

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation. I have been so employed since 2019. Before becoming a special agent, I completed FBI training at the FBI Academy in Quantico, Virginia. I am currently assigned to the Brevard Resident Agency of the FBI's Tampa Division, where I am responsible for conducting various types of investigations, including counterterrorism and other national security investigations. As a special agent, I have received official training and gained experience on how to conduct investigations, collect evidence, execute search warrants, conduct interviews, and make arrests. In addition, I am authorized to investigate violations of laws of the United States and execute warrants issued under the authority of the United States. In addition to my regular duties, I am currently also tasked with investigation of criminal activity that occurred in and around the Capitol grounds on January 6, 2021. In my duties as a Special Agent, I am authorized by law or by the FBI 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 approximately 1:00 p.m., a crowd of violent rioters penetrated the restricted perimeter of the U.S. Capitol grounds – which was denoted by bike racks, snow fencing, officers, and “AREA CLOSED” signs – and assembled on the West Front of the U.S. Capitol. USCP formed a line of bike racks extending from the north end of the West Front to the South end to act as a barrier against the crowd. Officers were standing watch behind this line and fending off repeated attempts by the rioters to pull on the bike racks, either with their hands or with ropes and straps.

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., some people in the crowd forced their way through, up, and over the barricades and law enforcement. The crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by USCP officers or other authorized security officials. The crowd of rioters had amassed and collectively pushed and tore down the bike rack barriers, assaulted law enforcement officers, and otherwise violently breached the police line, opening the path to the Capitol building.

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.

At approximately 2:30 p.m., significant sections of the police line on and near the U.S. Capitol’s Lower West Terrace broke as the rioters in the crowd swarmed and overwhelmed police officers. The police line guarding the West front had collapsed. Rioters quickly followed retreating officers up to the inaugural platform on the Lower West Terrace by climbing the stairwell and scaffolding in the Southwest section of the U.S. Capitol grounds.

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.

DAVID HOMOL’s Participation in the Events of January 6, 2021

During the week of September 27, 2023, defendant Dillon Homol (“Dillon”) was tried in this district for offenses stemming from his participation in the events at the Capitol on January 6, 2021—*United States v. Dillon Homol*, Criminal No. 23-50 (JMC).¹ The Statement of Facts describing the factual predicate for Dillon Homol’s initial Criminal Complaint is available on the docket for Case No. 23-cr-50 (JMC) at ECF No. 1-1. The investigation revealed that DAVID HOMOL (“HOMOL”) is Dillon’s half-brother. Your affiant is the case agent assigned to Dillon’s case. As part of the investigation into Dillon, the FBI obtained search warrants authorizing the search and seizure of information from, among other things, Dillon’s Facebook account and cell phone.

According to search warrant returns from Dillon’s Facebook account, Dillon and HOMOL exchanged direct messages indicating they planned to attend the rally for former President Donald Trump in Washington, D.C., on January 6, 2021. On December 20, 2020, HOMOL stated he was “starting [to] REALLY want to go... with my bro[,]” to D.C. for the rally. HOMOL then suggested

¹ Dillon was convicted on four counts relating to his unlawful entry and disorderly conduct on restricted Capitol grounds and acquitted of one count of Obstruction of an Official Proceeding.

the brothers “take my lightweight vests for safety.... But there may be 1 Million patriots there anyway.” HOMOL also remarked: (1) “You & I have NOT taken a big trip together. Perhaps this should be THE ONE[,]” (2) “Time to do something patriotic fun w family[,]” (3) “this may be too good, too historical to pass up.” The brothers continued to exchange Facebook messages to coordinate travel.

Search warrant returns from Dillon’s Facebook account also revealed that Dillon joined a group chat on Facebook titled “DC Rally” with multiple other members who planned to attend the rally on January 6, 2021. One of those other members was HOMOL. Discussions in the group centered on planned meetups, a “security SOP” (which I believe refers to “standard operating procedure”) for the group, and various pictures, *see* Images 1 and 2 (below), indicating a planned protest was to take place at the Capitol building on January 6, 2021 following the speech by President Trump scheduled for earlier that same morning. One of the Facebook posts referred to the planned protest at the Capitol building as the “Wild Protest” and stated, “Congress cannot certify this fraudulent Electoral College[.]”



Image 1



Image 2

HOMOL sent multiple messages to the “DC Rally” group in the weeks leading up to the rally, including statements that he “Just confirmed all is a GO for my reservation at Hyatt Capitol Hill. No Cancellations. See you in DC.” HOMOL also shared images to the group in the days leading up to the rally, including a picture of the Capitol taken from in front of the Homol brothers’ hotel during the night of January 5, 2021. *See Image 3.*



Image 3

After the riot, HOMOL continued to message the Facebook group, writing, “Make politicians fear We The People again.”

The execution of the search warrant for Dillon’s cell phone also revealed text message communications between Dillon and a contact marked “David Homol” related to January 6, 2021. The contact marked “David Homol” was connected to a phone number ending 3136. On December 19, 2020, Dillon sent a text message to a group text message thread for family members, including the phone number ending 3136 associated with HOMOL. The message that Dillon sent asked, “Are you going to DC Jan 6th?” HOMOL responded “Wanna go?” and Dillon replied, “That would be cool.” On December 20, 2020, HOMOL sent the thread a link to a Twitter post with the text: “INCOMING!: Constitutional lawyer & former Green Beret commander says Mike Pence can save America. Here is how...” HOMOL then sent another message: “Patriots: Get water, anything you need to survive now. WROL^[2] may be coming. Be ready to pull security.” One day later, HOMOL wrote to the text thread, “Looks like we are going to DC on January 6th to join 1 million or more Patriots. See you there!!”

² Based on my training and experience, your affiant believes that “WROL” means “Without Rule of Law.”

On January 3, 2021, HOMOL sent Dillon a message that read, “I like a stick of schedule 40 pvc. Can be used as a weapon.” I know from my training and experience that “pvc” refers to pipe made from a form of plastic polymer.

As part of the investigations into Dillon and HOMOL, the FBI reviewed a multitude of video and photographic evidence from public sources, Metropolitan Police Department (“MPD”) body-worn camera footage (“BWC”), and U.S. Capitol Police surveillance footage from the U.S. Capitol. Video and photographic depictions of areas of the Capitol on January 6, 2021, that were obtained and reviewed in connection with Dillon’s case revealed that the two brothers did, in fact, attend the January 6, 2021 rally together in Washington, D.C. Dillon also testified during his trial that he went to the rally, and later the Capitol, with HOMOL on January 6, 2021. Dillon wore a camouflage backpack, a blue and black plaid long sleeve button up shirt, blue jeans, brown and black boots, and a red “TRUMP” hat. HOMOL wore a red backpack, a blue and black plaid long sleeve button up shirt similar to his brother’s, a red, white, and blue scarf, and tan/black gloves. HOMOL also carried an American flag secured to a PVC pipe. Prior to attending the rally, the two brothers took a photo just outside restricted Capitol grounds, which Dillon received in a text message sent from HOMOL’s phone number at approximately 1:04 p.m. on January 6, 2021. *See Image 4.*



*Image 4
(HOMOL at left; Dillon at right)*

At the rally, the two brothers took another photograph together. At this point, HOMOL wore a green/brown camouflage hat. *See Image 5.*



Image 5 (HOMOL in right circle; Dillon Homol in left circle)

Your affiant queried the Florida Driver and Vehicle Information Database and obtained a DMV photograph of HOMOL that appears consistent with the man accompanying Dillon in the images included above. On September 21, 2023, your affiant was notified that Dillon's defense team intended to call HOMOL as a witness at trial, which was then scheduled for September 25, 2023. On September 25, and 27, 2023, HOMOL came to the U.S. Courthouse, where I was also present, and I observed HOMOL personally. Based on my interactions with and observations of HOMOL, I believe he is the same person in the photos above accompanying Dillon at the Capitol, and in the photos below in which he changed into a black helmet.

During preparations for Dillon's trial, your affiant discovered video footage showing that, following the January 6, 2021 rally at the Ellipse, the Homol brothers walked together to the U.S. Capitol grounds and both brothers eventually entered the Capitol's restricted perimeter. HOMOL and Dillon are seen in video footage taken on the Capitol's restricted west front, where a violent battle with police was raging, between approximately 2:00–2:28 p.m. *See Image 6.*

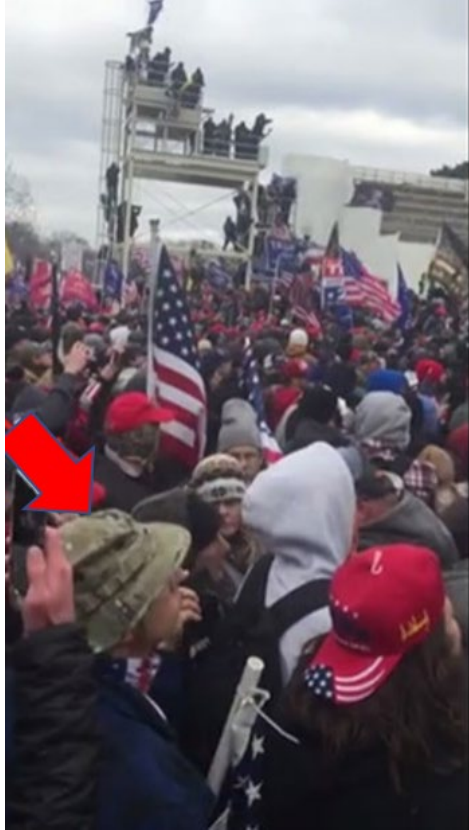


Image 6 (HOMOL indicated by arrow)

Additional public-source video and BWC footage depicts HOMOL on January 6, 2021, assaulting police officers on the Capitol's West Plaza.

Multiple public source videos revealed that HOMOL, at some point, donned a black helmet with an American flag drawn on the side. *See* Images 7 and 8.



Image 7

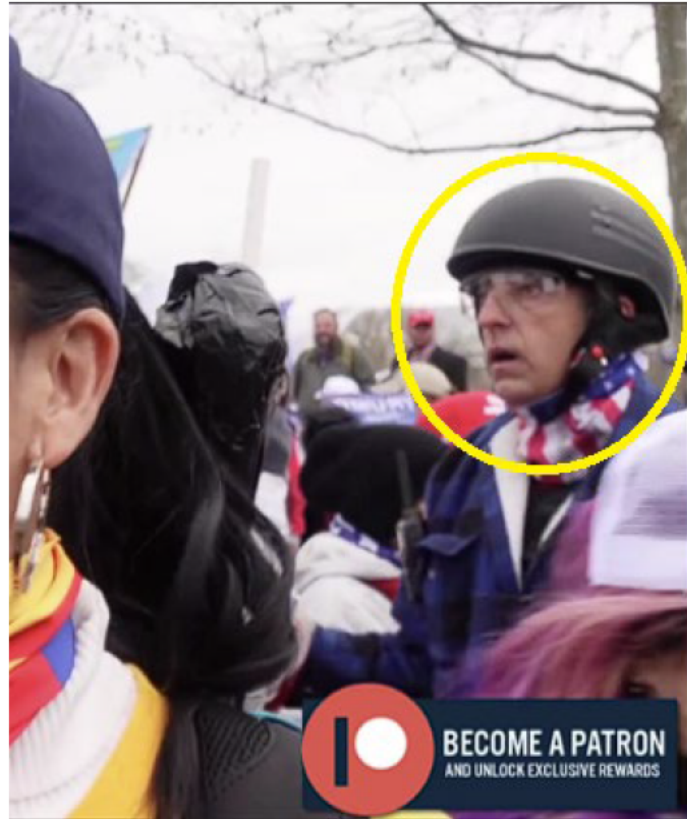


Image 8

Additional public source video shows that HOMOL pulled up his red, white, and blue scarf to cover his face. *See Image 9.*



Image 9

At approximately 2:12 p.m., HOMOL was captured swinging his flagpole multiple times at police officers as they battled rioters on the south end of the West Plaza. *See Image 10.*



*Image 10
(HOMOL's swinging flagpole indicated in yellow box)*

HOMOL's assaults on police officers are visible on BWC footage from that area and time, wherein HOMOL can be seen raising his flagpole and striking two different officers. First, HOMOL struck the back of an officer wearing a gray bicycle helmet. *See Images 11 and 12.*



*Image 11
(HOMOL's helmet indicated in yellow box; swinging flagpole indicated with red arrow)*



Image 12

(HOMOL's helmet indicated in yellow box; swinging flagpole indicated with red arrow)

Moments later, an officer wearing a black "MPD" helmet approached, and HOMOL struck the officer's side. See Images 13 and 14.



Image 13

(HOMOL indicated in yellow box; swinging flagpole indicated by red arrow)



Image 14

(HOMOL indicated in yellow box; swinging flagpole indicated by red arrow)

BWC footage from the second officer assaulted by HOMOL shows the officer being struck, then grappling with HOMOL in an attempt to take away his PVC flagpole. See Images 15–17.



Image 15

(prior to striking; HOMOL indicated in yellow box)



Image 16

(HOMOL's flagpole indicated with red arrow as it strikes the officer wearing the camera)



Image 17

(HOMOL's arm and glove visible, indicated in yellow, as officer engages)

Additional public source video depicts HOMOL sometime later appearing to use his cell phone to capture video or images at the top of the scaffolding for the inaugural stage. See Image 18 (below). It appears that, by this point, HOMOL's flag had been separated from his PVC pipe.



Image 18

HOMOL was also captured on public source video at the bottom of the southwest scaffolding, holding his PVC pipe, as night began to fall. *See* Image 19.



Image 19

On January 6, 2021, HOMOL sent Dillon a text message that read, “Today was not an antifa-inspired statement. It was totally done by angry Trump supporters with no firearms, many singing GOD bless America, Jesus saves, etc.” and “The corrupt politicians should be relieved this was NOT an Armed rebellion. It clearly was a statement of strength of We The People.”

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

Your affiant also submits that there is probable cause to believe that HOMOL 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 also submits there is probable cause to believe that HOMOL 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 also submits that there is probable cause to believe that HOMOL 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 engage in any act of physical violence against any person or property in any restricted building or grounds; or attempt or conspire 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.

Finally, your affiant also submits there is probable cause to believe that HOMOL violated 40 U.S.C. §§ 5104(e)(2)(D) and (F), 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 and (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.



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 8th day of January, 2024.

HONORABLE ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE