

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Task Force Officer from the Maryland State Police assigned to the FBI Baltimore Field Office Joint Terrorism Task Force (“JTTF”). In my duties as a Task Force Officer, I am currently tasked, among other things, with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Task Force Officer, 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.

Facts Specific to JOYNT

On January 6, 2021, David Michael Joynt (“JOYNT”) was present on restricted Capitol grounds and within the restricted Capitol building without authorization. JOYNT can be identified wearing a red “Make America Great Again” hat with a blue beanie underneath and a green jacket holding a red, white, and blue sign with “We are one . . .” written across it, as shown in Image 1.



Image 1¹

By as late as 1:48 p.m, JOYNT was on the west side of the Capitol grounds, within the restricted perimeter, and near the police line that was formed to protect the building (Image 2). At times he could be seen holding up his sign showing “We are one . . .”

¹ <https://www.youtube.com/watch?v=mO2pHZtrNT4&t=573>



Image 2

While JOYNT was on the western front, rioters attacked the police line that had formed in front of the building. At approximately 1:56 p.m., chemical spray was deployed by an officer attempting to control the crowd that was pushing on the metal bike racks that formed a barricade in front of the Capitol building. JOYNT appeared to have been affected by the agent as he turned his face and grabbed the brim of his hat, as shown in Image 3.



Image 3

JOYNT then backed up but remained close to the altercation. He was so close that a bike rack barrier, which was between the officers and the rioters prior to the assault, was pushed in front of him during the fight (Image 4).



Image 4

JOYNT pushed the fallen barricade behind him and stepped around it (Image 5).



Image 5

He remained in the same vicinity for several minutes after the violence subsided (Images 6,7, and 8).



Image 6



Image 7



Image 8²

From the west side of the building, JOYNT made his way to the east side. At approximately 2:42 p.m, JOYNT entered the Capitol building through a door on the southeast side (Image 9).



Image 9

JOYNT proceeded into the Capitol building and walked into a hallway (Image 10.)

² <https://archive.org/details/federico-klein-and-steven-cappuccio-303.h-264>

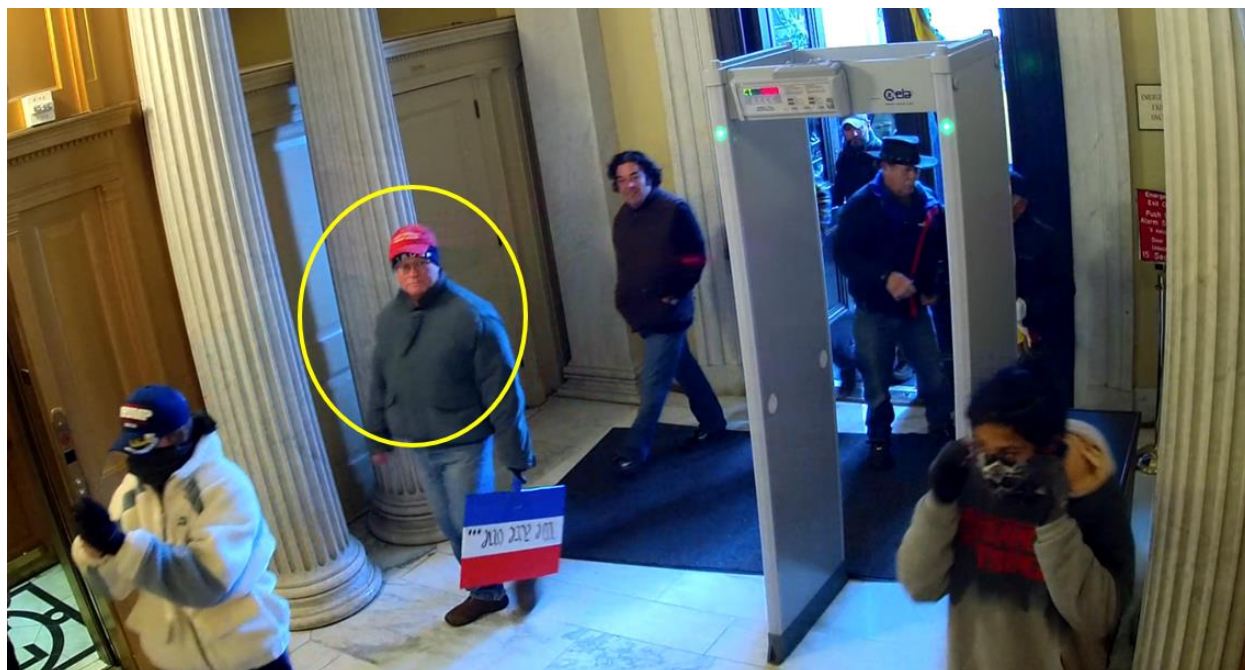


Image 10

For approximately 5 minutes, JOYNT remained inside the Capitol building (Image 11).

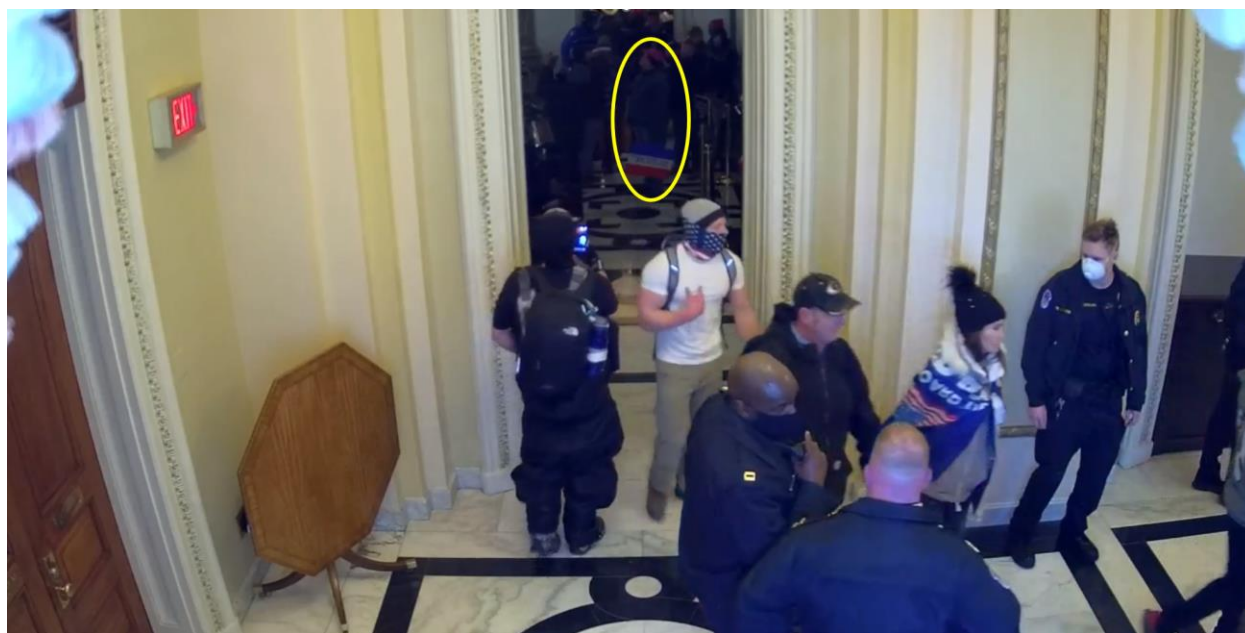


Image 11

At approximately 2:47 p.m., JOYNT exited from the Capitol building through the same door he entered (Image 12).



Image 12

Based on the foregoing, JOYNT remained within the Capitol’s restricted grounds without authorization for a minimum of 60 minutes.

Identification of JOYNT

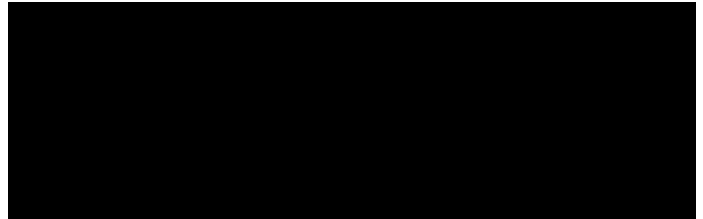
On Thursday, October 21, 2021, Task Force Officers from FBI in Baltimore attempted to interview JOYNT at his residence. JOYNT told the officers in part:

I was in Washington on January 6. . .Yes I entered the building. I didn’t have interactions with police but I witnessed the rioting and smoke grenades. I went into the Capitol Building but left after 5 minutes . . .

On February 21, 2024, Task Force Officers S.D. and P.P, who met JOYNT on October 21, 2021, identified JOYNT. Officers S.D. and P.P. were shown four photos and screenshots of JOYNT in and around the U.S. Capitol on January 6, 2021, including Images 1 and 10 above. Both officers identified JOYNT in each of the images.

Based on the foregoing, your affiant submits that there is probable cause to believe that David Michael JOYNT 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; 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 David Michael JOYNT 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.



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
U.S. MAGISTRATE JUDGE