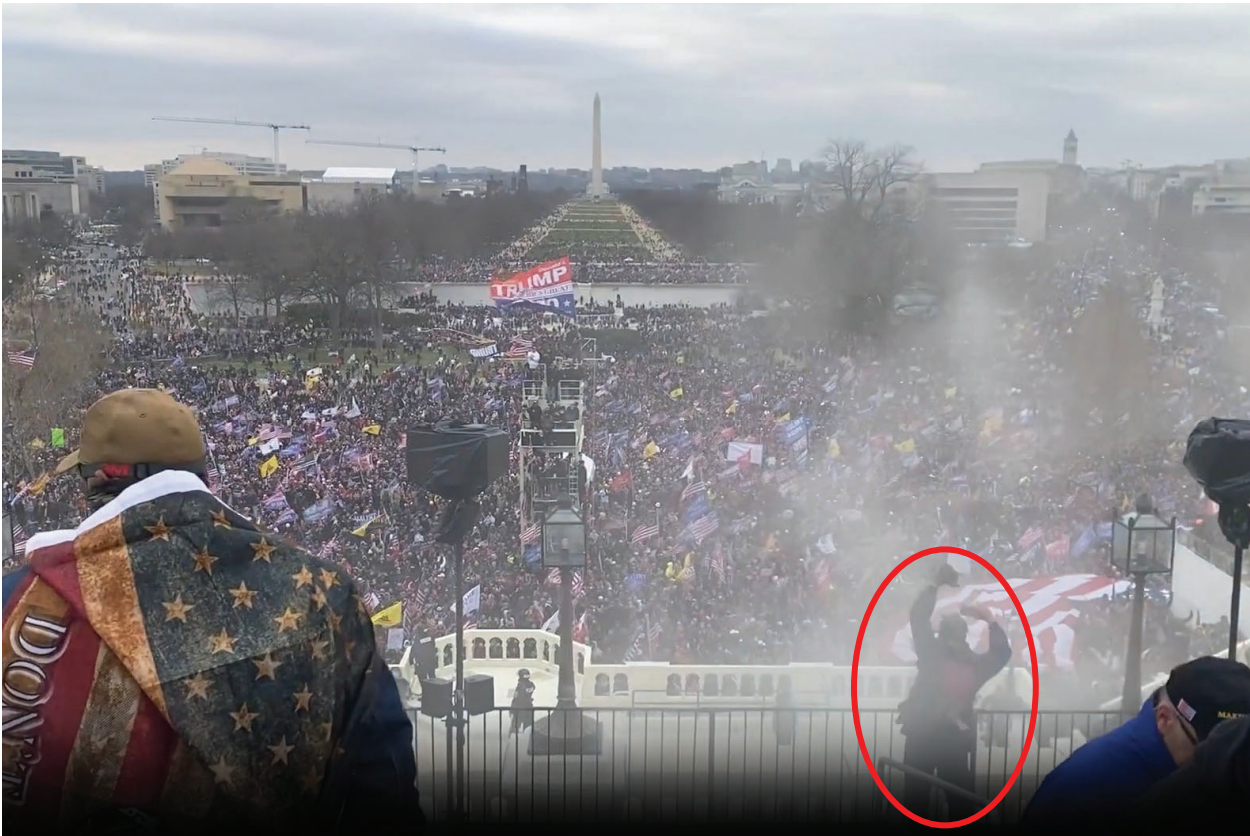


Pursuant to a court-authorized search warrant, law enforcement obtained records from AT&T for cell towers providing service to the U.S. Capitol. The cellphone associated with XXX-XXX-8093 was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the U.S. Capitol building. The records indicate the cellphone associated with XXX-XXX-8093 was identified as having utilized that cell site at 2:37 PM and 2:47PM. In the March 9, 2021 interview, WILSON confirmed that XXX-XXX-8093 is his cell phone number.

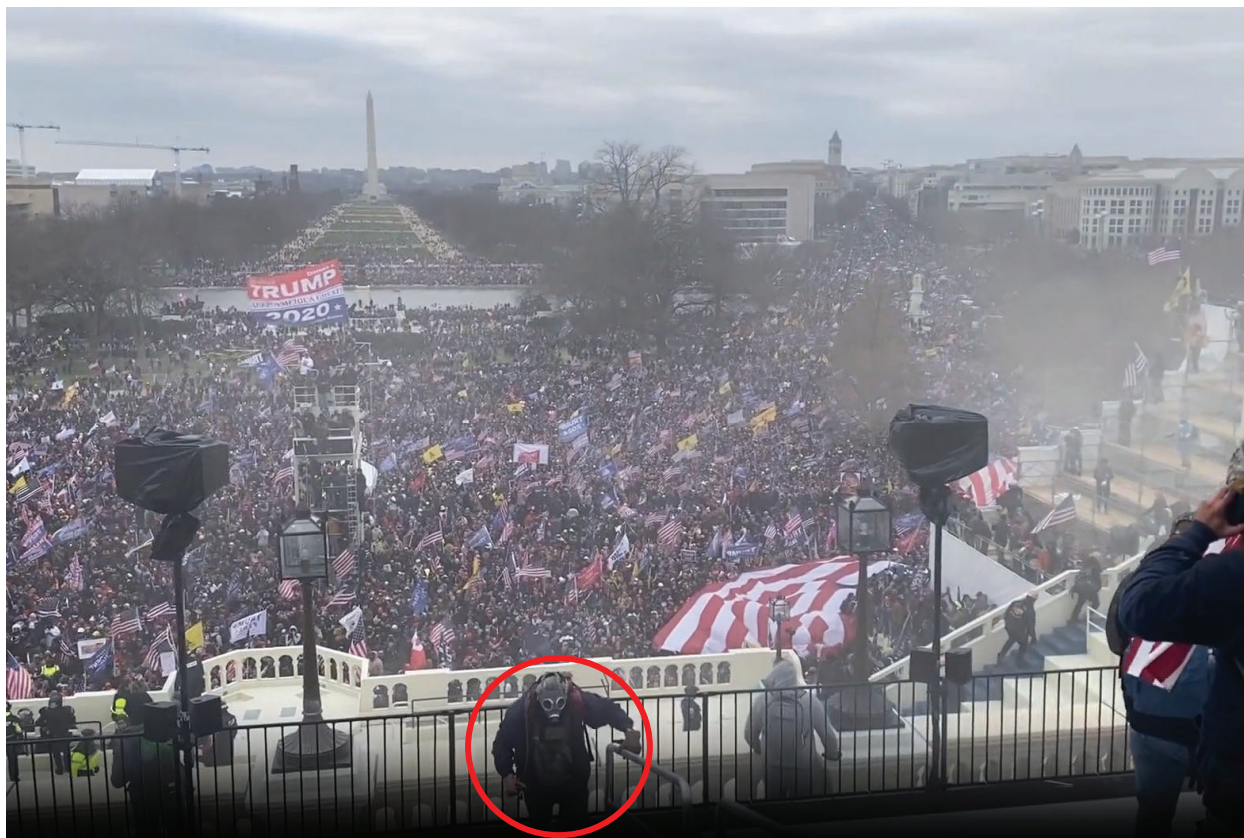
A review of open-source video footage revealed that WILSON attended then-President Trump's speech at the Ellipse. In open-source and U.S. Capitol CCTV footage at the U.S. Capitol on January 6, 2021, WILSON is observed wearing a pair of blue jeans, tan boots, and a blue hooded sweatshirt, and carrying a red backpack and an olive-green fabric pouch. At times, he is observed wearing a gas mask. WILSON is circled in red in the below image, which is a still from an open-source video of WILSON near the area when then-President Trump spoke on the morning of January 6, 2021.



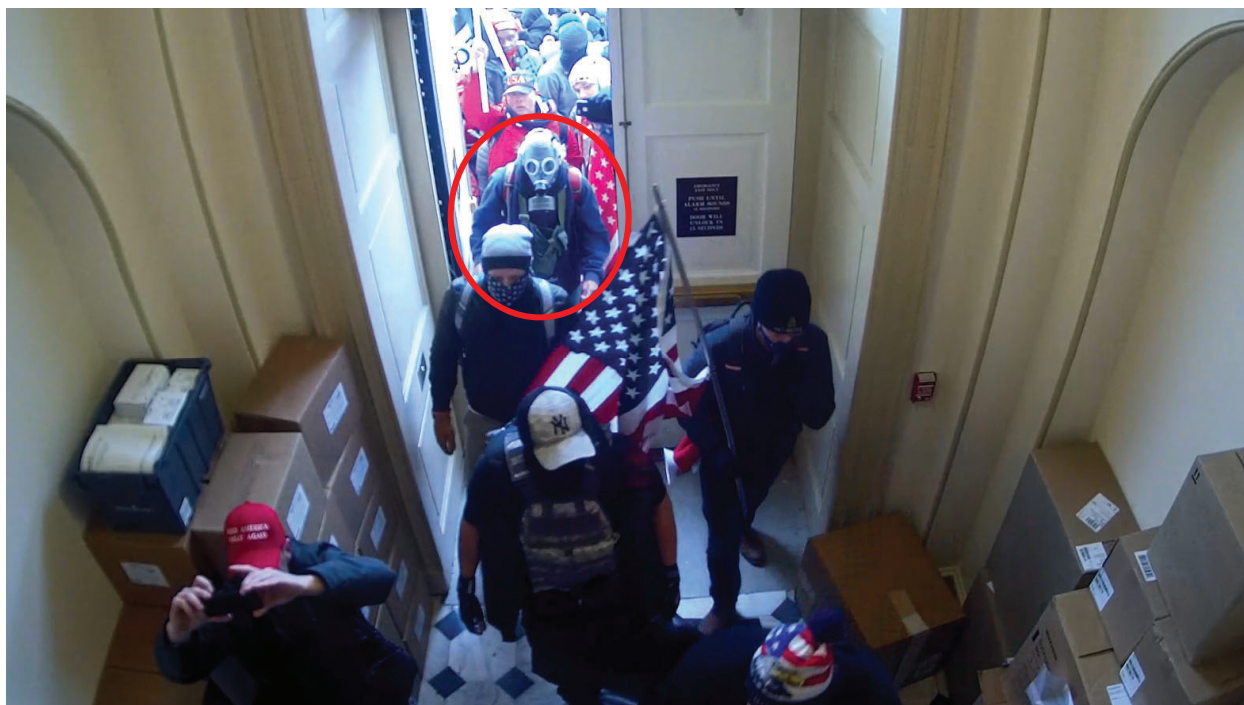
After he arrived at the U.S. Capitol building, open-source video and photographic footage reveals that WILSON stood on a set of bleachers that had been constructed on the Upper West Terrace, and which overlooked the inaugural stage and West Plaza. Wilson triumphantly raised his fist in the air, as he recorded the crowd below, before turning back and walking up the bleachers—toward the U.S. Capitol building. The below are still images from open-source video and photographic footage. In each, WILSON is circled in red.







A review of the U.S. Capitol's CCTV footage revealed that, at approximately 2:37 PM EST, WILSON entered the U.S. Capitol building through the Upper West Terrace Door. The below is a still image from the U.S. Capitol's CCTV footage. WILSON is circled in red.



After entering the building, WILSON walked into the Rotunda, where he remained for several minutes. While in the Rotunda, WILSON removed his gas mask and placed it in the olive-

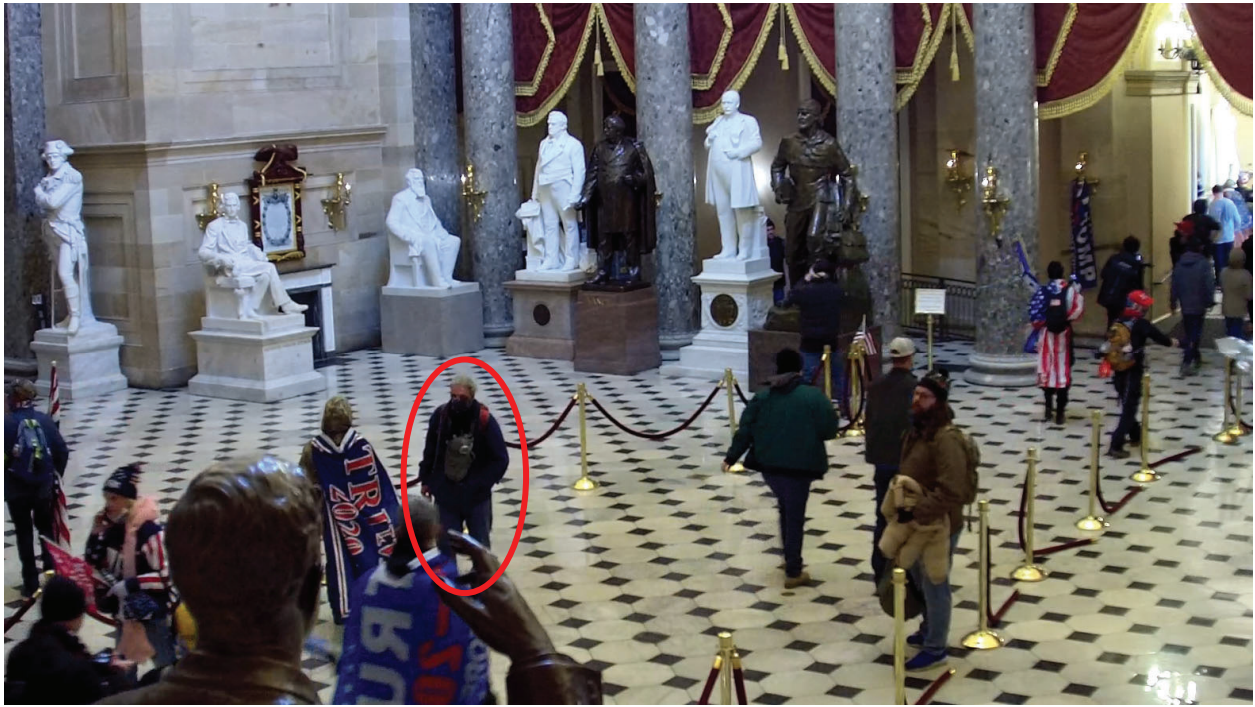
green fabric pouch he was wearing in front. The below are still images from the U.S. Capitol's CCTV footage and open-source video footage. In each, WILSON is circled in red.



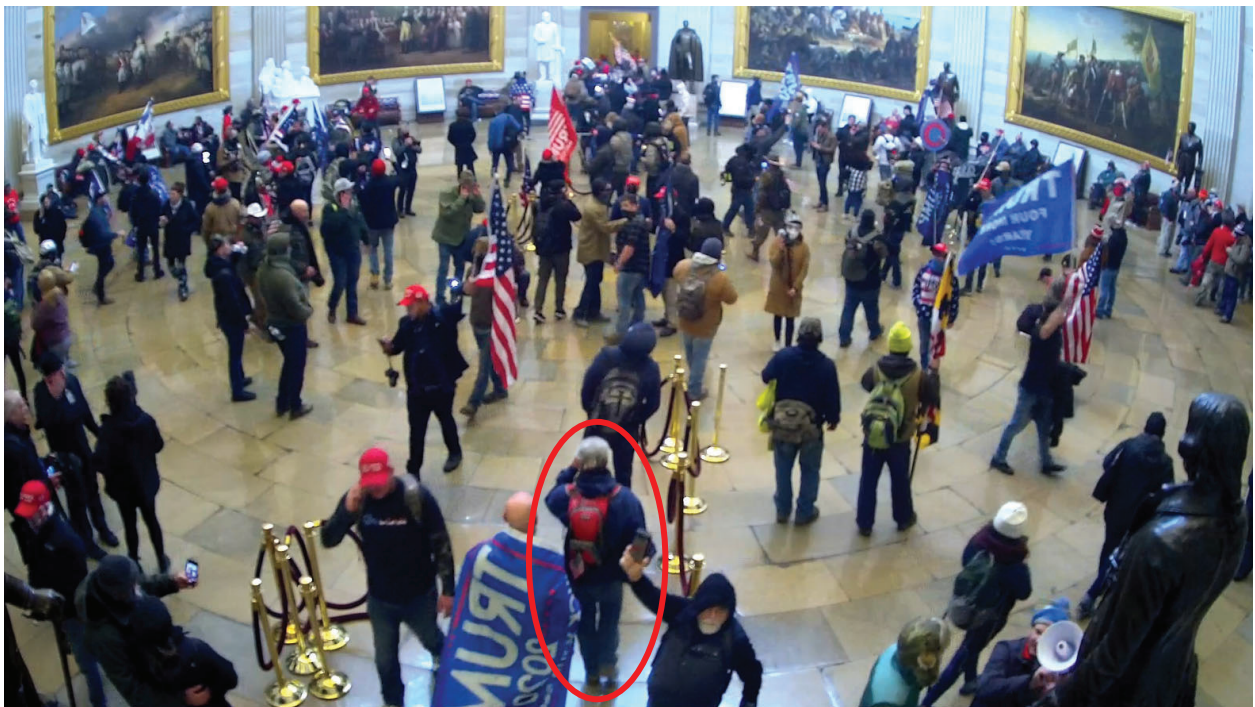


From the Rotunda, WILSON walked through Statuary Hall. The below are still images from the U.S. Capitol's CCTV footage. In each, WILSON is circled in red.





WILSON then returned to the Rotunda. The below is a still image from the U.S. Capitol's CCTV footage. WILSON is circled in red.



WILSON ultimately exited through the East Rotunda Doors at approximately 2:49 PM EST. The below is a still image from the U.S. Capitol's CCTV footage. WILSON is circled in red.



I have compared the above photographs of WILSON against WILSON's driver's license, and I have confirmed they show the same individual. I was also present for a June 3, 2021 search warrant of WILSON's residence, and, based on my personal observations of WILSON, I can confirm that the individual depicted in these photographs is WILSON. I have reviewed publicly available open-source video and photographic footage from the Capitol riots as well as security camera footage provided by U.S. Capitol Police. I have concluded the person featured in the screenshots above, who I identify in this Statement of Facts as WILSON, is, in fact, WILSON.

On January 18, 2023, WILSON was charged in an Indictment in the Western District of Kentucky, in case number 3:23-cr-3-CHB, with multiple felonies. First, WILSON was charged with one count of violating 18 U.S.C. §§ 922(g)(1) and 924(a)(2) (possession of a firearm by a prohibited person), based on his possession of multiple firearms, despite his prior convictions of multiple crimes punishable by a term of imprisonment exceeding one year. Second, WILSON was charged with one count of violating 18 U.S.C. §§ 5841, 5861(d), and 5871 (possession of an unregistered firearm), based on his possession of an unregistered rifle.

Based on the foregoing, your affiant submits that there is probable cause to believe that WILSON violated 18 U.S.C. § 1512(c)(2), which makes it a crime to corruptly obstruct, influence, or impede any official proceeding or attempt to do so.

Your affiant submits that there is also probable cause to believe that WILSON 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 WILSON 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 deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

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 May 2023.

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ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE