

STATEMENT OF FACTS

Your affiant, [REDACTED], is a special agent assigned to the Las Vegas Division of the Federal Bureau of Investigation. In my duties as a special agent, I investigate domestic terrorism, international terrorism, crimes against children, child exploitation, child pornography, and human trafficking. 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 violations of Federal criminal laws.

BACKGROUND

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. 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.

DEFENDANT'S ACTIONS ON JANUARY 6TH

On or about February 17, 2023, the FBI initiated an investigation into the identification of a rioter on the Capitol Grounds on January 6, 2021 flagged by citizen investigators and given the nickname “#CapitolFireDrill.” The rioter was flagged as being associated with three other rioters. Further investigation indicated that the individual associated with the nickname “#CapitolFireDrill” was Mario Salvador Gonzalez (MARIO GONZALEZ). When interviewed by your affiant, neighbors familiar with GONZALEZ and who had individual knowledge of GONZALEZ’s plans to travel to Washington D.C. for the rally scheduled on January 6, 2021 confirmed that the individual in photos and videos from the Capitol grounds on January 6, 2021, including Photo 4 below, was MARIO GONZALEZ. From my review of the video that is the source for Photo 4 and my own experience with this investigation and others concerning the January 6, 2021 attack on the Capitol, I am able to recognize that Photo 4 below shows MARIO GONZALEZ at a location within the restricted area of the that included the Capitol and its grounds on January 6, 2021.

According to travel documents obtained by your affiant, MARIO GONZALEZ traveled from Las Vegas, Nevada to Philadelphia, Pennsylvania on January 5, 2021. MARIO GONZALEZ then presumably traveled from Philadelphia, Pennsylvania to Washington, D.C, although the manner of this travel is currently unknown. On January 6, 2021, MARIO GONZALEZ wore a red, white, and blue beanie hat with a red pompom on top, the word “TRUMP” written in white lettering on a blue background, and the number “45” on the lower navy band around the bottom of the hat. On the same day, MARIO GONZALEZ also wore a black hooded sweatshirt with a stylistic American-style flag in white with a stripe replaced with the word “TRUMP” written vertically down the sweatshirt, as shown in Photo 2 below. MARIO GONZALEZ also wore olive green pants with thick black bands around the knees (seen in another photo from MARIO GONZALEZ’s Facebook account appearing below as Photo 1), dark shoes, and (on occasion) a dark gray facemask with black lining. MARIO GONZALEZ appears to have met up with three other rioters on January 6, 2021.



Photo 1: Photo taken from Mario Gonzalez's Facebook page, dated March 6, 2021.

As seen in third party open-source footage from January 6, 2021, depicted in Photo 2, on January 6, 2021, MARIO GONZALEZ walked east on Pennsylvania Avenue in the direction of the United States Capitol.



Photo 2: Screen grab from open-source video: Youtube- Benjamin John: Heading up to Capitol Hill pt6.mp4 showing Mario Gonzalez (highlighted inside yellow oval) with three companions (highlighted inside blue ovals).

MARIO GONALZEZ then entered onto restricted Capitol Grounds near the Peace Monument circle.



Photo 3: Screen grab from open-source video: Rumble- Gfive-vck5zn-trump-washington-dc-protest-jan-6th-2021-13.mp4 showing Mario Gonzalez (highlighted inside yellow oval).

While on Capitol Grounds, MARIO GONZALEZ joined the mob that gathered on the Lower West Terrace of the Capitol. Specifically, MARIO GONZALEZ approached and entered the northern scaffolding around the inauguration stage where police were attempting to prevent the rioters from gaining access to the steps leading up to the Upper West Terrace. As the rioters succeeded in pushing the police line back and up the stairs, MARIO GONZALEZ filmed the altercation with police and took selfie-style recordings of himself using his cell phone.

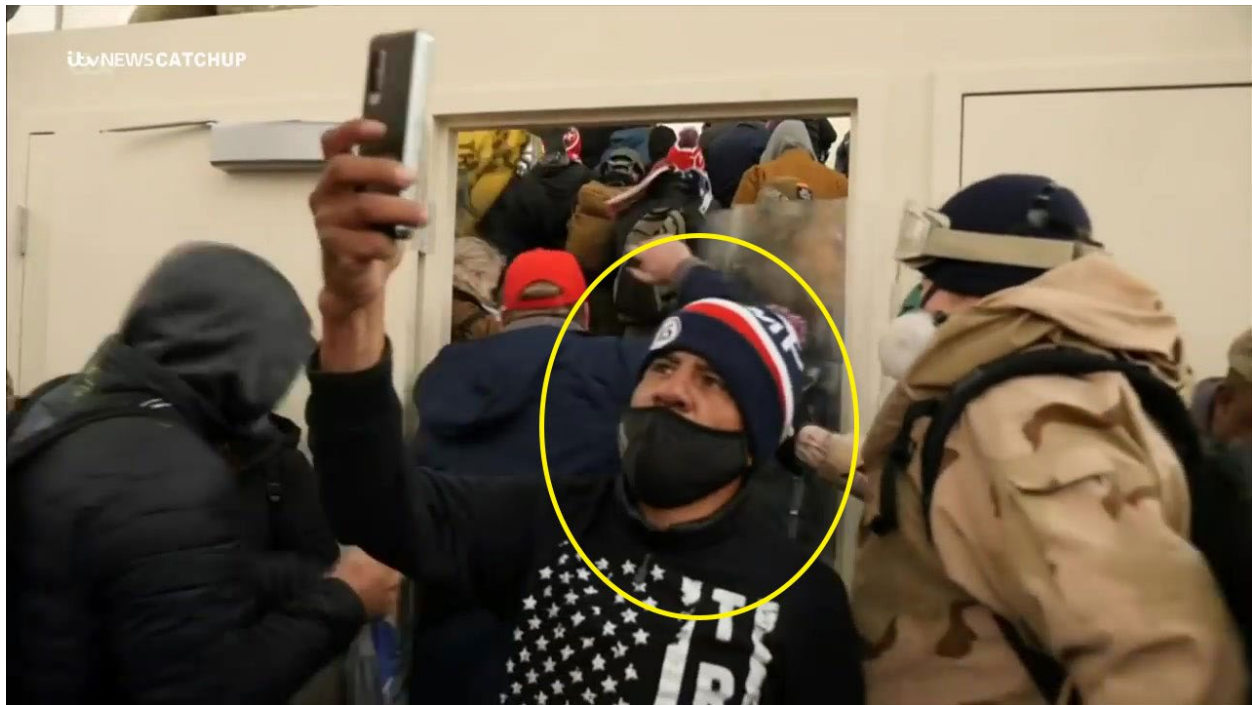


Photo 4: Screen grab from open-source video: YouTube | ITV News - jJiSmVkty4.mp4 showing Mario Gonzalez (highlighted inside yellow oval).

MARIO GONZALEZ then came out of the scaffolding carrying a fire extinguisher and proceeded to spray the fire extinguisher in the direction of the police line that held the crowd at bay.



Photo 5: Screen grab from open-source video: YouTube | Aaron Delgado (UCf_8S7MnGvJ_AfEAo9_onog) "extinguish the fires of hatred.mkv" showing Mario Gonzalez (highlighted inside yellow oval).

Shortly after he sprayed the fire extinguisher at the police line, the police deployed a chemical riot control agent in the direction of MARIO GONZALEZ. Once the riot control agent made contact with MARIO GONZALEZ, he dropped the fire extinguisher and retreated back into the crowd.



Photo 6: Screen grab from open-source video: YouTube | Aaron Delgado (UCf_8S7MnGvJ_AfEAo9_onog) “extinguish the fires of hatred.mkv” showing Mario Gonzalez (highlighted inside yellow oval) with riot control agent sprayed in his direction (highlighted inside green oval).

Based on the foregoing, your affiant submits that there is probable cause to believe that MARIO GONZALEZ 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 section 1114 of Title 18 while engaged in or on account of the performance of official duties, where such acts involve physical contact with the victim or the intent to commit another felony. Persons designated within section 1114 of Title 18 include federal officers such as USCP officers, and include any person assisting an officer or employee of the United States in the performance of their official duties.

Further, based on the foregoing, your affiant submits that there is probable cause to believe that MARIO GONZALEZ 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 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. 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.

Based on the foregoing, your affiant submits there is probable cause to believe that MARIO GONZALEZ violated 40 U.S.C. § 5104(e)(2)(D) which makes it a crime to willfully and knowingly 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, based on the foregoing, your affiant submits there is probable cause to believe that MARIO GONZALEZ 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.

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Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 5th day of January 2024.

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