

STATEMENT OF FACTS

Your affiant, [REDACTED], is a U.S. Deputy Marshal with the United States Marshal's Service, a bureau within the Department of Justice, currently assigned as a Task Force Officer ("TFO") to the Federal Bureau of Investigation ("FBI"), Louisville Division, Lexington Resident Agency, Joint Terrorism Task Force. I am also employed as a detective with the University of Kentucky Police Department and have been since 2005. I graduated from the Kentucky Department of Criminal Justice Training Police Academy in 2006. In my duties as a U.S. Deputy Marshal and FBI TFO, I currently investigate both international and domestic terrorism along with crimes related to weapons of mass destruction, and other threats to national security.

I am a federal law enforcement officer as defined in Rule 41 and am authorized by federal law to request search warrants. I have received specialized training in the enforcement of federal criminal laws, including fraud, racketeering, violent threats to life, terrorism, computer fraud, money laundering, and explosive devices. My training and experience has involved, among other things: (1) the debriefing of defendants, witnesses and informants, as well as others who have knowledge of the methods of perpetrating criminal activities; (2) surveillance; (3) analysis and processing of documentary, electronic, and physical evidence; (4) and the execution of arrest and search warrants. I have personally conducted and assisted in investigations involving terrorism, threats of violence, wire fraud, mail fraud and money laundering. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Deputy Marshal and FBI TFO, 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.

Barry Saturday's Participation in the January 6th Riot

The United States Capitol Police (“USCP”) provided the FBI with closed circuit television (“CCTV”) footage relating to the January 6, 2021, incursion at the U.S. Capitol. I reviewed CCTV footage depicting a crowd of rioters attempting to enter the Lower West Terrace tunnel exterior entrance (hereinafter “tunnel”) to the U.S. Capitol on January 6, 2021. The activity depicted took place inside an exterior security perimeter established and manned by USCP that day and, thus, was within the restricted grounds of the U.S. Capitol building. The video footage depicts rioters pushing against law enforcement officers, who formed a police line in front of the tunnel, for several hours until additional law enforcement officers arrived and forced the crowd away from the entrance and out of the tunnel. I identified BARRY SATURDAY (“SATURDAY”), who I further describe below, as one of the rioters who participated in the push against the line of police officers at the Lower West Terrace tunnel.

At approximately 2:50 p.m., SATURDAY is first seen standing in the crowd outside the tunnel (Figure 1). SATURDAY wore a blue, denim jacket and a green, collared shirt on January 6, 2021.



Figure 1: SATURDAY (circled in red) standing at the entrance to the tunnel on January 6, 2021.

Open-source video shows SATURDAY outside the tunnel at roughly 2:53 p.m., watching a rioter, circled in yellow below, celebrate as he secured a police shield stolen from officers inside the tunnel (Figure 2). CCTV corroborates this incident. (Figure 3).



Figure 2: SATURDAY (circled in green) standing outside the tunnel on January 6, 2021.



Figure 3: Rioter (circled in yellow) celebrating theft of shield on January 6, 2021.

Seconds later, at approximately 2:54 p.m., SATURDAY approached the entrance to the tunnel. Simultaneously, other rioters near SATURDAY pushed toward the police line, shone a bright strobe light at the police line, and engaged in chants (Figure 4). Without being pushed or swept up in the crowd, SATURDAY advanced even further into the tunnel approximately a minute later.



Figure 4: SATURDAY (circled in red) standing at the entrance to the tunnel on January 6, 2021.

SATURDAY is seen on CCTV at approximately 2:56 p.m. using his cell phone and holding it in the air in a manner consistent with taking photos or videos, much like many of the hundreds or thousands of other participants at the riot that began hours earlier (Figure 5). Moments later,

SATURDAY actively walked further into the tunnel, closer to the police line and the entrance into the Capitol building (Figure 6). While SATURDAY remained out of the camera's view momentarily, the CCTV shows rioters actively pushing against the police line in unison, known as a "heave-ho."



Figure 5: SATURDAY (circled in red) holding up a cellular telephone in a manner consistent with making a recording while standing at the mouth of the tunnel at approximately 2:56 p.m. on January 6, 2021.



Figure 6: SATURDAY (circled in red) inside the tunnel on January 6, 2021.

Four minutes later, at approximately 3:00 p.m., SATURDAY retreated to the mouth of the tunnel and disappeared into the crowd (Figure 7).



Figure 7: SATURDAY (circled in red) after exiting the tunnel at approximately 3:00 p.m. on January 6, 2021.

At approximately 3:12 p.m., SATURDAY reemerged from the crowd, approached the tunnel, and actively surged forward, further into the tunnel, with a large group of rioters (Figure 8).



Figure 8: SATURDAY (circled in red) approaching the tunnel at approximately 3:12 p.m. on January 6, 2021.

By 3:13 p.m., SATURDAY appeared to retreat again to the mouth of the tunnel. At approximately 3:15 p.m., a large group of rioters walked out of the tunnel, leaving a gap that allowed other rioters, including SATURDAY to enter further into the tunnel. Moments later, SATURDAY charged swiftly into the tunnel and quickly made his way further inside the tunnel and closer to the police line and entrance to the U.S. Capitol building (Figure 9). Open-source video corroborates this incident. On the open-source video, SATURDAY rushed into the tunnel as a rioter near him screamed, “Come on,” encouraging rioters to fill the tunnel (Figure 10). Soon after, SATURDAY is seen on CCTV pushing against the backs of other rioters and putting his head down to brace himself against other rioters, actively participating in the heave-ho against the line of police officers at the end of the tunnel (Figure 11).



Figure 9: SATURDAY entering further into the tunnel at approximately 3:15 p.m. on January 6, 2021



Figure 10: SATURDAY entering the tunnel on January 6, 2021.



Figure 11: SATURDAY in the tunnel at approximately 3:16 p.m. on January 6, 2021.

SATURDAY then continued his participation in the heave-ho. Open-source video of this incident shows a loud, chaotic scene, with officers crushed at the end of the tunnel from the violent, unified push by the rioters (Figure 12). The open-source video corroborates the CCTV footage (Figure 13) of SATURDAY’s participation in the heave-ho: he braced his body against other rioters and put his head down. Rioters screamed “ho!” as they pushed forward in unison against the police line. In both CCTV and open-source video, a rioter with an American flag—circled in yellow—is visible behind SATURDAY.



Figure 12: SATURDAY (circled in red) participating in the heave-ho effort to dislodge law enforcement officers defending the U.S. Capitol building on January 6, 2021.



Figure 13 SATURDAY (circled in red) participating in the heave-ho effort to dislodge law enforcement officers defending the U.S. Capitol building on January 6, 2021.

At approximately 3:17 p.m., the line of officers began to successfully push the rioters out of the tunnel. A minute later, SATURDAY is seen on CCTV at the mouth of the tunnel, forced out by the coordinated push by law enforcement (Figure 14).



Figure 14: SATURDAY being pushed out of the tunnel by law enforcement officers on January 6, 2021.

Open-source video captured the moment SATURDAY was forced out of the tunnel. It appears SATURDAY was in distress and suffering from the effects of pepperspray; in Figure 15, he is holding a water bottle. Seconds later, in the same video, SATURDAY is seen rubbing his eyes repeatedly. As law enforcement continued to push the rioters out of the tunnel, several rioters simultaneously grabbed ahold of two officers and violently dragged them away from the police

line and into the riotous mob. SATURDAY was in close proximity to these two officers, as seen in the images below.



Figure 15: SATURDAY (circled in red) standing outside of the tunnel while other rioters forcibly drag law enforcement officers and attempt to isolate them.

Shortly after the scene depicted in Figure 15, SATURDAY recovered from the pepper spray and, upon seeing the two lone officers, moved through the crowd to get closer to them (Figure 16). SATURDAY then deliberately followed one of the officers, as the officer was pulled and pushed by the rioters, further into the crowd and away from the tunnel. Open-source materials show SATURDAY weaving and pushing through the mob to continue following the rioters who had gained control of the officer (Figure 17). In one open-source video, SATURDAY followed the officer to the very back of the riotous mob standing in front of the tunnel until he disappeared from the camera's view.



Figure 16: SATURDAY (circled in red) watching outside of the tunnel while other rioters forcibly dragged law enforcement officers and attempted to isolate them.



Figure 17: SATURDAY (circled in red) watching outside of the tunnel while other rioters forcibly dragged law enforcement officers and attempted to isolate them.

SATURDAY reemerged in the mob outside the tunnel at approximately 3:27 p.m., advancing toward the tunnel's entrance (Figure 18). Seconds later, SATURDAY moved north through the crowd and disappeared from the camera's view.



Figure 18: SATURDAY (circled in red) standing outside the tunnel on January 6, 2021.

Open-source video, corroborated by CCTV, shows SATURDAY in the crowd at approximately 3:51 p.m. actively participating in the push against the line of officers. In both the open-source video and CCTV, a rioter—who was mere feet from SATURDAY—raised a red canister in the air, circled in green below, and sprayed a substance toward the police line (Figures 19, 20). In the open-source video, rioters chanted “Heave-Ho!” and pushed in unison against the police line. SATURDAY braced his body, actively pushing alongside the mob in the heave-ho. At one point, SATURDAY watched as rioters climbed on top of the mob to violently assault the police officers at the mouth of the tunnel and thrusting poles and other long objects toward the police line. He witnessed other rioters cheer and encourage the violent mob to continue their assault on the police line. SATURDAY did not retreat and instead remained in this crowd to move closer to the police line once again.



Figure 19: Rioter spraying a substance toward the police line from a red canister (circled in green)



Figure 20: SATURDAY (circled in red) near a rioter spraying a substance toward the police line from a red canister (circled in green).

SATURDAY appeared again on CCTV at the mouth of the tunnel at approximately 4:02 p.m., attempting to gain control of a long pole that was in the possession of another rioter, yanking on it several times (Figure 21). Open-source video shows a brief struggle between SATURDAY and the rioter for possession of the pole (Figure 22). Ultimately, SATURDAY was unsuccessful in gaining control of the pole.



Figure 21: SATURDAY (circled in red) struggling with another rioter over control of a pole.

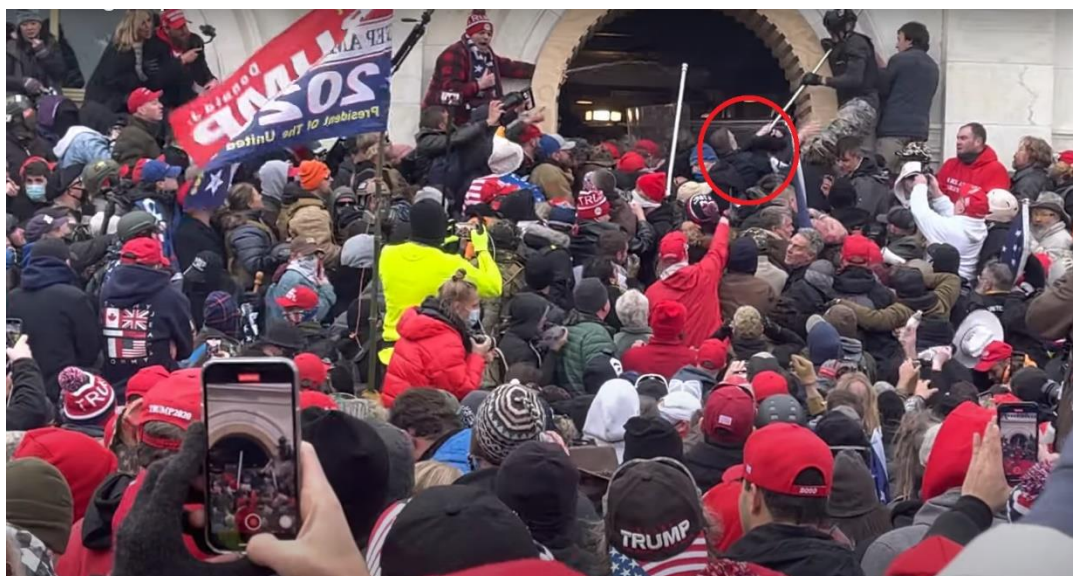


Figure 22: SATURDAY (circled in red) struggling with another rioter over control of a pole.

As seen on open-source video, SATURDAY remained near the police line at the mouth of the tunnel for approximately another five minutes, participating in the heave-ho and watching violence unfold between rioters and law enforcement. SATURDAY then retreated from the mouth of the tunnel and into the riotous mob (Figure 23). Soon after, SATURDAY is seen on open-source video once again moving and pushing forward to advance closer to the tunnel's entrance (Figure 24).

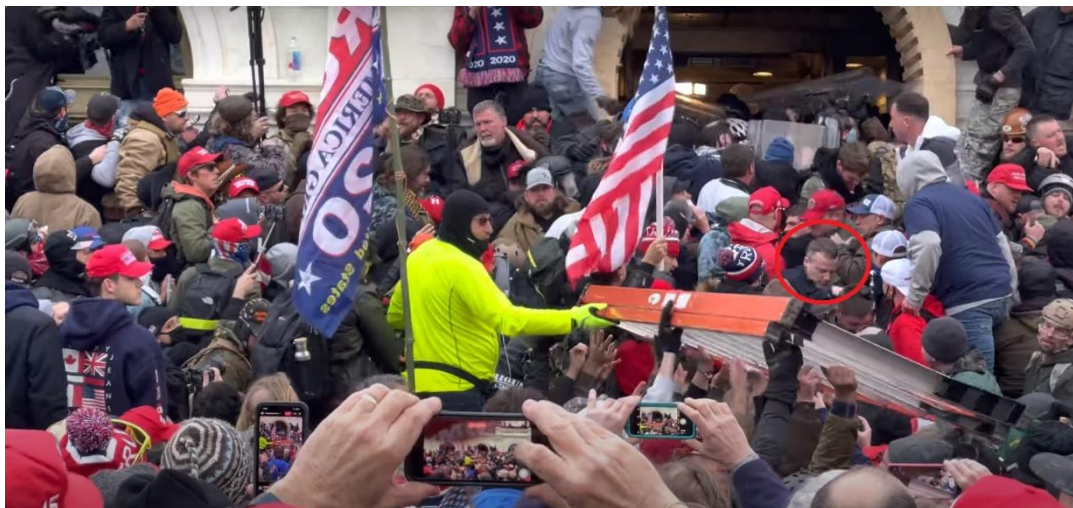


Figure 23: SATURDAY (circled in red) retreating from the tunnel on January 6, 2021.



Figure 24: SATURDAY (circled in red) approaching the entrance to the tunnel on January 6, 2021.

At approximately 4:15 p.m., SATURDAY is again observed on CCTV at the mouth of the tunnel. For several minutes, SATURDAY actively pushed against the line of police officers with other rioters. By 4:18 p.m., SATURDAY advanced even further into the tunnel, participating in the heave-ho (Figure 25). Shortly thereafter, SATURDAY and several other rioters put their heads down as a wave of a gas-like substance appeared in the camera's view. Law enforcement then successfully pushed the crowd toward the tunnel's entrance. SATURDAY appeared at 4:22 p.m. at the mouth of the tunnel wiping his face, possibly suffering from the effects of pepper spray (Figure 26).



Figure 25: SATURDAY (circled in red) participating in the heave-ho in the tunnel.



Figure 26: SATURDAY (circled in red) wiping his eyes after law enforcement pushed rioters out of the tunnel.

SATURDAY reappeared on CCTV at approximately 4:26 p.m. at the tunnel's entrance; this time, he wore goggles that covered both his eyes (Figure 27). In the CCTV footage, it appears that SATURDAY assisted rioters who had fallen to the ground while confronting law enforcement officers. Soon thereafter, a violent struggle ensued between law enforcement and rioters, and SATURDAY disappeared from camera's view.



Figure 27: SATURDAY (circled in red) standing outside the tunnel and wearing goggles.

Based on my investigation, SATURDAY remained in the Lower West Terrace tunnel and its surrounding area for at least 1 hour and 36 minutes, from 2:50 p.m. to 4:26 p.m.

Identification of Barry Saturday

The FBI utilized a facial comparison tool that has been known to provide reliable results in the past. With that facial comparison tool, the FBI compared the image of SATURDAY, as depicted in the videos above, with open-source photos found in publicly available social media and local newspaper pages. That search found matches within the Twitter account [REDACTED], and on the websites flipboard.com/topic/gentrification, the Lexington Herald Leader website, and the Middlesboro News website.

FBI records revealed that SATURDAY was interviewed by agents at the FBI Lexington Resident Agency on three separate occasions in October 2018, December 2018, and again in January 2019; in those meetings, SATURDAY reported that he was a victim of cyber intrusion. SATURDAY provided the FBI with telephone number [REDACTED] and email address [REDACTED] as his contact information. The incidents were closed due to no evidence of cyber intrusion on SATURDAY's devices.

The FBI conducted an open source check for [REDACTED], which identified links between this email address and the Facebook account [REDACTED] (Figure 28) and the Instagram account [REDACTED] (Figure 29). Additional images of SATURDAY were located

on both social media pages. The FBI also obtained a copy of SATURDAY's Kentucky driver's license photograph (Figure 30).

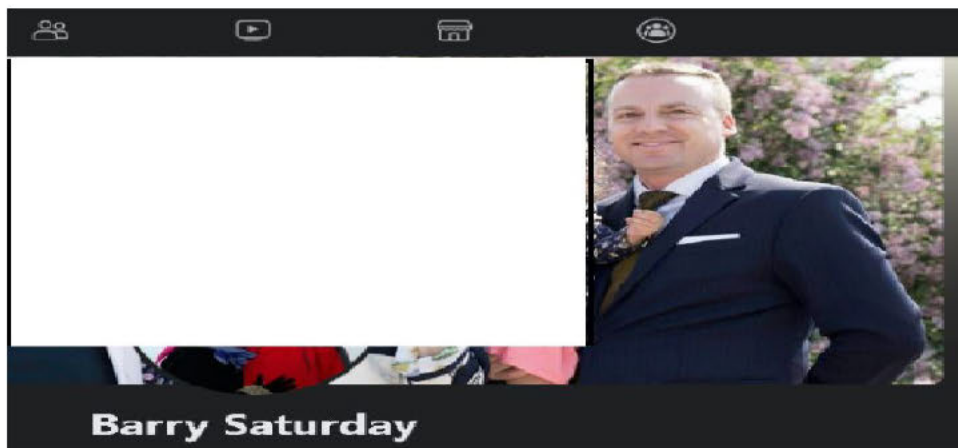


Figure 28: Screenshot from SATURDAY's Facebook profile.

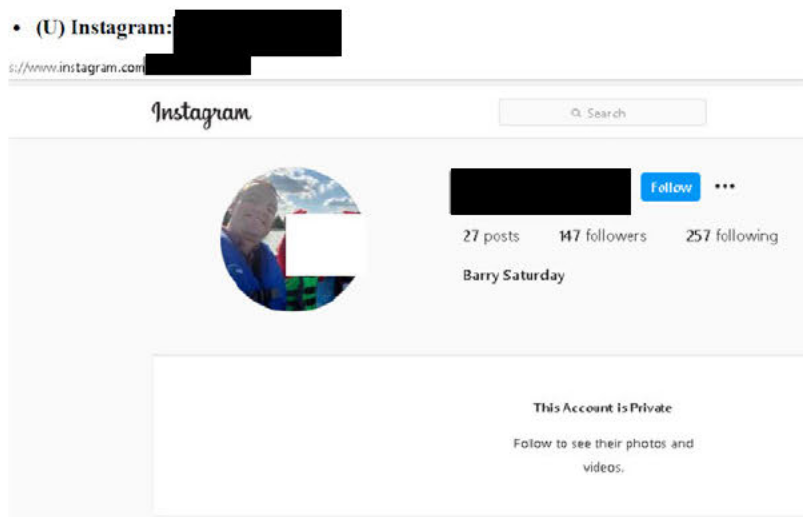


Figure 29: Screenshot from SATURDAY's Instagram profile.

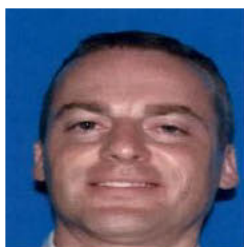


Figure 30: SATURDAY's driver's license photograph.

FBI agents who met SATURDAY face-to-face during his 2018-2019 interviews have reviewed the January 6, 2021 footage described above. These agents have concluded that SATURDAY is the individual depicted in these videos and images from January 6, 2021.

The FBI checked telephone number [REDACTED] against records obtained through a search warrant served on Verizon for location information associated with devices in and around the U.S. Capitol on January 6, 2021 at the time of the incident. These records revealed that an Apple iPhone X associated with telephone number [REDACTED], with IMEI 354866090837952, attributed to SATURDAY, utilized a cell site providing service to a geographic area that included the interior and exterior restricted area of the U.S. Capitol building on January 6, 2021, between 1 p.m. and 6 p.m.

The FBI obtained subscriber information and call logs associated with telephone number [REDACTED] from Verizon via legal process. The subscriber information indicated that telephone number [REDACTED] was assigned to SATURDAY, including on January 6, 2021, and was associated with a gray Apple iPhone X with IMEI 354866090837952. The call logs established that telephone number [REDACTED] communicated with telephone number (844) 617-1972 on three occasions, which is associated with the Watergate Hotel in Washington, D.C., on January 6, 2021. Lastly, telephone number [REDACTED] communicated with 1-800-CALL-FBI once on January 7, 2021.

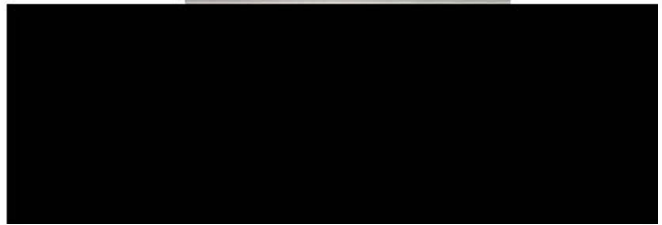
On July 16, 2021, the FBI interviewed SATURDAY at the Lexington Resident Agency regarding a cyber intrusion he reported on his Apple iPhone X, associated with telephone number [REDACTED]. SATURDAY confirmed that he has owned and utilized this iPhone for the last several years but refused to provide consent to search the device for any cyber intrusion indicators. I was present at this interview and concluded, based on visual comparison, that SATURDAY is the individual depicted in the images and video footage from January 6, 2021.

Based on the foregoing, your affiant submits that there is probable cause to believe that SATURDAY 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 SATURDAY violated 40 U.S.C. § 5104(e)(2)(D), 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.

Finally, your affiant submits there is probable cause to believe that SATURDAY 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.



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

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE