

### **STATEMENT OF FACTS**

Your affiant, [REDACTED] is a special agent assigned to the Atlanta Federal Bureau of Investigation (FBI) Field Office, and I have been since September 2020. I work on the Domestic Terrorism (DT) Squad and I have received extensive training in federal criminal matters and investigative techniques while attending the New Agent Training at Quantico, Virginia and continue to receive training related to domestic terrorism matters through the FBI and our local partners. In my duties as a special agent, I am currently part of the Joint Terrorism Task Force, and I am responsible for the investigation of domestic terrorism activities. I have investigated federal criminal violations which are intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation or coercion, or affect the conduct of a government by mass destruction, assassination, or kidnapping. Through my training and experience, I have become knowledgeable in the tactics and techniques used by domestic and foreign terrorists and others who perpetrate or threaten acts of violence, including the means by which such individuals communicate and plan operations. As part of these investigations and others, I have participated in physical surveillance, worked with confidential human sources, conducted interviews, served subpoenas, and executed search, seizure, and arrest warrants. 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.

### **BACKGROUND**

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.

### **DEFENDANTS' ACTIONS ON JANUARY 6TH**

On or about May 4, 2021, the FBI received a lead obtained through a search warrant on Google LLC regarding an electronic device that was identified as being present within the U.S. Capitol, not open to the public, on January 6, 2021. Information obtained through the search warrant indicated that the device in question was associated with an email address, joesarty85@gmail.com; google account ID: 28137676585; and Recovery Short Message Service (SMS) number, 19185001125; which is attributed to Cepane Jo SARTY (CEPANE SARTY).

On July 26, 2021, the FBI received a notification from the Terrorist Screening Operations Unit (TSOU) on CEPANE SARTY's upcoming trip overseas, from July 29, 2021 until August 9, 2021. Upon CEPANE SARTY's return to Hartsfield Jackson Atlanta International Airport (ATL) on August 9, 2021, by request by the FBI, Customs and Border Protection (CBP) conducted a secondary inspection to include Document and Media Exploitation (DOMEX) of CEPANE SARTY's electronic device. During this secondary inspection, CBP identified text messages on CEPANE SARTY's phone linking CEPANE SARTY to his brother, Seth Eden SARTY (SETH SARTY). In this text conversation, dated January 6, 2021, the SARTY brothers and another individual discussed events at the United States Capitol. This text message conversation referenced that the SARTY brothers were present at the Capitol building on January 6, 2021.

Further investigation confirmed that SETH and CEPANE SARTY were present at the United States Capitol on January 6, 2021. Delta Airlines confirmed that on January 6, 2021, CEPANE SARTY was on board a flight from Atlanta to Reagan National Airport (DCA) in Arlington County, Virginia, just across the Potomac River from Washington, D.C. The CBP officers who interviewed CEPANE SARTY confirmed that CEPANE SARTY was the person in still photos and videos taken from inside the United State Capitol on January 6, 2021. A third party with knowledge of SETH and CEPANE SARTY confirmed that SETH and CEPANE SARTY were the people singled out in the still photos and videos taken from inside the United States Capitol on January 6, 2021.

On January 6, 2021, SETH and CEPANE SARTY were present on the Capitol Grounds and inside the Capitol Building, both of which were restricted to the public. SETH SARTY dressed in a black jacket, a black skull cap, a dark face mask, and khaki pants. CEPANE SARTY dressed in a navy quilted jacket with red lining, a brown and tan plaid shirt, dark slim-cut pants, a navy skull cap, and a bandana which he occasionally used as a face covering.

SETH and CEPANE SARTY entered the Capitol Building through the Senate Wing Door at approximately 2:21:32 p.m., less than ten minutes after the Capitol Building was breached in the same location.

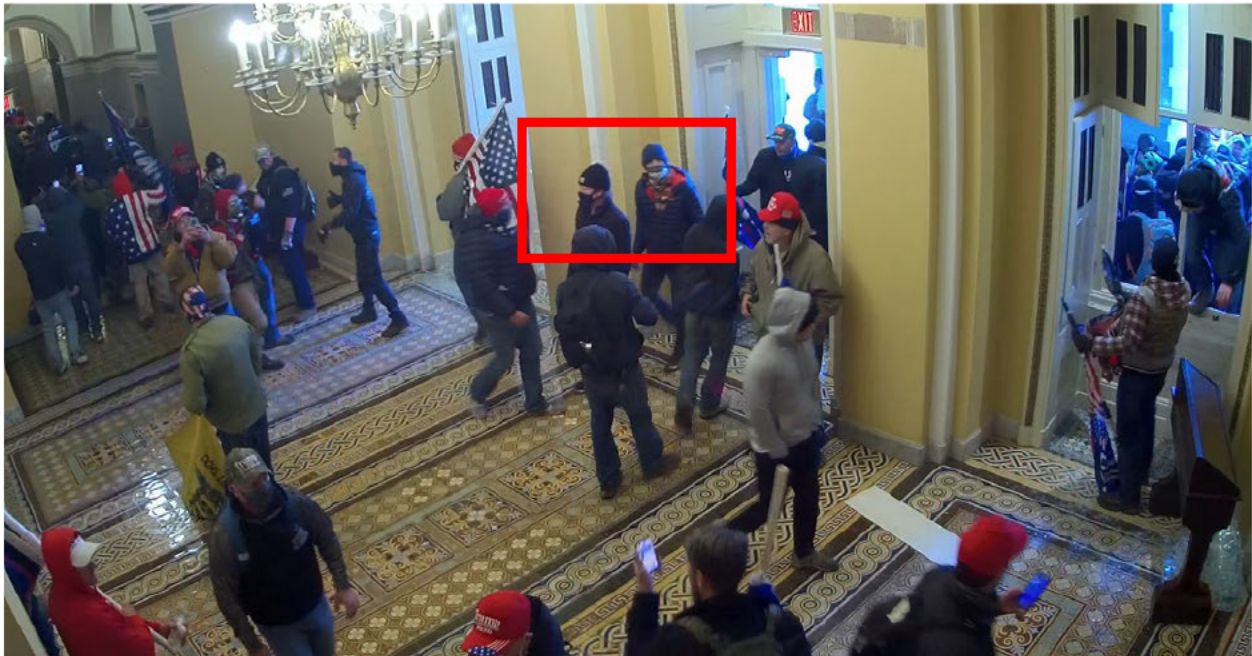


Photo 1: Screen grab from camera 0102 showing Seth and Cepane Sarty (highlighted inside red box) entering the Capitol.

At numerous times while he was in the Capitol Building, SETH SARTY used his cellphone, appearing to record videos or photographs.



Photo 2: Screen grab from camera 0102 showing Seth and Cepane Sarty (highlighted inside red box) walking down a hallway, with Seth Sarty holding up a cell phone.

From the Senate Wing Door, SETH and CEPANE SARTY made their way through the halls on the first floor of the Capitol before arriving in the Crypt at approximately 2:23:13 p.m.



Photo 3: Screen grab from camera 0402 showing Seth and Cepane Sarty (highlighted inside red box) walking into the Crypt of the Capitol Building.

SETH and CEPANE SARTY then walked through the Crypt towards the Memorial Door, gathering with other rioters at approximately 2:26:38 p.m. in front of a police line that was preventing the rioters from gaining further access to the building.

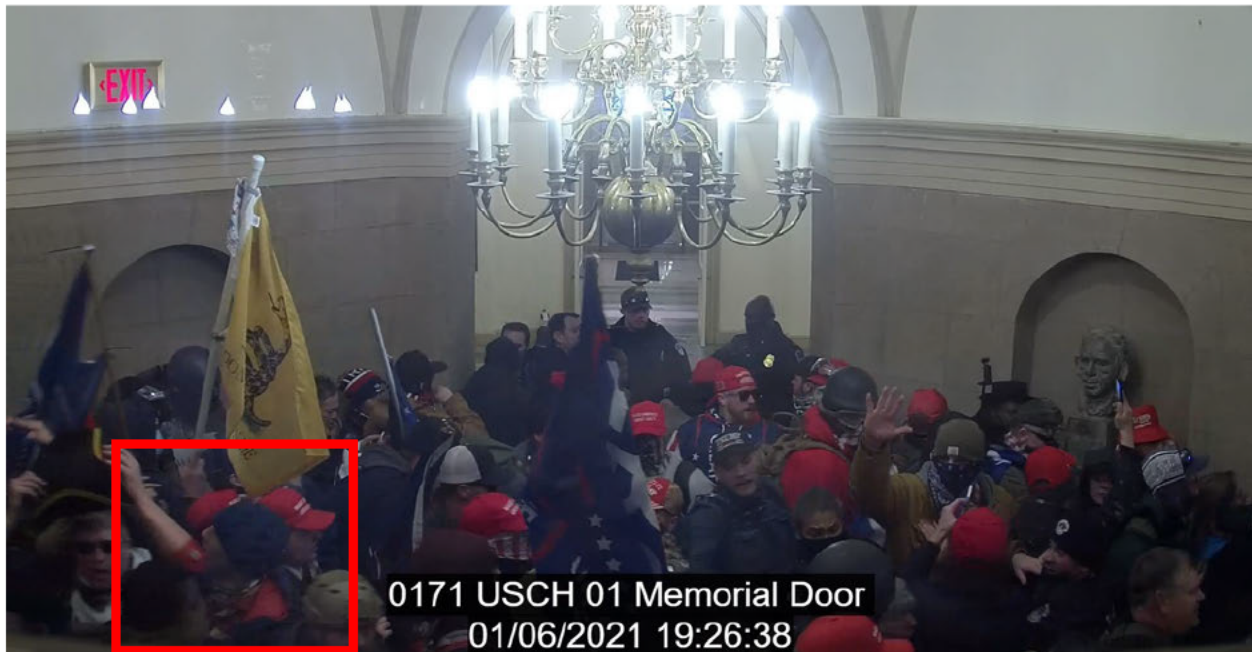


Photo 4: Screen grab from camera 0171 showing Seth and Cepane Sarty (highlighted inside red box) joining a crowd of rioters directly in front of a line of three or four police officers.

By approximately 2:32:13 p.m., the rioters, including SETH and CEPANE SARTY, had broken through the police line and gained access to the House-side of the Capitol building.



Photo 5: Screen grab from camera 0171 showing Seth and Cepane Sarty (highlighted inside red box) as part of the crowd that has moved past the police line shown in Photo 4.

From the House-side of the first floor of the Capitol building, SETH and CEPANE SARTY ascended to the second floor of the Capitol Building, emerging in the hallways surrounding the Office of the Speaker of the House at approximately 2:33:31 p.m.

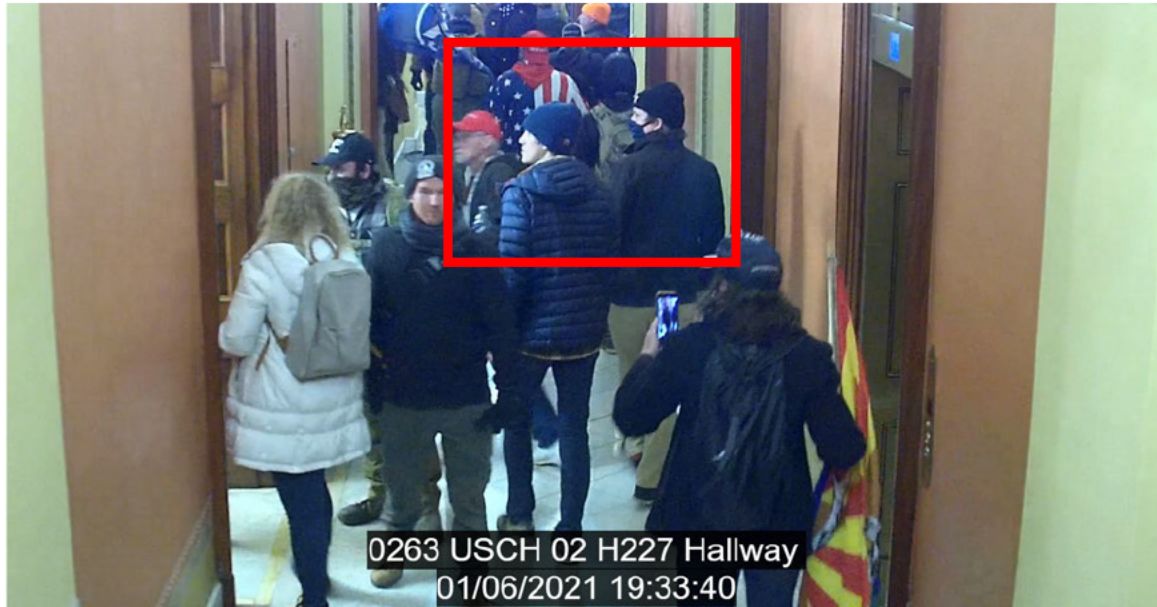


Photo 6: Screen grab from camera 0263 showing Seth and Cepane Sarty (highlighted inside red box) walking down a hallway towards the Office of the Speaker of the House.

While in this hallway, CEPANE SARTY used his cellphone, appearing to record videos or photographs.



Photo 7: Screen grab from camera 0263 showing Cepane Sarty (highlighted inside red box) holding a phone sideways with both hands.

At approximately 2:34:35 p.m., SETH and CEPANE SARTY entered the office suite of the Speaker of the House.



Photo 8: Screen grab from camera 0935 showing Seth and Cepane Sarty (highlighted inside red box) walking into the office suite of the Speaker of the House.

While in the office suite of the Speaker of the House, SETH SARTY appeared to use his cellphone to record videos or photographs; CEPANE SARTY held his unlocked phone, indicative of recent usage of his phone.



Photo 9: Screen grab from camera 0935 showing Seth and Cepane Sarty (highlighted inside red

box) with Seth Sarty taking a photo or video with his phone, and Cepane Sarty holding his phone in his right hand.

From approximately 2:39:13 p.m., when SETH and CEPANE SARTY walked down a hallway near the office suite of the Speaker of the House, until approximately 2:51:38 p.m., when they entered the Rotunda, SETH and CEPANE SARTY are not visible on CCTV footage. Between approximately 2:40 p.m. and 2:50 p.m., a crowd of rioters gathered in a hallway between the Rotunda and the Senate chambers that is not visible on CCTV. The crowd was confronted by police, who dispersed chemical riot control agent in the hallway. At approximately 2:51:38 p.m., SETH and CEPANE SARTY entered the Rotunda; CEPANE SARTY appeared to be holding his eye open and rubbing his eye, consistent with exposure to chemical riot control agent.



Photo 10: Screen grab from camera 0960 showing Seth and Cepane Sarty (highlighted inside red box) in the Rotunda.

CEPANE SARTY removed his jacket and, at approximately 2:53:23 p.m., SETH and CEPANE SARTY made their way out of the Rotunda.





Photo 11: Screen grab from camera 0960 showing Seth and Cepane Sarty (highlighted inside red boxes) in the Rotunda.

SETH and CEPANE SARTY left the Rotunda through the east door at approximately 2:53:39 p.m., and they left the Capitol building, temporarily, at approximately 2:54:06 p.m. through the Rotunda Doors.

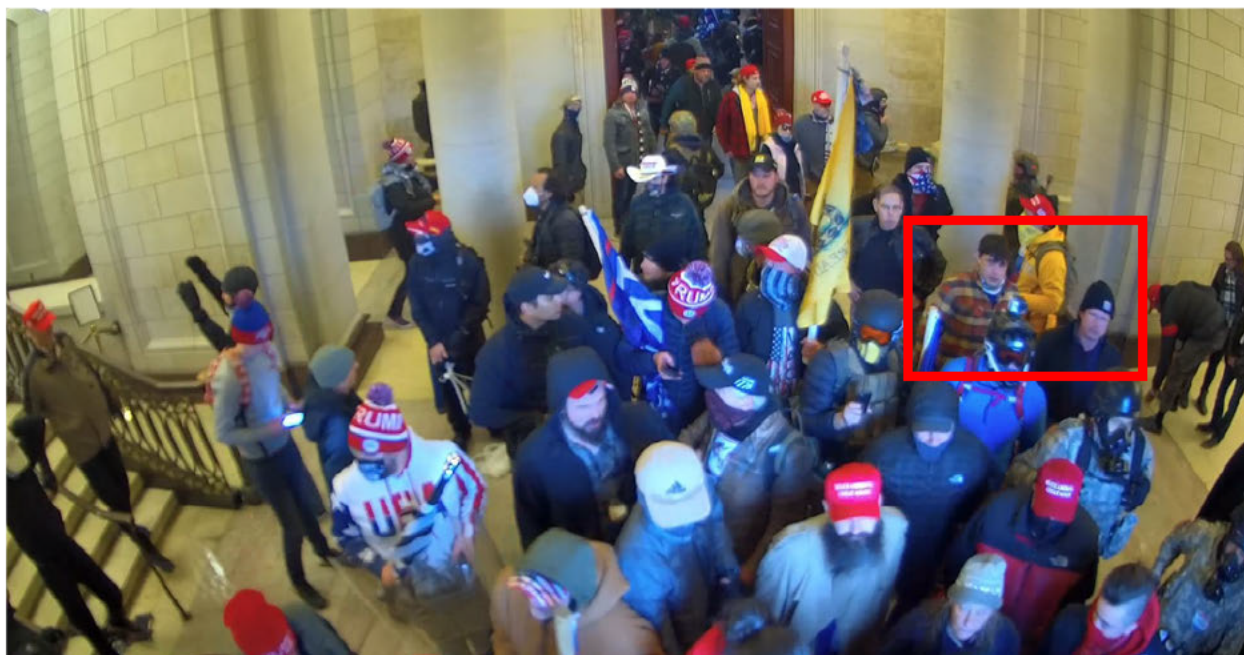


Photo 12: Screen grab from camera 0686 showing Seth and Cepane Sarty (highlighted inside red box) walking toward the East Rotunda Doors.

Ten minutes later, at approximately 3:04:05 p.m., SETH and CEPANE SARTY re-entered the Capitol Building through the Rotunda doors, the same doors they had just left through prior.



Photo 13: Screen grab from camera 7216 showing Seth and Cepane Sarty (highlighted inside red box) walking into the Capitol Building through the East Rotunda Doors.

SETH and CEPANE SARTY then made their way back into the Rotunda, and re-entered the Rotunda by approximately 3:04:58 p.m.



Photo 14: Screen grab from camera 0960 showing Seth and Cepane Sarty (highlighted inside red box) walking into the Rotunda.

Just before SETH and CEPANE SARTY entered the Rotunda, police from both the Capitol Police and from the Metropolitan Police had entered the Rotunda and gathered at the west end. At approximately 3:05:47 p.m., after SETH and CEPANE SARTY re-entered, the police began a first push to clear the Rotunda of rioters. Instead of leaving, SETH and CEPANE SARTY stayed and watched as officers engaged with rioters inside the Rotunda.



Photo 15: Screen Grab from camera 0960 showing Seth and Cepane Sarty (highlighted inside red box) watching the police line moving forward on right side of photo.

SETH and CEPANE SARTY made their way towards the police line. At approximately 3:06:52 p.m., the police began a second push to clear the Rotunda, and the rioters, including SETH and CEPANE SARTY, resisted and obstructed the police's efforts. SETH and CEPANE SARTY maneuvered through the crowd of rioters directly to the center of the fighting at approximately 3:07:47 p.m.



Photo 16: Screen Grab from camera 0960 showing Seth and Cepane Sarty (highlighted inside red box) in the midst of the crowd in front of the police line.

At around 3:09:36 p.m., SETH and CEPANE SARTY took a stand immediately at the front of the line of rioters fighting with the police.

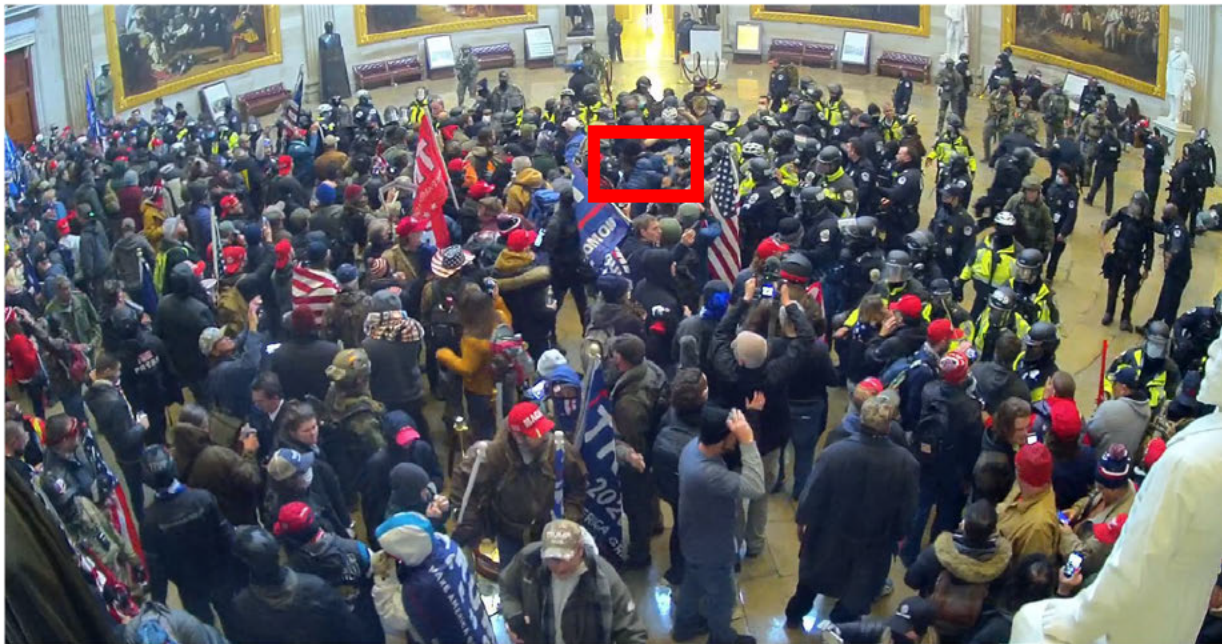


Photo 17: Screen Grab from camera 0960 showing Seth and Cepane Sarty (highlighted inside red box) engaging in shoving against the police line.

As caught on body worn camera of police officers in the area, both SETH and CEPANE SARTY assaulted officers during this time period, shoving officers and temporarily driving the police officers back. At approximately 3:09:14 p.m., two body-worn cameras show that both SETH and CEPANE SARTY shoved a police officer in a white bicycle helmet and bright yellow jacket.



Photo 18: Screen grab from body-worn camera X6039BKAS showing Seth and Cepane Sarty (circled in red) shoving a police officer.

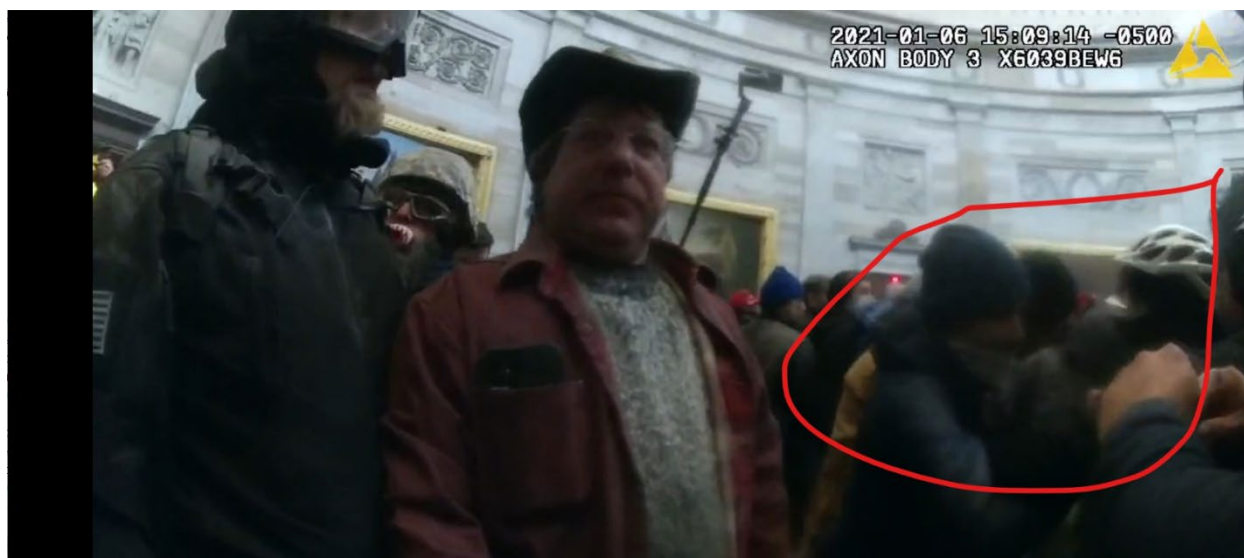


Photo 19: Screen grab from body-worn camera X6039BEW3 showing Seth and Cepane Sarty (circled in red) shoving a police officer.

Six seconds later, SETH and CEPANE SARTY succeeded in pushing the police officer backward.



Photo 20: Screen grab from body-worn camera X6039BEW3 showing Seth and Cepane Sarty (circled in red) shoving a police officer.

For the next nineteen seconds, SETH and CEPANE SARTY continued to fight with police, preventing the police from clearing the Rotunda of rioters.



Photo 21: Screen grab from body-worn camera X6039BCTB showing Seth and Cepane Sarty (circled in red) shoving police officers.

Police then deployed chemical riot control agent in the direction of SETH and CEPANE SARTY at approximately 3:09:43 p.m.



Photo 22: Screen grab from camera 0960 showing Seth and Cepane Sarty (identified by red arrow) as riot control agent is sprayed in their direction.

Immediately after the deployment of chemical riot control agent, SETH and CEPANE SARTY left the Rotunda through the east door and, at approximately 3:13:00 p.m., SETH and CEPANE SARTY left the Capitol Building for a second time.

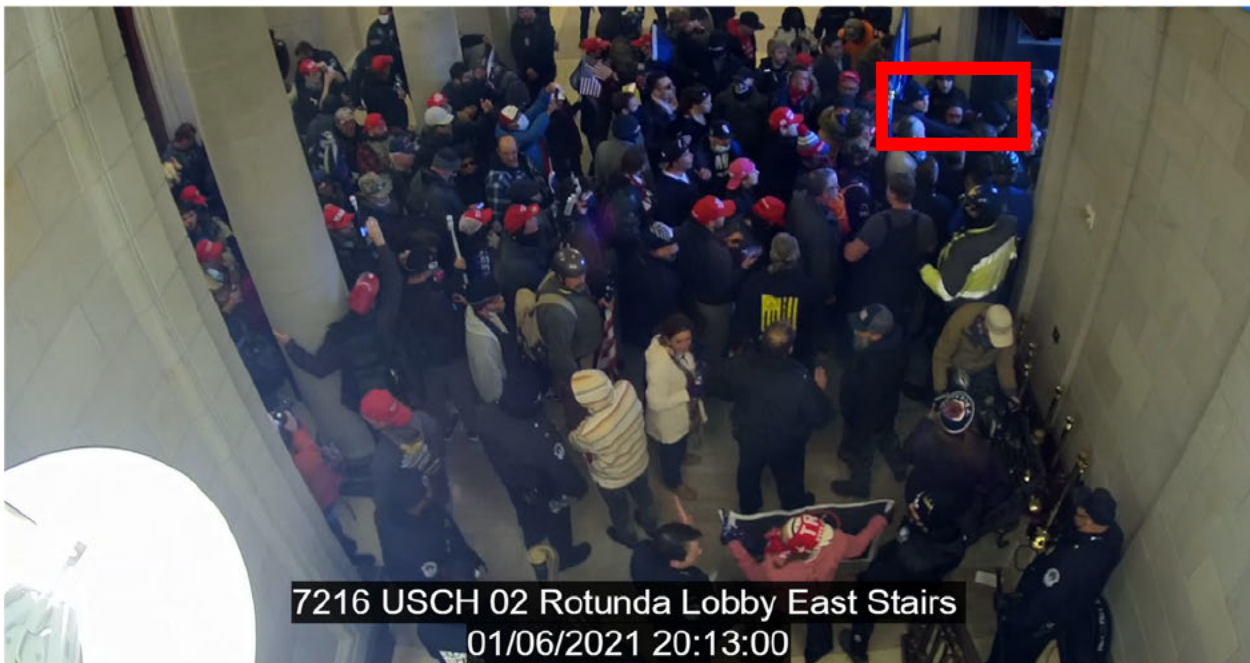


Photo 23: Screen grab from camera 7126 showing Seth and Cepane Sarty (highlighted inside red box) leaving the Capitol Building.

Based on the foregoing, your affiant submits that there is probable cause to believe that SETH and CEPANE SARTY 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.

Further, based on the foregoing, your affiant submits that there is probable cause to believe that SETH and CEPANE SARTY 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; (4) knowingly engage 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.

Based on the foregoing, your affiant submits there is probable cause to believe that SETH and CEPANE SARTY 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; (G) parade, demonstrate, or picket in a Capitol Building.

[REDACTED]

[REDACTED]  
Federal Bureau of Investigations

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 19<sup>th</sup> day of January 2024.

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MOXILA A. UPADHYAYA  
U.S. MAGISTRATE JUDGE