

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation assigned to the Charlotte Field Office. In my duties as a Special Agent, I am assigned to the Joint Terrorism Task Force (JTTF) and involved in the investigation of both international and domestic terrorism. 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 United States Capitol is secured twenty-four hours a day by U.S. Capitol Police. Restrictions around the Capitol include permanent security barriers, temporary security barriers, and posts manned by U.S. Capitol Police officers. Only authorized people with appropriate identification are allowed access inside the Capitol. On January 6, 2021, the Capitol and the exterior plaza of the Capitol were closed to members of the public.

On January 6, 2021, a Joint Session of the United States Congress convened at the 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 Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on Tuesday, 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 Michael Richard 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 the Vice President present and presiding over the Senate, a large crowd gathered outside the Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the Capitol and its grounds, and U.S. Capitol Police officers were present and attempting to keep the crowd away from the Capitol and the proceedings underway inside.

At such time, the Joint Session and certification proceedings were underway. The exterior doors and windows of the Capitol were locked or otherwise secured. No member of the public was allowed inside. U.S. Capitol Police officers attempted to maintain order and keep the crowd from entering the Capitol, but around 2:00 p.m., individuals in the crowd broke windows and assaulted U.S. Capitol Police officers. Others in the crowd encouraged and assisted those acts, and the rioters forced their way into the Capitol.

Shortly thereafter, at approximately 2:20 p.m. members of the House of Representatives and Senate—including the President of the Senate, Vice President 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 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.

Actions of David Paul DANIEL on January 6, 2021

In September of 2022, the FBI received a tip regarding the identity of an individual known as Insider 2843. The tip included the photo below and identified him as David Paul DANIEL of Charlotte, North Carolina.



IMAGE 1: A publicly available photograph¹ of an individual now known to be David Paul DANIEL as he appeared on January 6, 2021, on the restricted grounds of the U.S. Capitol.

A review of U.S. Capitol Closed Circuit Video (CCV) shows that on January 6, 2021, David Paul DANIEL assaulted U.S. Capitol police officers that were attempting to keep the mob out of the Capitol. The first group of rioters overwhelmed numerous groups of U.S. Capitol police officers on the west side of the Capitol, eventually making their way up to an area known as the NW Courtyard. The rioters' first breach point, as described above, was at a location referred to as the Senate Wing Door. This door is a fire door only and is not a door that is ever used to allow the public, Congressional staff, or members of Congress access to the Capitol.

¹ <https://archive.org/details/BdfaTxP9RYTGB9kpG>

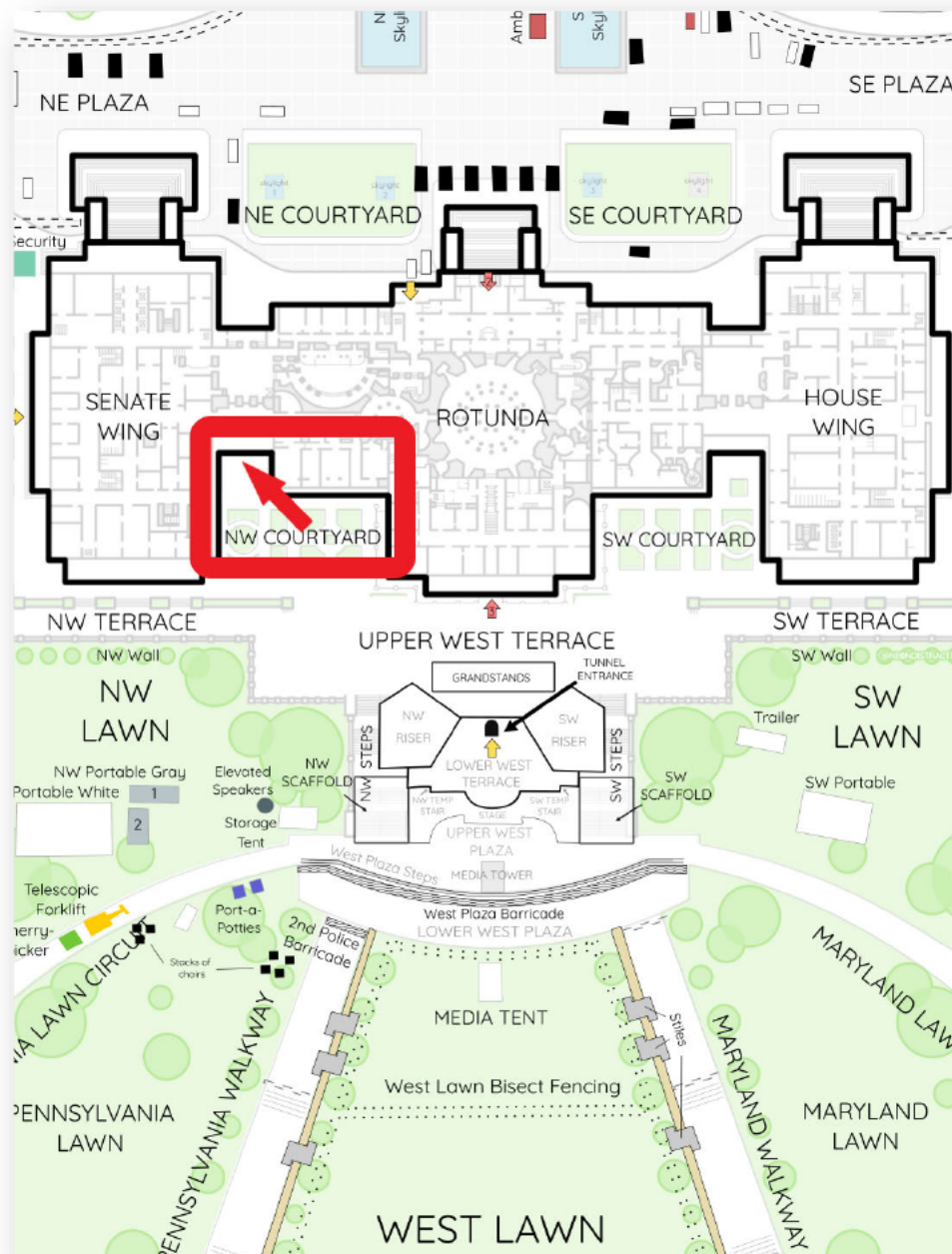
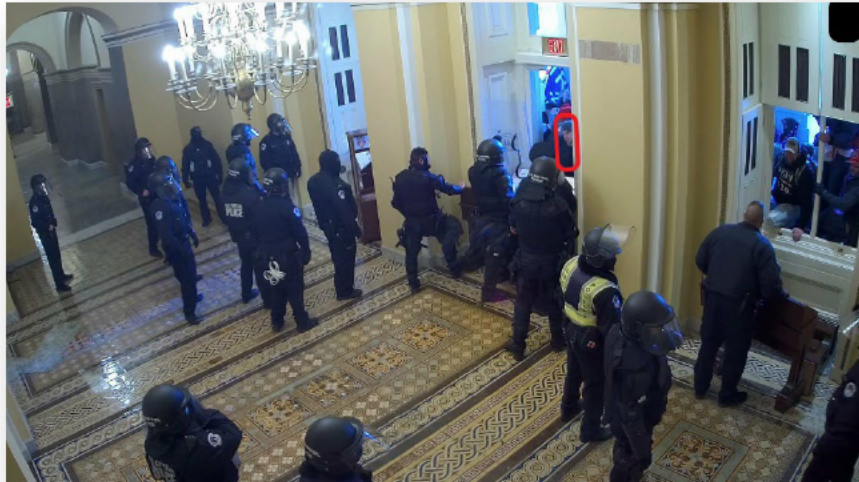


IMAGE 2: A cropped version of a publicly available rendering of the U.S. Capitol Grounds as they appeared on January 6, 2021. The fire door referred to as the Senate Wing Door is indicated by a red arrow within a red rounded rectangle.

After the initial breach, USCP officers were able to stop the influx of rioters by approximately 2:27 p.m. Then, they attempted to secure the doorway and broken-out windows by placing small wooden structures in front of the door and the two windows flanking it. Over the next twenty minutes, rioters continued to make their way from the West Lawn up to the NW Courtyard. At about 2:29 p.m., rioters smashed the glass in the Senate Wing Door using pieces of lumber and other hard, sharp objects. The rioters then sprayed a chemical irritant through the

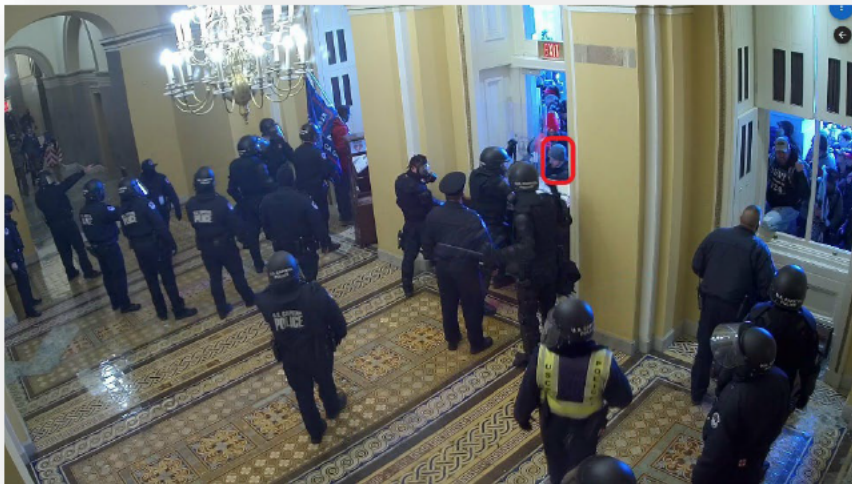
broken-out door window and assaulted the officers with what appear to be a strobe light and a high-power/high-lumen light beam.

At approximately 2:42 p.m., a rioter broke the door open once again, and at approximately 2:46 p.m., David Paul DANIEL moved to the front of the mob.



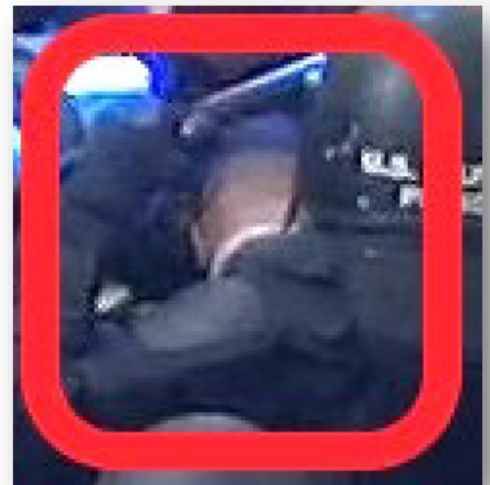
IMAGES 3, 3a: (left) A screenshot from USCP CCV at approximately 2:46 p.m. showing David Paul DANIEL at the front of a group of rioters that are attempting to regain entry into the Capitol through the Senate Wing Door; and (right) a close-up of DANIEL.

Approximately one minute later, DANIEL joined another rioter to his right in leading a violent push against the barricade and the officers attempting to hold it while other rioters swarm in behind them.

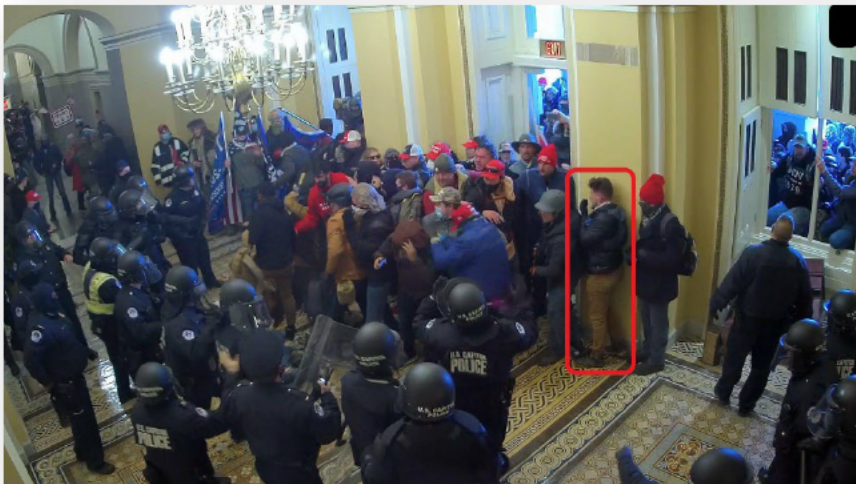


IMAGES 4, 4a: (left) A screenshot from USCP CCV at approximately 2:47 p.m. showing David Paul DANIEL at the front of a group of rioters carrying out a violent reentry into the Capitol through the Senate Wing Door; and (right) a close-up of DANIEL.

The group of USCP officers were able to hold the rioters for about another minute, but the force of the rioters pushing against the officers was eventually too much. DANIEL remained at the front of the group of rioters pushing against the USCP officers for the entire effort. He also appeared to have lost his grey beanie at some point during the assault.



IMAGES 5, 5a: (left) A screenshot from USCP CCV at approximately 2:48 p.m. showing David Paul DANIEL, now without his hat, at the front of a group of rioters carrying out a violent reentry into the Capitol through the Senate Wing Door; and (right) a close-up of DANIEL.



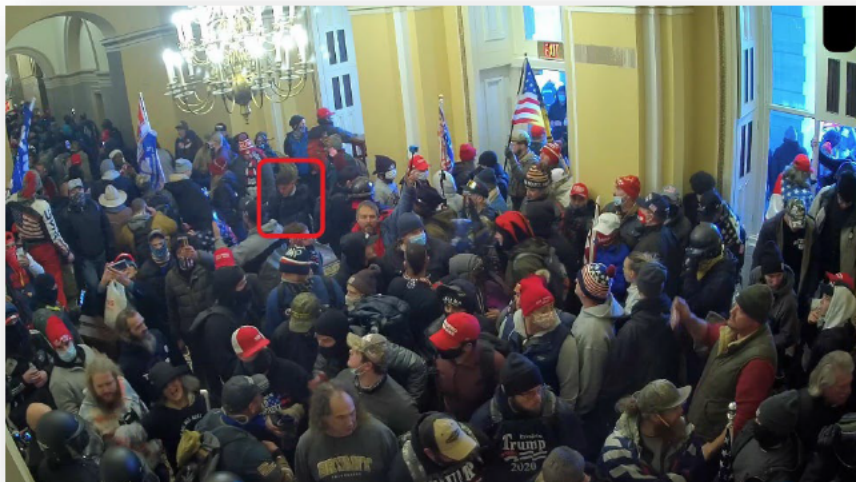
IMAGES 6, 6a: (left) A screenshot from USCP CCV at approximately 2:48 p.m. showing David Paul DANIEL to the north of the Senate Wing Door after leading a group of rioters in their violent reentry into the Capitol through the Senate Wing Door; and (right) a close-up of DANIEL.

DANIEL turned to the north as soon as the rioters succeeded in their violent breach of the Senate Wing Door. He appeared to have been hit with some sort of irritant as he kept his head down and rubbed his eyes. This is consistent with how he appears in IMAGE 1, above. At approximately 2:49 p.m., DANIEL climbed over a pile of broken furniture and out the broken-out window to the north of the Senate Wing Door.



IMAGES 7, 7a: (left) A screenshot from USCP CCV at approximately 2:49 p.m. showing David Paul DANIEL climbing out of a broken-out window north of the Senate Wing Door after leading a group of rioters in their violent reentry into the Capitol; and (right) a close-up of DANIEL.

DANIEL did not stay out of the Capitol. By approximately 2:59 p.m., he was back inside amongst the other rioters. DANIEL spent several moments walking around the perimeter of the area just inside the Senate Wing Door, often stopping to bend down and look on the ground.



IMAGES 8, 8a: (left) A screenshot from USCP CCV at approximately 2:59 p.m. showing David Paul DANIEL back inside the Capitol; and (right) a close-up of DANIEL.

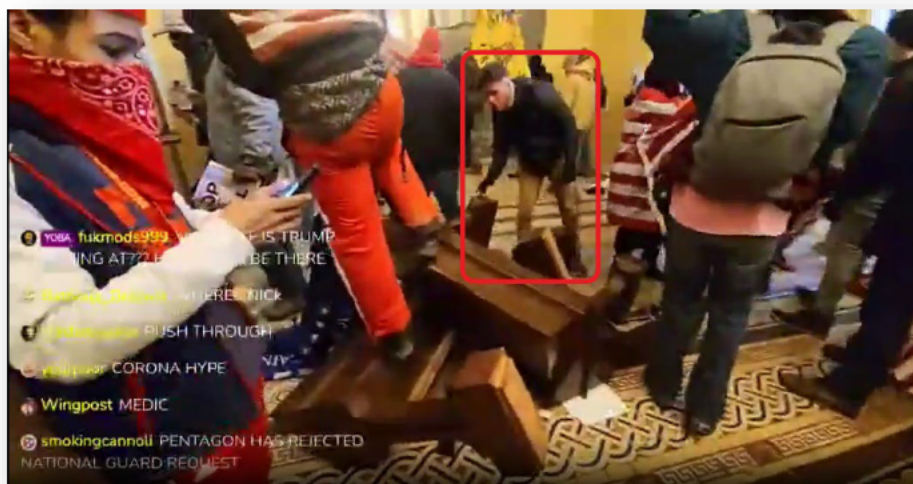
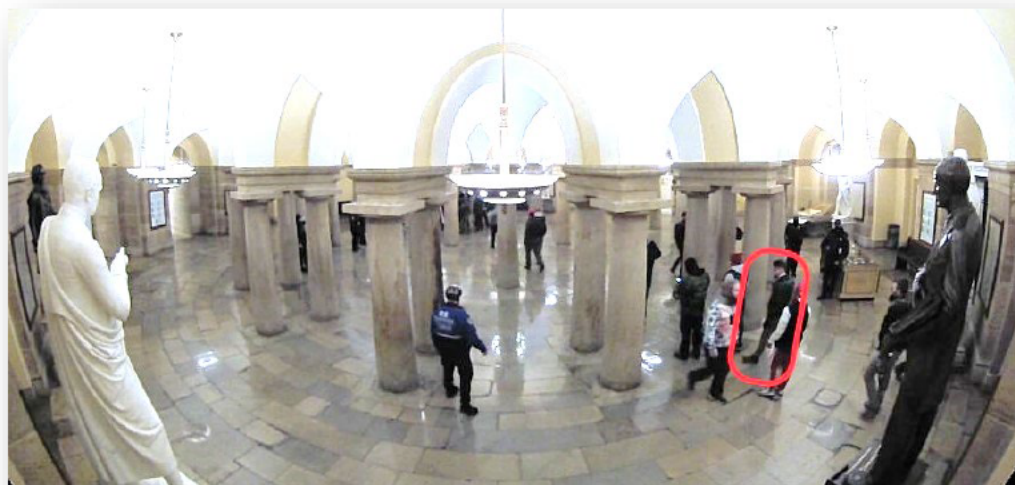


IMAGE 9: A screenshot from a publicly available video² showing DANIEL among the rioters inside the Capitol.

DANIEL walked south down a corridor, through the Small House Rotunda, and at approximately 3:01 p.m., DANIEL entered the Capitol Crypt, a large circular room that sits

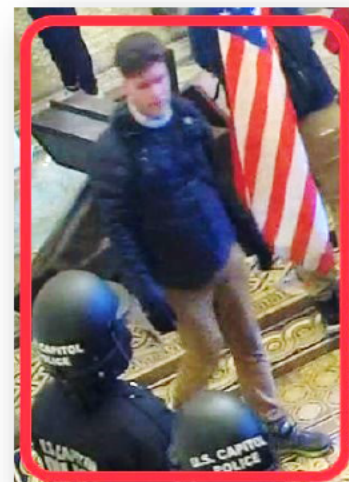
² https://archive.org/download/FQGuEaD3YZoLpJ4vn/Baked_Alaska_inside_the_U.mpeg4

directly below the Grand Rotunda.³ After a few moments, he walked back north to the Senate Wing Door.



IMAGES 10, 10a: (left) A screenshot from USCP CCV at approximately 3:01 p.m. showing David Paul DANIEL entering the Capitol Crypt; and (right) a close-up of DANIEL.

DANIEL walked around the room near the Senate Wing Door.



IMAGES 11, 11a: (left) A screenshot from USCP CCV at approximately 3:04 p.m. showing David Paul DANIEL back in the area near the Senate Wing Door; and (right) a close-up of DANIEL.

At approximately 3:04 p.m., and about seventeen minutes after he led the violent push against USCP officers in the second breach of the Senate Wing Door, DANIEL left the Capitol by

³ See Image 2, *supra*.

climbing through the same broken-out window to the north of the Senate Wing Door that he climbed out of at approximately 2:49 p.m.⁴

Identification

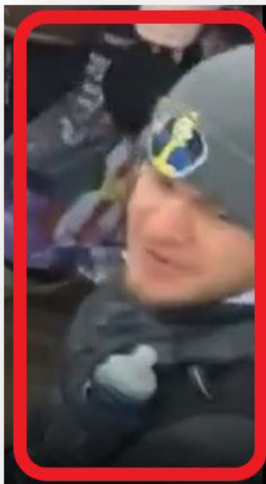
A review of publicly available information and websites revealed that David Paul DANIEL has several social media accounts with no privacy settings. In several posts and videos from his accounts, DANIEL is seen wearing items that appear to be the same as the items he wore while at the Capitol on January 6, 2021.

“Vault Boy” Beanie⁵

In several publicly available photographs and videos, DANIEL is wearing a beanie with what appears to be a patch or embroidery of the animated character “Vault Boy” from the “Fallout” video game franchise. As discussed above, it appears that the beanie is lost as DANIEL leads the rioters in their push against the USCP officers at the Senate Wing Door (*see* Images 3a and 4a, *supra*). While it is unclear whether he eventually found it or procured a new one in some other manner, several videos and photos posted to DANIEL’s public Instagram account after January 6, 2021, show him wearing what appears to be the same beanie.

⁴ *See* Image 7, *supra*.

⁵ AKA watch cap, knit cap, toboggan, or toque.



IMAGES 12, 13, 14: (left) A cropping of a publicly available photograph⁶ showing DANIEL in the grey Vault Boy beanie while at a rally in Washington, D.C.; (middle) a cropping of a screenshot from a publicly available video⁷ showing DANIEL in the grey Vault Boy beanie while at a rally in Washington, D.C.; and (right) a cropping of a screenshot of a publicly available Parler video⁸ showing DANIEL in the NW Courtyard of the Capitol, all three of which were captured prior to his assault of USCP officers and illegal entry into the Capitol.

⁶ <https://www.facebook.com/photo.php?fbid=10224273802702881&set=pb.1537753098.-2207520000.&type=3>

⁷ https://archive.org/download/QssfKm58yETYaED5s/10000000_484182362567203_.mpeg4

⁸ <https://web.archive.org/web/submit?url=https://video.parler.com/C4/g9/C4g9sJ6u4Zzg.mp4>



IMAGES 15, 16: (left) A screenshot from a video posted to DANIEL's publicly available social media account showing him wearing a grey Vault Boy beanie; and (right) a screenshot from a video posted to DANIEL's publicly available social media account showing him wearing a grey Vault Boy beanie, both of which were posted to his account after January 6, 2021.

Brown Pants

The brown pants that DANIEL wore to the Capitol on January 6, 2021, also appear in a publicly available social media post.



IMAGES 1, 6a, 17: (left) A publicly available photograph and (middle) a screenshot from USCP CCV showing DANIEL wearing brown pants at the Capitol on January 6, 2021; and (right) a screenshot from a video posted to DANIEL's publicly available social media account showing him wearing brown pants.

FBI Surveillance

A surveillance team from FBI Charlotte were able to identify David Paul DANIEL's address of record through various sources, including a public records search and the address listed on his Department of Motor Vehicles record. The FBI had a surveillance team observe that address, and they observed an individual who appeared to match physical description of the individual captured in images taken from the U.S. Capitol on January 6, 2021 believed to be David Paul DANIEL.

Conclusion

Based on the foregoing, your affiant submits that there is probable cause to believe that David Paul DANIEL violated 18 U.S.C. § 111(a)(1), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in 18 U.S.C. § 1114 as an officer or employee of the United States while engaged in or on account of the performance of official duties.

Your affiant submits there is probable cause to believe that David Paul DANIEL 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 18 U.S.C. § 231, 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 submits that there is probable cause to believe that David Paul DANIEL violated 18 U.S.C. §§ 1752(a)(1), (2), and (4), which make 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; and (4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds; or attempts or conspires to do so. For purposes of 18 U.S.C. § 1752, 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 probable cause to believe that David Paul DANIEL violated 40 U.S.C. §§ 5104(e)(2)(D), (F), and (G), which make 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; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 27th day of November, 2023.

A handwritten signature in blue ink, reading "M. A. Upadhyaya", with a circular official seal of the U.S. District Court for the District of Columbia partially visible behind it.

MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE