

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

JOSHUA RYAN DALE,

Defendant.

: Case No:
:
: VIOLATIONS:
:
: 18 U.S.C. § 1361
: (Destruction of Government Property)
:
: 18 U.S.C. § 1751(a)(1)
: (Entering and Remaining in a Restricted
: Building or Grounds)
:
: 18 U.S.C. § 1752(a)(2)
: (Disorderly and Disruptive Conduct in a
: Restricted Building or Grounds)
:
: 18 U.S.C. § 1752(a)(4)
: (Act of Physical Violence in a Restricted
: Building or Grounds)
:
: 40 U.S.C. § 5104(e)(2)(D)
: (Disorderly or Disruptive Conduct in the
: Capitol Grounds or Building)
:
: 40 U.S.C. § 5104(e)(2)(G)
: (Parading, Demonstrating, or Picketing in a
: Capitol Building)

Case: 1:24-mj-00107
Assigned To : Harvey, G. Michael
Assign. Date : 3/22/2024
Description: Complaint W/ Arrest Warrant

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
AND ARREST WARRANT**

I, Jason Smith, being first duly sworn, hereby depose and state as follows:

PURPOSE OF AFFIDAVIT

1. I make this affidavit in support of an application for an arrest warrant for JOSHUA RYAN DALE.

AGENT BACKGROUND

2. Your affiant, [REDACTED], is a deputy with the New Hanover County Sheriff's Office and currently holds the rank of Detective. Since 2008 I have been a Task Force Officer

(TFO) assigned to the Charlotte Division, Wilmington RA. In my duties as a TFO, I am assigned to the Joint Terrorism Task Force (JTTF). Currently, I am tasked with investigating criminal activity in and around the Wilmington RA area of responsibility and was so assigned on January 6, 2021. As a TFO, 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

3. The United States Capitol is secured 24 hours a day by United States Capitol Police (“USCP”). Restrictions around the United States Capitol include permanent and temporary security barriers and posts manned by USCP. Only authorized people with appropriate identification are allowed access inside the United States Capitol. On January 6, 2021, the exterior plaza of the United States Capitol was also closed to members of the public.

4. On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, located at First Street SE, in Washington, D. C. During the joint session, elected members of the United States House of Representatives and Senate met in the United States Capitol to certify the vote count of the Electoral College for the 2020 Presidential Election, which took 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 Michael R. Pence was present and presiding, first in the joint session, and then in the Senate chamber.

5. As the proceedings continued in both the House and the Senate, and with Vice President Pence present and presiding over the Senate, a large crowd gathered outside the United States Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the United States Capitol building and USCP were present, attempting to keep the

crowd away from the Capitol building and the proceedings underway inside.

6. At such time, the certification proceedings were underway, the exterior doors and windows of the Capitol were locked or otherwise secured. Members of the USCP 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 USCP, as others in the crowd encouraged and assisted those acts.

7. 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 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.

8. 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 United States Capitol building without authority to be there.

STATEMENT OF FACTS SUPPORTING PROBABLE CAUSE

9. A concerned citizen (CC 1) supplied a tip to the FBI public tip line stating that they saw pictures, statements, and videos that JOSHUA RYAN DALE posted to his Facebook account (josh.dale.1694, UID:100056077471282) confirming he was inside the United States Capitol during the insurrection on January 6, 2021.

10. CC1 stated they have personally known DALE for approximately 3-4 years from living in Wilmington, NC while CC1 attended school. CC1 stated they have been Facebook friends

with DALE for approximately the same amount of time, which gave them access to DALE's postings. CC1 gave the following statement regarding DALE's Facebook activities: "A Facebook friend of mine posted several pictures of himself alongside/participating in the riots at the US Capital Building on January 6th, 2021. One picture he posted, shows himself specifically inside the US Capital Building at the time of the rioters entering the building."

11. After receiving information from CC1, to include links to DALE's Facebook account that were publicly accessible, your affiant was able to obtain North Carolina Department of Motor Vehicle (NCDMV) driver photos and personal information, which assisted in confirming the identity of DALE.

12. Your affiant called DALE's employer (Employer) to confirm DALE was not at work on January 6, 2021. During a brief telephone interview on the morning of January 18, 2021, Employer confirmed DALE was his employee and was not at work between January 5-7, 2021. During the telephone conversation, Employer stated he had received several text messages from DALE the night of January 6 or the next day, after DALE had entered the U.S. Capitol building, with pictures that appeared to be captured from a TV news report showing DALE in and around the U.S. Capitol on January 6, 2021. According to Employer, in the text messages, DALE placed a white circle around himself in some of the photos to point out it was him. Employer supplied the above-mentioned photos to your affiant via email. The text message photos received from Employer are below:



Figure 1 (DALE, in yellow, walking up Northeast Stairs)

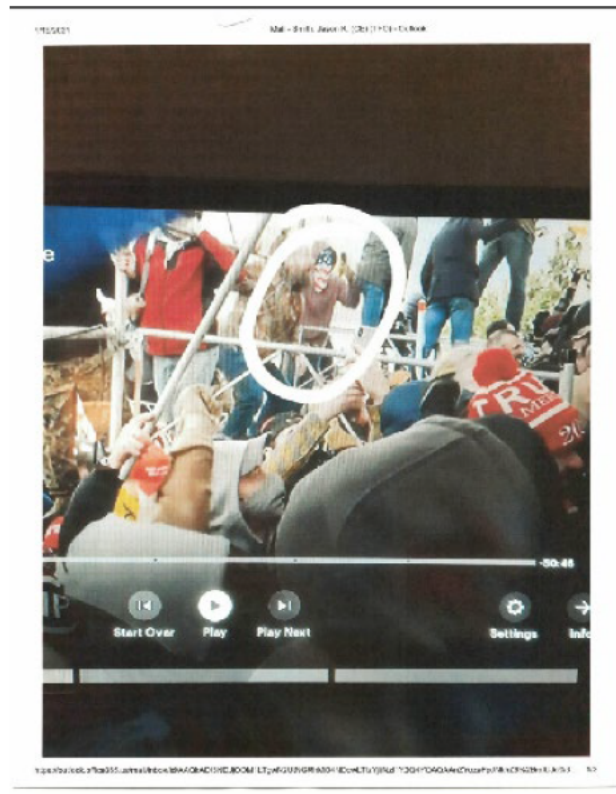


Figure 2 (DALE, identified in white by himself, under the scaffolding over the Northeast Stairs)



Figure 3 (DALE, identified in white by himself, inside the U.S. Capitol)

13. JOSHUA RYAN DALE was contacted by your affiant via telephone and agreed to an in-person interview at the FBI office in Wilmington, NC. At approximately 4:15pm on January 18, 2021, DALE met with your affiant and TFO William Craig (retired). After being advised of the identities of the interviewers and the nature of the interview, DALE agreed to continue the interview.

14. Before the interview began, DALE was advised that he was not under arrest, did not have to talk to the interviewers, and could stop talking at any time. The door to the interview room was left open and DALE was advised the interview was being digitally recorded. During the interview, DALE consented to the search of his Samsung Galaxy A51 cell phone. An FD-941, Consent to Search Form, was executed and signed.

15. DALE stated he traveled to the “Stop the Steal” rally with five other individuals. DALE stated they traveled to Washington D.C. on the afternoon of January 5, 2021, and stayed the night in a hotel. DALE could not recall where the hotel was or the name.

16. On the morning of January 6, 2021, DALE stated they left the hotel and went to listen to the speeches at the rally in D.C. DALE stated the six of them stayed together while listening to the speeches and did not go with any other parties or groups. DALE explained that once the speeches were over, they moved with the crowd towards the U.S. Capitol building. At some point prior to going up the Capitol steps, DALE stated, he was separated from his companions.

17. DALE initially stated he did not enter the U.S. Capitol building. DALE was warned again about lying to a federal agent and the potential consequence that may bring. DALE was presented with the photos supplied by Employer and immediately recanted his original story.

18. DALE admitted to entering the U.S. Capitol building and confirmed it was him in the photos he sent to Employer. DALE described his clothing that day as a red overcoat (which appeared to be a hoodie on video), blue jeans, Sperry or Vans shoes, US flag mask/bandana around his face, a Trump hat while outside and later, a Carhartt beanie hat when he was inside. DALE stated he remained inside the building for approximately ten minutes before exiting through a side door. DALE stated he did not touch anything and did not damage property.

19. Results for a search of DALE on U.S. Capitol Police security footage depicting the inside of the Capitol Building on January 6 were positive. DALE is seen inside the U.S. Capitol

building wearing a black beanie hat, US flag mask/bandana around his face, red or maroon hooded sweatshirt, blue jeans and black shoes. *See* Image 4.



Figure 4 (DALE entering the U.S. Capitol building Senate Wing Door)

20. After entering the Capitol Building, DALE turned to his right and traveled south toward the Crypt. He returned a few minutes later to the Senate Wing Door hallway. After returning, DALE and another unidentified rioter picked up an historical marker and used it as a battering ram against an interior door of the Capitol. *See* Images 5-6. Your Affiant has reviewed video of DALE's use of the marker and a loud bang can be heard when the marker makes contact with the door. It appears that DALE and the unidentified rioter attempt to break the door and damage the historical marker in the process. The value of the marker is greater than \$1.00.



Figure 5 (DALE before picking up marker; DALE in yellow, marker in green)

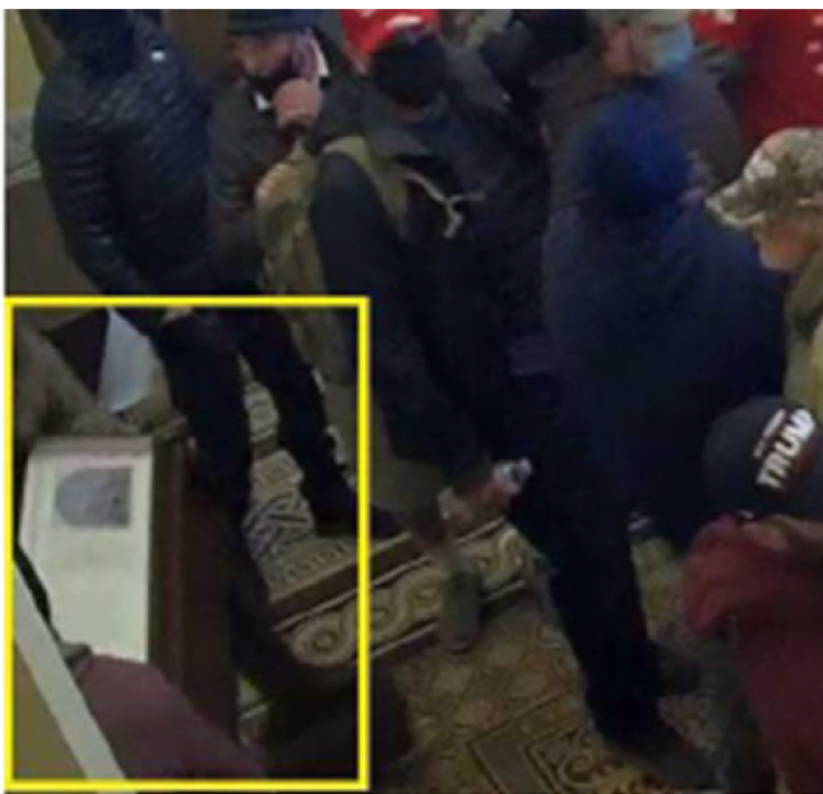


Figure 6 (DALE near Senate Wing Door, picking up marker)

21. Shortly after interacting with the marker, DALE made his way north and east within the Capitol Building and exited through the Senate Carriage Door on the east side of the Capitol.



Figure 7 (DALE exiting U.S. Capitol building Senate carriage door)

CONCLUSION


22. Based on the foregoing, your Affiant submits that there is probable cause to believe that JOSHUA RYAN DALE violated:


a. 18 U.S.C. § 1752(a)(1), (2), and (4), 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; 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 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;

b. 40 U.S.C. § 5104(e)(2), (D) and (F) (Disorderly or Disruptive Conduct in the Capitol Grounds or Building and Act of Physical Violence in the Capitol Grounds or Building), 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; and

c. 18 U.S.C. § 1361, by willfully injuring or deprecating of any property of the United States, or attempting to do so.



Task Force Officer 

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 22 day of March 2024.

G. Michael Harvey,
U.S. MAGISTRATE JUDGE