

STATEMENT OF FACTS

Your affiant, [REDACTED]

[REDACTED] My duties, responsibilities, and training as a Special Agent with the FBI include investigating violations of federal law. Specifically, I have experience investigating national security threats, to include international terrorism and domestic terrorism. I have been involved in the execution of search and arrest warrants. In my duties as an SA, I have gained training and experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, the exploitation of lawfully obtained evidence and data, and various other procedures. As an FBI SA, I am authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of violations of Federal criminal laws. Currently, I am tasked with, among other things, investigating criminal activity in and around the Capitol grounds on January 6, 2021.

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.

Facts Specific to this Case

Identification of DAVID SLINKER

Photographs and videos of hundreds of unauthorized people inside the U.S. Capitol on January 6th were disseminated via social media and other open-source online platforms. Those included footage of a tall, white male of medium build, wearing a grey baseball cap, grey light jacket, olive green pants, and carrying a large backpack.

The FBI preliminarily identified this man as DAVID SLINKER, and agents determined that a Kentucky driver's license photograph for SLINKER matched the photographs and videos of this man from the U.S. Capitol Building on January 6, 2021.

The FBI then identified SLINKER's cellular telephone number as (XXX) XXX-5690 (the "-5690 Number"), a number serviced by Verizon Wireless. Verizon records established that the -5690 Number was part of an account owned by SLINKER's mother on and before January 6, 2021. Based on airline records and records from a D.C.-area hotel, SLINKER operated the -5690 Number and used it as his contact number when making travel reservations. Verizon records also indicated that on January 6, 2021, in and around the time of the riot, the cellular device associated with the -5690 Number utilized a specific cell site that provided service to a geographic area that included the interior of the U.S. Capitol building. In other words, Verizon's records suggested that the user of the -5690 Number and its associated cell phone had entered the U.S. Capitol building during the January 6 riot.

The FBI also obtained SLINKER's bank account information. Those records showed that between November 2020 and January 2021, SLINKER used a debit card to purchase two round-trip tickets to Washington, D.C. on American Airlines.

Records from American Airlines showed that in November 2020, SLINKER flew from Louisville, KY to Washington, D.C. and back, with his trip covering a time period that included the Million MAGA March, which was held in Washington, D.C. on November 14, 2020. I know, based on my training and experience, that the primary focus of the Million MAGA March was for people to protest the results of the 2020 presidential election. According to publicly-available video footage, SLINKER was part of a crowd of protestors at what I recognize as Freedom Plaza

in Washington, D.C. on November 14, 2020.

American Airlines records also showed that on January 6, 2021, SLINKER traveled from Louisville, KY to Washington, D.C., arriving in Washington, D.C. at 10:53 a.m.

SLINKER's financial records also showed purchases at Hotel Zena in Washington, D.C. around the time of January 6, 2021. Records from Hotel Zena indicated that SLINKER stayed one night from January 6, 2021, to January 7, 2021. Records from both American Airlines and Hotel Zena indicated SLINKER included the -5690 Number as his contact phone number in his reservations.

In November 2023, FBI agents searched SLINKER's home in Kentucky. During this search, agents found in the residence articles of clothing that appear to be the same or similar to what SLINKER wore while inside the U.S. Capitol building on January 6, 2021. Additionally, a member of SLINKER's family was shown images from January 6, 2021, and confirmed that they depicted SLINKER. Subsequently, SLINKER arrived on scene. I was present at the scene, and based on my review of footage from January 6, I can confirm that SLINKER is the same person depicted in the video and photo evidence from inside the U.S. Capitol, described below.

SLINKER's Conduct at the U.S. Capitol on January 6, 2021

The following description of events is based on U.S. Capitol CCTV footage, photos and videos taken by people in the crowd and posted online, and information obtained from other rioters at the Capitol. On January 6, 2021, SLINKER was part of a crowd near the Washington Monument, close to where former president Trump addressed a crowd at the "Stop the Steal" rally. See Image 1.



Image 1: Slinker (outlined in yellow) at "Stop the Steal" rally on the National Mall

SLINKER made his way to the restricted U.S. Capitol grounds on the west side of the Capitol Building, which was the site of a battle between police and rioters. SLINKER held his phone up consistent with filming the scene, as pepper spray smoke filled the air and police struggled for control of the West Plaza. See Image 2.

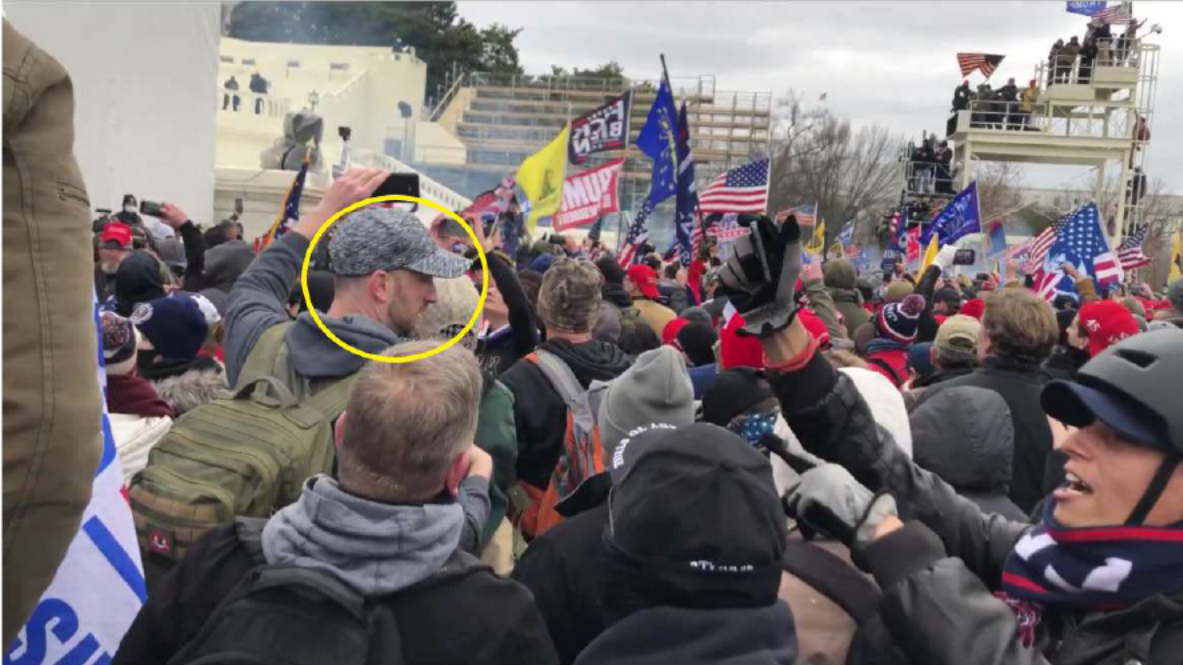


Image 2: SLINKER (circled) appearing to film as police tried to secure the West Plaza

SLINKER approached the Northwest Stairs which, in preparation for the 2021 presidential inauguration, were covered in a large scaffolding structure and white tarp to support the inaugural stage and seating above. SLINKER arrived as rioters on the west front were attempting to breach a police line at that scaffolding. Rioters eventually overcame the police and began streaming into the scaffolding structure and up the stairs. See Images 3 and 4.



Image 3: SLINKER (circled) waves rioters forward and up to the Northwest Stairs



Image 4: SLINKER (circled) watches as rioters storm up the Northwest Stairs

Inside the scaffolding, police struggled to prevent the rioters from advancing further up the stairs and closer to the Capitol. Despite police using crowd control methods like concussion grenades and pepper balls, the rioters broke through multiple police lines and eventually took over the Upper West Terrace just outside of the Capitol doors. SLINKER was at the Upper West Terrace as rioters took over the area. See Image 5.



Image 5: SLINKER (circled) on Upper West Terrace

Rioters first breached the building by breaking the windows near the Senate Wing Door and jumping through the broken windows at approximately 2:13 pm. SLINKER was close behind, entering the U.S. Capitol Building through the Senate Wing Doors at approximately 2:19 p.m. See

Image 6.

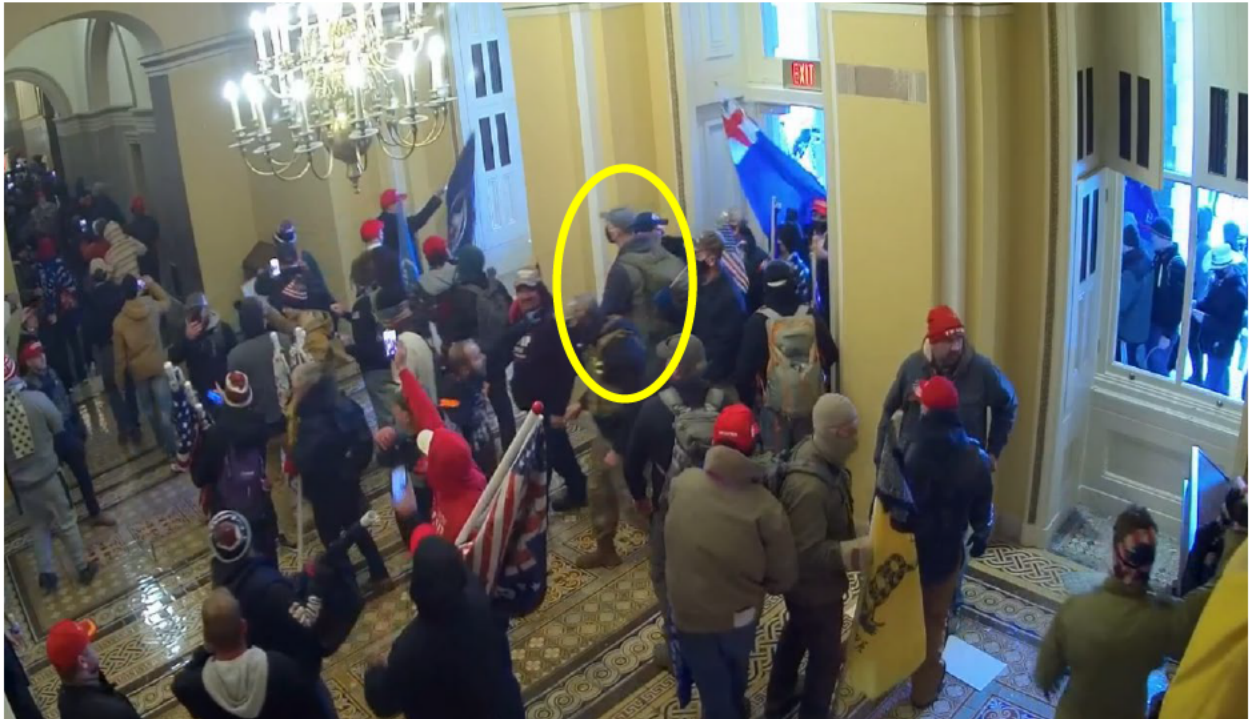


Image 6: SLINKER (circled in yellow) entering the U.S. Capitol Building

After breaching the U.S. Capitol Building, SLINKER made his way to an area known as the Crypt, where a crowd amassed and broke through yet another line of police officers attempting to stop the rioters from advancing further into the Capitol. SLINKER was in the midst of a crowd chanting “Stop the Steal,” appearing to film the scene on his phone. See Image 7.



Image 7: SLINKER (circled) in a mob in the Crypt

At approximately 2:31 p.m., SLINKER entered an area of the building known as the Speaker's Suite. *See* Image 8. The Speaker's Suite is a series of offices, conference rooms, and other spaces reserved for the use of the Speaker of the U.S. House of Representatives. On January 6, 2021, Representative Nancy Pelosi served as Speaker of the House.



Image 8: SLINKER (circled) marching toward the Speaker's conference room

After proceeding down the main hallway of the Speaker's Suite, SLINKER entered a room known as the Speaker's Conference Room at approximately 2:32 p.m. Based on the footage I have reviewed, it appears SLINKER was among the first group of rioters to enter the conference room. As he walked in, he appeared to be continuously recording using his cell phone. *See* Image 9.



Image 9: SLINKER (circled) entering the Speaker's Conference Room

When SLINKER entered the Speaker's Conference Room, a Hewlett-Packard 640 G5 laptop computer belonging to the Speaker (according to Speaker's Office staff) was sitting on the conference room table. The rioters reacted to the laptop, someone crying, "look at them emails!" and "Oh, shit!... Yo, who's gonna hack it?" SLINKER walked around the conference table toward the laptop screen, still filming with his cell phone, and appeared to look at the lock screen. The lock screen showed that the computer belonged to, "Spk.ConferenceRoom230," indicating that it belonged to the Speaker of the House. A sticky note affixed to the keyboard section of the laptop appeared to have handwritten notes consistent with what I believe to be passwords to access the computer. See Images 10 and 11.



Image 10: SLINKER, who was just offscreen, walked around where the laptop screen and sticky note with handwritten notes (redacted) was visible



Image 11: SLINKER appearing to film the laptop in Speaker Pelosi's conference room

SLINKER then climbed on the Speaker's conference table where he apparently posed for a selfie. In the video footage, it appears that the laptop is visible in the frame behind his selfie photo. Based on SLINKER's actions and the angle of his camera, I believe SLINKER likely took the photo specifically to capture the laptop in the frame. See Image 12.



Image 12: SLINKER apparently posing for a selfie on the Speaker's conference table in front of the laptop, just offscreen to the bottom right

Shortly after SLINKER posed on the table, he made his way back to the laptop and began to examine it more closely, touching the keyboard with his knuckle rather than the pad of his finger. See Image 13.



Image 13: SLINKER examines the laptop while the lock screen is visible

Maryann Mooney-Rondon was inside the Speaker’s conference room at that time. She also saw the laptop on the conference table. According to a statement of facts signed by Mooney-Rondon and adopted in court as part of a stipulated trial in *United States v. Rondon, et al.*, 21-cr-722 (JMC) (ECF 57),¹ Mooney-Rondon encouraged SLINKER (who she did not know) to steal the laptop. She told SLINKER, “It would be interesting to see what’s on that hard drive.” Video footage shows that her son, Rafael Rondon, who was with them in the room, added, “just do it without—no—no fingerprints there.”² See Image 14. SLINKER then closed the laptop with his elbows, and apparently tried to move the laptop. See Image 15.

¹ Following a bench trial with stipulated facts, Maryann Mooney-Rondon was convicted of, *inter alia*, theft of government property, in violation of 18 U.S.C. § 641. Mooney-Rondon’s case remains pending following her appeal and remand for re-sentencing. 21-cr-722 (JMC).

² Rondon entered a guilty plea in the same case, to Obstruction of an Official Proceeding, in violation of 18 U.S.C. 1512(c)(2). (ECF 49). On November 29, 2023, he was sentenced to five years of probation and \$2,000 in restitution.



Image 14: Mooney-Rondon (red arrow) and her son Rafael Rondon (yellow arrow) interacting with SLINKER (top right) about the laptop



Image 15: SLINKER closed and then appeared to try to move the laptop using his elbows

After SLINKER closed and apparently attempted to move the laptop with his elbows, and after Rondon's warning about avoiding fingerprints, video footage shows that SLINKER used what appears to be a black cloth item (consistent in appearance with a knit or fleece glove) to manipulate the cables that were connected to the laptop. See Image 16. Another rioter who was

wearing gloves reached under SLINKER's arm and appeared to unplug the ethernet cable that was attached to the laptop. Someone else nearby yelled, "Dude, put on gloves." Mooney-Rondon then reached over to assist.



Image 16: SLINKER apparently attempting to remove cables using a black item in his right hand

According to the statement of facts in support of a plea agreement that Rondon entered in *United States v. Rondon, et al.*, 21-cr-722 (JMC), he assisted SLINKER (who he also did not know) in the theft of the laptop by disconnecting cables from the laptop and placing the laptop into a bag belonging to SLINKER.

Throughout the footage I have located showing SLINKER in the Speaker's Conference Room, SLINKER was wearing his backpack on both shoulders, even when he climbed on the desk and lay on his back. CCTV footage of SLINKER shows him exiting the Speaker's Conference Room at approximately 2:35 p.m. As he exited, SLINKER carried his backpack on just his left shoulder, then dropped it to his left elbow to sling the right shoulder around his arm and hoist the backpack up. See Image 17. Based on this, I believe SLINKER removed his backpack at some point before leaving the Speaker's Conference Room, and put it back on as he was leaving. This is consistent with Rondon's recollection that he assisted SLINKER in putting the Speaker's laptop into SLINKER's bag.



Image 17: SLINKER (circled) exiting Speaker's Conference Room and hoisting backpack onto both shoulders

SLINKER exited the Capitol within two minutes of leaving the Speaker's Conference Room. When he left the conference room, he first turned south, toward the House Chamber, through Statuary Hall. But within less than one minute, he turned around and walked back through Statuary Hall in the direction he came from. This may be due to the heavy police presence and large crowd at the House Chamber door, as rioters began crowding that area and attempting to break into the House Chamber. At approximately 2:35 p.m., SLINKER walked away from that police presence, as seen in Image 18.



Image 18: SLINKER (circled) in Statuary Hall

SLINKER exited the U.S. Capitol Building at 2:37 p.m. through the Memorial Doors, still carrying his backpack. See Image 19.



Image 19: SLINKER (circled) exiting the U.S. Capitol Building

As noted above, the FBI searched SLINKER's home on November 21, 2023. During that search, FBI personnel recovered multiple electronic devices, including mobile digital devices, a

laptop, and an external hard drive. FBI personnel did not locate the laptop taken from the Speaker's Conference Room during that search.³

Your affiant submits there is also probable cause to believe that DAVID SLINKER 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.

Finally, your affiant submits there is probable cause to believe that DAVID SLINKER violated 40 U.S.C. § 5104(e)(2)(C), (D), and (G), which makes it a crime to willfully and knowingly (C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; (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 28th day of October 2024.

MOXILA A. UPADHYAYA
UNITED STATES MAGISTRATE JUDGE

³ FBI personnel also searched the residence of Maryann Mooney-Rondon and Rafael Rondon in conjunction with their arrest. FBI personnel did not locate the subject laptop taken from the U.S. Capitol Building during the search of the Mooney-Rondon/Rondon home.