

STATEMENT OF FACTS

Your affiant, [REDACTED], is a FBI Special Agent assigned to the FBI Knoxville Division. In my duties as a special agent, I am assigned to Joint Terrorism Task Force (JTTF). 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 BART GORE

In or around June 2022, law enforcement received information from a confidential human source (“CHS”) indicating that one of the individuals present at the U.S. Capitol on January 6, 2021, may have been BART GORE (“GORE”) of Tennessee. The provided information included photos and videos of a man matching GORE's description, including Image 1 and Image 2 below.



Image 1



Image 2

After receiving the information from the CHS, law enforcement compared images of GORE on January 6, 2021, with a Tennessee DMV record image seen below and determined that

the individual in the pictures from January 6, 2021, is GORE. Image 3 is the photograph from the Tennessee Department of Motor Vehicle depicting GORE:



Image 3

In or around November 2020, GORE was interviewed by the FBI on a separate matter and provided his phone number as [REDACTED] ([REDACTED]). Law enforcement compared the [REDACTED] number with information obtained from AT&T pursuant to a geolocation warrant and determined that [REDACTED] utilized a cell site consistent with providing service to a geographic area that included the interior of the United States Capitol building on January 6, 2021. The geolocation warrant information listed the device for [REDACTED] as an Apple Inc, Apple iPhone X.

Law enforcement performed open-source internet research which revealed several potential social media accounts for GORE, including an account on Parlor under the name "[REDACTED]". [REDACTED] posted in early January 2021, "Heading to DC on Tuesday. Looking for some fellow WV Proud Boys or East TN Proud Boys to meet. Time and place??" On or about January 7, 2021, [REDACTED] posted "Let me give you some first hand info on today's capital. The mainstream media's hypocrisy is on full display tonight. Trump supporters have been silenced and shut out. All we ask for is transparency and facts. They (we) are sick of always being on the defense. We are passive. No longer, though. I was there. The destruction and devastation wasn't what Patriots wanted. As a matter of fact, most of the destruction was Antifa. Just look at pics people are posting."

The affiant reviewed videos from open-source internet research and saw a man whom I believe to be GORE inside and outside the U.S. Capitol building on January 6, 2021. GORE can be seen wearing blue jeans, a grey hoodie, dark gloves, a black backpack, and at times a dark beanie, a medical mask and clear safety glasses.

GORE is first seen on the streets of Washington DC in the YouTube video available via link <https://www.youtube.com/watch?v=VRHvUblZynY&t=111s>, "DC Pre Rally" at 1:52 in video as seen in Image 4 below.



DC Pre Rally

Image 4

GORE is seen at the US Capitol near the scaffolding over the stairs on the West Front as seen at 0:04 in the video available via link

<https://web.archive.org/web/20210111011942/https://video.parler.com/vm/3I/vm3I06HJuEFQ.mp4>, as seen in Image 5 below.

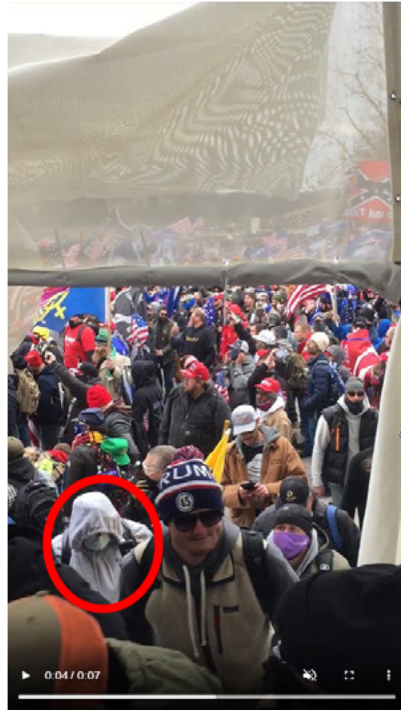


Image 5

GORE appears to be inside the Senate Fire Door leading to the Brumidi Corridor of the Capitol building at approximately 2:48 PM EST as seen in Image 6 from closed circuit television

(“CCTV”) footage. GORE exited the Senate Fire Door at 2:49 PM EST as the crowd appeared to be pushed out of the Capitol building.



Image 6

In Image 7 and Image 8, GORE can be seen in video footage appearing to be using a cellular telephone while on restricted grounds of the US Capitol.



Image 7

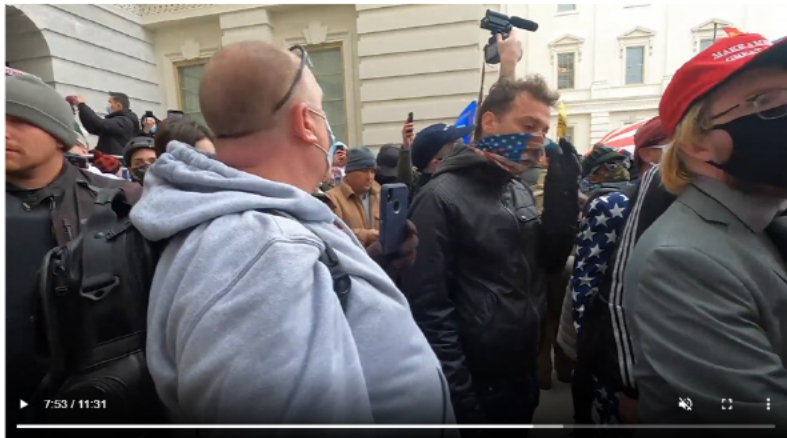


Image 8

Financial and Communication Accounts

JP Morgan Chase provided bank statements for accounts linked to GORE. GORE’s accounts had multiple charges between January 5 to January 6, 2021, in the Springfield VA area.

These charges included two payments to “Franconia-Springfield Springfield VA” and one payment to “TGI Fridays #0119 Springfield VA”.

AT&T provided records for ██████ that listed the name on the account as “██████████” and the contact email as ██████. The address listed for the AT&T account is a former address linked to GORE according to law enforcement record checks. The device listed for ██████ was an Apple iPhone X. The records provided from AT&T also included cell location data for the device that placed it in Washington DC on January 6, 2021.

Records provided by Apple listed an account for “██████████”, DSID ██████. The name on the Apple account was listed as “██████████” and the business phone number listed on the account corresponded with the same phone number as ██████. The provided records included images and videos from the account. Several of these images and videos appear to show GORE in Washington DC and at the US Capitol on January 6, 2021, to include inside the Capitol building.

Image 9, Image 10, and Image 11 are still images from a video included in the records provided by Apple for ██████. Image 9 and Image 10 appear to have occurred on the ground level of the West Front near the scaffolding over the stairs. Image 11 took place after GORE had ascended the stairs of the West Front to the terrace level. In the same video shortly after climbing the West Front stairs, Gore made the following statements: “This’s where its going on.” “We made it to the top.” “Ready to go in.” “Here we come.” In the seconds before GORE is seen smiling in Image 11, he stated “Going in the Capitol”. After Image 11, GORE stated “I been pepper sprayed, tear gassed but I made it.”



Image 9



Image 10



Image 11

In a second video included in the records provided by Apple for ██████, GORE enters the Senate Fire Door at approximately 2:47 PM ET. GORE then walked into the Brumidi Corridor towards the door to the right as seen in Image 12. Image 12 appears to correspond with

the previously discussed CCTV footage as seen in Image 6. Image 13, a still image from the same video, shows the inside of the room GORE turned towards after entering the Brumidi Corridor.



Image 12



Image 13

In a third video included in the records provided by Apple for [REDACTED], GORE took a video from what appears to be the terrace level of the West Front of the crowd singing the national

anthem. This video was approximately one minute and fifteen seconds in length. A still image of the beginning of this video can be seen in Image 14.



Image 14

Records provided by Meta listed a Facebook account for [REDACTED]. The name on the Facebook account was “[REDACTED]”, the verified phone number listed was [REDACTED], and the mobile device listed was an iPhone 10,6. The records included public posts and private messages.

The 2020 United States Presidential election took place on November 3, 2020. On or around November 4, 2020, GORE commented publically on a post, “I believe there’s lots we can do about it. I’m rapidly closing in on 50 years of age. I have lived my life enjoying the freedom so many others gave their lives to protect. I don’t want to live in a communist country. At some point we (the people who actually believe in something) have to take a stand. We have become so tolerant and passive that the left and libs know that they can get their way through riots and lawless behavior. When do we turn the table and start dishing out what we’ve been dealt? For those of you that believe in God, what was the only sacrifice given to stay or forgive sins? BLOOD. I know violence is a last resort but controlled violence is very effective. I believe in our country and I believe in all of you that have a spine. There’s plenty of us out here. We just have to form a union of believers. It’s time for action!!”

On or around December 22, 2020, GORE sent private messages to a Facebook friend (FF1) that read, “I sure hope so. I’m gonna try to go to DC the sixth of January”, “I’d love to be the one to capture Obama or Hillary. I’d strip them naked and beat them with a belt and switch. Then I’d rest and beat them some more”.

On or around January 1-2, 2021, FF1 messaged GORE, “You think if we go to DC we will find anywhere to stay” to which GORE replied, “I was thinking about that this afternoon. I’m coming home Saturday. We will look. I’m bringing an AR with me.” “...You ready to get beat

up? Lol” “I’m gonna go to dicks and get me a mouth guard so I don’t get my teeth knocked out. Lol” “...I may get a small bat and a backpack” “A few cans of wasp spray” “Dude, do you realize we may be a huge part of history? Just like in 1776. I want to do my part” and “I don’t care. If it’s good enough for my brothers to be fighting, it’s good enough for me. I don’t want to live in a communist country. I’ll fight til I can’t fight anymore to keep my kids from living that way.”

On or around January 2, 2021, GORE sent a private message to another Facebook friend (FF2) that read, “Later in the week. I’m going to DC on the 6th. Proud Boys and 3%ers are going to the capitol.”

On or around January 4-5, 2021, GORE had a conversation with a Facebook friend (FF3) via private messages that read “Are you staying in DC” to which GORE replied “Yes Tuesday night and Wednesday night. Hopefully not in the hospital. Lol”. In the same conversation, the associate asked, “What time are you leaving” to which GORE replied, “Probably around nine. It’s going to be wild, I’m thinking”.

On or around January 6, 2021, GORE made a public post that read, “Here’s what mainstream media won’t show you. Turn up your volume!!” along with a video that appeared to be taken from the terrace level of the West Front of the crowd singing the national anthem. A screenshot of this video can be seen in Image 15 and appears to match the video seen in Image 14.



Image 15

On or around January 6-9, 2021, GORE had another conversation with FF2 via private messages that read “What’s going on up there?” to which GORE replied “Chaos!!” “I made it inside”

“Yes. Got flash grenaded and tear gassed”. In the same message thread, the associate said, “But boyyy I bet pelosi is sweating m” to which Gore replied, “I hope she can’t sleep at night”.

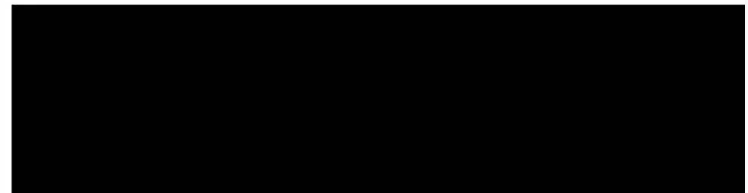
On or around January 12, 2021, GORE sent private messages to FF1 that read, “Let’s go back to DC and pick a fight with cnn employees” “I want to go back” and “I wasn’t satisfied. I would’ve been satisfied if they had brought Nancy’s head out on a stick”.

CONCLUSIONS OF AFFIANT

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

Finally, your affiant also submits there is probable cause to believe that BART GORE violated 18 U.S.C. § 1512(c)(2), which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings.



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 7th day of December 2023.

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