

## STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent (SA) with the Federal Bureau of Investigation (FBI) assigned to FBI's New Orleans Field Office. I have been assigned to the Joint Terrorism Task Force, a joint federal and local task force investigating violations of federal law in Louisiana. Among other things, 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.

### *Background – The U.S. Capitol on January 6, 2021*

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.

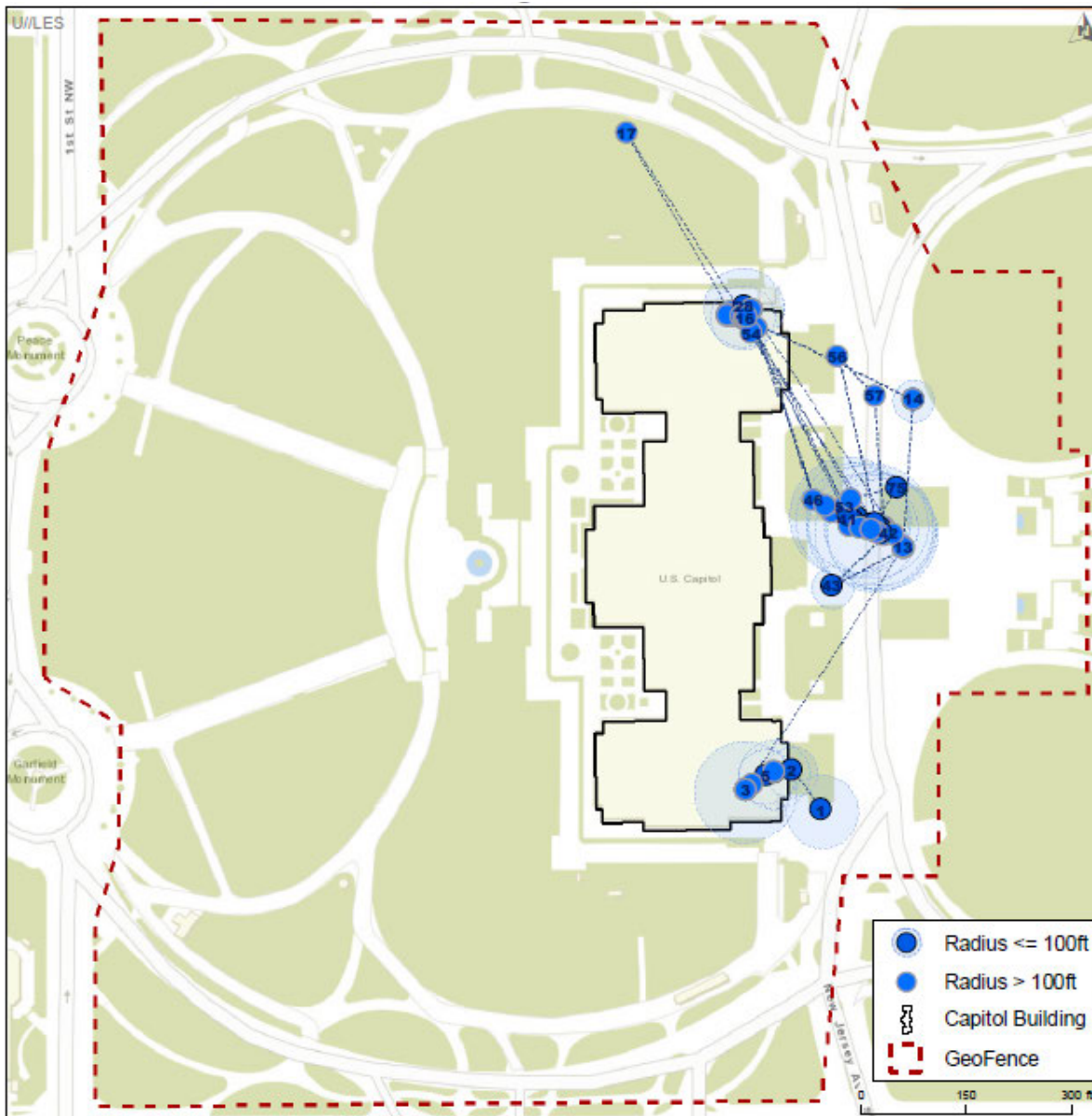
Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress 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.

***Initial Identification of Matthew MATULICH***

According to records obtained through a search warrant served on Google, a mobile device associated with **mrmXXXX@gmail.com** was present on the U.S. Capitol grounds on January 6, 2021. Google estimates device location using sources including GPS data and information about nearby Wi-Fi access points and Bluetooth beacons. This location data varies in its accuracy, depending on the source(s) of the data. As a result, Google assigns a “maps display radius” for each location data point. Thus, where Google estimates that its location data is accurate to within 10 meters, Google assigns a “maps display radius” of 10 meters to the location data point. Finally, Google reports that its “maps display radius” reflects the actual location of the covered device approximately 68% of the time.

In this case, Google location data shows that the device associated with the above email address was on the U.S. Capitol grounds from 3:38:44 pm to 5:33:00 pm as indicated by the map below. Google records show that the “maps display radius” for this location data include data points that encompass an area that is partially or entirely within the U.S. Capitol building at these times. In addition, as illustrated in the map below, the listed locations were entirely within areas of the U.S. Capitol Grounds which were restricted on January 6, 2021.



Google has produced subscriber information for the above-referenced account, which reflects that the recovery SMS for the account is phone number XXX-XXX-8200.<sup>1</sup> The name on the account is “Qonspiracy Theory.” The billing information associated with the account lists the billing name Matthew Ryan MATULICH.

AT&T has produced subscriber information for the phone number XXX-XXX-8200. Matthew MATULICH is listed as the user of that phone number since 2015. On January 6, 2021, the device associated with the phone number was a Samsung Galaxy S9 cell phone.

<sup>1</sup> The full phone number is known to your affiant.

On September 29, 2021, FBI interviewed Witness 1, another individual believed to be unlawfully present at the U.S. Capitol Building on January 6, 2021, who has since pled guilty to Parading, Demonstrating, or Picketing in a Capitol Building in violation of 40 U.S.C. § 5109(b).<sup>2</sup> Witness 1 told investigators that he had met Matthew MATULICH in October 2020 and discovered the two shared a common interest in current events and political issues. In early January 2021, Witness 1 began planning to attend the “Stop the Steal” rally for former President Donald Trump in Washington, D.C. scheduled for January 6, 2021, and he asked MATULICH if he had interest in accompanying him. According to Witness 1, MATULICH accepted the offer and traveled in Witness 1’s vehicle with him from Louisiana to Washington, D.C. The two drove through the night on January 4, then spent the evening of January 5 at an Airbnb residence in Virginia that MATULICH had reserved for them while they were en route to Washington, D.C.

Witness 1 told investigators that on the morning of January 6, 2021, he and MATULICH drove together from Virginia into Washington, D.C. to attend the rally. The two were together at the rally in the vicinity of the Washington Monument until President Trump began speaking, when Witness 1 decided to leave the rally early to walk toward the U.S. Capitol. Witness 1 advised MATULICH of his intentions to leave the rally, and the two parted ways and made plans to meet up at the Capitol later on. During the course of the afternoon, Witness 1 and MATULICH communicated via cell phone but did not physically meet up at the U.S. Capitol building.

According to Witness 1, in the late afternoon or early evening of January 6, 2021, MATULICH called him from an unknown phone number (because MATULICH’s phone had run out of battery) telling him he was located on the east side of the Capitol building and asking Witness 1 to come pick him up. Witness 1 drove his vehicle to the vicinity of the Capitol, where he picked up MATULICH. The two drove back to Louisiana together.

During his interview on September 29, 2021, Witness 1 positively identified MATULICH based on a photocopy of his driver’s license. Witness 1 also told investigators that on January 6, 2021, MATULICH was wearing a red Trump hat.

### ***MATULICH’s Participation in the Riot at the U.S. Capitol***

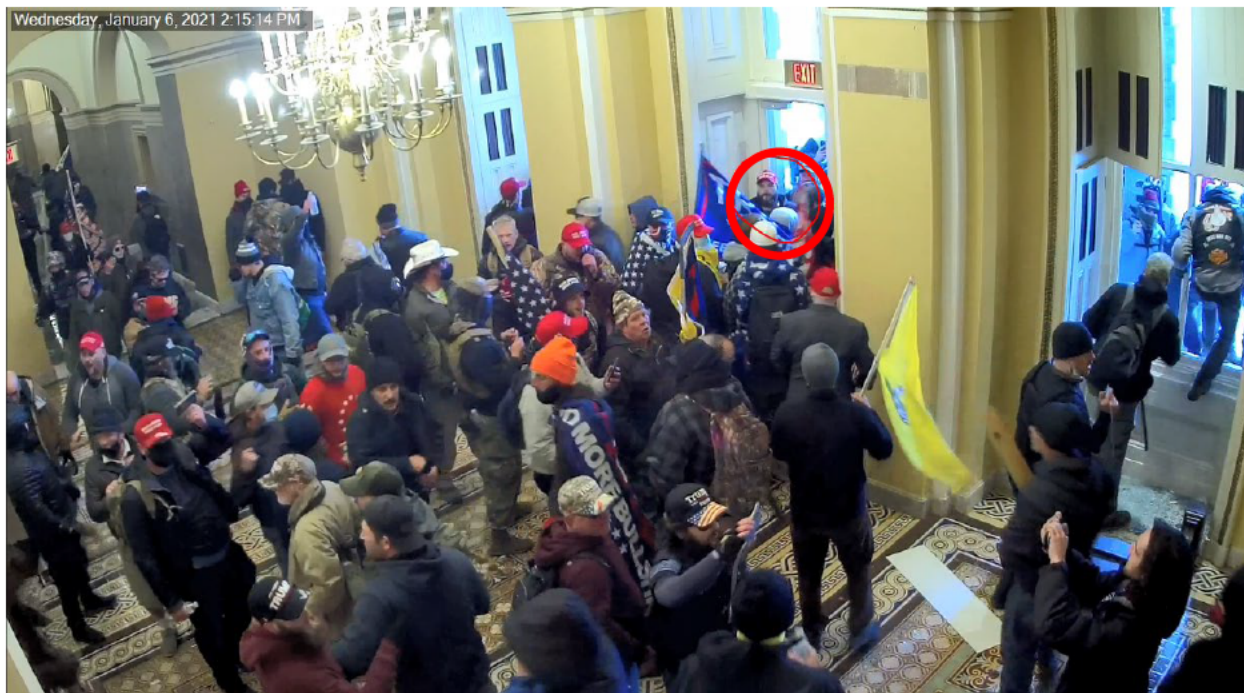
Video footage identified from the U.S. Capitol’s CCTV system and open-source searches place a man matching MATULICH’s appearance in his driver’s license photograph inside and around the U.S. Capitol Building on January 6, 2021. In all photographs and videos from that day, the man believed to be MATULICH is wearing a red baseball cap with “Make America Great Again” embroidered on the front and “45” embroidered above the right ear in white lettering; dark tan jacket with black lining on the hood; khaki-colored sweatshirt; tan pants; and brown boots.

CCTV footage captures MATULICH entering the U.S. Capitol Building through the Senate Wing Door, located on the northwest side of the Capitol, at 2:15:14 p.m.

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<sup>2</sup> Witness 1’s identity is known to your affiant.





At approximately 2:31 p.m., CCTV footage captures MATULICH in a corridor on the House of Representatives side of the first floor of the Capitol Building. MATULICH can be seen taking an orange box of what appear to be chocolate cupcakes from a table in the corridor.



At approximately 2:37 p.m., MATULICH is captured on CCTV camera in a corridor on the Senate side of the second floor of the building. Footage of the corridor shortly before MATULICH arrives shows a doorway flanked by an American flag on a flagpole on one side and

what appears to be the state flag of Kentucky on a flagpole on the other. Another rioter can be seen removing the American flag on the flagpole from its base and walking away with it. MATULICH comes into frame shortly thereafter and removes the Kentucky flag on its flagpole and walks back with it in the direction he came.

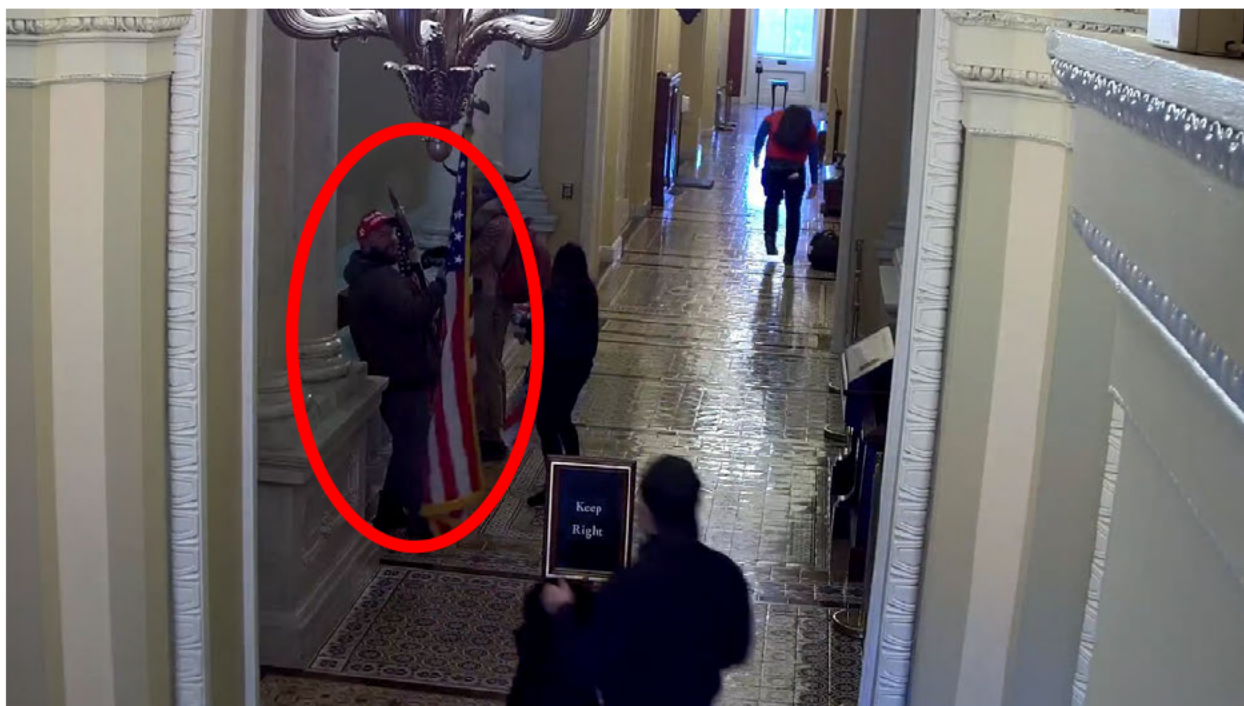


At approximately 2:42 p.m., CCTV footage shows MATULICH marching with other rioters through a corridor on the third floor of the Senate side of the building, this time carrying an American flag on a flag pole. The flag appears to be similar to or the same flag that another rioter removed from the second-floor corridor where MATULICH removed the Kentucky flag.





From approximately 2:51 to 2:52 p.m., CCTV footage places MATULICH in a corridor outside the Senate Gallery, still carrying the American flag as he stops and speaks with other rioters.



An open-source photograph shows that MATULICH was part of a group of rioters that entered the gallery of the Senate chamber. In the photograph below, MATULICH can be seen

waving the same American flag described in the aforementioned paragraphs while standing in the Senate gallery.



Open-source footage from the afternoon of January 6, 2021 shows MATULICH in various locations round the East Front exterior of the U.S. Capitol building, still carrying the American flag he appears to have removed from inside the building. The combined replacement value of the flag and flagpole is estimated at \$145.





As described above, the mobile device associated with MATULICH and **mrmXXXX@gmail.com** continued to appear in locations on the east side of the U.S. Capitol Grounds, within the restricted area, from approximately 3:48 p.m. to 5:33 p.m. on January 6, 2021.

### ***Further Identification of MATULICH***

On February 22, 2022, FBI interviewed Witness 2, a former employer of MATULICH's at a medical supply company.<sup>3</sup> Witness 2 told investigators MATULICH had worked for him for a few months when he reached out to him in early January 2021 and asked for time off to travel to Washington, D.C. Witness 2 was unable to grant MATULICH's request for vacation time. MATULICH then failed to appear at work for three consecutive days and was subsequently terminated on January 8, 2021, due to his failure to appear.

When shown still images of the man believed to be MATULICH captured on CCTV cameras inside the U.S. Capitol Building on January 6, 2021, Witness 2 positively identified the man as MATULICH.

### ***Conclusion***

Based on the foregoing, your affiant submits that there is probable cause to believe that MATULICH 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 MATULICH violated 40 U.S.C. § 5104(e)(2)(B), (D), and (G), which makes it a crime to willfully and knowingly (B) enter or remain in the gallery of either House of Congress in violation of rules governing admission to the gallery adopted by that House or pursuant to an authorization given by that House; (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.

Finally, your affiant submits there is probable cause to believe that MATULICH violated 18 U.S.C. § 641, which makes it a crime for a person to embezzle, steal, purloin, or knowingly convert to his use or the use of another, or without authority, sell, convey or dispose of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency

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<sup>3</sup> Witness 2's identity is known to your affiant.

thereof; or receive, conceal, or retain the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted.

[REDACTED]

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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 9th day of April 2024.

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HONORABLE ZIA M. FARUQUI  
U.S. MAGISTRATE JUDGE