

## STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent (SA) assigned to the Federal Bureau of Investigation (FBI) Richmond Field Office. I have been employed as an FBI SA since 2014, and have taken part in numerous federal, state, and local investigations concerning: international and domestic terrorism; document and identity fraud; financial fraud; cybercrimes; public corruption; controlled substance violations; kidnappings; violent crimes against children; espionage; and firearms offenses. I have assisted with numerous investigations of crimes which involve the use of social media, email, and the internet as a means of communication. Many of my investigations involve the use of technology, analyzing online and telephonic contacts, and researching suspects' online activity and footprints.

Prior to working in the Richmond Field Office, I was assigned as an FBI Supervisory Special Agent at FBI Headquarters, instructing FBI SAs on advanced Human Intelligence tradecraft and operational techniques. In the course of my career, I have also been assigned to: the Bristol, Virginia Resident Agency, where I participated in many types of federal criminal and national security investigations, including investigations related to events at the U.S. Capitol on January 6, 2021; the Laredo, Texas Resident Agency, where I was the coordinator for the Joint Terrorism Task Force, which was charged with investigating international terrorism and domestic terrorism, as well as Mexican drug trafficking organizations, violent assaults against federal agents, kidnappings (domestic and international), and counterintelligence; and the Orange County, California Resident Agency, where I was the case agent on multiple terrorism investigations, including domestic terrorism involving Weapons of Mass Destructions, explosive devices, and international terrorism involving Homegrown Violent Extremists. During my time in the FBI I have also deployed overseas to investigate international terrorism in the Philippines and Jordan.

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.

### *Facts Specific to Carson Rees*

Following the events of January 6, the FBI received many tips from members of the public concerning individuals who unlawfully entered the restricted Capitol Grounds and Building. Amongst these, one tipster submitted a screenshot from CARSON REES's (REES) Facebook account to the FBI.gov/USCapitol online portal. The screenshot, shown below in Image 1, displays a photo posted by REES at approximately 2:40 p.m. eastern standard time<sup>1</sup> on January 6, 2021 of rioters on the Upper West Terrace of the Capitol entering the Upper West Terrace door. REES captioned the image "Were going in."

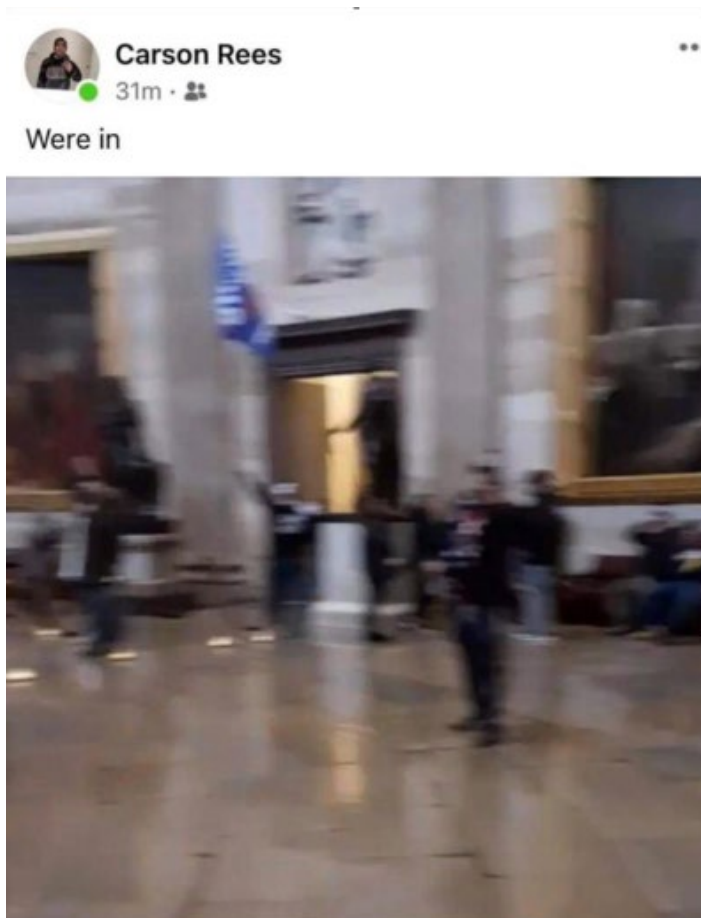
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<sup>1</sup> Unless otherwise noted, all times discussed in this Statement of Fact are in Eastern Standard Time.



*Image 1: Screenshot of a January 6, 2021 Facebook post by REES*

On January 9, 2021, a second tipster, who had served with REES in the Army National Guard, submitted a screenshot of REES's Facebook page to the FBI National Threat Operations Center (NTOC) and reported that REES had livestreamed himself inside of the Capitol Building during the January 6 riot. The screenshot, captured in Image 2, shows a post made by REES on January 6, 2021 inside of the Capitol Rotunda with the caption "Were in."



*Image 2: Screenshot of REES’s January 6, 2021 Facebook livestream within the Capitol Rotunda*

On May 26, 2021, FBI Agents conducted physical surveillance of REES’s listed address in Pulaski, VA to confirm that he lived there.

On June 7, 2021, FBI agents interviewed a witness (“Witness 1”) who knew REES from their service with him in the U.S. Army National Guard. Witness 1 stated that on January 6, 2021, they received a Facebook notification that one of their Facebook friends was live video streaming. Witness 1 clicked on the notification and saw REES livestreaming from inside of the Capitol Building with the caption “Were in.” Witness 1 advised the FBI Agents that REES deleted the video from his Facebook page shortly after streaming it. Further, in a direct text communication, Witness 1 accused REES of being involved in the January 6 riot, and REES replied, in part, that “[t]heres a lot more to it.”

On October 18, 2021, an FBI Agent showed Witness 1 Image 3, which is a screenshot of Metropolitan Police Department (MPD) Body Worn Camera (BWC) footage from 2:58 p.m. on January 6, 2021 inside of the Capitol Rotunda. Witness 1 confirmed that the individual circled in red in Image 3, wearing a green camouflage beanie, green camouflage sweatshirt, blue jeans, and white sneakers, was REES.



*Image 3: January 6, 2021 BWC footage showing REES (red circle) inside of the Capitol Rotunda.*

On August 13, 2021, one of the investigating FBI Agents texted REES identifying herself and asking REES to call her when he had a chance. The text message showed a read receipt indicating that REES viewed the text message, but he did not respond.

On that same day, FBI Agents visited REES's home and spoke with a person who identified herself as his mother, who advised the Agents that REES was not home and was at work. The FBI Agents then proceeded to REES's workplace in an effort to speak with him. After identifying themselves to REES, REES agreed to speak with the Agents. One Agent explained the nature of the interview and the reason for contacting him. REES advised that his mother had already called and let him know that the FBI had visited his residence, and that he had received the FBI Agent's earlier text message. REES then told the Agents that on January 6, 2021 he had been exercising his First Amendment rights. When one of the Agents asked REES if he had entered the Capitol Building on January 6, REES responded again that he had been exercising his First Amendment rights.

In addition to the prior work done on this investigation, I reviewed REES's Facebook returns and identified several relevant messages that REES sent on January 6, 2021. In particular, on January 7, REES confirmed to a friend that he had been present in the Capitol building on January 6:



**Author** [REDACTED]  
**Sent** 2021-01-07 03:49:02 UTC  
**Body** What happened, did you get arrested?

**Author** Carson Rees (Facebook: 1556388414)  
**Sent** 2021-01-07 03:49:15 UTC  
**Body** No sir

**Author** [REDACTED]  
**Sent** 2021-01-07 03:49:45 UTC  
**Body** I haven't seen you post in like 7 hours and I saw yall break into that building, so wasn't sure, lol.

**Author** Carson Rees (Facebook: 1556388414)  
**Sent** 2021-01-07 03:51:06 UTC  
**Body** No one got arrested, we were probably around 2 million strong.

**Author** Carson Rees (Facebook: 1556388414)  
**Sent** 2021-01-07 03:51:20 UTC  
**Body** I got tear gassed though

*Image 4: January 7, 2021 Facebook messages between REES and another subscriber confirming that REES participated in the January 6 riot*

In another set of messages sent to REES on January 6-7, 2021, he was advised to delete images he had posted of his participation in the riot from Facebook since he could be liable for punishment from the military:

**Author** [REDACTED]  
**Sent** 2021-01-06 22:06:43 UTC  
**Body** Still in the military?

**Author** Carson Rees (Facebook: 1556388414)  
**Sent** 2021-01-07 01:01:35 UTC  
**Body** No, did my 6 and left. You?

**Author** [REDACTED]  
**Sent** 2021-01-07 01:04:27 UTC  
**Body** Bud your still liable for the additional 2. Take those videos down

**Author** Carson Rees (Facebook: 1556388414)  
**Sent** 2021-01-07 15:12:41 UTC  
**Body** Good looking out brother

*Image 5: January 6-7, 2021 Facebook messages advising REES to delete his videos from the January 6 riot.*

REES then proceeded to delete a number of images and videos from his Facebook account. The deletion activity is captured in the Facebook returns I have viewed. One example is shown in Image 6.

**Author** [REDACTED]  
**Sent** 2021-01-06 20:19:51 UTC  
**Body** Send some pictures of the Capital

**Author** Carson Rees (Facebook: 1556388414)  
**Sent** 2021-01-06 20:28:01 UTC  
**Removed by** 2021-01-07 21:28:07 UTC  
**Sender**  
**Body** You unsent a message

**Author** Carson Rees (Facebook: 1556388414)  
**Sent** 2021-01-06 20:36:16 UTC  
**Removed by** 2021-01-07 21:28:00 UTC  
**Sender**  
**Body** You unsent a message

**Author** Carson Rees (Facebook: 1556388414)  
**Sent** 2021-01-06 21:11:36 UTC  
**Removed by** 2021-01-08 23:25:04 UTC  
**Sender**  
**Body** You unsent a message

**Author** Carson Rees (Facebook: 1556388414)  
**Sent** 2021-01-06 21:11:36 UTC  
**Removed by** 2021-01-07 21:28:12 UTC  
**Sender**  
**Body** You unsent a message

**Author** Carson Rees (Facebook: 1556388414)  
**Sent** 2021-01-06 21:28:46 UTC  
**Removed by** 2021-01-07 21:27:19 UTC  
**Sender**  
**Body** You unsent a message

**Author** Carson Rees (Facebook: 1556388414)  
**Sent** 2021-01-06 21:28:58 UTC  
**Removed by** 2021-01-07 21:27:17 UTC  
**Sender**  
**Body** You unsent a message

**Author** [REDACTED]  
**Sent** 2021-01-06 22:02:35 UTC  
**Body** We all have my support 100% y'all keep on doing good things for America American patriot has woke

**Author** Carson Rees (Facebook: 1556388414)  
**Sent** 2021-01-07 01:02:10 UTC  
**Body** Love you brother

**Author** Carson Rees (Facebook: 1556388414)  
**Sent** 2021-01-08 04:28:31 UTC  
**Body** Thanks for your support

*Image 6: January 6-8, 2021 Facebook messages showing REES sending pictures on January 6, then removing them on January 7 following his conversation shown in Image 5.*

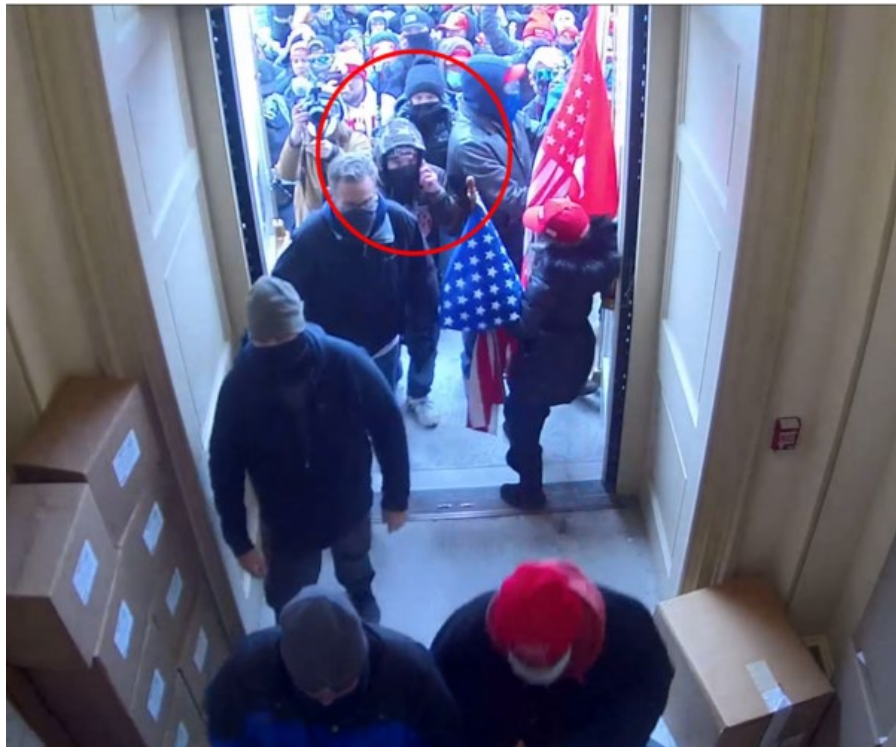
Indeed, after removing video and images of his actions on January 6 from Facebook, one Facebook user asked REES:

Author [REDACTED]  
Sent 2021-01-07 21:32:54 UTC  
Body Why'd you take all your shit down

*Image 7: Facebook message to REES regarding deleting Facebook posts*

I also obtained and reviewed closed circuit television (“CCTV”) footage from security cameras located inside the United States Capitol taken on January 6, 2021, as well as MPD BWC footage taken inside the Capitol on January 6, 2021. These videos show, amongst other actions, REES entering the Capitol Building, moving through the Capitol Rotunda and adjacent hallways, yelling at a line of police officers attempting to clear the Rotunda, then exiting the Capitol Building.

At approximately 2:37 p.m. on January 6, REES entered the Capitol Building through the Upper West Terrace door, following a crowd of rioters while talking on his cell phone.



*Image 8: REES (red circle) entering the U.S. Capitol Building on January 6, 2021*

REES then moved through the Upper West Terrace doors and to the second level of the Capitol Building, where he entered the Capitol Rotunda at approximately 2:38 p.m. Upon entering the Rotunda, REES filmed the scene on his phone, as shown in Image 9. Based on my knowledge and training, the light shining from the object REES is holding in Image 9 is the light from his cell phone camera.





*Image 9: January 6, 2021 CCTV footage of REES (red circle) entering the Capitol Rotunda*

REES proceeded to wander around the Rotunda for the next 14 minutes. Image 10 shows REES inside the Capitol Rotunda at various times on the same CCTV camera.

2:39 PM:



2:41 PM:



2:45 PM:

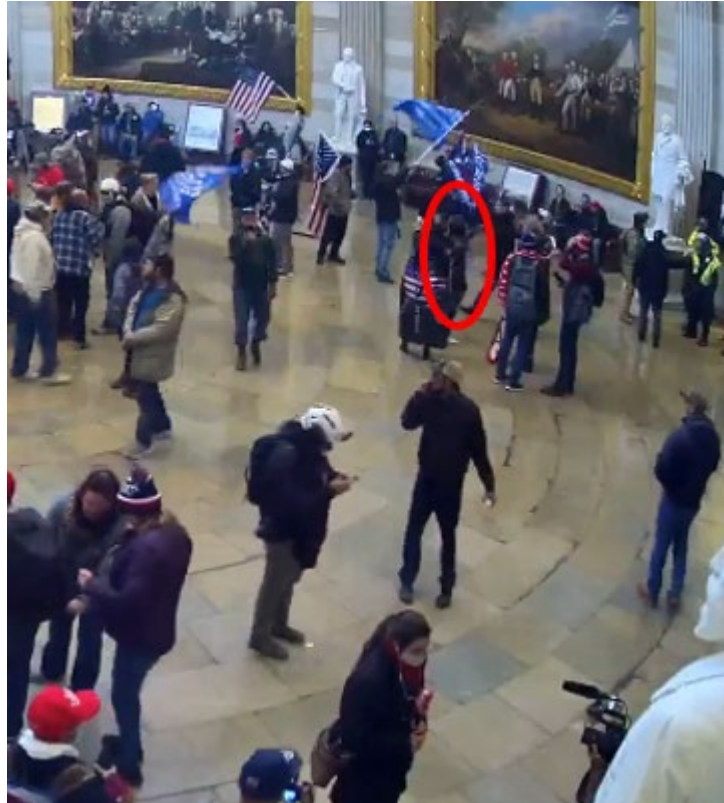


2:51 PM:



*Image 10: January 6, 2021 CCTV footage of REES (red circle) in the Capitol Rotunda*

At approximately 2:53 p.m., REES approached and began to yell at a group of law enforcement officers forming at the rotunda doors. As shown in Image 11, REES can be seen in CCTV footage approaching law enforcement officers with his finger extended and pointing at them.



*Image 11: January 6, 2021 CCTV footage of REES (red circle) approaching and pointing toward law enforcement officers*

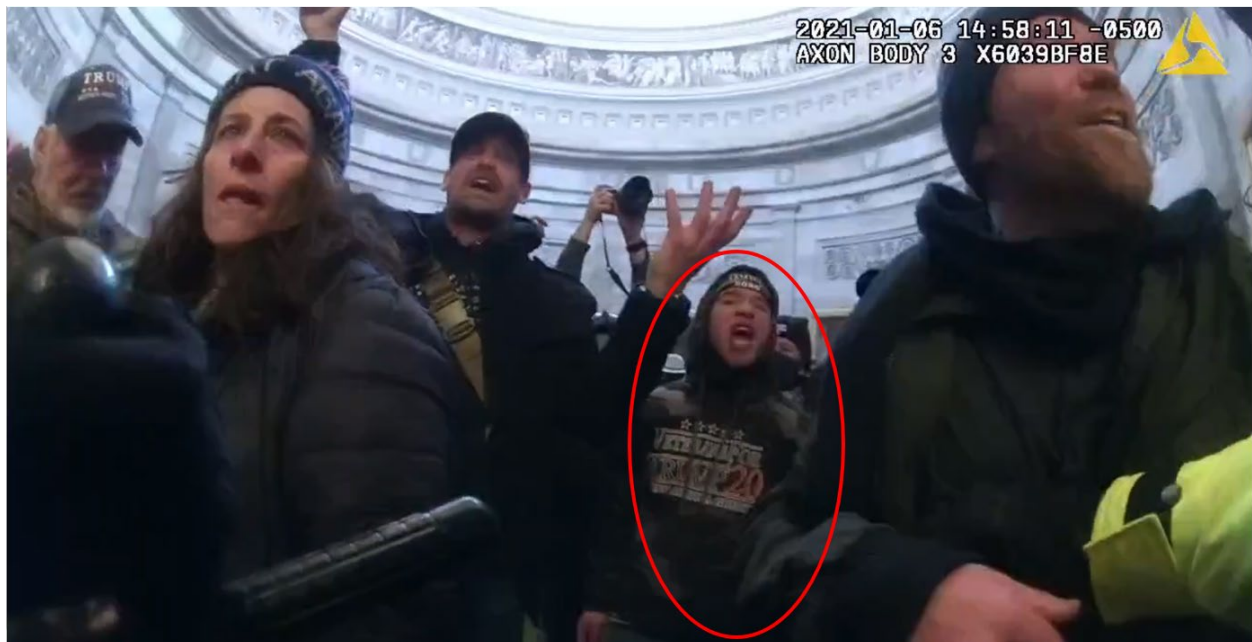
REES then moved in and around the group of law enforcement officers. MPD BWC footage from the officers who REES approached provides video of him yelling at them. In one instance, captured in Image 12 which is a screenshot from BWC taken at 2:56:10 p.m., video and audio captures REES appearing to yell, amongst other phrases, “Fuck You” at the officers.





*Image 12: January 6, 2021 BWC footage of REES (red circle) yelling at law enforcement officers*

REES continued to yell at law enforcement then joined with a group of other rioters who were engaged in similar conduct toward the law enforcement officers. REES is shown in Images 13 and 14 on two different Officers' BWC verbally harassing police in the Capitol Rotunda.

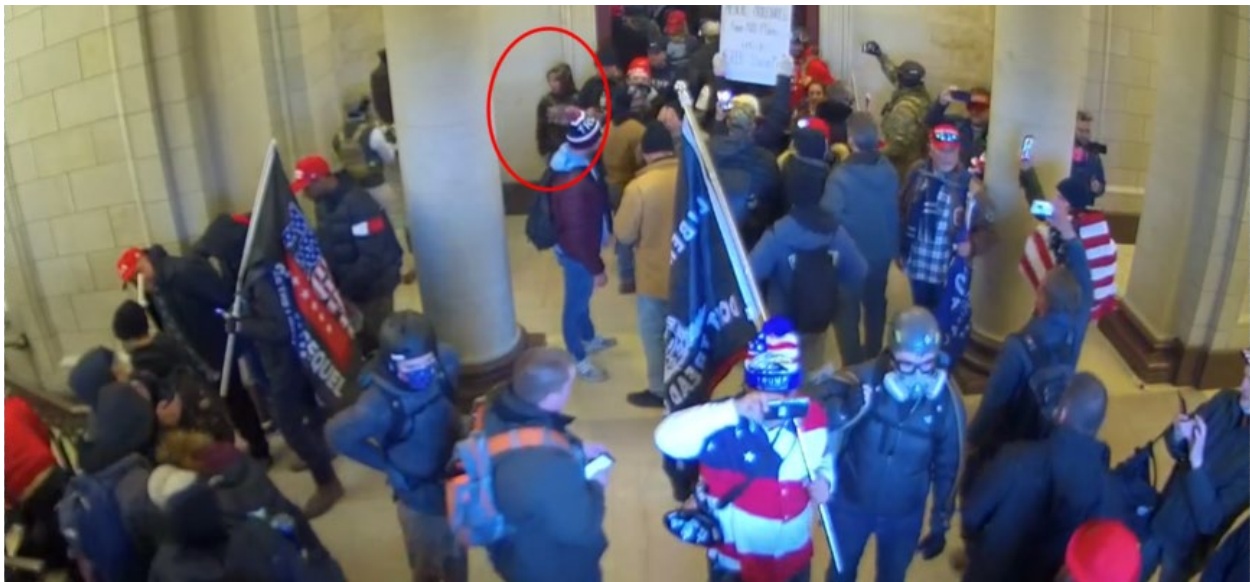


*Image 13: January 6, 2021 BWC footage of REES (red circle) yelling at law enforcement officers*



*Image 14: January 6, 2021 BWC footage of REES (red circle) yelling at law enforcement officers*

At approximately 2:59 p.m., rioters in the group that REES was standing with began to assault the line of law enforcement officers formed at the Rotunda door. As the assaults ensued, REES moved away from the angry mob, exited the Rotunda, then left the Capitol Building through the Rotunda door at approximately 3:01 p.m.



*Image 15: January 6, 2021 CCTV footage of REES (red circle) leaving the Capitol Rotunda*



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

  
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 26th day of March 2024.

\_\_\_\_\_  
Moxila A. Upadhyaya  
U.S. MAGISTRATE JUDGE