

## STATEMENT OF FACTS

Your Affiant, [REDACTED], is a Special Agent of the Federal Bureau of Investigation (“FBI”) assigned to the Casper, Wyoming, Resident Agency. I have served in this role since 2008. In my duties as a Special Agent, I investigate domestic terrorism violations and other threats of violent crime. During my tenure with the FBI, I have also participated in investigations involving a wide array of criminal activities including, but not limited to, internet crimes against children, human trafficking, complex financial crime, bank robbery, adult and juvenile kidnapping, and drug offenses. Prior to my employment with the FBI, I practiced law in Wyoming. 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.

### **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 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.<sup>1</sup> 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.

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<sup>1</sup> All times in this document are Eastern Standard Time (“EST”).

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 Richard Eric STAPLES, Jr.**

Beginning in January 2021, the FBI received a number of public tips regarding the possible involvement of Richard Eric Staples, Jr., (“STAPLES”) in the January 6<sup>th</sup> riot. On October 6, 2021, FBI Special Agent Michael A. Miedona interviewed one tipster who attended high school with STAPLES. The tipster indicated that STAPLES prefers to be called “Eric,” rather than “Richard.”

The tipster reported that they had seen various Facebook posts concerning STAPLES’s travel to Washington, D.C., and his activities on January 6, 2021. These included posts to STAPLES’s own Facebook page and posts by an individual who has since been charged with criminal offenses arising out of his activities at the Capitol on January 6<sup>th</sup> (“Defendant 1”) in which STAPLES was tagged.<sup>2</sup> The tipster provided screenshots of the posts.

For example, the tipster provided a screenshot of a post by Staples on January 5, 2021, that he was “on [his] way to the snake pit of Washington DC.”

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<sup>2</sup> As explained by Facebook, when a Facebook user (“User 1”) “tags” another user (“User 2”) in a post, that tag creates a link to User 2’s profile. Among other things, when User 2 is “tagged” in a post by User 1, anyone who sees that update on User 1’s page can click on User 2’s name and go to their profile. In addition, the status update by User 1 may also show up on User 2’s timeline. See Facebook Help Center at <https://www.facebook.com/help/267689476916031>.



*Image 1 – Screenshot from STAPLES’s Facebook*

The tipster also provided a post from Defendant 1 in which STAPLES was tagged. The tipster identified STAPLES in a picture within the post, which showed Defendant 1 and STAPLES standing together with the U.S. Capitol in the background. A reproduction of this image that has been cropped to show STAPLES is provided below.



*Image 2 – Zoomed-in image of Defendant 1’s Facebook post shown in Image 1, showing STAPLES, as identified by tipster*

The tipster also provided a post by STAPLES three hours after Defendant 1’s post, in which STAPLES stated “It is the peoples house, not Chinas.”



*Image 3 – Screen Shot displaying January 6, 2021, posts from STAPLES’s Facebook profile page; A yellow box has been placed around the photograph of STAPLES and Defendant 1, which was referenced above at Image 2*

Based on my review of video evidence taken in and around the Capitol complex on January 6, I understand that, throughout the day of January 6<sup>th</sup>, some rioters present at the Capitol chanted or shouted “our house” or “the people’s house,” in reference to the Capitol building.

The tipster observed that, by the morning of January 7, 2021, STAPLES had deleted his Facebook account, along with other social media accounts. STAPLES’s Facebook posts were therefore no longer publicly accessible by the time the FBI opened its investigation. An agent from the FBI Detroit Field Office executed a search warrant on Defendant 1’s Facebook account. The returns from Defendant 1’s search warrant contained an identical copy of the post referenced in Image 3 above, i.e., the post by Defendant 1 that included a picture of Defendant 1 and STAPLES in front of the Capitol.

After receiving these public tips, a task force officer from the FBI Houston Field Office reviewed closed circuit television (“CCTV”) footage taken from inside the Capitol and identified a person matching STAPLES clothing and appearance entering the Capitol on January 6. Your

affiant has also reviewed this CCTV footage, which shows STAPLES and Defendant 1 entering the U.S. Capitol building through a broken window next to the Senate Wing Door. The clothing worn by STAPLES in the CCTV footage matches the clothing worn by STAPLES in Defendant 1's Facebook post, including a gray hooded sweatshirt that reads "COURAGE IS CONTAGIOUS."



*Image 4 – Screen Shot from U.S. Capitol CCTV*

On December 1, 2021, STAPLES was interviewed by your Affiant at the FBI's Cheyenne, Wyoming Resident Agency. An attorney for STAPLES, Robert Moxley, was present for the duration of the interview. During that interview, STAPLES admitted to entering the U.S. Capitol building through a window and identified himself in Image 4, above.

During the interview, STAPLES identified himself in the image from Defendant 1's Facebook page in which the Tipster had previously identified him. He indicated that he and Defendant 1 were holding up four fingers to signify "four more years" of the Trump presidency.



*Image 5 – Copy of Photograph Posted to Defendant 1’s Facebook Page, Shown to STAPLES during December 2021 interview*

STAPLES stated that he deleted his Facebook account shortly after leaving the Capitol.

### **STAPLES’s Activities at the U.S. Capitol**

STAPLES stated that, on January 5, 2021, he flew by himself from Houston, Texas to Washington, D.C. Once in Washington, he met up with members of his family, who had traveled from both Houston and Detroit, and with Defendant 1, who had traveled from Detroit. STAPLES, his family members, and Defendant 1 woke up early on January 6, 2021 to attend the “Stop the Steal” rally at the area near the White House known as the “Ellipse.”

STAPLES stated that it had been his idea to travel to Washington for the rally and that he had asked his family members and Defendant 1 to go with him. He stated that he went with a good heart and with the intention of protesting. STAPLES indicated that he felt it was his duty to attend and that he knew it would be a historic day.

While still at the Ellipse, STAPLES began receiving phone calls from friends asking if he was okay. After Former President Trump’s speech concluded, however, STAPLES, his family members, and Defendant 1 walked to the Capitol. As STAPLES approached the Capitol, he noticed that the area was already crowded. STAPLES stated that he did not observe much fencing near the Capitol as he approached and that he saw some people climbing up the Capitol walls. STAPLES said he then separated from his family members and approached the Capitol building with Defendant 1.

In his interview, STAPLES initially denied remembering whether he went inside the Capitol building. However, STAPLES later admitted to entering the Capitol building through a window, which Capitol CCTV footage confirms to be near an area called the “Senate Wing Door.” STAPLES stated that he entered and stayed inside for less than a minute, during which time he

took photos on his cellular phone. STAPLES was shown the image below, which depicts an area inside the Senate Wing Door. STAPLES identified himself in the photo.



*Image 6 – Screen Shot from U.S. Capitol CCTV Footage, Shown to STAPLES during December 2021 Interview*

STAPLES additionally identified himself in a still from Capitol CCTV that depicted STAPLES climbing through the window, shown above as “Image 6.”

Image 7, below, depicts STAPLES using his cellular phone while inside the Capitol building. A zoomed-in version of the image, focused on STAPLES, is below as “Image 8.” Based on my training and experience, STAPLES is holding his phone consistent with filming or photographing events inside the Capitol. Moreover, during his December 2021 interview, Staples stated that both he and Defendant 1 took photographs using their phones while inside the Capitol building.



*Image 7 – Screen Shot from U.S. Capitol CCTV Footage*



*Image 8 – Zoomed-In Screen Shot of Image 7*

Through open-source investigation, your affiant has determined that a cellular phone number ending in -7261 is subscribed to an “Eric Staples” with a listed Social Security Number and residential address that match information in law enforcement records for STAPLES. Records indicate that, on January 6, 2021, this phone number ending in -7261 utilized a cell site consistent with providing service to a geographic area including the interior of the U.S. Capitol building.




Based on my review of Capitol CCTV footage, STAPLES remained inside the U.S. Capitol for approximately one minute and twenty-four seconds and exited out of the same window through which he entered. In his interview, STAPLES stated that he and Subject 1, who had also entered the Capitol with STAPLES, remained near the window for about ten minutes after exiting the building. After exiting Capitol grounds, Defendant 1 stated that he and STAPLES proceeded to their hotel and left Washington, D.C., the next day.

### **Probable Cause Conclusions**

Based on the foregoing, your Affiant submits that there is probable cause to believe that STAPLES violated 18 U.S.C. § 1752(a)(1) and (2), which make it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; 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 STAPLES 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.

  
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 21st day of December, 2023.

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ZIA M. FARUQUI  
U.S. MAGISTRATE JUDGE