

Case: 1:23-mj-00128
Assigned To : Upadhyaya, Moxila A.
Assign. Date : 6/13/2023
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, David J. King, is a Special Agent with the Federal Bureau of Investigation (FBI), and I have been since April 2021. I am presently assigned to the Atlanta Field Office Domestic Terrorism squad, where I am responsible for investigating crimes regarding domestic terrorism, national security, and other crimes. In my time with the FBI, I have participated in numerous interviews, search warrants, arrest warrants, and court proceedings. Prior to being assigned to the Atlanta Field Office, I spent five months at the FBI Academy in Quantico, VA. Currently, I am tasked with 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, 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.

STATEMENT OF FACTS SUPPORTING PROBABLE CAUSE

I have reviewed video footage from the vicinity of the U.S. Capitol on January 6, including USCP CCV footage from inside and around the Capitol building and videos posted to the social media platform TikTok depicting a man wearing a green hooded sweatshirt with a “The Punisher”¹ logo on the front and a yellow patch on the right shoulder and a white patch on the left shoulder, jeans, and brown boots, with a black bag hanging from his right hip, as depicted below:

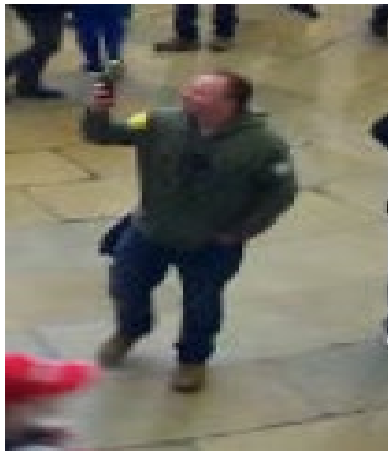


Image 1: CCV footage of BOULTON on January 6, 2021

I have reviewed a photograph of ZACARIAH BOULTON from the Georgia Department of Driver Services, selfie-style videos posted to BOULTON’s TikTok accounts, and photographs taken by FBI agents who interacted with BOULTON in person. As discussed below, based on my review of those materials, I believe that BOULTON is the person depicted in Image 1, above and in other video footage from January 6, 2021, described below.

Tip Sent to FBI Regarding Zachariah Boulton

On January 9, 2021, an online tip was provided to the FBI via the FBI National Threat Operations Center (NTOC) with information that a TikTok user with the username “@greeneyedveteran” and profile name “Zach Boulton,” had posted videos in which he admitted to traveling to Washington D.C. and entering the U.S. Capitol on January 6, 2021. The tipster provided a screenshot of the profile for @greeneyedveteran:

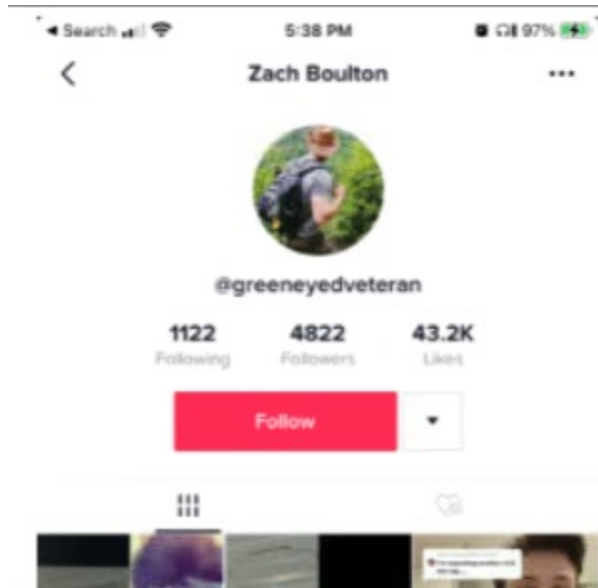


Image 2: The profile for TikTok account @greeneyed veteran listed the username Zach Boulton.

The same tipster also provided FBI with a screenshot of the TikTok screen profile for username @zach2bo, which showed the same profile photo as the @greeneyedveteran account and name “Zach Boulton” as the profile name. Based on records from TikTok, I confirmed that the accounts were the same, and that on a date after January 6, BOULTON had changed his TikTok username from @zach2bo to @greeneyedveteran.

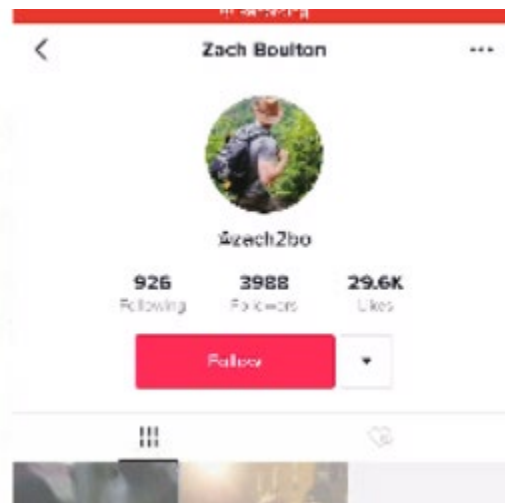
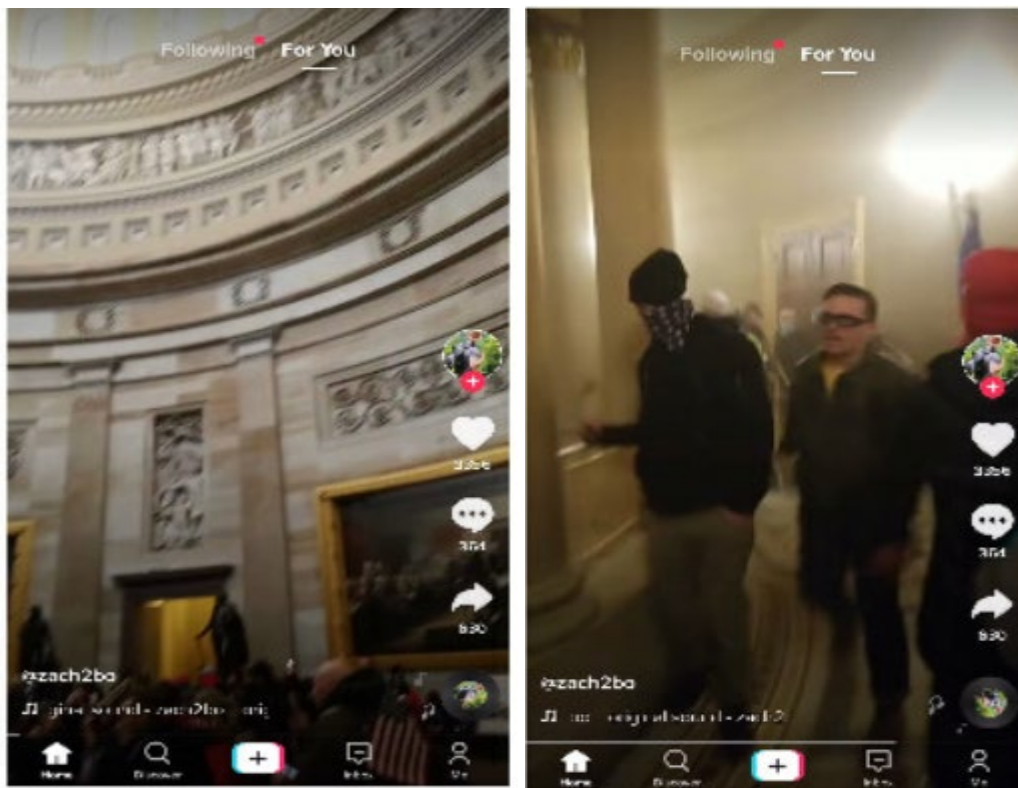


Image 3: Screenshot of the @zach2bo TikTok screen profile.

The tipster also provided the FBI with descriptions of videos posted by BOULTON on TikTok using both the @zach2bo and @greeneyedveteran accounts. Through a search warrant issued on TikTok, the FBI was later able to obtain some of the videos referenced by the tipster. One of the TikTok videos referenced in detail by the tipster, which was posted to the @greeneyedveteran account, and which I later reviewed, depicts a white male with shortly cropped

hair, whom I later identified as BOULTON, in a selfie-style video stating, *“the tree of liberty from time to time needs to be watered with the blood of patriots and tyrants. Don’t come at me, oh, you lowered yourself by going into that Capitol building. Fuck that. We need to send them a message now that they will understand . . . we will not stand by and shits gonna get real. If you're not ready for that, go hide.”*

The tipster provided information about TikTok videos uploaded by the @zach2bo account. One image provided by the tipster depicted the interior and ceiling of the U.S. Capitol building Rotunda on January 6, 2021, and a second showed a corridor within the Capitol building filled with a chemical agent:



Images 4-5: Screenshots of TikTok video filmed inside the U.S. Capitol building uploaded by a subscriber with username @zach2bo

On January 10, 2021, the same tipster provided to the FBI a screenshot from Facebook in which users discussed the events of January 6, 2021. One user posted *“Patriots have had enough. Saw it first hand today.”* In the comments section, another Facebook user inquired, *“[H]ave any pics from inside?”* Under this comment, Facebook user “Susie Boulton” commented, *“My husband was inside[.]”* Based on my review of public sources, including social media and property records, I have learned that ZACHARIAH BOULTON’s wife’s name was Susan Boulton.



Image 6: Screenshot of Facebook post by “Susie Boulton.”

Identification of TikTok user @greeneyedveteran and @zach2bo as BOULTON

Through legal process served on TikTok, I learned that TikTok usernames @greeneyedveteran and @zach2bo both resolve to email address zboulton85@gmail.com.² Records received from Google, LLC pursuant to legal process revealed that zboulton85@gmail.com is subscribed to by “Zach B” and 317-41x-xxxx is the telephone number associated with that account. Based on my review of Georgia Department of Driver Services records, I have learned that telephone number 317-41x-xxxx is listed as a primary contact number for BOULTON on BOULTON’s driver’s license.

Through additional investigation, I learned that AT&T is the service provider for the 317-41x-xxxx telephone number, BOULTON is the billed party for the account, and his name and the address listed on BOULTON’s driver’s license are listed in the account’s user information. According to records obtained through a search warrant which was served on AT&T, on January 6, 2021, the 317-41x-xxxx telephone number 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.

Additionally, the user of the @greeneyedveteran TikTok account has made posts providing information consistent with BOULTON’s biography. For example, TikTok user @greeneyedveteran stated in a video that he was born on a particular date. NCIC database checks revealed that BOULTON was born on that date. In the same video, TikTok user @greeneyedveteran stated that he was a veteran. I obtained United States Army records which confirmed BOULTON is a veteran and was discharged from the Army in 2019.

On November 1, 2022, between approximately 7:30 a.m. and 10:30 a.m., agents conducted surveillance outside the address listed for BOULTON on subscriber records and credit reports. At approximately 11:00 a.m. on that same day, agents attempted an interview of BOULTON on the front porch. BOULTON came to the door, but did not step onto the porch. When asked if he had a few minutes to speak, BOULTON informed agents to “come back with legal documents” and shut the door. During this encounter, agents were able to take photographs of BOULTON through the glass door. I compared the photos taken on that day to images from the vicinity of the Capitol on January 6, 2021. Based on this comparison, I believe that BOULTON is the individual depicted

² Based on my review of Georgia Department of Driver Services, I have learned that BOULTON was born in 1985.

in the TikTok videos discussed below (Images XX-XX) and CCV footage and other videos from the vicinity of the Capitol building on January 6, 2021, including Images 9-16, below.

Discussions of January 6 on BOULTON's TikTok Account

Through a search warrant, I obtained access to TikTok posts made by BOULTON under his usernames @zach2bo and @greeneyedveteran. Posts on BOULTON's TikTok account showed BOULTON made plans to travel to Washington, D.C. in early January 2021.

- On January 2, 2021, BOULTON commented on a fellow TikTok user's post stating "*will you be in dc with us?*"
- Later that day, BOULTON commented on a fellow TikTok user's post stating "*I am running solo and looking for a group.*" I believe that BOULTON was stating that he was looking for a group to join in the events surrounding January 6, 2021.
- In the early morning on January 7, 2021, BOULTON commented on a fellow TikTok user's post stating "*I was there.... There was a shit ton of people in there.*" I believe that BOULTON was referencing witnessing many individuals inside of the United States Capitol building on January 6, 2021.
- On January 15, 2021, Boulton commented on a TikTok post stating "*I'll never forget seeing them shit in the sink....*" I believe that BOULTON was making reference to witnessing individuals smearing human waste throughout the Capitol building on January 6, 2021, as was reported in various news outlets.

Videos of BOULTON in Washington D.C. on BOULTON's TikTok Account

In a selfie-style video posted on BOULTON's TikTok account under username @zach2bo, he orally stated "*Alright guys and girls, I'm about 20 miles outside of D.C..... Where yall gonna be at? Is there anything going on tonight? If you're in D.C please let me know, I'll be around.*" In the video, BOULTON was wearing a green hooded sweatshirt.

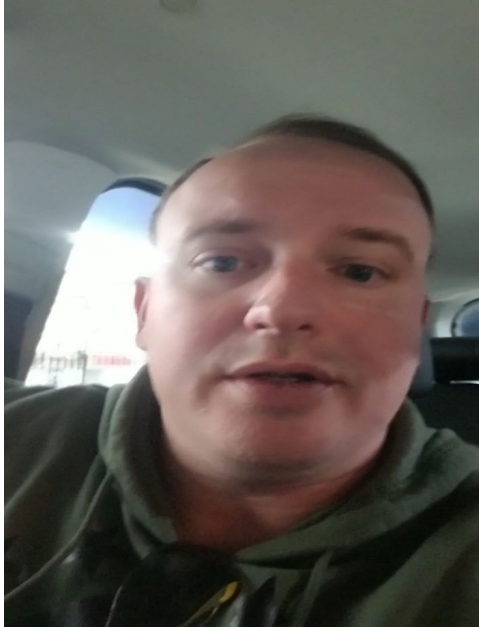


Image 7: Screenshot of TikTok video

In another selfie-style video posted on BOULTON's TikTok account with username @zach2bo, he stated *"I'm here in D.C., over off East and 6th headed towards the White House and I'm gonna go check out what's going on. I can hear them already."*

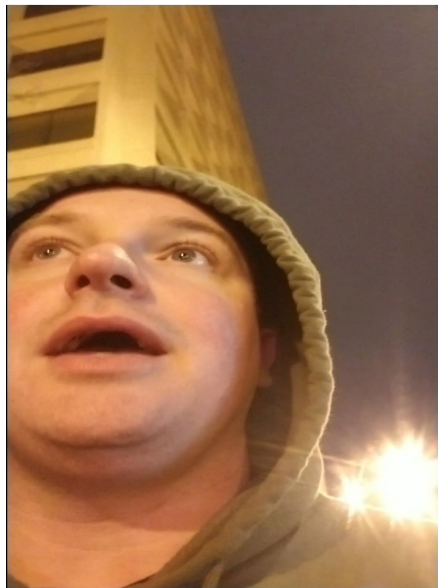


Image 8: Screenshot of BOULTON's TikTok video

In an additional video posted on BOULTON's TikTok account, a voice that appears to be consistent with BOULTON's stated *"We're taking this place over"* as the video pans across several protestors in the streets of Washington, D.C.

In a later video posted on BOULTON's TikTok account with username @greeneyedveteran, he admitted to entering the U.S. Capitol building on January 6. In the video BOULTON orally stated, *"Let me address your question or your concern because I was actually in the Capitol building. . . they were spraying us with mace, and they were also throwing tear gas at us. If you had gotten a little closer, you would have seen that."*

BOULTON'S Movement in the U.S. Capitol on January 6

The affiant reviewed USCP closed-circuit video (CCV) from in and around the U.S. Capitol on January 6, 2021. USCP CCV shows that BOULTON ascended the exterior stairs of the U.S. Capitol to the Upper West Terrace of the Capitol at approximately 2:31 p.m.



Images 9-10: BOULTON close to the Upper West Terrace Door

BOULTON entered the first floor of the Capitol building via the Upper West Terrace Door at approximately 2:39 p.m.



Image 11: BOULTON entering the U.S. Capitol through the Upper West Terrace door

BOULTON walked through a hallway inside the Upper West Terrace Door toward a stairwell that led to the second floor, and then ascended the stairwell at approximately 2:40 p.m.



Image 12: BOULTON on the second floor of the U.S. Capitol

BOULTON entered the Rotunda from the west entrance at approximately 2:41 p.m. and held his phone up toward the ceiling. This CCV footage is consistent with the video BOULTON posted on Tik Tok under his @zach2bo username (Image 4, above).



Images 13-14: BOULTON in the Rotunda

Additional review of CCV footage revealed that BOULTON exited the Rotunda to the north at approximately 2:41 p.m., re-entered the Rotunda from the north at approximately 2:43 p.m., and re-exited the Rotunda to the north at approximately 2:45 p.m. BOULTON descended the Supreme Court Chamber stairs to the first floor at approximately 2:50 p.m. BOULTON is captured in CCV footage closing his eyes and wiping them with his hands, consistent with a reaction to contact with or inhalation of pepper spray.



Image 15: BOULTON's response to pepper spray

BOULTON exited the Capitol at approximately 2:54 p.m. by climbing out of a broken window located on the first floor near the Senate Wing Door.



Image 16: BOULTON exiting the Capitol near the Senate Wing Door.

Based on the foregoing, your affiant submits that there is probable cause to believe that BOULTON 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 BOULTON violated Title 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.



David King
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 13th day of June 2023.

MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE