

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent with the Federal Bureau of Investigation (“FBI”), and has been so employed since December 2020. I am currently assigned as a Special Agent to the Los Angeles Field Office Joint Terrorism Task Force (“JTTF”) CT-3. In my duties as a Special Agent, I investigate violations of the laws of the United States, specifically investigations of domestic and foreign terrorism. As a Special Agent, I have received both formal and informal training from the FBI regarding criminal and domestic terrorism investigations. 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 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

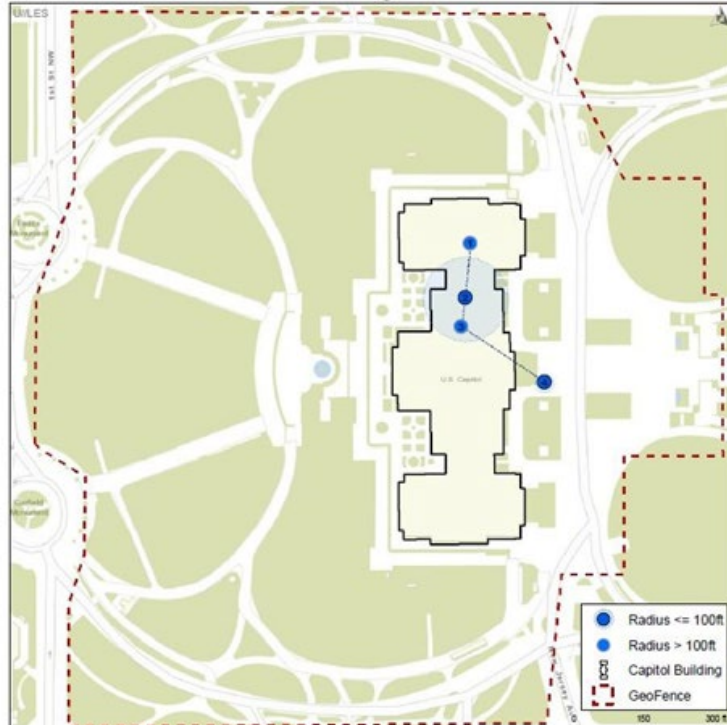
of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

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.

Identification of Michael HALTOM

According to records obtained through a search warrant served on Google, a mobile device associated with hXXXXXX.mXXXXXX@gmail.com (“the HALTOM Gmail account”) 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.

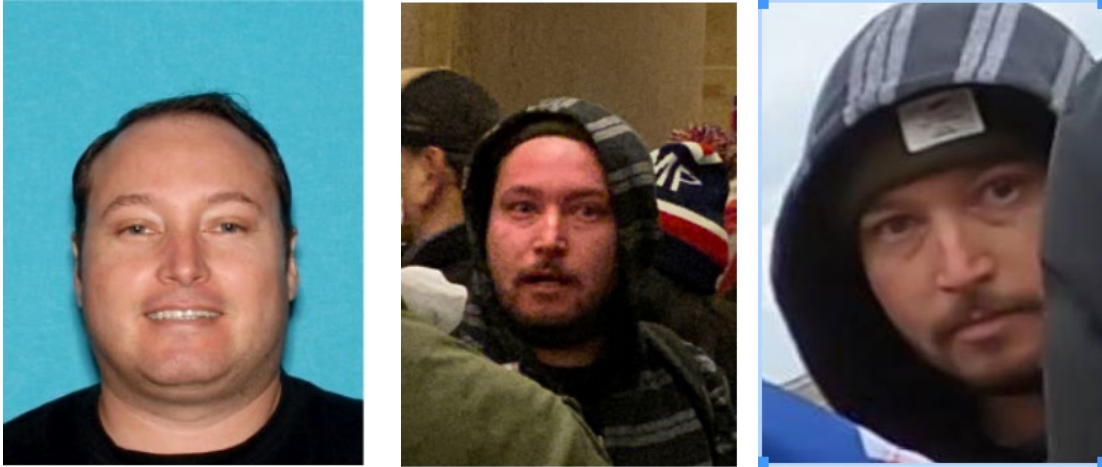
In this case, Google records showed that the mobile device associated with the HALTOM Gmail account was present at the locations illustrated in the map below. The mobile device was within the U.S. Capitol at locations reflected by each darker blue circle in the map below, with the “maps display radius” reflected by each lighter blue ring around each darker blue circle. The map’s listed locations encompass areas that are at least partially within the U.S. Capitol Building—and consequently within the restricted areas of U.S. Capitol grounds—between approximately 2:14 to 3:18 p.m. EST on January 6, 2021.



Data obtained from additional legal process indicated that the mobile device and Google account associated with the HALTOM Gmail account was also associated with the name “Michael Haltom,” the telephone number XXX-XXX-0636, and the additional email address mhXXXXXXXXXX@outlook.com. Records from a telephone service provider indicate that the 0636 phone number is associated with a provider account in the name of a Los Angeles, California resident named Michael HALTOM.

Flight records indicate that HALTOM traveled from Los Angeles (LAX) to the D.C. area (DCA) on January 5, 2021 and flew back to Los Angeles on January 8, 2021. The phone number ending in 0636 and the Google account were associated with the travel records.

Following January 6, 2021, the FBI received a tip from a confidential informant who has been deemed credible and reliable through previous reporting provided images of an individual reported to be HALTOM inside the U.S. Capitol building on Jan. 6, 2021. Your affiant compared these photographs to HALTOM’s California driver’s license photograph (shown below on the left) and they appeared to be the same individual.



On July 29, 2021, an FBI Task Force Officer (“TFO”) telephoned HALTOM’s number ending in 0636. The number was no longer in service. On July 29, 2021, the TFO and the affiant went to HALTOM’s listed address located in Los Angeles, CA. Agents were met by an individual who identified herself as HALTOM’s mother and told agents that HALTOM was not home. In the agents’ presence, this person telephoned HALTOM and he agreed to speak to the agents over the phone. The TFO advised HALTOM of the agents’ identities and the nature of the interview. HALTOM declined to answer any questions.

On July 13, 2023, a spot check was conducted by the affiant and another FBI TFO at a Norwalk, CA address identified in California state vehicle data as being associated with HALTOM. At approximately 5:11 a.m. Agents observed HALTOM’s vehicle back out of the driveway. Agents then positioned their vehicle immediately adjacent to HALTOM’s at a stop light and were able to positively identify the sole occupant of HALTOM’s vehicle as the person shown in the three images above.

HALTOM’s social media activity prior to January 6, 2021

During the course of its investigation, the FBI identified multiple accounts on the social media platform X (formerly known as Twitter) registered with HALTOM’s Gmail account and/or his 0636 phone number. Following the 2020 U.S. presidential election held on November 3, 2020, HALTOM appears to have made dozens of statements falsely claiming the election was stolen from former President Donald Trump, that violent action was necessary to ensure Trump remained in power, that former Vice President Mike Pence was a “traitor” for not supporting Trump’s efforts to overturn the election, and that violent action was necessary on January 6, 2021 to stop Pence and Congress from certifying the Electoral College results from the 2020 election.

For example, on December 1, 2020, a political commentator tweeted, “Trump won.” HALTOM retweeted the message, adding the statement, “Democrats are cheaters.” On December 26, 2020, HALTOM stated, “Support trump or pay the price.” On January 4, 2021, responding to a “Merry Christmas” post by former Vice President Pence, HALTOM stated, “Stfu with that sa[c]hrine christmas card shi#! Vote for trump electors or expire in infamy. You either with trump or you and mitch McConnell can go to hell!”

In the early hours of January 6, 2021, Trump tweeted that Pence must reject Electoral College votes from certain states so that Trump can “win the Presidency.” At 1:25 a.m. EST on January 6, 2021, HALTOM replied to the Tweet stating, “Ill be in dc and ready for civil war. We are ready to break the pencil neck evil demon swamp creatures.” HALTOM then responded to the same Trump tweet with, “Civil war!”



HALTOM’s activity at the U.S. Capitol on Jan. 6, 2021

The affiant reviewed publicly available video, closed-caption video (“CCV”) from the U.S. Capitol Police (“USCP”), Metropolitan Police Department (“MPD”) body worn camera footage (“BWC”) and other video obtained from the FBI taken by individuals in the crowd that captures HALTOM at several different locations within the U.S. Capitol building and grounds on January 6, 2021. In this video footage, HALTOM is seen wearing grey athletic pants, a grey Jansport backpack, and a black and grey striped hooded sweatshirt with the hood worn up over a black beanie.

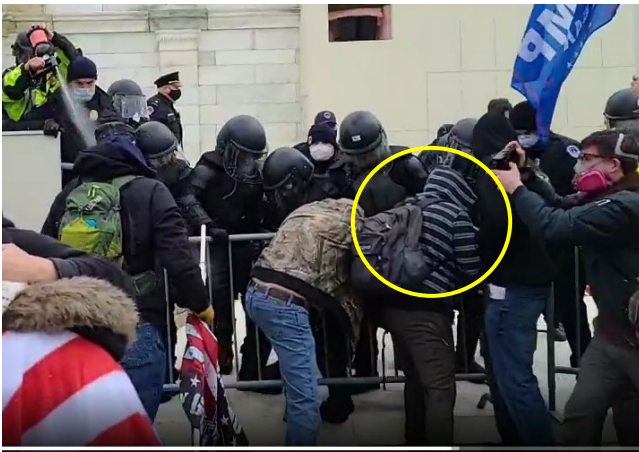
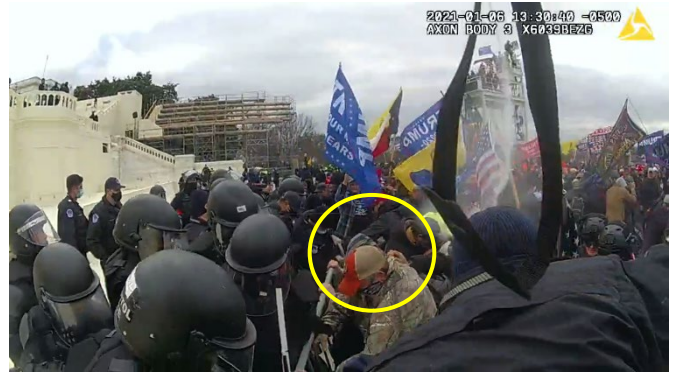
I have first located HALTOM on U.S. Capitol grounds near the Peace Circle Monument located on the northwest corner of the grounds near the Pennsylvania Walkway, which was closed to the public as part of the restricted perimeter established around the U.S. Capitol that day. This video footage captures HALTOM moving southeast on the Pennsylvania Walkway in the direction of the Capitol building.¹



Halton near Peace Circle on Pennsylvania Walkway

Video footage also captures HALTOM closer to the building in the West Plaza area of U.S. Capitol grounds where scaffolding was being constructed in advance of the presidential inauguration scheduled for January 20, 2021. At approximately 1:30 p.m., HALTOM stood near the police line blocking rioters, including HALTOM, from further encroaching toward the building. HALTOM is visible waving other rioters forward gesturing them to push on the bike rack barricades used by law enforcement to maintain their defensive line. HALTOM himself pushed repeatedly on the West Plaza barricades as police officers attempted to hold them back. Video footage taken from BWC shows MPD officers deploying oleoresin capsicum (“OC”) spray to disperse the crowd, driving several protestors back, but HALTOM and one other protestor remained pressed against the fencing. HALTOM used both hands to push against the bike-rack barricade even as police deployed OC spray directly toward him.

¹ <https://www.facebook.com/mediaresearchcenter/videos/844220399480621>.



HALTOM attempting to overpower police line on West Plaza by shoving bike rack barricades manned by officers.

Video footage then shows that HALTOM moved north from the West Plaza toward covered scaffolding erected over the Northwest Staircase in anticipation of the inauguration. Other rioters overran the entryway to this staircase, then HALTOM and others pushed into the scaffolding and onto the staircase. HALTOM continued to wave other rioters forward as he pushed into the scaffolding.



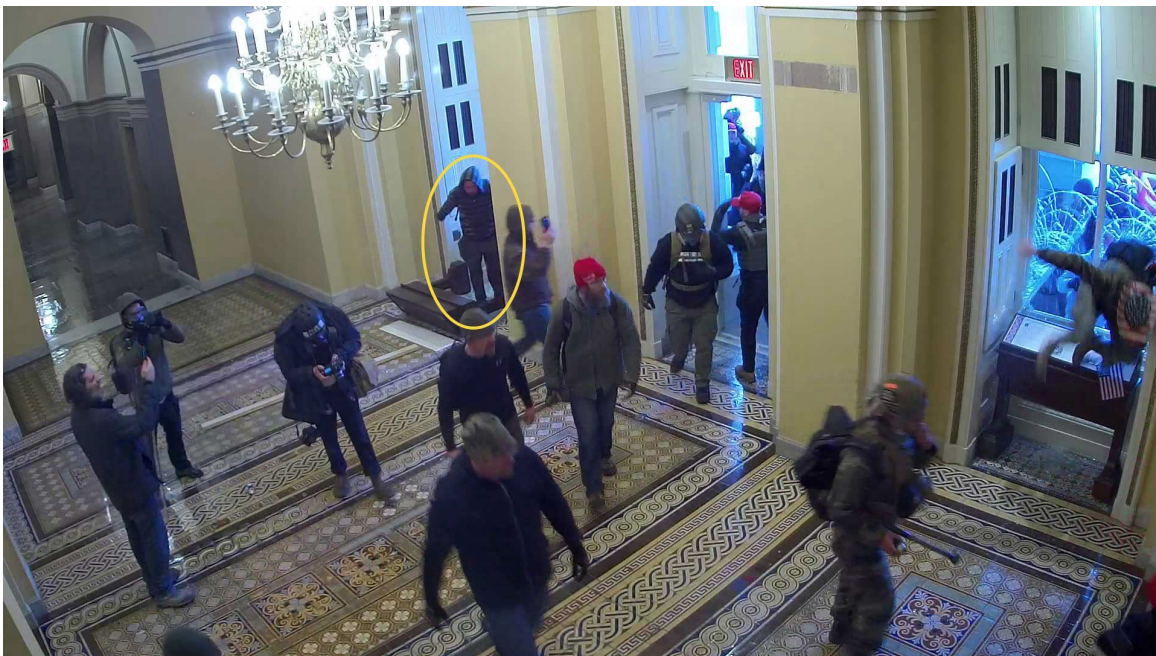
HALTOM entering into inauguration scaffolding over the Northwest Staircase on U.S. Capitol grounds.

At approximately 2:09 p.m., after overrunning multiple police lines, rioters ascended to the top of the Northwest Staircase and reach the Upper West Terrace area, which provided access to the west side of the Capitol building. HALTOM moved with the crowd up the stairs after police lines were overrun.



HALTOM ascending Northwest Staircase toward Capitol building.

Law enforcement had retreated to form a barricade at the top of the Northwest Staircase to prevent access to the Upper West Terrace, but the crowd of rioters quickly overran this police line as well, and HALTOM and other rioters moved onto the Upper West Terrace toward the Senate Wing Door entryway on the west side of the building. HALTOM was among the first rioters to reach the Senate Wing Door area.



HALTOM approaching Senate Wing Door and entering smashed-out window at 2:13 p.m.

At approximately 2:12 p.m., rioters used a police shield and lumber taken from the inauguration scaffolding to smash the windows to the left and right of the Senate Wing Door. Rioters then climbed through those windows and kicked open the door to allow access to other rioters. HALTOM climbed through the window to the right of the Senate Wing Door at 2:13 p.m., less than one minute after the first rioter breached the Capitol building that day.

After entering the Capitol building, HALTOM turned left (north) and walked toward the Senate side of the building with other rioters. HALTOM eventually reached the entryway to a staircase where he and others confronted a USCP Officer, who was blocking their advance. HALTOM and others yelled at and moved toward that Officer, who eventually began retreating up the staircase behind him. HALTOM was the second person from the front of the crowd pursuing the Officer up the stairs.



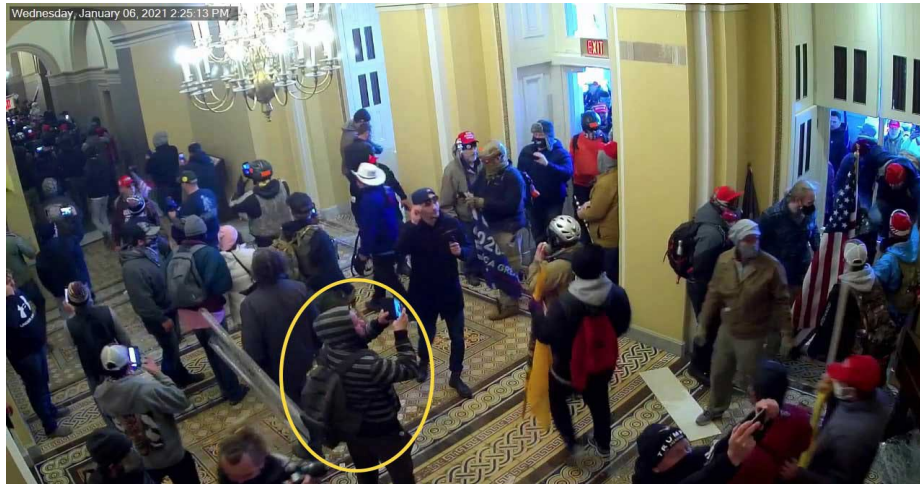
HALTOM and other rioters pursuing a USCP Officer up staircase in Capitol building.

After this Officer reached the top of the staircase, he diverted the rioters away from an area where senators were evacuating and instead led them toward the Ohio Clock Corridor, an anteroom to the Senate Chamber. HALTOM was the second person to reach the Ohio Clock Corridor that day, entering it at 2:15 p.m. Multiple other rioters entered the room as HALTOM waved them in. As the crowd filed in, they advanced toward a small line of officers, and HALTOM continued to look back and wave at the crowd to continue moving forward toward the officers. HALTOM remained in the corridor until approximately 2:23 p.m. before exiting and returning to the first floor of the building.



HALTOM in Ohio Clock Corridor outside Senate Chamber

At approximately 2:25 p.m., HALTOM returned to the Senate Wing Door, where he appeared to take photos or video with a smartphone before continuing past the entryway.



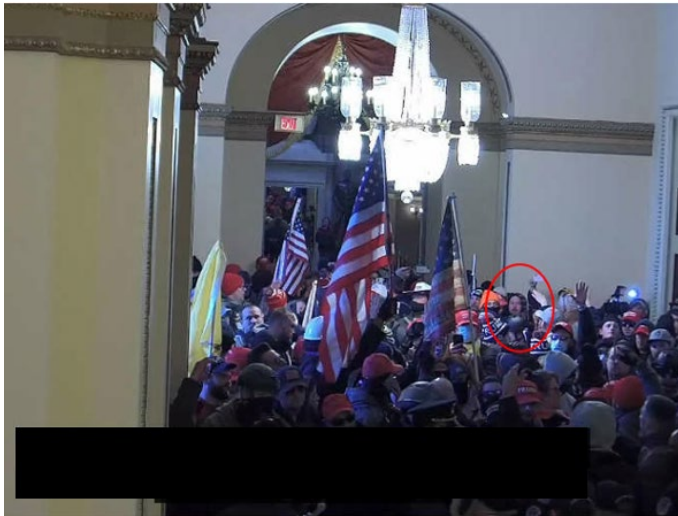
HALTOM near Senate Wing Door entryway at 2:25 p.m.

At approximately 2:27 p.m., HALTOM then walked south to an area on the first floor of the Capitol building known as the Crypt.



HALTOM in Crypt area of Capitol building.

At approximately 2:30 p.m., HALTOM moved out of the Crypt toward the Memorial Door Staircase, which provides access to the second floor of the building. Once he reached the second floor of the building, HALTOM crossed through Statuary Hall toward the House of Representatives side of the building. HALTOM continued into the Statuary Hall Connector where the crowd was stopped and held by law enforcement for a time. The crowd eventually pushed multiple officers back into the adjacent door at approximately 2:36 p.m. Officers then held the line from inside the room.



HALTOM and other rioters moving toward House Chamber (left); Officers push back crowd to prevent access to House Chamber (right).

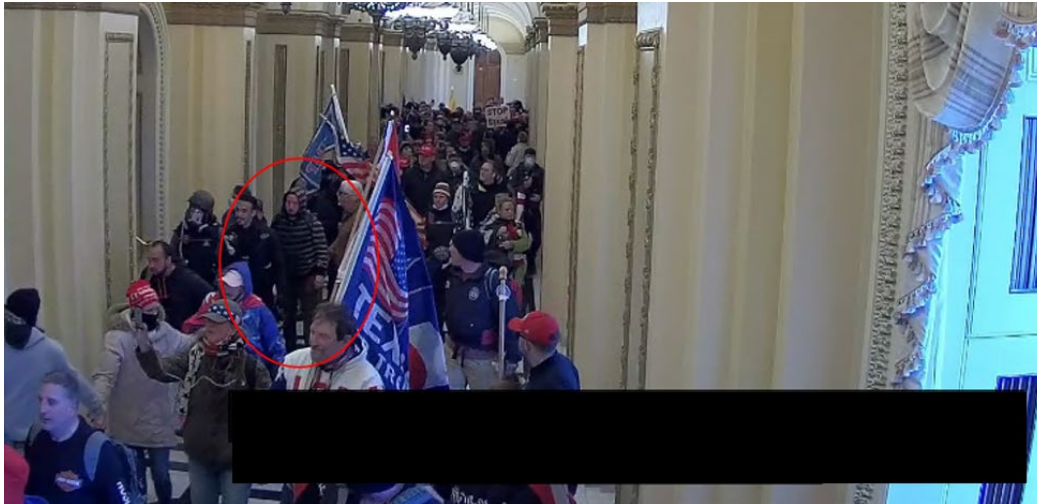
Open-source video shows HALTOM in the middle of the crowd shown above as it chanted “Stop the steal.”² After the crowd overran officers and reached the hallway immediately outside the House Chamber, HALTOM moved to the front of the crowd where the mob was stopped at the main door leading into the House Chamber.



HALTOM and other rioters push toward House Chamber entryway.

At approximately 2:41 p.m., HALTOM and several other protestors moved away from this House Chamber entryway and moved down the Main Door Hall toward the Speaker’s Lobby.

² <https://www.youtube.com/watch?v=Jok7tn6O57o&t=297s>.



HALTOM moving from House Chamber entryway toward Speaker's Lobby.

At approximately 2:42 p.m., HALTOM entered the hallway immediately outside the Speaker's Lobby. Multiple open-source videos capture HALTOM attempting to forcefully kick open a large wooden door leading in the direction of the Speaker's Lobby and House Chamber.³ This footage showed visible damage to the door immediately after HALTOM and other rioters repeatedly kicked and struck the door.



³ E.g., https://www.youtube.com/watch?v=XE3Op_eyvss&t;
<https://www.youtube.com/watch?v=V3KpiJzBM6M&t>



HALTOM and others damaging locked door near House Chamber and Speaker's Lobby.

HALTOM then continued to walk down the hallway leading toward the Speaker's Lobby entrance. At approximately 2:44 p.m., an individual inside the building was shot while attempting to enter the Speaker's Lobby. HALTOM was in the adjoining hallway at the time, and he continued into the room immediately afterward.⁴



HALTOM near the Speaker's Lobby inside the U.S. Capitol building.

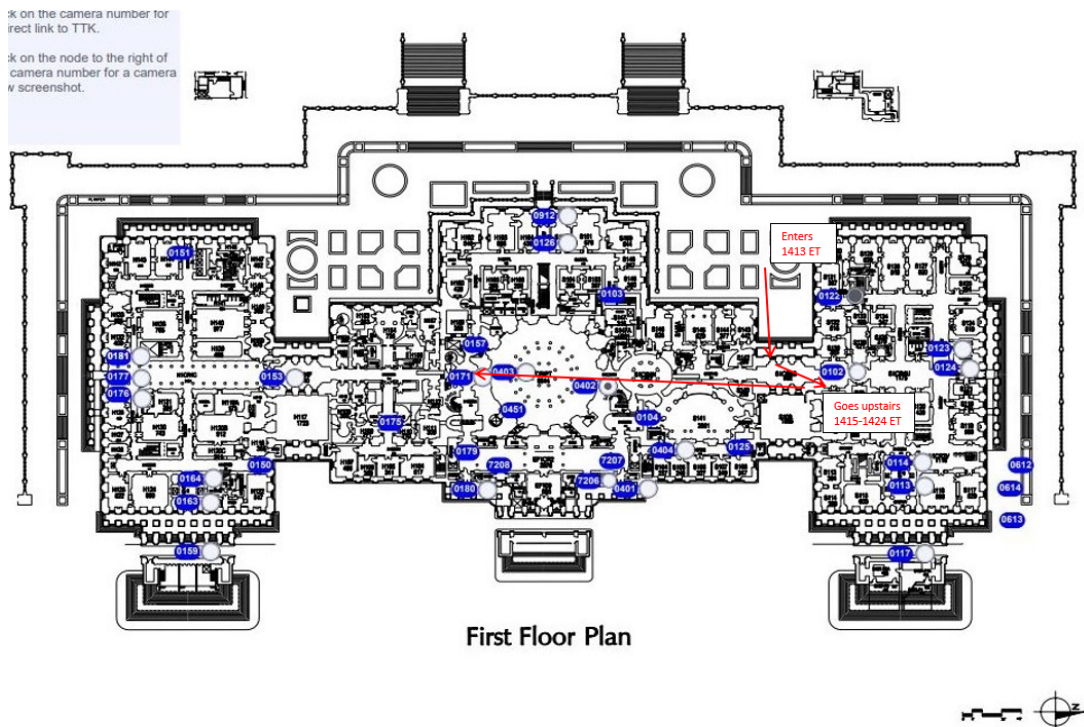
Shortly after the incident, USCP and Metropolitan Police Department officers directed HALTOM and others toward the Upper House Door exit on the east side of the second floor of the Capitol Building. CCV captured HALTOM exiting the building at approximately 2:56 p.m.

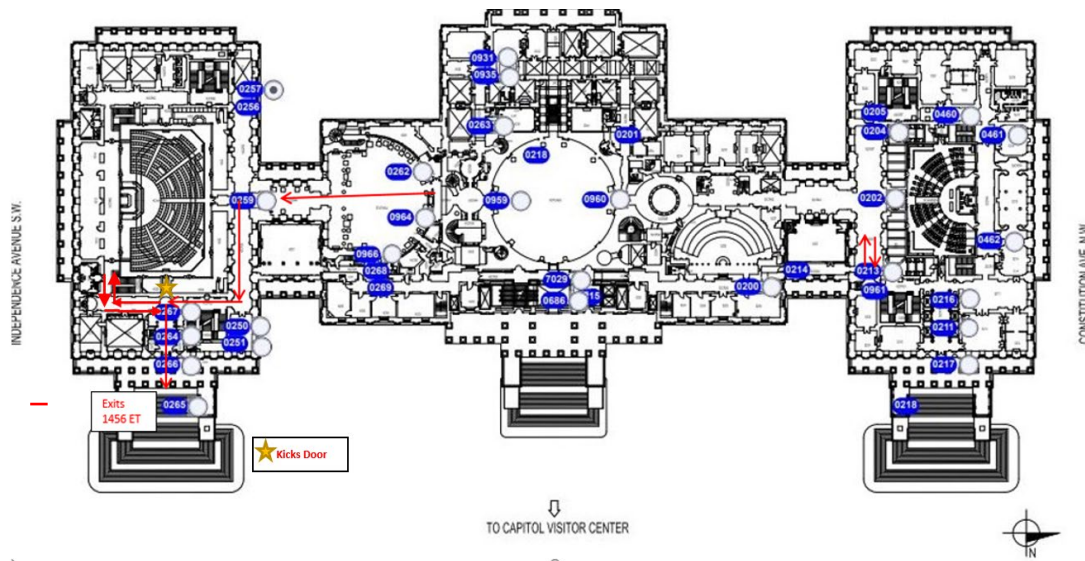
⁴ <https://archive.org/details/CcWoDMZenydxzy5p>.



Haltom exiting Capitol building at 2:56 p.m. through Upper House Doors.

Map of HALTOM's movement inside the U.S. Capitol





After leaving U.S. Capitol grounds on January 6, 2021, HALTOM continued to post on X that violent action was necessary to ensure President Trump remained president, and those that opposed these efforts were traitors. For example, at 8:15 p.m. EST on January 6, 2021, HALTOM responded to a political commentator condemning those who committed violence at the Capitol that day; HALTOM replied, “Patriots demand regress and you gop pets wanna act high and mighty? When civil war breaks out youll be shit talking on twitter.” At 11:26 p.m. EST, HALTOM responded to a post from former Vice President Pence thanking U.S. Capitol Police for their actions that day; HALTOM replied, “Youll never work in government again you judas,” followed by a second message, “Judas, we hate you!”



Based on the foregoing, your affiant submits that there is probable cause to believe that HALTOM 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; 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; and (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 HALTOM violated 40 U.S.C. § 5104(e)(2)(D)(F), 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; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

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

Your affiant submits there is also probable cause to believe that HALTOM violated 18 U.S.C. § 1512(c)(2), which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings.

Finally, your affiant submits there is probable cause to believe that HALTOM violated 18 U.S.C. § 1361, by willfully injuring or depredating of any property of the United States.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 12th day of December, 2023.

HON. G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE