

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to the FBI Salt Lake City Field Office. In my duties as a special agent, I investigate, among other things, criminal cases relating to domestic terrorism. Currently, 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.

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.

Following the events of January 6, 2021, the FBI identified an unknown subject participating in the Capitol riot. *Image 1*, consisting of four photos from a FBI “Be on the Lookout” notice, depicted the subject on the Capitol’s Upper West Terrace wearing a distinct tan jacket over a green hooded sweatshirt and black balaclava with a red baseball cap. As described in more detail below, this individual was subsequently identified as Daniel Van Oaks, Jr. (“OAKS”) of Alpine, Utah.

Photograph #491 - AFO A



Photograph #489 - AFO D



Photograph #489 - AFO C



Photograph #489 - AFO B

Photograph #489 - AFO E

Image 1: OAKS among the mob on January 6, 2021, on the Upper West Terrace.

At approximately 4:22 p.m. police Body Worn Camera (“BWC”) footage captured OAKS approach a police line on the Upper West Terrace. Officers had assembled a line at this location to remove rioters from the Upper West Terrace later in the afternoon. At this location, BWC captured OAKS push through the police line until officers successfully repelled his advance several seconds later. *Image 2*, an excerpt from BWC, captured officers confronting OAKS after he physically pushed through the police line. *Image 3*, another excerpt from BWC, captured an officer several seconds later pushing OAKS back toward the mob.



Image 2: Image, excerpted from BWC footage, of OAKS, circled in red, after he pushed through a police line on the Upper West Terrace.



Image 3: Image, excerpted from BWC footage, of OAKS pushing against an officer on the Upper West Terrace.

Immediately thereafter, at approximately 4:23 p.m. OAKS moved to another location along this police line. BWC captured OAKS lunge toward a police officer and grab the officer's baton. (*Image 4*). To steal the baton, OAKS forcibly pulled the baton from the officer, causing the officer to fall forward to the ground. (*Image 5*). The officer lost control of the baton, which OAKS took possession of.



Image 4: Image, excerpted from BWC footage, of OAKS lunging towards an officer and grabbing the officer's baton.



Image 5: Image, excerpted from BWC footage, of OAKS pulling the baton from an officer, causing the officer to fall forward.



Image 6: Image, excerpted from BWC footage, of OAKS holding the baton after he stole it from an officer.

After OAKS stole the officer's baton, he immediately retreated to the mob and triumphantly held the baton over his head. (Image 7).



Image 7: Image, excerpted from BWC footage, of OAKS holding the baton over his head.

After January 6, 2021, the FBI received 10 different tips regarding this subject, who initially was identified as "AFO – 489," also known as #Bundlebrawler – a moniker attributed to the subject following January 6, 2021. Each tip identified #Bundlebrawler as Daniel Van OAKS, Jr. of Alpine, Utah and provided videos and images from OAKS' Facebook profile implicating his

involvement in the Capitol riot on January 6, 2021. Three of the tipsters stated they knew OAKS personally and confirmed his identity in the images at the Capitol that OAKS posted to his Facebook profile.

I subsequently visited OAKS' Facebook page, which included his name and photograph. (Image 7)¹.

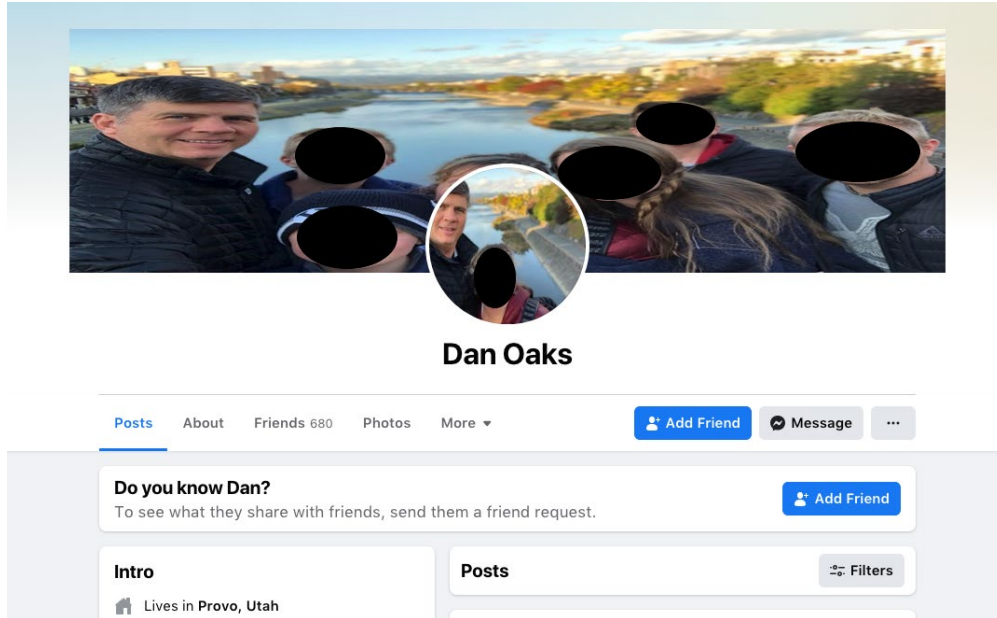


Image 7: The Facebook profile associated with Dan Oaks Jr.

Publicly available videos and images on this Facebook page, and videos and images provided by the various tipsters, placed OAKS at the Capitol riot on January 6, 2021.² In these videos and images, OAKS is wearing the same distinct clothing associated with #Bundlebrawler.

¹ OAKS appeared in a marketing video posted on his Facebook profile concerning his cook wear business. In this video, he introduces himself as Dan Oaks. Based on my review of video footage from the January 6 riot, I can attest that this individual is the same individual in the other videos and images of OAKS at the Capitol on January 6, 2021, posted to his Facebook profile.

² In a comment to a response to one of his January 6, 2021, postings OAKS writes, "I was actually there."

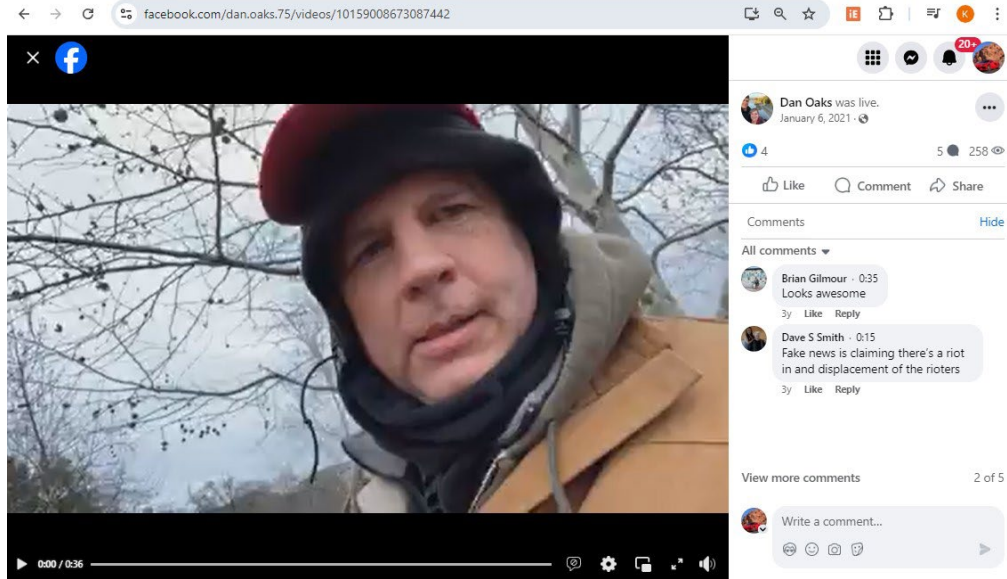


Image 8: OAKS recording himself on Facebook live at the Capitol on January 6, 2021.

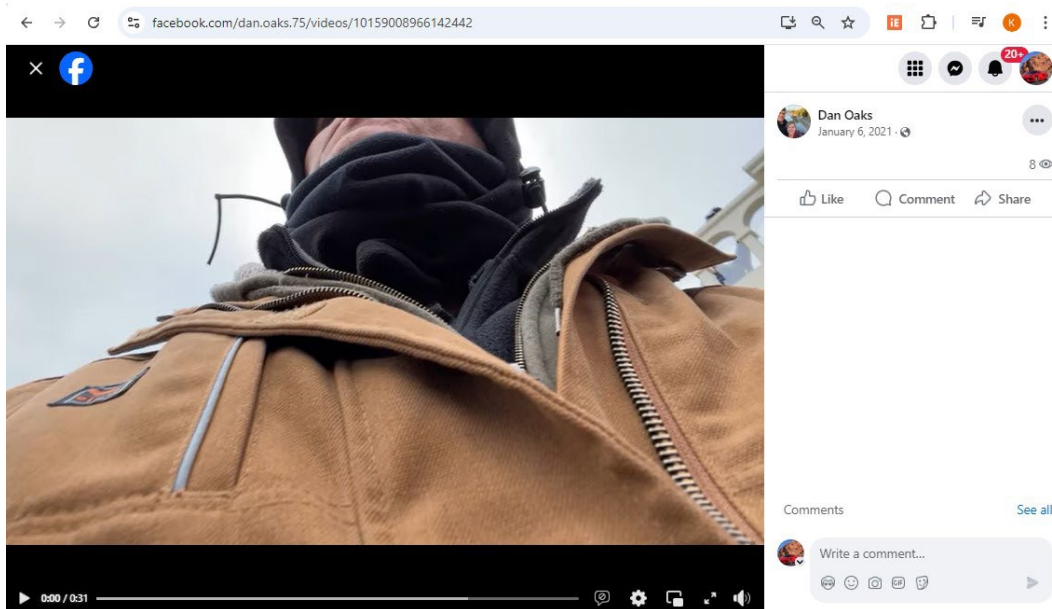


Image 9: Video posted to OAKS' Facebook profile where he is wearing the same distinct tan jacket, green hoodie, and black balaclava as #BundleBrawler.



Image 10: OAKS recording himself near the Capitol on January 6, 2021.

The content uploaded to OAKS' Facebook profile revealed OAKS drove to Washington D.C. from Utah with his adult son in advance of January 6, 2021. In one Facebook live video on OAKS's profile, OAKS appeared with his son on the Capitol's West Front with the developing mob. In the video, OAKS celebrated the actions of rioters who had breached the office of the Speaker of the House and stated, "What are we outside here for? We should be inside, I'm so disappointed in myself. Fox News is saying protesters are out of control. We haven't even begun to get out of control yet."

OAKS subsequently recorded another 30-minute Facebook live video on January 6, 2021. In the video, OAKS identified himself as "Dan Oaks." OAKS begins the video on the Upper West Terrace, near the aforesaid incident involving the officer's baton. Based on my understanding of the events at the Capitol on January 6, 2021, and the events depicted in the video, I can attest that OAKS recorded this video shortly after stealing the officer's baton around 4:20 p.m.³

³ OAKS' video depicts officers deploying chemical irritants at the mouth of the Inauguration Tunnel Entrance. These events occurred at around 5:00 p.m. OAKS also recorded this video as the sun was setting and he and other rioters began departing Capitol grounds on January 6, 2021, which also occurred around 5 p.m.



Image 7: Image, excerpted from OAKS' Facebook live recording, of OAKS on the Upper West Terrace on January 6, 2021.

In the same video, OAKS recorded himself moving from the Upper West Terrace to the West Front. As he departed Capitol grounds, OAKS boasted about stealing an officer's baton. He stated, "I'm going to get my souvenir, I got a little souvenir here guys from my little skerfuffle." As OAKS walked away from the Capitol with his son, OAKS stated:

"I kicked some butt, I got a baton from one of the cops, ripped it off of his hands, I was trying to pull him down towards up over the wall and he wisely let go of his baton and I broke through the police barricade and ran around, took a couple guys out, leading the charge. And about 100 more cops showed up because of what I did. I had some people following me out."

OAKS also stated, "They won this round, but we will be back" and he wished he, "Stormed the castle sooner."

OAKS also offered some indication for his intent behind traveling to Washington D.C. in his Facebook live videos. He acknowledged that his spouse told him and his son to, "have fun storming the castle" before they left Utah. OAKS proceeded to acknowledge, "we did have fun" as he walked back to his hotel at the end of the day. Following his actions at the Capitol, OAKS also described how he felt about the day's events by gloating that the riot was:

"Pretty fun, the revolution is over, we had fun storming the castle. I never had so much tear gas bombs go off around me as I did today. We had loads of fun, I got a baton too, but it was gone. I should have tossed it in the bushes more, so it was more hidden."

Based on the foregoing, your affiant submits there is probable cause to believe that OAKS 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 Secret Service's protection of the Vice President and his family and the Capitol Police's protection of the U.S. Capitol.

I submit there is also probable cause to believe that OAKS violated 18 U.S.C. § 111(a)(1), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in section 1114 of Title 18 while engaged in or on account of the performance of official duties, where such acts involve physical contact with the victim or the intent to commit another felony. Persons designated within section 1114 of Title 18 include federal officers such as USCP officers, and include any person assisting an officer or employee of the United States in the performance of their official duties.

I further submit there is probable cause to believe that OAKS violated 18 U.S.C. § 1752(a)(1), (2), and (4) 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; (4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds; 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 OAKS violated 40 U.S.C. § 5104(e)(2)(D) and (F), 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 (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

Finally, your affiant submits there is probable cause to believe that OAKS violated 18 U.S.C. § 2111, which makes it a crime for a person, within the special maritime and territorial jurisdiction of the United States, by force and violence, or by intimidation, to knowingly take or attempt to take from the person or presence of another, anything of value.



Federal Bureau of Investigation

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

MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE