

## STATEMENT OF FACTS

Your affiant, David M. Kasulones, is a Deputy Marshal with the United States Marshal Service, Department of Justice (DOJ), and I am assigned as a Task Force Officer (TFO) with the Federal Bureau of Investigation's Counterterrorism Division in Cleveland, Ohio. As a TFO, I am authorized to investigate violations of the laws of the United States. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds 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, shortly 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.

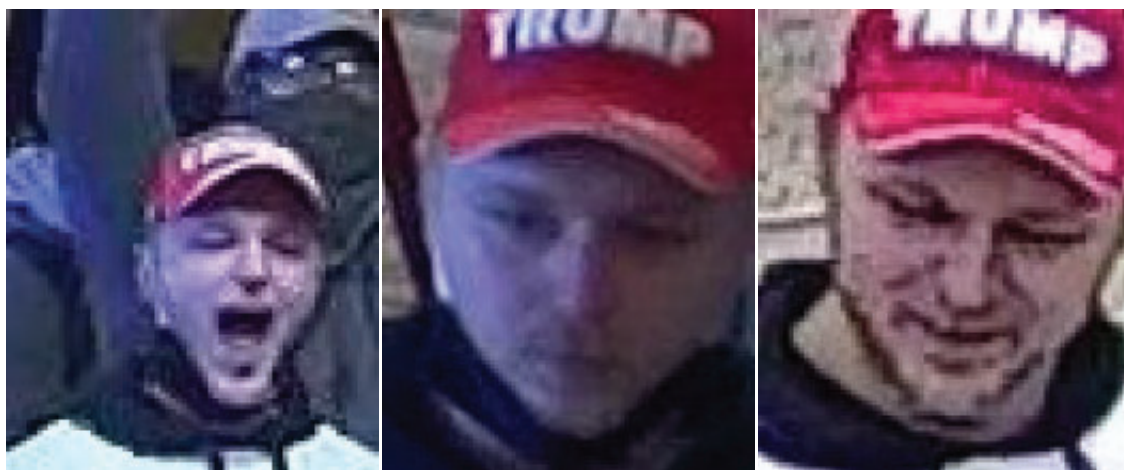
During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of

violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

On May 6, 2021, the Federal Bureau of Investigation (FBI) Cleveland Division received a lead from the FBI Washington Field Office (WFO) indicating that COLTON WARGO was possibly inside the United States Capitol on January 6, 2021. According to records obtained through a search warrant served on Google, a mobile device associated with COLTON WARGO was present at the U.S. Capitol on January 6, 2021. Google estimates device location using sources including GPS data and information about nearby Wi-Fi access points and Bluetooth beacons. This location data varies in its accuracy, depending on the source(s) of the data. As a result, Google assigns a “maps display radius” for each location data point. Thus, where Google estimates that its location data is accurate to within 10 meters, Google assigns a “maps display radius” of 10 meters to the location data point. Finally, Google reports that its “maps display radius” reflects the actual location of the covered device approximately 68% of the time. In this case, Google location data shows that the subject device associated with was within the U.S. Capitol or on the Capitol grounds from approximately 1:55 p.m. until 3:22 p.m. EST.

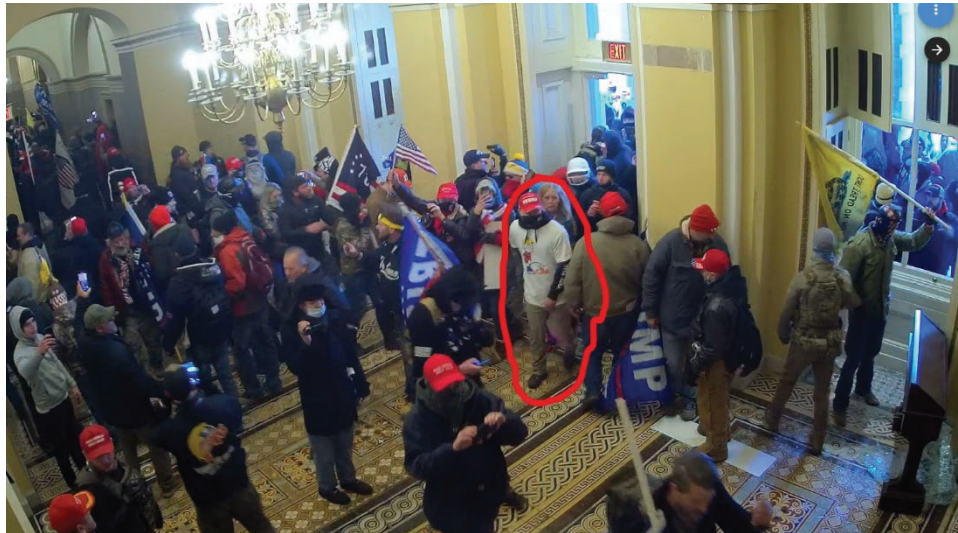
Photos 1, 2 and 3 were obtained from images captured by surveillance cameras inside the Capitol on January 6, 2021 and matched to an Ohio Bureau of Motor Vehicles image of COLTON WARGO issued on November 04, 2020.

Photos 1, 2 and 3



The Capitol building was first breached at approximately 2:11 p.m. at the Senate Wing Door on January 6, 2021. On that date and at that location, video surveillance cameras captured additional images of COLTON WARGO and, immediately to his rear, KIMBERLY WARGO as they entered the Capitol at approximately 2:20 p.m. See Photo 4.

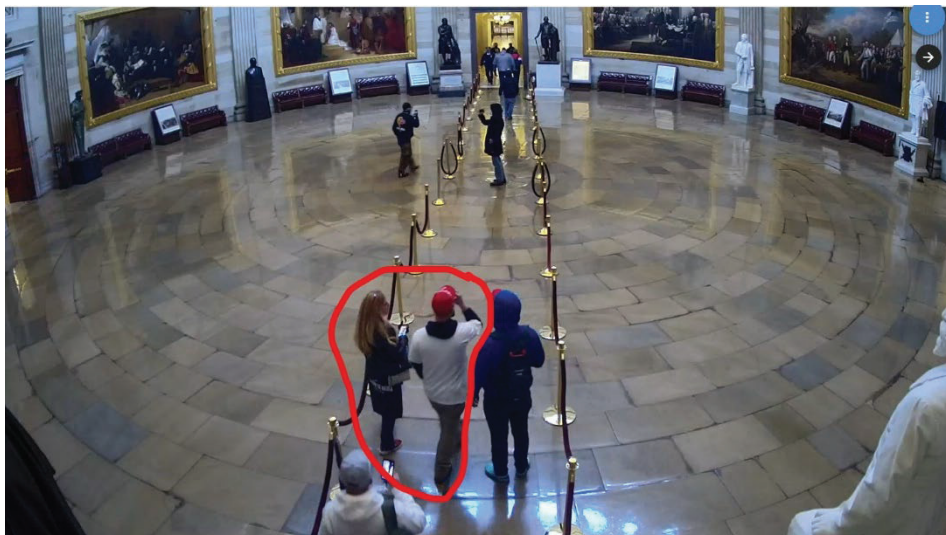
Photo 4



COLTON WARGO wore a white t-shirt with a cartoon image of President Trump, a black hoodie, a red hat, and dark pants. KIMBERLY WARGO wore a dark-colored jacket over a red, white and blue flag shirt and blue jeans.

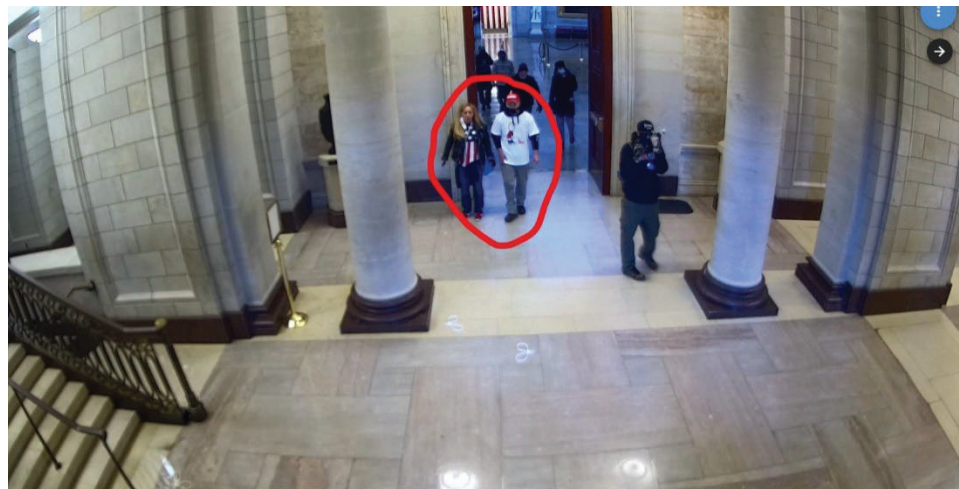
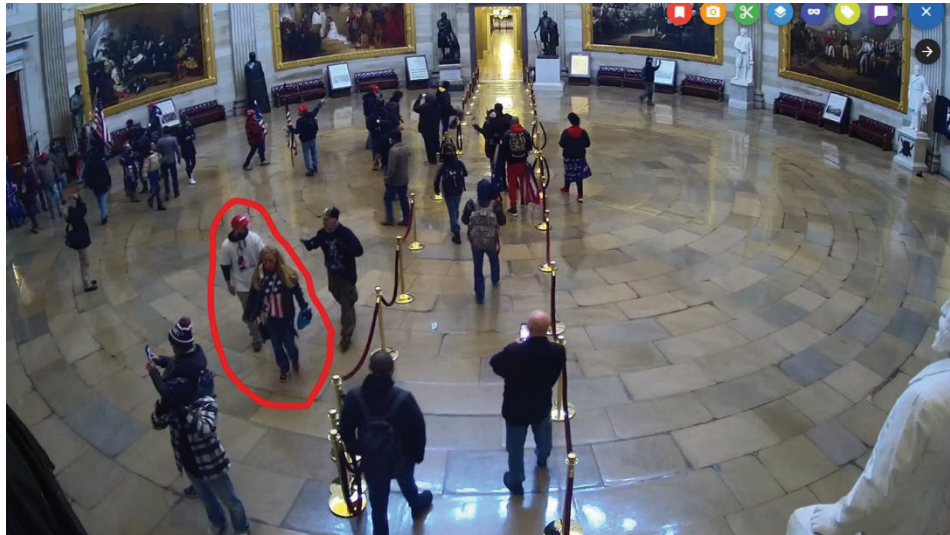
From approximately 2:23 to 2:26 p.m., COLTON WARGO and KIMBERLY WARGO walked in and out of the Rotunda, as revealed in Photos 5-7.

Photo 5





Photos 6 and 7

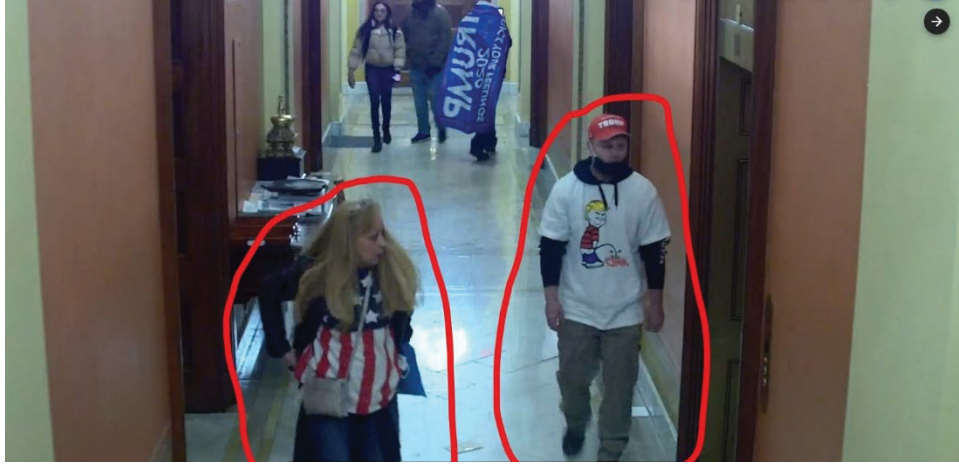


After leaving the Rotunda, from approximately 2:28 to 2:29 p.m., surveillance cameras captured KIMBERLY WARGO as she appeared to lead COLTON WARGO through the hallways of the Capitol near House and Senate offices. See Photos 9-11.

Photos 9 and 10



Photo 11



KIMBERLY WARGO and COLTON WARGO (“the Wargos”) entered Statuary Hall at approximately 2:30 p.m. and left a few minutes later to travel to other parts of the Capitol. Photo 12 shows the WARGOS inside Statuary Hall. Photo 13 shows the WARGOS in the adjacent hallway, where they became part of a mob in the Capitol.

Photo 12



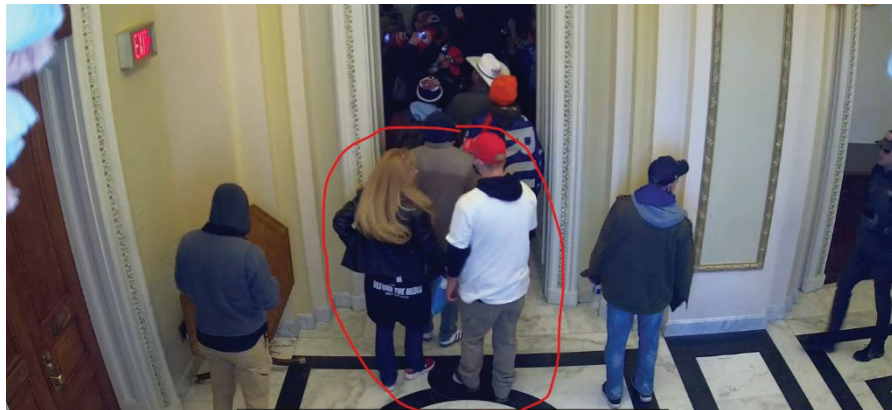


Photo 13



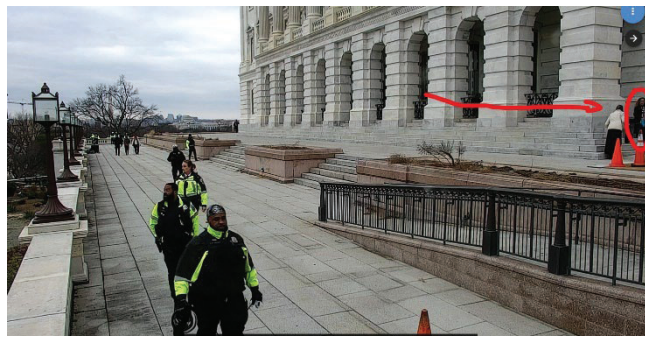
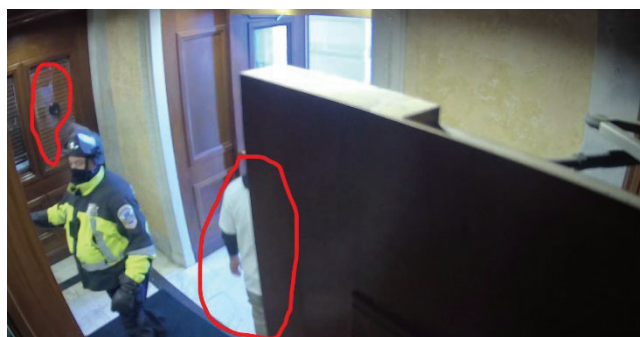
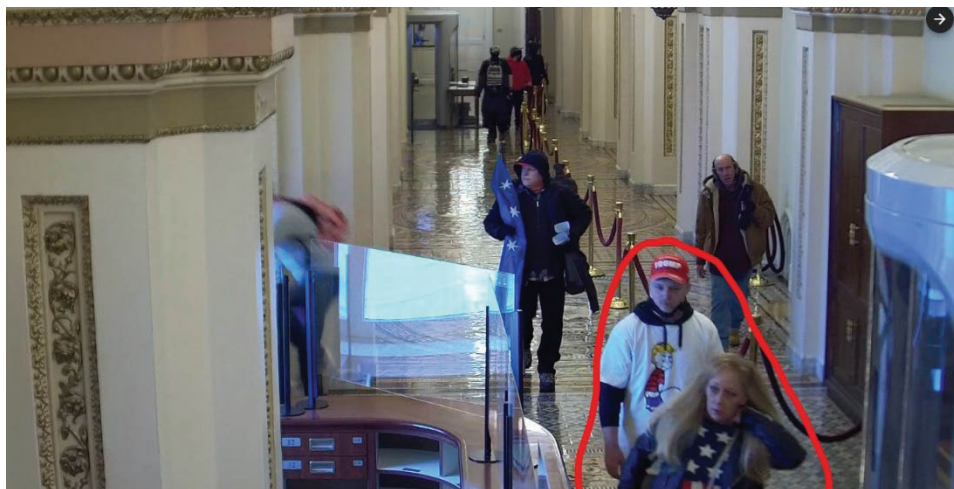
In Photo 14, the WARGOS joined the mob as they entered the East Staircase and traveled to another floor of the Capitol.

Photo 14



The WARGOS continued to travel inside the Capitol until they entered the House Gallery at approximately 2:46 p.m., as shown in Photo 15, and exited through the South Door at approximately 2:52 p.m., as shown in Photos 16 and 17. In total, the WARGOS remained inside the Capitol for approximately 30 minutes.

Photos 15-17



On May 20, 2021, COLTON WARGO agreed to be interviewed by the FBI at his residence in Westlake, Ohio. COLTON WARGO admitted to being inside the U.S. Capitol, with his mother, KIMBERLY WARGO, on January 6, 2021. COLTON WARGO stated that he and his mother drove to Washington, D.C. to attend the rally for President Trump. After the rally, they walked with the crowd to the U.S. Capitol Building. He stated that he and his mother approached the west front of the Capitol, noticed people walking through an open door, and took advantage of the opportunity and followed the crowd into the Capitol. He stated that he walked up a flight of stairs to the second floor after entering the building. He also stated that he and his mother left the Capitol after they were yelled at by an armed tactical police team.

COLTON WARGO also admitted that he was wearing a white T-shirt with a cartoon image of President Trump on January 6, 2021, which is consistent with the images captured on video surveillance. On August 9, 2021, your Affiant and FBI Special Agent Timothy Kolonick re-interviewed COLTON WARGO and provided him with a copy of an image of a male and female inside the Capitol building. He admitted that the image was of him, wearing a white T-shirt and red baseball hat, and his mother, standing in front of him and to his right, in the Capitol. He initialed Photo 18, afterward your affiant also initialed Photo 18 as a witness.



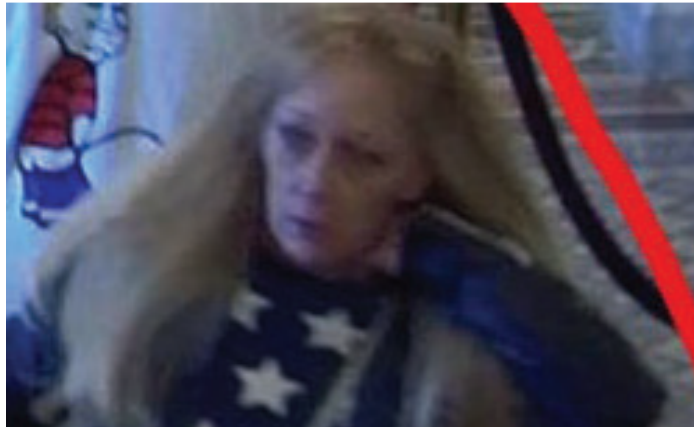
Photo 18



CAW  
JLW 8/9/21

KIMBERLY WARGO also voluntarily agreed to be interviewed by the FBI on May 20, 2021. She admitted that she attended the President's rally in Washington, D.C. on January 6, 2021, with her son, COLTON WARGO, and they walked with the crowd to the Capitol Building after the rally. When they saw people going into the Capitol, they decided to go in as well. She added that they walked around inside the Capitol until a team of police officers yelled at them and told them to get out of the building. Interviewers had Photo 19 in their possession during the interview but did not show it to KIMBERLY WARGO, however, the interviewers agreed that KIMBERLY WARGO matched the image of the woman shown in Photo 19.

Photo 19



Based on the foregoing, your affiant submits that there is probable cause to believe that COLTON WARGO and KIMBERLY WARGO 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; 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 COLTON WARGO and KIMBERLY WARGO 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.



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David M. Kasulones,  
Task Force Officer  
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 3<sup>rd</sup> day of May, 2022.



2022.05.03

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ROBIN M. MERIWEATHER  
UNITED STATES MAGISTRATE JUDGE