

STATEMENT OF FACTS
ANDREW KADE STARLING

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation, currently assigned to the Charlotte Division, Resident Agency, located in Wilmington, North Carolina. I have conducted investigations involving counterterrorism, national security matters, violent crime, and an assortment of other violations of federal law. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As such, 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 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.

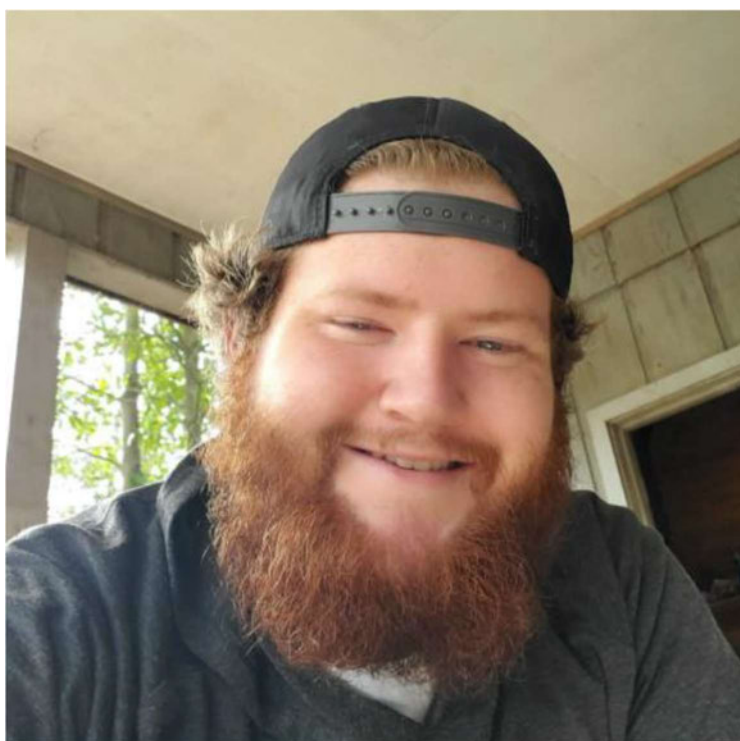
At such time, the certification proceedings were still underway, and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals 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.

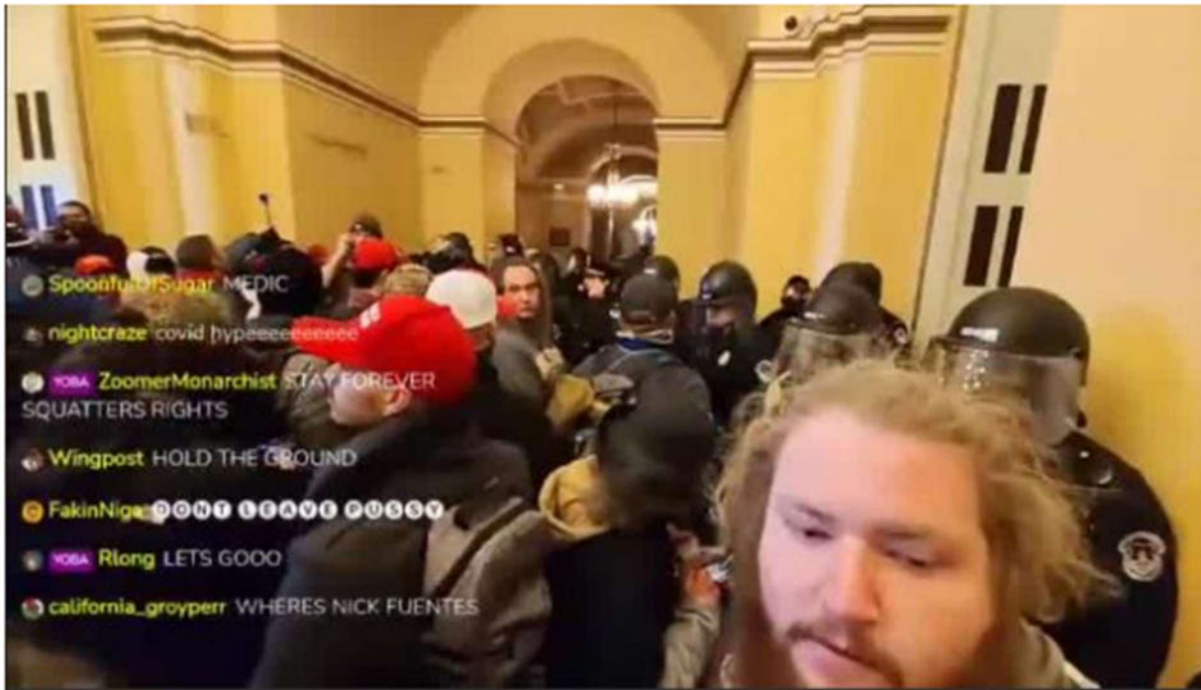
On January 8, 2021 and January 9, 2021, the FBI received two separate tips from two separate tipsters that ANDREW KADE STARLING was present and involved in the attack on the United States Capital Building on January 6, 2021. The FBI conducted investigations into both of these tips, enabling them to identify STARLING through information obtained from open-source media and government databases. This investigation is summarized below:

STARLING is a 27-year old white male with blue eyes, red/brown hair, approximately 5'10" tall, as shown in the image, below, from one of STARLING'S social media accounts:



The January 08, 2021 tip about STARLING'S involvement in the attack on the United States Capitol building, came from an individual who exchanged social media messages with STARLING about the January 6, 2021 attack on the United States Capitol, and appeared to be reliable. The FBI interviewed the tipster, and the tipster identified STARLING from the screenshot, taken from a third-party open-source social media posting from inside the U.S. Capitol on January 6, 2021, shown below:

DLive – BakedAlaska Baked Alaska inside the U S Capitol Save America Rally Trump-hXa8oq2zp2U.mp4
Timecode: 8:37



The FBI searched data sets housing cell tower records for devices located at the U.S. Capitol building on January 6, 2021, and found a telephone number ending in -0220. Call detail records were returned from Verizon from a cell phone tower associated with the U.S. Capitol building on January 6, 2021, for the number ending in -0220. STARLING was then determined to be the Verizon subscriber for phone number -0220 on January 6, 2021.

STARLING held and used what appeared to be a mobile device near the Northwest Steps of the United States Capitol before police lines there were breached, corroborating the cell tower records that show that the device associated with STARLING was near the U.S. Capitol building on January 6, 2021.

On January 09, 2021, the FBI received a second tip from a different tipster of a social media post on the site then known as Twitter made by “Andrew S. at DrewFire01.” Legal process for the account “Andrew S. @DrewFire01” showed that the account was created using a telephone number ending in -0220, the number associated with STARLING. Legal process for the Twitter account, “Andrew S. @DrewFire01” revealed IP address login information in the vicinity of the Washington D.C. area on January 06, 2021. On July 19, 2024, your affiant called the phone number ending in -0220 from a blocked phone number. The call went to voicemail and the recorded message was of a male-sounding voice that identified as “ANDREW STARLING.”

The Twitter post by “Andrew S. @DrewFire 01” set out the following statement in quote marks: “Violent domestic terrorists screamed “you serve us” in the capitol building and burned down nothing and hurt no one” (quote marks in original). The post continued in the first person,

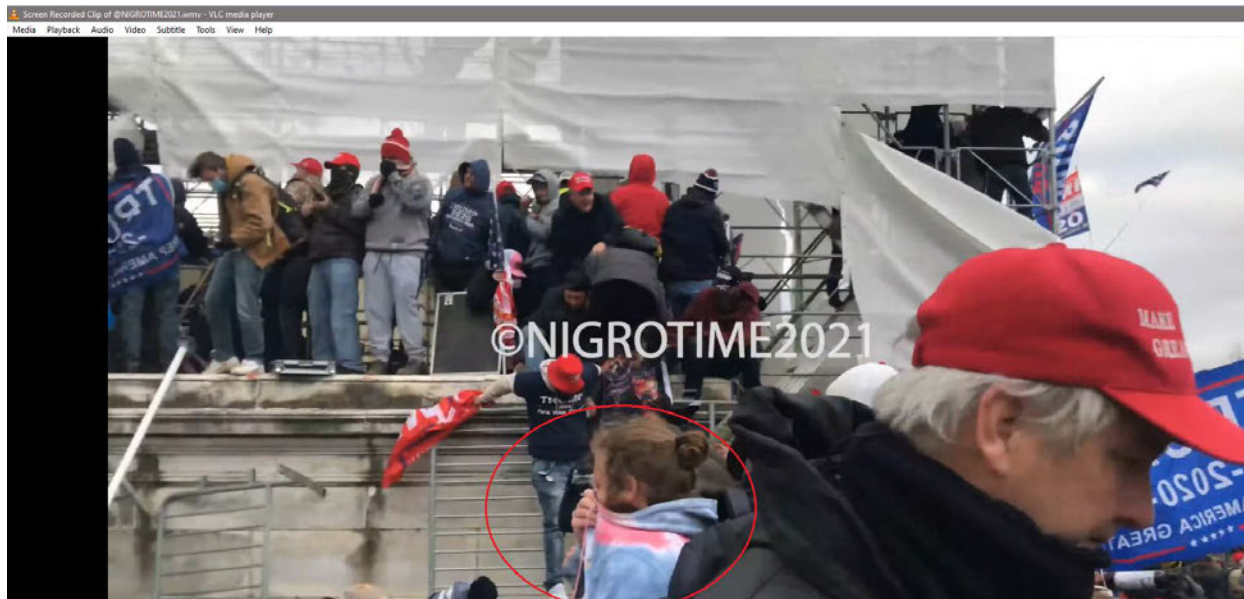
“I was there. A few windows and doors were broken...that was as violent as it got. No bullets fired except from the police. No bullets from our side.” (ellipses in original), as follows:



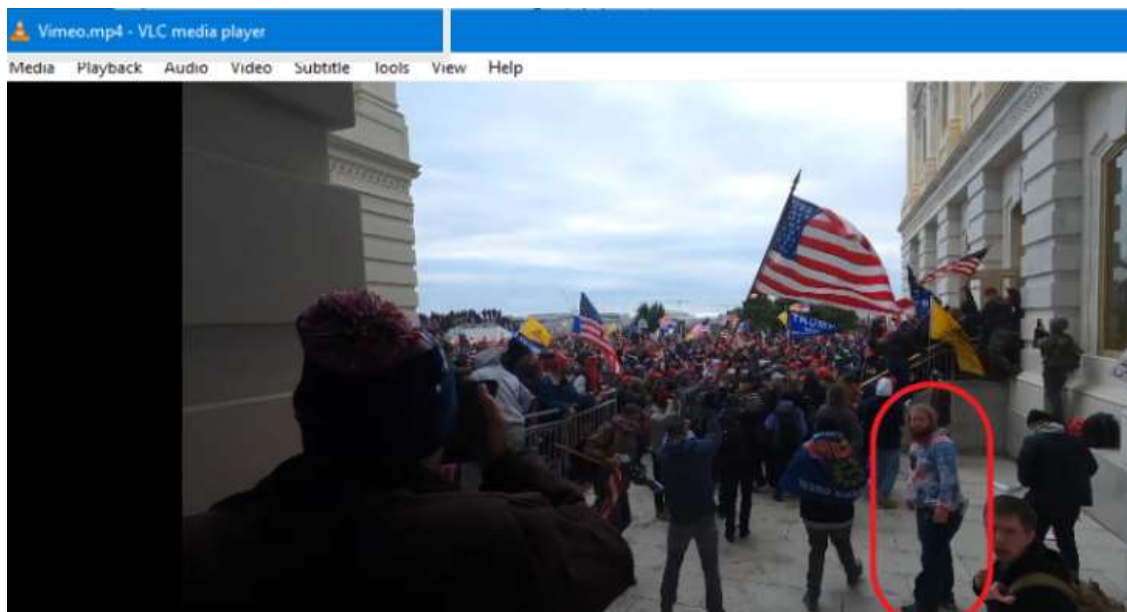
Subsequent investigation revealed numerous pictures and videos of STARLING participating in the riot at the U.S. Capitol on January 6, 2021, and corroborated the identification of STARLING by the first tipster and STARLING’S social media post and messages.

On January 6, 2021, STARLING’S long reddish hair, was partly pulled back into a ponytail or a “bun”, and he wore a red, white, and blue long sleeved hooded shirt. STARLING’S physical appearance and dress on January 6, 2021, was unique and identifiable from others in the crowd. While, it would not be impossible for someone else in the crowd to have had the same matching physical description and clothing, during my review of these videos and images, I did not observe anyone else matching this same or similar physical description.

In open-source video, STARLING was seen approaching the U.S. Capitol building on the West Front of the Capitol. As chemical irritants were deployed by police to deter rioters, STARLING appeared to use his sweatshirt to cover his mouth and nose near the presidential inauguration stage. STARLING was nearby as rioters who had converted police bike rack barricades into makeshift ladders were climbing up and down from the inauguration stage, as shown in the image, below (STARLING red oval):

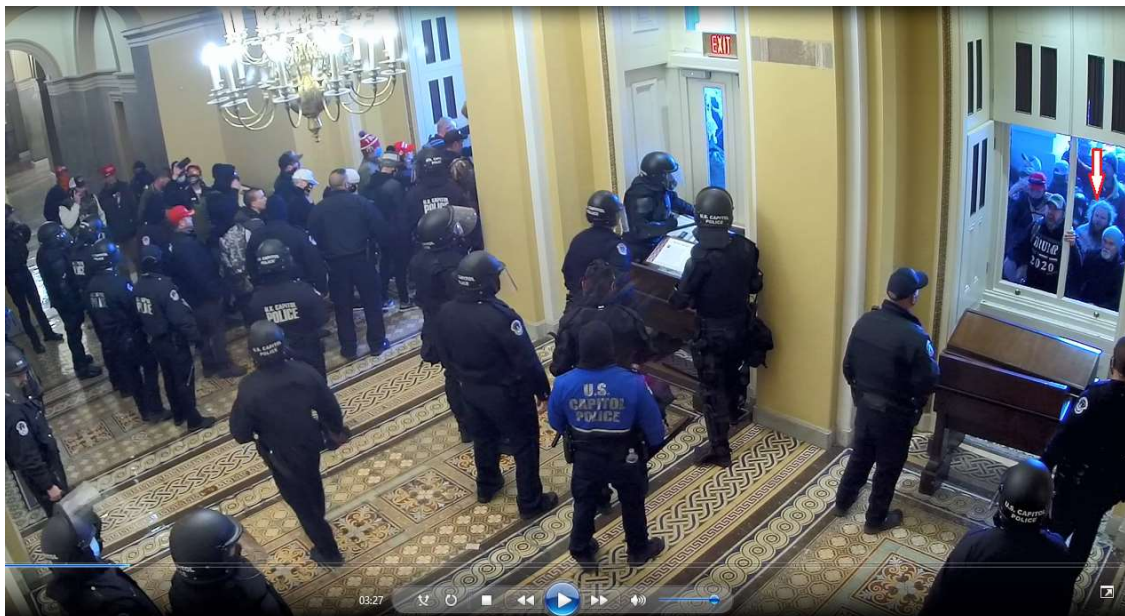


After police lines were breached on the West Front of the Capitol, STARLING went to the Northwest Courtyard outside of the Senate Wing Door. The Senate Wing Door was first breached at approximately 2:13 p.m. and then re-secured by police. The Senate Wing Door was breached for a second time at approximately 2:48 p.m. At approximately 2:42 p.m., STARLING was in the Northwest courtyard between the Parliamentarian Door and the Senate Wing Door, as shown in the image, below (STARLING, red oval):.



At approximately 2:45 p.m., STARLING peered into the Senate Wing lobby through a set of windows on one side of the Senate Wing Door. At that time, police were attempting to keep the

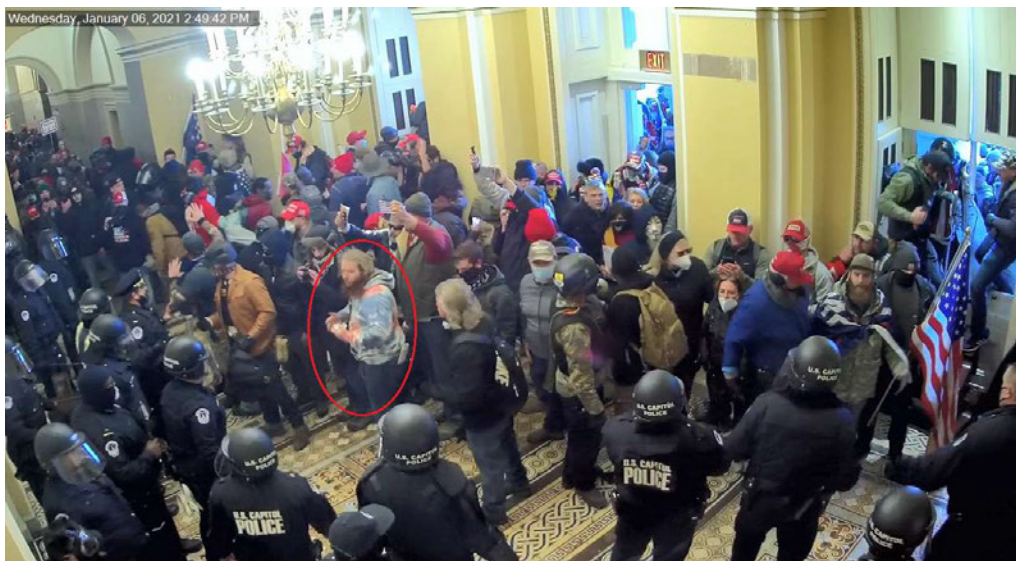
Senate Wing Door secured and were forcing rioters, already inside, to leave through broken windows on one side of the door, as shown in the image, below (STARLING, red arrow):



Despite this, STARLING entered the U.S. Capitol through the Senate Wing Door at approximately 2:49 p.m., as shown in the screenshot from CCTV footage, below (STARLING, red oval):



After he breached the Capitol through the Senate Wing Door, STARLING walked toward police officers and appeared to address them, as shown in the screenshot from CCTV footage, below (STARLING, red oval):



After about ten minutes, at approximately 2:51 p.m., STARLING moved from the Senate Wing lobby area toward the Crypt, as shown in the screenshot from CCTV footage, below (STARLING, red oval):



STARLING was in the Crypt at approximately 3:00 p.m., as shown in the screenshot from CCTV footage, below (STARLING, red oval):



STARLING exited the Capitol through the Senate Wing Door at approximately 3:23 p.m., as shown in the screenshot from CCTV footage, below:



Additionally, your affiant reviewed Metropolitan Police Department officer body worn camera footage showing STARLING talking to police officers as officers were clearing rioters from the Northwest Courtyard at approximately 4:27 p.m. On several different officers' body worn cameras, STARLING can be heard saying things, such as, "You serve us."; "Are you trying to kick us out? I thought your job was to protect us. My mistake. Sorry that I misjudged you."; and, "Y'all work for us." A representative screenshot from the Body Worn Camera footage is shown, below (STARLING red circle):



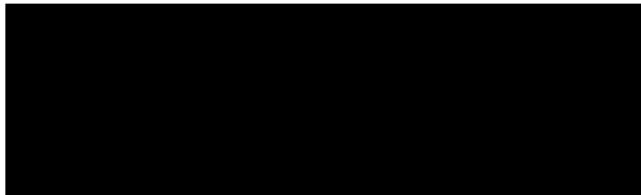
At various times police, many in riot gear, can be heard yelling, “MOVE BACK” and were prodding rioters with their batons, hands, and shields. At 4:27:04 p.m., an officer attempted to move STARLING forward by grabbing his arm, as shown in the images, below (red boxes):



Based on the foregoing, your affiant submits that there is probable cause to believe that STARLING 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 so; 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. 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 STARLING violated 40 U.S.C. §§ 5104(e)(2)(D), which makes it a crime to willfully and knowingly utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place on 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)(2)(G) which makes it a crime to or parade, demonstrate, or picket in any of the Capitol Buildings.



FEDERAL BUREAU OF
INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 8th day of August 2024.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE