

Case: 1:23-mj-00149
Assigned To : Harvey, G. Michael
Assign. Date : 6/28/2023
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation (“FBI”). Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent with the FBI, 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 facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause, it does not contain every fact known by me or the FBI. The dates and times listed in this Affidavit should be read as “on or about.”

Background: Events at the U.S. Capitol on January 6, 2021

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 William Stover

Based upon review of public video, closed circuit television (“CCTV”) footage and police body worn camera footage depicting the events at the U.S. Capitol building and grounds on January 6, 2021, law enforcement identified an individual who pushed against police and aided other rioters in fighting against police officers near an entrance to the U.S. Capitol on the Lower West Terrace (“LWT”) known as “the tunnel.” The FBI posted photographs of that individual under the name “AFO 235” on its website and requested help from the public to identify AFO 235. As set out in detail below, law enforcement has identified AFO 235 as WILLIAM “JESSE” STOVER (“STOVER”) and there is probable cause to believe that on January 6, 2021, STOVER committed violations of 18 U.S.C. §§ 231(a) (civil disorder) and 1752(a)(1) and (2) (unlawful entry on restricted buildings or grounds) and 40 U.S.C. §§ 5104(e)(2)(E) (impeding passage through Capitol grounds).

A. AFO 235’s Activities at the U.S. Capitol on January 6, 2021.

Video footage obtained from law enforcement depicting the events at the U.S. Capitol on January 6, 2021, show a man who was present at the police line at the LWT tunnel for at least one hour and who, at various points, pushed against the police and helped other rioters physically fight police in an attempt to breach the U.S. Capitol building. The FBI later posted photographs of the individual under the name “AFO 235” to its website and requested help from the public to identify the man.

According to review of video from January 6, 2021, AFO 235 wore a black rain jacket, black mask, black ski goggles, and a red baseball hat. Below is an image of AFO 235 from January 6, 2021, without his mask and goggles on:



According to CCTV footage, AFO 235 arrived at the mouth of the tunnel at approximately 3:16 p.m.



Approximately 25 seconds later, rioters in the tunnel began to move in unison to push together against the police line. AFO 235 participated in the group push effort. Below is a still

image from CCTV depicting AFO 235 pushing against other rioters as the crowd moved together against the police:



At approximately 3:19 p.m., the police successfully cleared the tunnel of rioters and pushed the rioters, including AFO 235, out of the tunnel and onto the LWT. AFO 235 remained at the police line for several seconds and clung to the edge of the tunnel entrance in an effort to resist the police push.



AFO 235 was eventually expelled from the tunnel with the other rioters. The rioters, including AFO 235, then stood at the mouth of the tunnel and spoke with police for several minutes. AFO 235 was at the front of the police line during this time. Below is a still image from body-worn camera (“BWC”) depicting AFO 235 standing with his back to the police line as a nearby rioter used a bullhorn to shout to the crowd “We’re holding the line!”:



By approximately 3:46 p.m., the rioters, including AFO 235, were once again physically pushing up against the police at the tunnel. Below is a still image from BWC depicting AFO 235 with his mask on as he joined other rioters and pushed against the police line:



The mob continued to push against police. Approximately three minutes later, AFO 235 grabbed onto the side of the tunnel in an effort to leverage his weight and to push against the police:



At approximately 3:51 p.m., AFO 235 grabbed ahold of the side of the tunnel again, hoisted himself up, reached over the heads of other rioters and tried to grab the helmet of the nearest police officer:



Over the next several minutes, the crowd grew increasingly violent with the police. Rioters climbed on top of shields so that they could reach the police, hung from the archway and kicked police, and threw items into the tunnel at the police. During this time, AFO 235 received a U.S. Capitol Police riot shield which he then handed to another rioter who climbed up behind him. That rioter took the riot shield from AFO 235 and used it to help that rioter attack police. Below is a

still image from a video (“Video 1”) depicting AFO 235 with the riot shield in his hand at the mouth of the tunnel:



AFO 235 remained at the entrance to the tunnel as the rioters fought police for approximately twenty more minutes. At about 4:10 p.m. AFO 235 was pushed away from the mouth of the tunnel by the crowd.

B. Identification of AFO 235 as WILLIAM STOVER

During the investigation, a witness (“Witness 1”)¹ told law enforcement that Witness 1 met STOVER when Witness 1 was traveling with another friend to Washington, D.C., to attend President Trump’s Stop the Steal Rally. Witness 1 stated that they picked up STOVER in Elizabeth, Kentucky and then they traveled to northern Virginia where they stayed at a Marriott Hotel. On January 6, 2021, Witness 1 traveled with STOVER and others to the Ellipse for the Stop the Steal rally. Witness 1 stated that STOVER left the group briefly during the rally and returned at the end of President Trump’s speech. Witness 1 walked from the Ellipse to the U.S. Capitol building with STOVER and others but was separated after they reached Capitol grounds. Later that day, Witness 1 met up again with STOVER and his other travel companions after leaving the U.S. Capitol building. The group went back to the hotel. That evening, STOVER told Witness 1 that he fought with the Proud Boys near the Senate side of the Capitol against the police officers.

¹ Witness 1 has pleaded guilty to one count of engaging in physical violence in a restricted building or grounds with a deadly or dangerous weapon, in violation of Title 18, United States Code, Section 1752(a)(4) and (b)(1)(A) relating to his participation in the attack on the U.S. Capitol. Witness 1 is awaiting sentencing. Witness 1 provided the information about STOVER to law enforcement in the hopes of obtaining a more lenient sentence. No promises were made to Witness 1 as a result of his providing this information and Witness 1 did not obtain any other benefit in exchange for this information.

STOVER stated that he had “body slammed” an officer and hit him. STOVER told Witness 1 the Proud Boys had been impressed and wanted him to join. Witness 1 provided law enforcement about the location of STOVER’s residence, including that STOVER lived on a specific highway near a chain restaurant. Witness 1 was shown two photographs of AFO 235 from January 6, 2021 and identified the man as STOVER.

Law enforcement subsequently searched open-source and law enforcement databases and obtained a possible address associated with STOVER in Elizabethtown, Kentucky. On or about June 4, 2021, law enforcement made contact with STOVER at his residence in Elizabethtown, Kentucky for an attempted interview. STOVER declined to speak with agents at that time. Based on agents’ observations of STOVER’s physical appearance at the time of the attempted interview, agents identified STOVER as AFO 235. Agents observed that STOVER did in fact live off of the highway specified by Witness 1 and near the chain restaurant that Witness 1 identified.

Conclusion

Based on the foregoing, your affiant submits that there is probable cause to believe that WILLIAM “JESSE” STOVER 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 further submits there is probable cause to believe that STOVER 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. 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 STOVER violated 40 U.S.C. § 5104(e)(2)(E) which makes it a crime to obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 28th day of June 2023.

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE