

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation ("FBI"). Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent with the FBI, 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 facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause, it does not contain every fact known by me or the FBI. The dates and times listed in this Affidavit should be read as "on or about."

Background: Events at 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, S.E., 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 ALAN MICHAEL ST. ONGE

Based upon review of public video, closed circuit television (“CCTV”) footage and police body worn camera footage depicting the events at the U.S. Capitol building and grounds on January 6, 2021, law enforcement identified an individual who pushed against police and aided other rioters near an entrance to the U.S. Capitol. As set out in detail below, law enforcement has identified that individual as ALAN MICHAEL ST. ONGE (“ST. ONGE”) and there is probable cause to believe that on January 6, 2021, ST. ONGE committed violations of 18 U.S.C. §§ 231(a) (civil disorder) and 1752(a)(1), (2) (unlawful entry on restricted buildings or grounds) and 40 U.S.C. §§ 5104(e)(2)(E) (impeding passage through Capitol grounds).

A. ST. ONGE’s Activities at the U.S. Capitol on January 6, 2021.

The FBI reviewed camera footage depicting ST. ONGE on the east and west sides of the U.S. Capitol and near an entrance to the U.S. Capitol building on the Lower West Terrace (“LWT”) known as “the tunnel.” Specifically, ST. ONGE participated in the breach of the police barricade on the east plaza of the U.S. Capitol before traveling to the LWT tunnel, which he entered and left at least four separate times on January 6, repeatedly pushing against the police line. Below is a still image from a public video (“Video 1”) depicting ST. ONGE, who was wearing a long gray coat, a colorful shirt, a black mask neck gaiter and a black beanie, outside the entrance to the tunnel:¹

¹ Earlier in the day on January 6, as depicted below, it also appears ST. ONGE wore a navy blue scarf.



ST. ONGE was located at the east plaza barricades set up around the U.S. Capitol building at approximately 1:55 p.m.² Publicly available video (“Video 1”)³ depicts ST. ONGE pushing against the barricades along with other rioters shortly before the police line on the east plaza was overrun:

² Times are approximate based on comparison with other video and events.

³ Video 1 is publicly available at <https://archive.org/details/mJfXzcuiBv3KBW2Gb/>



After the police line was breached on the east side, ST. ONGE walked toward the southwest side of the U.S. Capitol building. Below is a still image from a Youtube video (“Video 2”)⁴ depicting ST. ONGE walking toward the west front of the U.S. Capitol where a line of police officers were protecting the building:

⁴ Video 2 is available at https://www.youtube.com/watch?v=QrG6_Pz9GyM&t=71



According to body-worn camera (“BWC”) footage, ST. ONGE was located at the police barricades during confrontations between the police and other rioters. Specifically, below is a still image from BWC showing ST. ONGE standing at the police line as rioters assaulted police:



ST. ONGE then moved closer to the U.S. Capitol building after the police line on the southwest side was breached. Public video (“Video 3”) shows he was located on the West Front of the Capitol as the final police line defending the Capitol building was breached:



ST. ONGE then made his way up to the LWT tunnel. ST. ONGE was initially located outside the entrance to the tunnel beginning at approximately 2:55 p.m. According to CCTV footage, ST. ONGE received a stolen U.S. Capitol Police riot shield from another member of the crowd as he stood near the mouth of the tunnel. ST. ONGE held that shield for a moment and then set it down in the mouth of the tunnel, as depicted in the below still image from CCTV:



ST. ONGE left the tunnel approximately one minute later at 2:57 p.m. ST. ONGE returned to the mouth of the tunnel for a second time approximately one minute later at approximately 2:58 p.m. At that time, as depicted in the still images from CCTV footage and another publicly available video (“Video 4”)(respectively) below, ST. ONGE was handed a large black speaker which he passed up to other members of the crowd:



At approximately 3:01 p.m., ST. ONGE, who was still located at the mouth of the tunnel, handed a bottle of water to another rioter who appeared to be suffering from the effects of chemical irritant spray.



Shortly thereafter, at approximately 3:02 p.m., ST. ONGE once again walked away from the mouth of the tunnel. ST. ONGE returned to the tunnel approximately seven minutes later at 3:09 p.m. This time, ST. ONGE made his way further into the tunnel and joined in with the crowd's concerted push against the police line. Specifically, CCTV footage depicts ST. ONGE using his considerable size⁵ to push others in the crowd against the police line:

⁵ According to open source and law enforcement databases, ST. ONGE was approximately 6'4" and 300 pounds on January 6, 2021.



At approximately 3:11 p.m., ST. ONGE left the tunnel for a third time.



Approximately five minutes later, ST. ONGE reentered the tunnel again. Shortly thereafter, ST. ONGE can be seen on CCTV footage bending down in what appears to be an effort to gather his strength and extend his arms. ST. ONGE then can be seen on the video pushing, apparently

hard and with great effort, against other rioters in an attempt to collectively breach the police line. Below is a still image from CCTV footage depicting ST. ONGE's push against the police:



At approximately 3:18 p.m., the police inside the tunnel gained momentum and successfully pushed the rioters out of the tunnel. ST. ONGE was ejected from the tunnel:



B. Identification of ALAN MICHAEL ST. ONGE

Following the attack on the U.S. Capitol, the FBI made a preliminary determination that the individual described above might be a man named ALAN MICHAEL ST. ONGE. Law enforcement subsequently searched law enforcement databases and identified a Transylvania County Sheriff's Office employee ("Employee 1") who may have had previous contact with ST. ONGE. On or about November 15, 2020, Employee 1 was interviewed by law enforcement and was presented with two unlabeled photographs of ST. ONGE at the U.S. Capitol. The officer confirmed the identity of the individual in the photographs as ST. ONGE based on his prior interactions with ST. ONGE.

On or about April 22, 2021, law enforcement contacted a relative of ST. ONGE ("Relative 1"). Relative 1 told law enforcement that s/he was aware that ST. ONGE was at the U.S. Capitol on January 6, 2021. In fact, Relative 1 stated that ST. ONGE called her/him on his way home from the U.S. Capitol building. Relative 1 was shown photographs of ST. ONGE from the U.S. Capitol building on January 6 and confirmed his identity.

Conclusion

Based on the foregoing, your affiant submits that there is probable cause to believe that ALAN MICHAEL ST. ONGE 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 Joint Session of Congress where the Senate and House count Electoral College votes.

Your affiant further submits there is probable cause to believe that ST. ONGE 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. 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 ST. ONGE violated 40 U.S.C. § 5104(e)(2)(E) which makes it a crime to obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings.

Respectfully submitted,



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 1st day of June 2023.



Rob M. Meriweather

2023.06.01

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ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE