

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the United States (U.S.) Department of Homeland Security (DHS), Federal Protective Service (FPS), assigned to the Federal Bureau of Investigation (FBI), North Texas Joint Terrorism Task Force (NTJTTF). In my duties as a special agent, I work on domestic terrorism matters and illegal activities carried out by extremists. 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.

STEVE SAXIONES

Law enforcement detained several individuals during the riot at the Capitol on January 6, 2021. One of the detained individuals was Steve Saxiones (“SAXIONES”). SAXIONES was subject to intake processing by U.S. Capitol Police (“USCP”) at U.S. Capitol Police Headquarters, in a facility located at 119 D Street, NE, on January 6, 2021. During processing, SAXIONES provided a date of birth and home address, which were recorded on arrest paperwork. SAXIONES was released from custody on January 6, 2021, at approximately 4:30 p.m. According to the U.S. Capitol Police detention report, there was “no complainant for the offense” and the individual was released without charges. Based on additional information from the U.S. Capitol Police, “no complainant for the offense” likely indicates that the officer(s) who made the initial arrest rejoined efforts to protect the Capitol building and its occupants rather than remain with Saxiones during intake processing.

I have reviewed surveillance footage of the Capitol on January 6, 2021, and I have identified video footage that shows the detention of SAXIONES, including the assault by SAXIONES that led to his detention.

As introduced above, the joint session at the Capitol began at approximately 1:00 p.m. Shortly before 1:00 p.m., a crowd assembled near the Peace Monument on First Street, Northwest moved forward and breached the outer perimeter of Capitol grounds. A large crowd surged forward and breached Capitol grounds. Law enforcement were outnumbered by the crowd. By 1:00 p.m., the crowd had unlawfully advanced onto Capitol grounds and were standing near the base of the building in the area known as the lower west plaza.

Law enforcement officers in the lower west plaza, including USCP and officers from the D.C. Metropolitan Police Department (MPD), were attempting to control the crowd and keep the crowd from advancing further toward the Capitol building. As part of this effort, law enforcement officers deployed lachrymatory agents and used bike racks as a barricade to physically move the crowd back away from the Capitol building.

At approximately 1:36 p.m., officers in the lower west terrace of the Capitol were holding the police line against the crowd. Rioters in the crowd were pushing and shoving against the line of officers, including pushing and pulling a bike rack that separated the officers from the crowd. One such instance can be seen below, at Image 1, which shows officers attempting to control the police line using a bike barricade.



Image 1 (USCP CCTV 903 at 1:36:15)

A person that your affiant has identified as SAXIONES was part of the group that was pushing against the metal bike rack. Video shows that SAXIONES made repeated efforts to push the bike rack and throw his body weight into the line of officers. Eventually, SAXIONES moved to the end of the bike rack, and SAXIONES then lunged forward toward the officers. Officer M.B. was positioned at the end of the bike rack, and SAXIONES wrapped his arms around Officer M.B. as shown in Image 2 below.



Image 2 (yellow circle has been added)

Your affiant interviewed Officer M.B., and Officer M.B. recalled this incident. Officer M.B. stated that it felt like the person that I have identified as SAXIONES was executing a wrestling move and trying to take her to the ground. Video footage of this sequence shows that other officers quickly came to the aid of Officer M.B. and detained SAXIONES by pulling him onto the officer side of the police line. As officers took action to detain SAXIONES, SAXIONES resisted officers' efforts to subdue him. Due to the involvement of law enforcement officers from the MPD, this sequence is also captured on body worn camera footage.

Your affiant has studied video footage of SAXIONES on Capitol grounds. In the video that I have reviewed, SAXIONES appears to be wearing black boots, black pants, a black zip-up hooded jacket, a black backpack, a black neck/face gaiter, goggles, a black beanie, a royal blue undershirt, a green camouflage-style tactical vest under the jacket, purple underwear, and a radio attached to the vest.

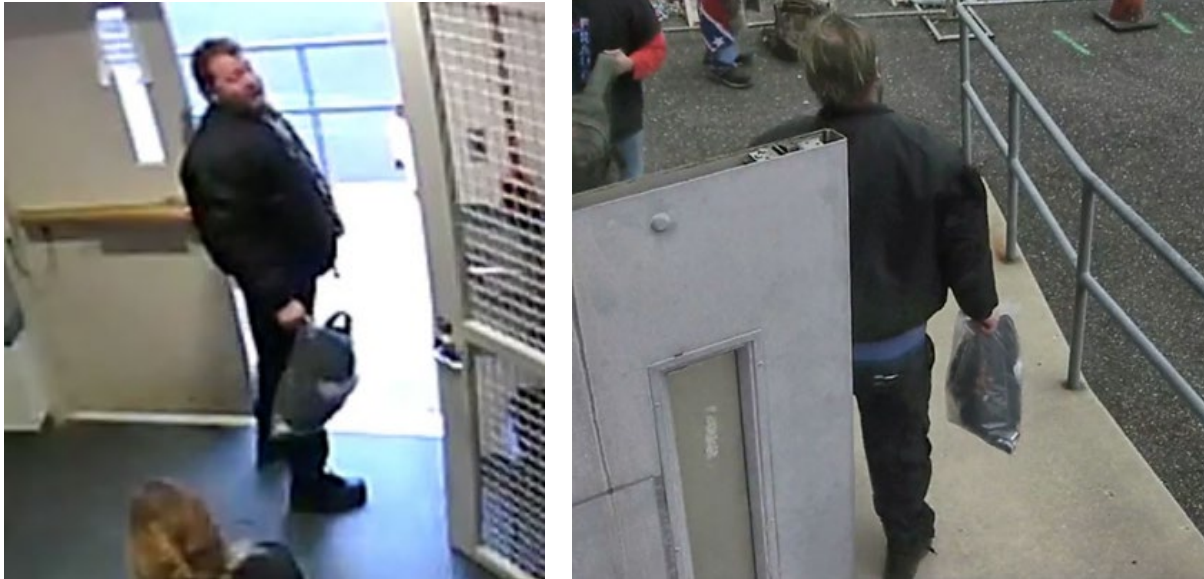
Your affiant has reviewed additional CCTV footage of the Capitol related to SAXIONES's arrest. In the CCTV footage, your affiant has been able to trace the movement of SAXIONES after his arrest. In summary, SAXIONES was placed in handcuffs and taken to the south end of the lower west terrace where was led up a set of concrete stairs to the upper west terrace. SAXIONES was eventually placed in a transport vehicle at approximately 2 p.m., and SAXIONES was then transported to the USCP processing center. SAXIONES arrived shortly before 2:10 p.m. SAXIONES can be seen in Image 3 below arriving at the facility; SAXIONES's black jacket and black backpack were removed by USCP in connection with transport.



Image 3

Based on my comparison of the individual in Image 3 above and the photograph associated with SAXIONES's driver's license photograph, along with the arrest paperwork for SAXIONES, I have identified the person in the image above as SAXIONES.

SAXIONES was released from USCP custody at approximately 4:30 p.m. In Images 4A and 4B below, SAXIONES can be seen wearing his black jacket and carrying a plastic bag that contains, among other things, his black backpack. In Image 4B below, the royal blue shirt of SAXIONES can be seen extending below his black jacket.



Images 4A & B

CCTV video footage of SAXIONES's release from custody around 4:30 p.m. shows him redistributing his belongings from the plastic bag into his backpack and his pockets. During the video, as seen in Image 5A below, SAXIONES grabs from the plastic property bag what appears to be a cell phone and sets it on the ground next to him. As seen in Image 5B, SAXIONES then reaches into the plastic property bag and takes out what appears to be a second cell phone and makes a phone call while continuing to pack his property. Based on these actions, it appears SAXIONES had two cell phones in his possession when released from the processing center, and he likely had both of these phones in his possession while on U.S. Capitol grounds.¹

¹ The FBI has reviewed available information – including records obtained from Google, Cricket Wireless and AT&T Wireless – for cell phone numbers registered to SAXIONES to determine whether there was any evidence in that data that devices associated with any of those cell phone numbers were within the grounds of the U.S. Capitol Building on January 6, 2021. Agents did not locate SAXIONES's cell phone number(s) in the available information.



Images 5A & 5B

SAXIONES's PREPARATIONS TO COME TO WASHINGTON, D.C.

SAXIONES is a 46 year old resident of the state of Texas. Since at least 2018, SAXIONES has been a member of the Proud Boys organization. The Proud Boys describes itself as a “pro-Western fraternal organization for men who refuse to apologize for creating the modern world; aka Western Chauvinists.” Proud Boys members routinely attend rallies, protests, and other events, some of which have resulted in violence involving members of the group. There is an initiation process for new members of the Proud Boys, and members often wear black and yellow polo shirts or other apparel adorned with Proud Boys logos and slogans to public events.

Through at least January 6, 2021, Enrique Tarrío was the national chairman of the Proud Boys organization. Throughout the United States, there are local Proud Boys chapters, which are typically led by chapter “presidents.”

On December 19, 2020, former President Trump announced plans for a Stop the Steal protest event in Washington, D.C., on January 6, 2021, which date coincided with Congress’s Certification of the Electoral College vote. Tarrío and a handful of other members of the Proud Boys created a new chapter for the Proud Boys that would consist of members from across the country. The new chapter was referred to as the Ministry of Self Defense or MOSD (“MOSD”). Tarrío described the MOSD as a “national rally planning” chapter that would include only “hand selected members.”

Through its investigation of the January 6, 2021 criminal conduct at the Capitol, the FBI has lawfully obtained messages exchanged among Proud Boys members, including group chats on the encrypted messaging application Telegram. On January 2, 2021, a Telegram user with account number 785535173 and vanity name “Howie Feltersnatch” completed an application to join the MOSD. Based on your affiant’s investigation, and for the reasons set forth below, I have identified SAXIONES as the user of this account.

A screenshot of the MOSD application (Image 6 below) indicates that it was completed by a Cricket Mobile user. As noted above in footnote 1, SAXIONES has an account with Cricket Mobile.

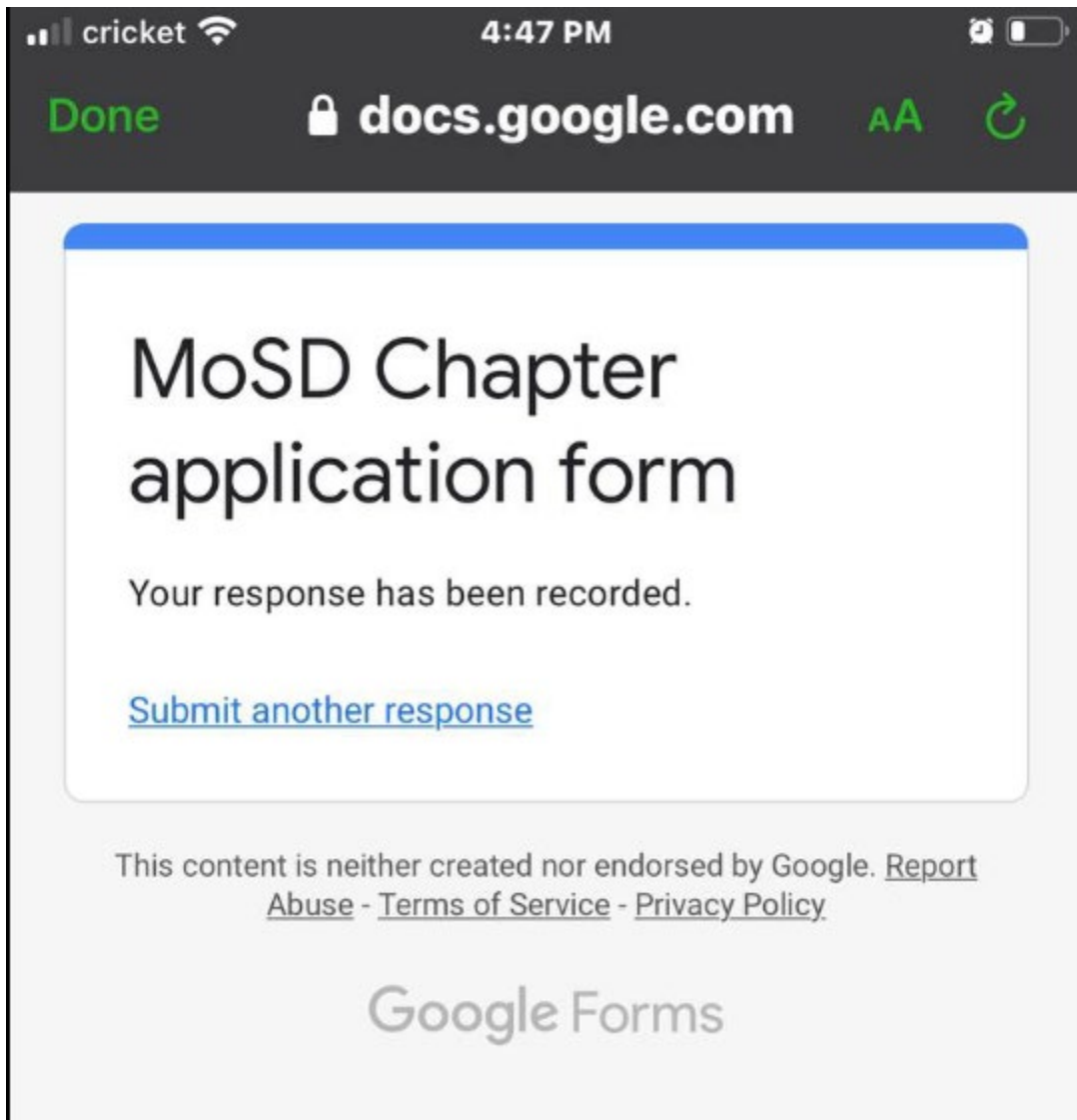


Image 6

In completing the MOSD application, SAXIONES declared that he was a “2nd” degree member of the Proud Boys and that he had been a member since September 2018. Shortly after completing the form, Tarrío added SAXIONES and another Proud Boys member with the Telegram moniker “Long Winded SOB”—who represented himself as being from “DFW”—to an encrypted message group that had been created for members of the MOSD. The group included at least 65 members.

On January 4, 2021, the user “Long Winded SOB” posted a message among MOSD members that stated that “@HOWIE_FELTERSNATCH and I will be arriving around 11:30

tomorrow night.” Records obtained from American Airlines reflect that, on January 5, 2021, SAXIONES and a travel companion, whose identity is known to your affiant, flew from Dallas, Texas to Baltimore, Maryland via Miami, Florida. SAXIONES’s travel companion’s home address as listed on the airline records is located in Dallas, Texas. Records indicate that SAXIONES and his companion were scheduled to arrive in Baltimore, Maryland at 11:40 p.m.

In messages exchanged among members of the MOSD on Telegram, members discussed plans to come to Washington, D.C., for January 6 and discussed the potential for violence at the Capitol on January 6. For example, on January 3, 2021, one member posted a message in the MOSD Telegram group that read, “1776 flag flying over the White House last night” along with an image that appeared to show the Betsy Ross flag flying over the White House. Within minutes, another member posted a message that read, “Gonna be war soon” to which the original poster responded, “Yes Sir time to stack those bodies in front of Capitol Hill[.]” Approximately 20 minutes later, in the same chat, a different user posted the following message: “Also this 🇺🇸. So are the normies and “other” attendees going to push thru police lines and storm the capitol buildings? A few million vs A few hundred coptifa should be enough. I saw a few normie groups rush through police lines on the 12th.”

SAXIONES also posted messages concerning his preparations for travel to Washington, D.C. For example, on January 3, 2021, SAXIONES posted messages related to bringing body armor that read, “What’s the deal with flying with body armor? Does TSA Fuck with you?” and “I’m thinking of carrying a IIIA Kevlar vest I have it has more coverage than my plate carrier and it’s lighter I’m also flying AA[.]” SAXIONES also posted messages concerning communications equipment, including “Another question do y’all use comms like Beaoufang’s or Nah?” and “Yeah I was thinking cell service would either get blocked or overwhelmed[.]” SAXIONES also posted messages about concealing his appearance, including a selfie-style photograph shown below at Image 7 in which SAXIONES commented, “The beard is still visible 😂”



Image 7

In addition to the message group for members of the MOSD, the Telegram user “Howie Feltersnatch”—who your affiant has identified as SAXIONES—was also invited to join a message group called “Boots on Ground” that was created for Proud Boys members who had traveled to Washington, D.C.

Communications in the MOSD and Boots on Ground encrypted chats continued through the breach of the Capitol on January 6, 2021. Among other things, shortly after the outer barricades at the Capitol were breached, messages posted in the Boots on Ground and MOSD encrypted message groups at approximately 1:00 p.m. stated, “Storming the capital building right now!!” Another message posted in the Boots on Ground encrypted message group stated, “Get there[.]”

The only message posted by SAXIONES in the Boots on Ground group was posted by SAXIONES at 4:49 p.m. on January 6, 2021. The message read, “Where ya’ll at just got outta police custody[.]” As noted above, SAXIONES was released from police custody at approximately 4:30 p.m.

Later on January 6, 2021, SAXIONES reunited with other members of the Proud Boys, including members who were participants in the Boots on Ground encrypted message group. Specifically, SAXIONES joined Proud Boys Dominic Pezzola, Aaron Sauer, and William Pepe²

² Dominic Pezzola has been convicted of obstruction of an official proceeding (18 U.S.C. § 1512(c)(2), 2), conspiracy to prevent an officer from discharging duties (18 U.S.C. § 372), civil disorder (18 U.S.C. § 231(a)(3), 2), destruction of government property (18 U.S.C. § 1361, 2), assault on a federal officer (18 U.S.C. § 111(a)(1)), and robbery of personal property of the United States (18 U.S.C. § 2112). *See United States v. Pezzola*, No. 21-cr-175-6 (TJK). Aaron

at the J.W. Marriott shortly before midnight on January 6, as can be seen in surveillance footage below.



Image 8

Airline records reflect that SAXIONES and his travel companion returned to Dallas, Texas via Charlotte, North Carolina on a flight that departed Baltimore, Maryland on January 7, 2021.

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

Sauer has been charged with civil disorder (18 U.S.C. § 231(a)(3), 2), assault on a federal officer (18 U.S.C. § 111(a)(1)), and six misdemeanor offenses. *See United States v. Sauer*, No. 24-mj-47 (GMH). William Pepe has been charged with conspiracy (18 U.S.C. § 371), obstruction of an official proceeding (18 U.S.C. § 1512(c)(2), 2), civil disorder (18 U.S.C. § 231), destruction of government property (18 U.S.C. § 1361, 2), and three misdemeanor offenses. *See United States v. Pepe*, No. 21-cr-52-2 (TJK).

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.

In addition, your affiant submits that there is probable cause to believe that SAXIONES 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.

In addition, your affiant submits that there is probable cause to believe that SAXIONES 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. Your affiant further submits that there is probable cause to believe that SAXIONES violated 18 U.S.C. § 1752(a)(4), which makes it a crime to knowingly engage in any act of physical violence against any person or property in any restricted building or grounds. 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.

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

[REDACTED]

[REDACTED]

Special Agent
Federal Protective Service
FBI Task Force Officer

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 26th day of March 2024.

MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE