

**STATEMENT OF FACTS**

Your affiant, [REDACTED], is a Task Force Officer assigned to the Federal Bureau of Investigation (FBI)'s Charlotte Office. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Task Force Officer serving with the FBI, 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 facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause, it does not contain every fact known by me or the FBI. The dates and times listed in this Affidavit should be read as "on or about."

***Background: Events at 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 (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 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.

***Evidence Linking JAY ROBERT THAXTON to the Assault on the U.S. Capitol***

Jay Robert Thaxton (“THAXTON”) is a 50-year-old resident of the state of North Carolina.

The FBI initiated an investigation of THAXTON based on references to THAXTON in multiple other investigations into participants in the attack on the U.S. Capitol on January 6, 2021.

On May 4, 2021, your affiant interviewed THAXTON at his residence in Concord, NC. During that interview, THAXTON confirmed he had been in Washington, DC on January 6, 2021 and had been arrested that evening by police for violating the curfew order imposed on the city, but denied ever going to the U.S. Capitol Grounds. THAXTON further claimed that he had traveled to Washington, DC by himself.

Your affiant reviewed a police report obtained from the Metropolitan Police Department (MPD) in Washington, DC documenting an arrest of THAXTON and multiple other individuals for violating the mayor of Washington, DC’s curfew order at approximately 8:30 PM on January 6, 2021. At the time of his arrest on January 6, 2021, THAXTON provided MPD officers with an address matching the address where he was interviewed on May 4, 2021 and the same date of birth provided in law enforcement databases.

Your affiant reviewed both Body-Worn Camera (BWC) footage and still photographs recorded by MPD officers during the arrest of THAXTON on the evening of January 6, 2021. **Images 1 and 2** below are still photos of Thaxton at the time of his arrest, depicting his face, grey in color beard, grey in color hair, and clothing.



Image 1

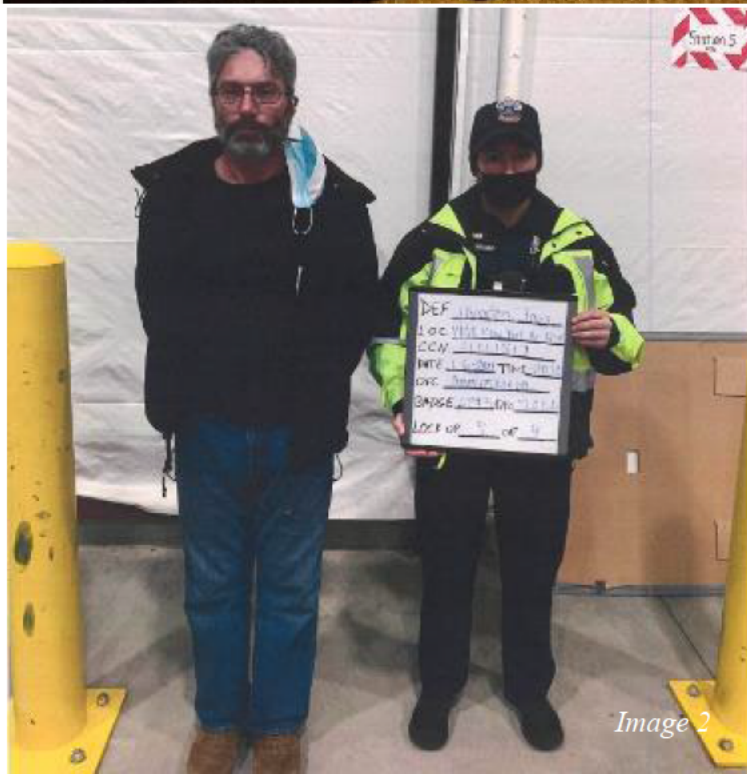
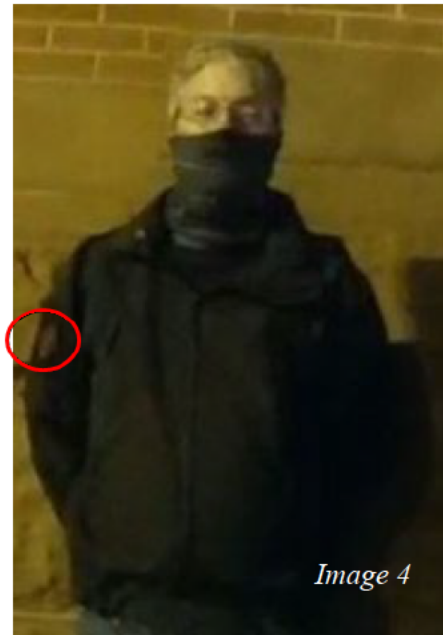


Image 2

At the time of his arrest on the evening of January 6, 2021, THAXTON was wearing glasses and dressed in blue jeans and a black jacket with tightening cords visible at the collar (most clearly visible in Image 1 above) and square Velcro sections on both upper arms for attaching patches or other accessories. As documented in **Images 3 and 4** below, BWC footage from THAXTON's arrest showed that the Velcro section on the right arm of his jacket features a red, diamond shaped patch (circled in red below), and that prior to his arrest THAXTON also had a large black flashlight strapped and parallel to the outside of his right leg (identified via a yellow box below).



Law enforcement agents received information indicating that THAXTON was an individual documented in numerous publicly available videos and images that appeared to have been taken on the U.S. Capitol Grounds, and often identified by amateur internet investigations into the events of January 6, 2021 as #GreenGhoulGaiter. **Image 5** below shows the #GreenGhoulGaiter (circled in yellow) on January 6, 2021 attired in a black face covering with green decoration resembling human bones, a black jacket, blue jeans, and a red baseball-style hat.





Notably, in other images from January 6, 2021, the #GreenGhoulGaiter's jacket appears to be the same jacket worn by THAXTON on the evening of January 6, 2021 during his arrest. Specifically, and as seen in **Images 6 and 7** below, the #GreenGhoulGaiter's jacket features the same tightening cords at the collar, the same square Velcro sections on the upper arms, and the same red, diamond shaped patch displayed on the upper right arm discussed above and identified in Images 1 through 4. These details are circled in yellow below.



*Image 6*



Additionally, publicly available footage and images of the #GreenGhoulGaiter show him with a large black flashlight strapped and parallel to the outside of his right leg, identical to the flashlight observed in the same location on THAXTON when he was arrested on the evening of January 6, 2021 (as shown in Image 3 above). **Image 8** below show the #GreenGhoulGaiter's flashlight (circled in yellow).





Finally, #GreenGhoulGaiter's appearance in publicly available footage and images shows him wearing glasses resembling the glasses worn by THAXTON on the evening of January 6, 2021, and also show the hair underneath his red hat to be grey in color, consistent with THAXTON's hair at the time of his arrest. **Image 9** below shows #GreenGhoulGaiter's grey hair (circled in yellow).



Publicly available footage also showed the #GreenGhoulGaiter, in the same attire and carrying the same flashlight discussed above, present at a gathering of Proud Boys near the Washington Monument on the morning of January 6, 2021 (see **Image 10** below, with the #GreenGhoulGaiter circled in yellow).



The Proud Boys are a nationalist organization with multiple U.S. chapters and potential activity in other Western countries that describes itself as a “pro-Western fraternal organization for men who refuse to apologize for creating the modern world.” Earlier in the same footage from the Proud Boys gathering, the same individual depicted in Image 10 can be seen without a face covering (as seen in **Image 11** below). Your affiant has identified this person as THAXTON. Your affiant’s identification of THAXTON in the footage is based both on your affiant’s interview of THAXTON on May 4, 2021, as well as a comparison of his physical features, clothing, beard, glasses, and flashlight to images of THAXTON’s curfew arrest on January 6, 2021. The person your affiant recognized to be THAXTON can be seen in Image 11 (identified by a yellow circle) and is dressed in clothing (other than the missing face covering) and carrying a flashlight consistent with the appearance of the #GreenGhoulGaiter at the same gathering just a few minutes later in the same footage.



*Image 11*

On March 11, 2022, THAXTON was deposed under oath as part of an investigation of the events of January 6, 2021 by a Select Committee of the United States House of Representatives. During that deposition, THAXTON confirmed both his past and continued membership in the Proud Boys, including serving at one point as the vice president of his North Carolina chapter. THAXTON also confirmed that he had traveled to Washington, DC for then-President Trump’s rally on January 6, 2021, arriving early that morning. THAXTON also confirmed that on January 6, 2021 he was attired in jeans, a black jacket, a red hat, and a face covering, and that he had carried on his person both a flashlight for “protection” and a bullhorn. THAXTON’s acknowledged attire and accessories are consistent with the appearance of #GreenGhoulGaiter on January 6, 2021.

Based on the similarities discussed above, your affiant concluded that THAXTON and #GreenGhoulGaiter were the same individual.

As discussed above, publicly available footage and images taken prior to the breach at the U.S. Capitol show that members of the Proud Boys, including THAXTON, gathered near the Washington Monument in preparation for a march along the National Mall and around the U.S Capitol. The group, including THAXTON (circled in yellow), marched along the west (**Image 12**), north (**Image 13**), and east (**Image 14**) sides of the U.S. Capitol prior to the breach of U.S. Capitol Grounds.





Image 12

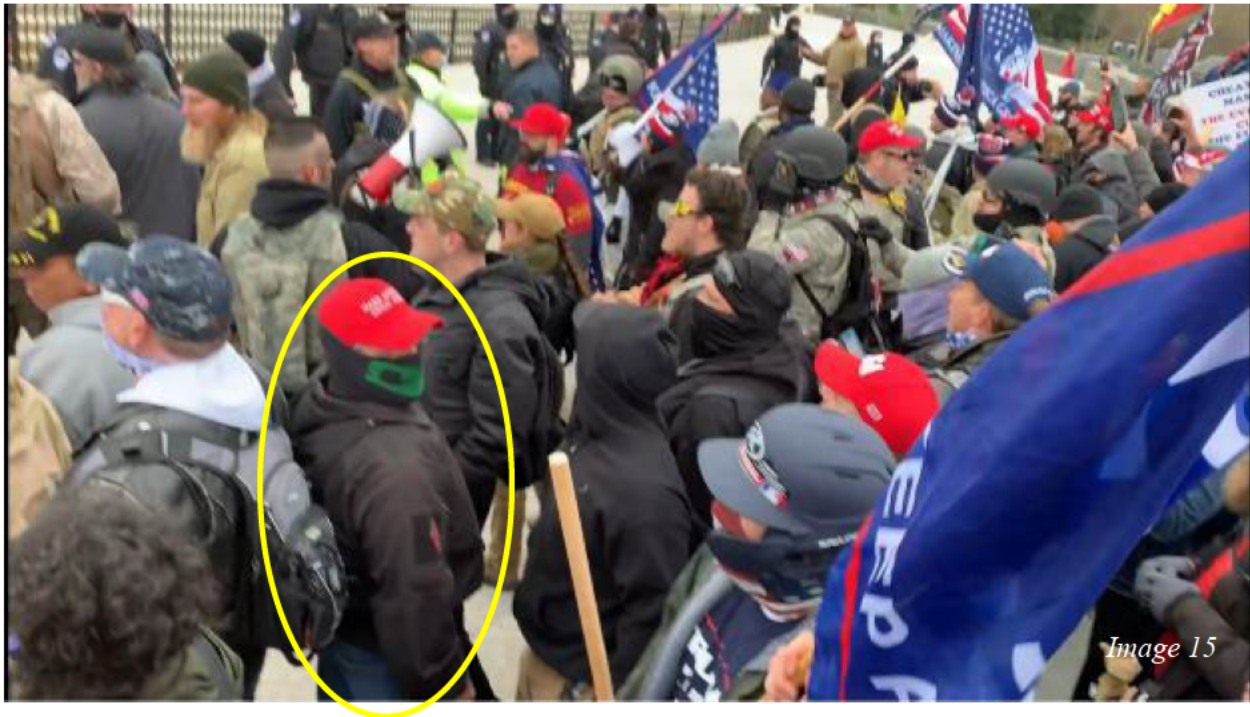


Image 13



The group arrived in the vicinity of the Peace Memorial at approximately 12:50 p.m. Rioters breached the outer fencing surrounding the restricted area of the U.S. Capitol Grounds at approximately 12:53 p.m. As rioters advanced on the Lower West Plaza of the U.S. Capitol Building, publicly available footage shows THAXTON made his way to the front ranks of rioters as their progress was temporarily blocked by a line of USCP officers in the plaza. THAXTON (circled in yellow) is depicted in **Image 15** below with other Proud Boys as uniformed USCP formed a temporary police line a short distance in front of a black waist-height metal fence visible at the top left of Image 15. Each section of the black metal fence was anchored into the concrete by vertical black metal fence posts.





As additional rioters joined THAXTON and others on the edge of the Lower West Plaza, USCP officers were forced to retreat, moving to the east side of the black fence depicted above. Footage taken by other rioters shows THAXTON and other rioters moved forward to the black fence, and they stood opposite the USCP officers who had just retreated behind it. Other rioters, including leaders of the Proud Boy march from earlier in the day, began to pull on the individual sections of the black fence, eventually tearing down sections and creating gaps in the fence line. As those rioters pushed and pulled on sections of the fencing, THAXTON can be seen leaning forward, with his head tilted downwards (see **Images 16 and 17** below, with THAXTON identified via a yellow circle). THAXTON's head can then be seen moving forwards and backwards repeatedly, with his head dropping slightly in height as it moves backwards, consistent with the appearance of someone pulling on the black fencing section and using their body weight in an attempt to pull the black fencing section off of its vertical fence posts. As THAXTON makes these movements, uniformed officers, including the officer seen at the left edge of Image 17, unsuccessfully urged rioters to stop destroying the fence sections.

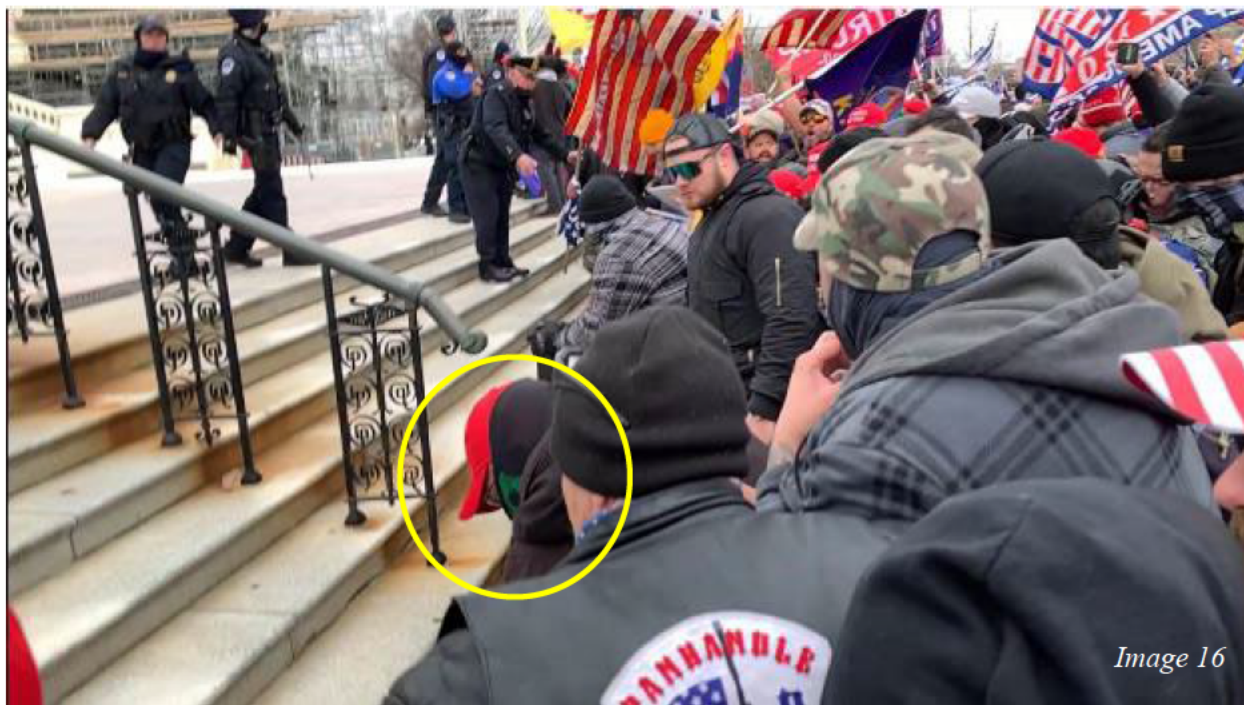


Image 16



Image 17



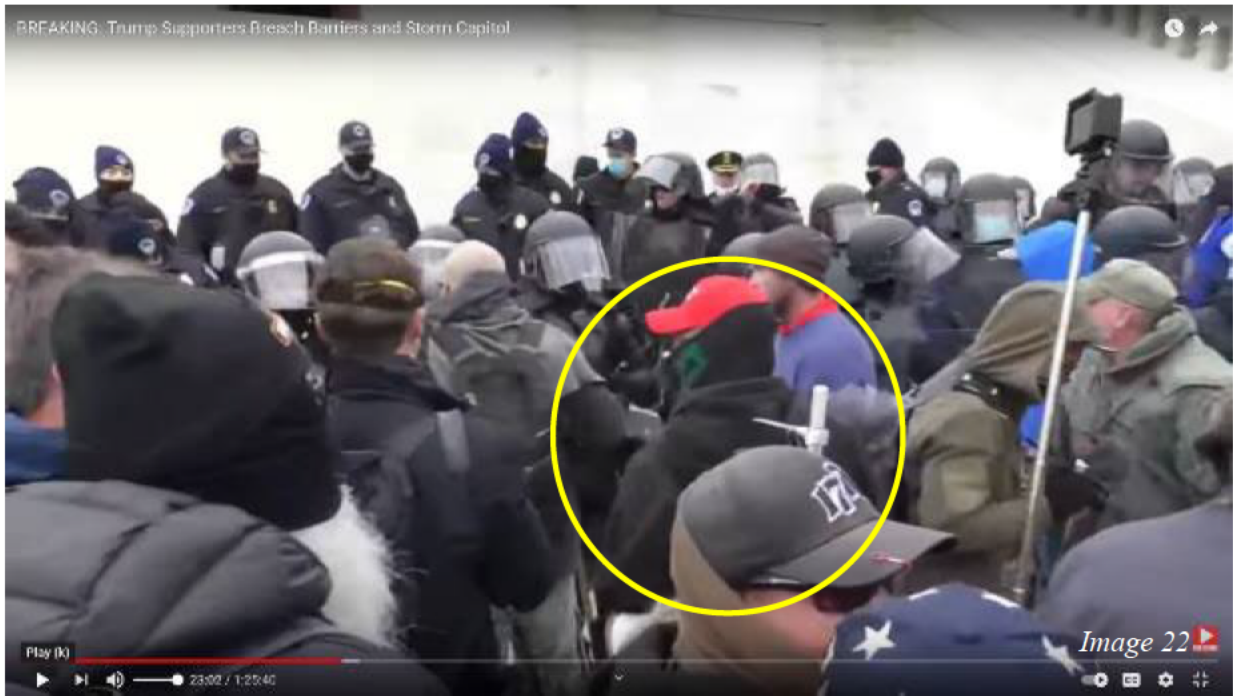
As rioters successfully destroyed sections of the black fence, publicly available video footage taken from behind THAXTON shows what appears to be THAXTON's right hand on a section of the fencing, the right side of which is detached from any fence post. **IMAGE 18** below shows THAXTON circled in yellow.



As the footage continues, THAXTON raises his right knee above the partly broken section of fencing, before dropping his knee in a manner consistent with stomping his foot upon the section of fencing (see **IMAGE 19** below, with THAXTON's knee circled in yellow). THAXTON then bends forward over the section of fencing for multiple seconds, and when he stands back up, the fence post in front of him is now visibly detached from the ground (see **Image 20** below, with THAXTON and his red hat visible on the right edge of the image and the now fully broken fence post circled in yellow). THAXTON and other rioters then advanced beyond the destroyed fence and further into the Lower West Plaza.



After taking part in the destruction of the black fencing described above, publicly available footage and images show that THAXTON remained in the front ranks of rioters as USCP officers retreated within the Lower West Plaza. **Images 21 through 23** below show THAXTON (circled in yellow) in close proximity to the USCP police line.







*Image 23*

After the USCP police line on the Lower West Plaza was reinforced by Metropolitan Police Department (MPD) officers, publicly available footage and BWC footage shows that a person your affiant recognized to be THAXTON remained in close proximity to the police line, and eventually joined in efforts by rioters to breach the police line. Specifically, THAXTON grabbed bike rack barriers being used by uniformed police officers to control the crowd, and THAXTON pushed and pulled the bike rack barriers in an effort to move them. As THAXTON attempted to push and pull at the bike rack barriers, uniformed officers MPD officers resisted the breach attempts by trying to hold the barriers in place using their hands. **Images 24 through 26** show THAXTON (circled in yellow) during his attempts to breach the bike barriers.





Image 24



Image 25



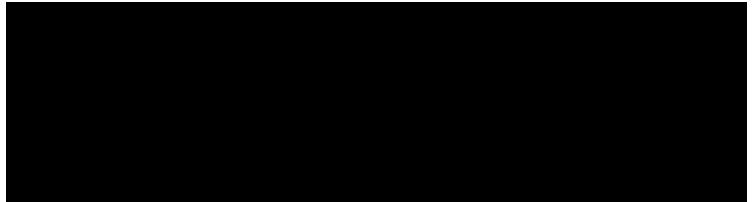
Rioters were ultimately successful in breaching the police lines on the Lower West Plaza, which eventually compelled uniformed police officers to retreat from the plaza shortly after 2:30 p.m.

Based on the foregoing, your affiant submits that there is probable cause to believe that THAXTON violated 18 U.S.C. §§ 1752(a)(1) and (2), which make it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; (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 or grounds” 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 THAXTON violated 40 U.S.C. §§ 5104(e)(2)(D) and (E), 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 (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings.

Finally, your affiant submits there is probable cause to believe that THAXTON 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 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 Joint Session of Congress where the Senate and House count Electoral College votes.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 30th day of May 2024.

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G. MICHAEL HARVEY  
U.S. MAGISTRATE JUDGE