

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent with the Federal Bureau of Investigation (“FBI”) assigned to the Minneapolis Division of the Mankato Resident Agency. I have been employed as a special agent with the FBI since January 2010. In my duties as a special agent, I investigate various criminal offenses, including bank robberies and other violent crimes. 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.

Identification of Paul Orta

The FBI Washington Field Office published multiple photographs on the FBI website (www.fbi.gov) of participants in the riot at the U.S. Capitol Building on January 6, 2021, seeking to identify those pictured. Each individual pictured was assigned a number to aid in identification, to include Photograph #148 – AFO, shown below as Exhibit A.

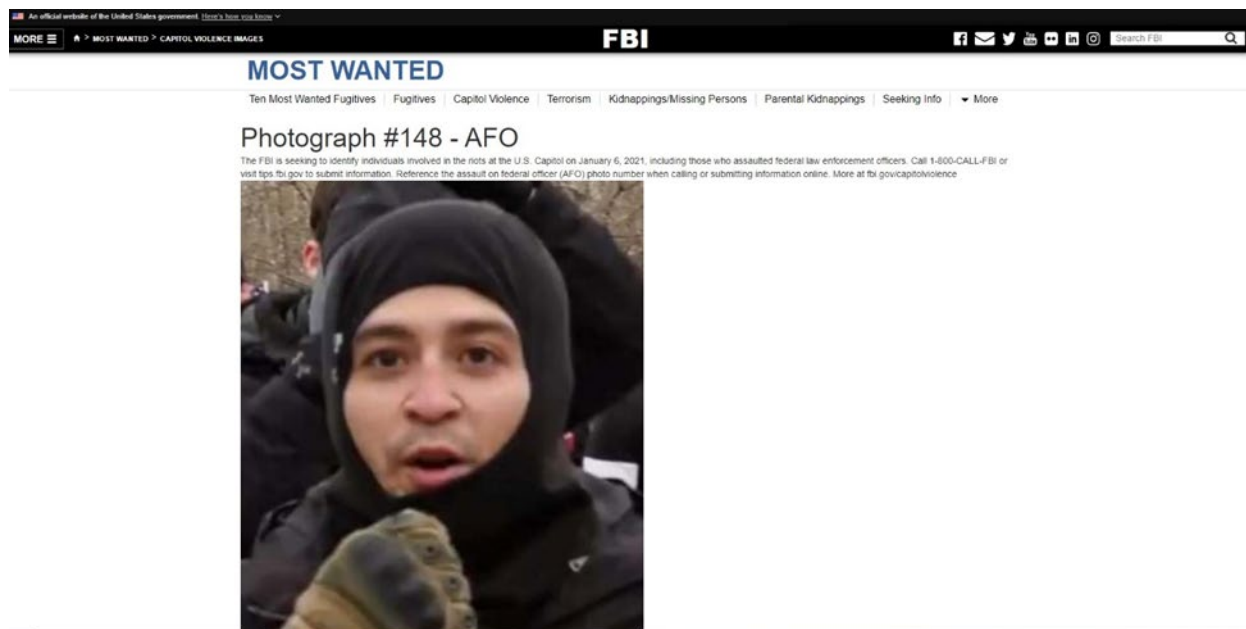


Exhibit A

On January 25, 2021, an individual entered the FBI Minneapolis field office, and identified himself as Paul Orta, Jr. (“Orta”) to the security officers. Orta then met with special agents of the FBI, and told the agents that he had seen his picture on the FBI website and that he wanted to do the right thing. When asked by the agents, Orta used his phone to navigate to the FBI website, and he identified himself as the individual in Photograph #148, which is shown above at Exhibit A.

Orta said that he was wearing a black jacket on the day of the riot. Orta explained that he had gone past the “first barrier,” but that he did not go past the “second barrier.” Orta denied going inside the building, and Orta said that he did not throw anything or hit anyone “that he could recall.”

Based on a comparison of the Texas driver’s license photo of Paul Orta (Exhibit B) to the person in Photograph #148, I believe these images depict the same person. Orta’s Texas drivers license lists an address in Rio Hondo, Texas (“Rio Hondo Address”).

Additional Evidence of Orta’s Presence in Washington, D.C. on January 6, 2021

Hotel records indicate Orta checked into the Red Roof Plus+ hotel located in Oxon Hill, Maryland on January 5, 2021. The hotel records list the Rio Hondo Address for Orta.

On January 5, 2021, officers from the Prince George’s County Police Department acted on a tip from a concerned citizen regarding a school bus and responded to the Red Roof Plus+ hotel in Oxon Hill, Maryland. Officers located the school bus that matched the description in the complaint—i.e., a privately-owned school bus with North Carolina plates that was covered in Trump 2020 graffiti. The registration for the school bus was expired, and officers executed a traffic stop on the bus. Orta was among four individuals on the bus. Orta and the others were patted down for weapons, and they were all released. Law enforcement paperwork lists the Rio Hondo Address for Orta.

A short time later, at approximately 1:44 p.m. on January 5, 2021, the same privately-owned school bus was stopped by the Metropolitan Police Department (MPD) in downtown Washington D.C. in the 700 block of Constitution Avenue. Orta was one of seven people aboard the bus. Law enforcement discovered a 9mm pistol, four loaded 9mm magazines, a .22 caliber rifle, 275 rounds of .22 caliber ammunition, and a 110 round .22 caliber drum magazine aboard the bus. The owner of the bus, a resident of North Carolina, was subsequently arrested by MPD on multiple weapons charges. The driver of the bus, also a resident of North Carolina, was arrested for not having a permit to operate a motor vehicle in the District of Columbia.

Records indicate that Orta was searched and released as part of the incident. The arrest paperwork lists the Rio Hondo Address for Orta. An open source video located on the internet appears to depict Orta and several other passengers aboard the bus being interviewed shortly after the traffic stop. A still image taken from the video of the person who appears similar in appearance to Orta and Photograph #148-AFO is shown below as Exhibit B.



Exhibit B

Orta's Conduct on the Grounds of the U.S. Capitol

A review of open source videos from January 6, 2021, and body worn camera (BWC) footage from MPD officers at the U.S. Capitol on January 6, 2021, also showed that the person in Photograph #148—who has been identified as Orta—was present inside the restricted perimeter on the west side of the Capitol.

An open source video shows Orta just inside the security fencing and barricades that formed the restricted perimeter of the Capitol grounds. In the video, the person is shown tossing a section of black metal barricade onto the ground and beckoning to the remaining crowd beyond the perimeter to move forward. Still images taken from the video are shown below as Exhibits C1 and C2. In the background of the image, a large number of people can be seen moving onto Capitol grounds near the Peace Monument entrance. The individual identified in the photograph below matches Orta's appearance in Exhibits A above and in D1 and D2 below, including a dark-colored balaclava and brown/green gloves.



Exhibits C1 and C2

At approximately 12:53 p.m., around the time that the images at Exhibits C1 and C2 were taken, the crowd overwhelmed officers at the Peace Monument entrance and began to move onto

Capitol grounds. Law enforcement officers attempted to stop the crowd from advancing, but were forced to retreat.

Orta joined the crowd as they moved up the Pennsylvania Walkway toward the Capitol. Orta is shown below, in a still image from an open source video as the crowd was moving toward the Capitol. In Exhibit D1, Orta's long hair can be seen extending beyond the balaclava. In the video, as Orta approached the person filming, he pulled his balaclava over his nose and mouth as shown in Exhibit D2, looked at the camera and exclaimed "We're taking that shit today!"



Exhibits D1 and D2

Law enforcement attempted to form a new police line closer to the Capitol. Law enforcement officers took a position behind temporary bike racks that officers attempted to use to control the crowd. As shown in the image below at Exhibit E, as Orta (circled in red) approached the line of law enforcement officers, Orta was in position to see that members of the crowd were removing the bike racks that were being used to control the crowd (identified inside the yellow circle).



Exhibit E

Orta then joined members of the crowd as they pulled metal bike racks away from law enforcement. As shown in the still images at F1 and F2, Orta removed at least two sections of the bike rack and threw them over a concrete wall. Orta's actions deprived the officers of barricades that were being used to control the crowd and made it easier for the crowd to unlawfully advance toward the Capitol.



Exhibits F1 and F2

The crowd greatly outnumbered the law enforcement officers, and within minutes the crowd broke through the line of law enforcement. Orta continued to move forward with the crowd as they entered the West Plaza of the Capitol. Around approximately 1:00 p.m., Orta made his way to the front of the crowd, and held up a cellular phone as shown in Exhibit G.



Exhibit G

By approximately 1:22 p.m., law enforcement had begun to push the crowd back away from the Capitol and reclaim some of the area of the West Plaza. Orta threw an unknown dark colored object towards the police line on the west side of the Capitol. A still image from this video is shown below as Exhibit H.



Exhibit H

Orta's location just seconds before he threw the object is shown in the image at Exhibit I below. Orta (circled in red) can be seen in the crowd as a line of law enforcement (running diagonal in the middle of the screen) is attempting to reform a police line.



Exhibit I

Between approximately 2:07 – 2:08 p.m., Orta was still present in the West Plaza of the Capitol. Law enforcement officers had formed a police line and were using metal bike racks to prevent the crowd from advancing further toward the Capitol building. Orta joined other members of the crowd as they used their bodies to push against the metal bike racks and advance further toward the Capitol. In the two images below at Exhibits J1 and J2, which were captured on the body worn camera of an MPD officer at 2:07:12 and 2:08:10 p.m., Orta can be seen pushing against the police line on the opposite side of the bike rack. In the first image, at J1, Orta can be seen with his left shoulder lowered as he is pushing the line of officers at the fence. In the second image, at J2, Orta can be seen pushing against the back of another individual who is pushing against the line of officers.



Exhibit J1



Exhibit J2

The crowd on the West Plaza eventually broke through the police line. Members of the crowd on the west side of the Capitol reached the Lower West Terrace and the Upper West Terrace. Some members of the crowd broke into the Capitol building. After the crowd had breached the police line and made it to the Lower and Upper West Terraces, Orta climbed on top of a concrete wall and raised his fist in the air. An image of Orta is included below at Exhibit K.



Exhibit K

Based on the foregoing, your affiant submits that there is probable cause to believe that Paul Orta, Jr. 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 Paul Orta, Jr. 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 Secret Service’s protection of the Vice President and his family and the Capitol Police’s protection of the U.S. Capitol.

[REDACTED]

[REDACTED]

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 November 2023.

HON. ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE