

Case: 1:24-mj-00053
Assigned To : Harvey, G. Michael
Assign. Date : 2/8/2024
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation (FBI) assigned to Washington Field Office, Joint Terrorism Task Force. I graduated from the FBI Academy in Quantico, Virginia as a Special Agent. In my duties as a Special Agent, I have gained training and experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, the exploitation of lawfully obtained evidence and data, and various other procedures. In my duties as a Special Agent I have conducted investigations of computer intrusions and domestic terrorism and I am currently assigned to a squad investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a federal law enforcement agent, I am authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of a violations of federal criminal laws. The facts in this Statement of Facts come from my personal observations, my training and experience, and information obtained from other agents and witnesses.

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.

DAVID SCOTT KUNTZ

The FBI obtained information on a Facebook messenger group chat in which, on or about November 17, 2020, members discussed “civil war” and the need to bring people together to fight against election fraud, and the need to move to encrypted platforms for planning purposes. Among others, the Facebook group included David Scott Kuntz (“KUNTZ”). On November 17, 2020, another individual wrote, “We must rise up if they try to illegally seat Biden.” KUNTZ responded, within three minutes, “Hell ya.” A few minutes later, KUNTZ wrote, “This is reaper i really hope you all are ready for what is about to come it is time to stop sitting by and start doing shit we must start showing the world we will not stand for anymore shit its time to take action and stop watching.” Another individual responded, “FYI: We have been planning. be careful of what you post on social media. we are doing it quietly behind the scenes.” KUNTZ responded, “Yrs nothing on what is going on at all must be silent on everything we do.” Another individual responded, “Y’all stay calm on thoughts on fb messenger, better to be connected than not. It’s way past the hr of our RISE OR DIE TIME. PEACE.” KUNTZ responded, “Agreed.”

That same day, November 17, 2020, KUNTZ told the Facebook group that another individual—Person 1—would join the Facebook chat and set up a secure site for everyone to use. On or about that same date, KUNTZ added Person 1 to the group. On or about that same date, Person 1 posted on the Messenger group “Mr Kuntz asked me to get a secure site for all to communicate. If you want to stay on social media then you will be more likely compromised but you’re more than welcome to do so.” Person 1 posted on the Facebook group an invitation link to an encrypted Telegram Messenger group and encouraged others to join. Another individual responded, “Everyone go to telegram coalition of the unknown.”

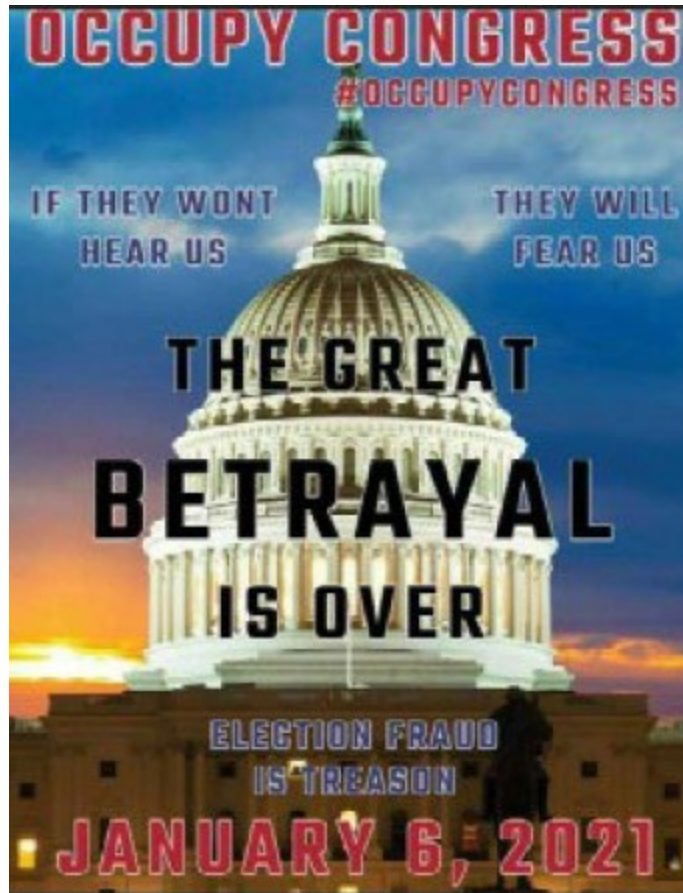
The FBI has identified a group named the “Coalition of the Unknown” (“COTU”), which was registered to Telegram Messenger (“Telegram”), a messaging app that offers end-to-end encryption of chats and messages. Both KUNTZ and Person 1 were administrators for the COTU group. KUNTZ and others used this group to discuss plans for January 6, 2021. On December 1, 2020, a member of the COTU group shared a YouTube video titled, “Trump Lawyers Push Call for MARTIAL LAW As More Evidence Of FRAUD Emerges, DEMAND New Election.” Two minutes later, KUNTZ responded, “This is Reaper. You must choose is it war or do we allow marshall law. The decision must be made.” In early December 2020, KUNTZ and others in the COTU group discussed traveling to Washington, D.C. for January 20, 2021—the date for President Joe Biden’s inauguration. On or about December 6, 2020, KUNTZ wrote, “[L]et’s go train and remove the Democratic party it is a must.” On or about December 14, 2020, KUNTZ wrote, “This is Reaper. January the 20th in Washington D.C. is our day they will see we are not playing anymore

we are going fully armed. No more fucken games guy's you are in this 100% or your out and be a couch keyboard patriot we go in numbers they will not be able to do shit to us you must not be scared and be ready to not go home if something goes down you must start making a big stand no more rules this is our country no there's if you are in then say you are in and mean it no i will be there and not show up tell all groups you no to be thete in force. Tell all guy's no fucken around on this time to do what we have been training for." Person 2—an individual in the COTU group using the moniker "Live Wire"—responded, "Everyone needs to start reaching out to everybody you know every state you know this is not gonna be an easy task to organize but we have to organize and go in together come out together or none of us come the fuck out." KUNTZ responded, "Tell and bring all on this we go in numbers they won't do shit guy's but watch. [Person 2] is right on this one we go together." Later that day, KUNTZ added, "The 20th is are date period."

On or about December 19, 2020, then-President Trump tweeted, "Peter Navarro releases 36-page report alleging election fraud 'more than sufficient' to swing victory to Trump <https://washex.am/3nwaBCe>. A great report by Peter. Statistically impossible to have lost the 2020 Election. Big protest in D.C. on January 6th. Be there, will be wild!" On or about December 20, 2020, KUNTZ posted a screenshot of this Tweet with a red line under the words "Be there, will be wild!" on Facebook with a message "This is Reaper. Washington D.C. is listing to us we have there attention for the 6th and the 20th that the militia groups are coming. They have evacuated all none essential personnel out of D.C."

On or about December 22, 2020, KUNTZ made the following statement in the COTU group: "January the 6th will be the target date for D.C. this goes to all groups that can help to defend those that can not defend themselves." Person 2 responded to KUNTZ by stating, "Ooh Rah. Curb stomp crew all in!!!" KUNTZ responded, "Hell ta D.C. here we come."

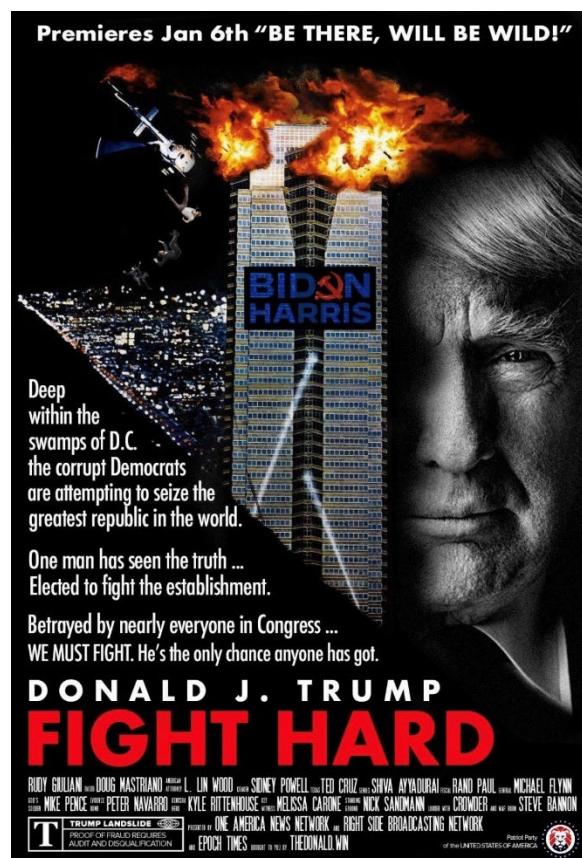
On or about December 22, 2020, Person 2 posted to the COTU group, "For the new members in case you are not aware DC on the sixth here we come." About one minute later, another individual in the COTU group posted the below image.



About a minute later, Person 2 responded, “Some of us in here are extremely active patriots so if you want to start getting boots on the ground reach out we do the damn thing.”

The FBI has also identified a Telegram group named the “United Front” (“UF”), in which KUNTZ and Person 2 participated. On or about December 23, 2022, when asked about this new Telegram group, KUNTZ explained, regarding the COTU Telegram group, “The person that made that sight for me got a bad case of the ass and deleted it thats what happened sorry you all.” That same day, another individual—Person 3—asked, “What is the goal of this group or chat? What are we trying to accomplish?” KUNTZ responded, “Getting groups in here to fig shit out what are next move will be when shit goes crazy.” KUNTZ asked Person 3, “are you still going on the 6th to D.C.” Person 3 responded, “Groups over here are talking about it now. The 6th is when they count the electoral votes. Republican Senators and Congressmen will be objecting to the votes, this is where things can change.” KUNTZ responded, “Yes but i do believe thats when shit will get crazy what you think.” Person 3 replied, “It will get nuts if the vote is sent to the House to vote and the People’s vote is considered null and void.”

On or about December 27, 2020, in the UF group, an individual shared an image of a building labeled “BIDEN HARRIS” being blown up, with the message, “Betrayed by nearly everyone in Congress...WE MUST FIGHT. He’s the only chance anyone has got. DONALD J. TRUMP. FIGHT HARD.”



Person 2 responded, "I am ready to lay my life on the line. It is time for good men to do bad things." KUNTZ responded later that morning, "Ok guy's lets get this clear once and for all there will be no talking about taking over nothing or blowing up shit period on here if you do you are out. So stop that shit now keep it to yourself act like the law is right beside you. Reaper out."

Later that same day, another individual asked Person 2, "Is Reaper going to DC?" Person 2 responded, "We will be there." The other individual asked, "Y'all in the same Squad trip Wire? Or same Militia Group." Person 2 responded, "Yes." Person 2 added, "The time is now." KUNTZ replied, "The 6th will tell it all im ready." Later that day, Person 2 wrote, "I ain't nobody but when it comes down to it follow me and I'll show you a symphony of destruction." KUNTZ responded, "Come on the 6th lets do this shit." Later that day, KUNTZ shared a tweet from then-President Trump, "See you in Washington, DC, on January 6th. Don't miss it. Information to follow!" KUNTZ added, "He is asking us to be there." Person 2 added, "Y'all wanna do it. Ask your self. Are you really ready. This is not for the faint of heart. KUNTZ responded, "Good he does need us im going armed period." He added, "alot of groups are going in hot."

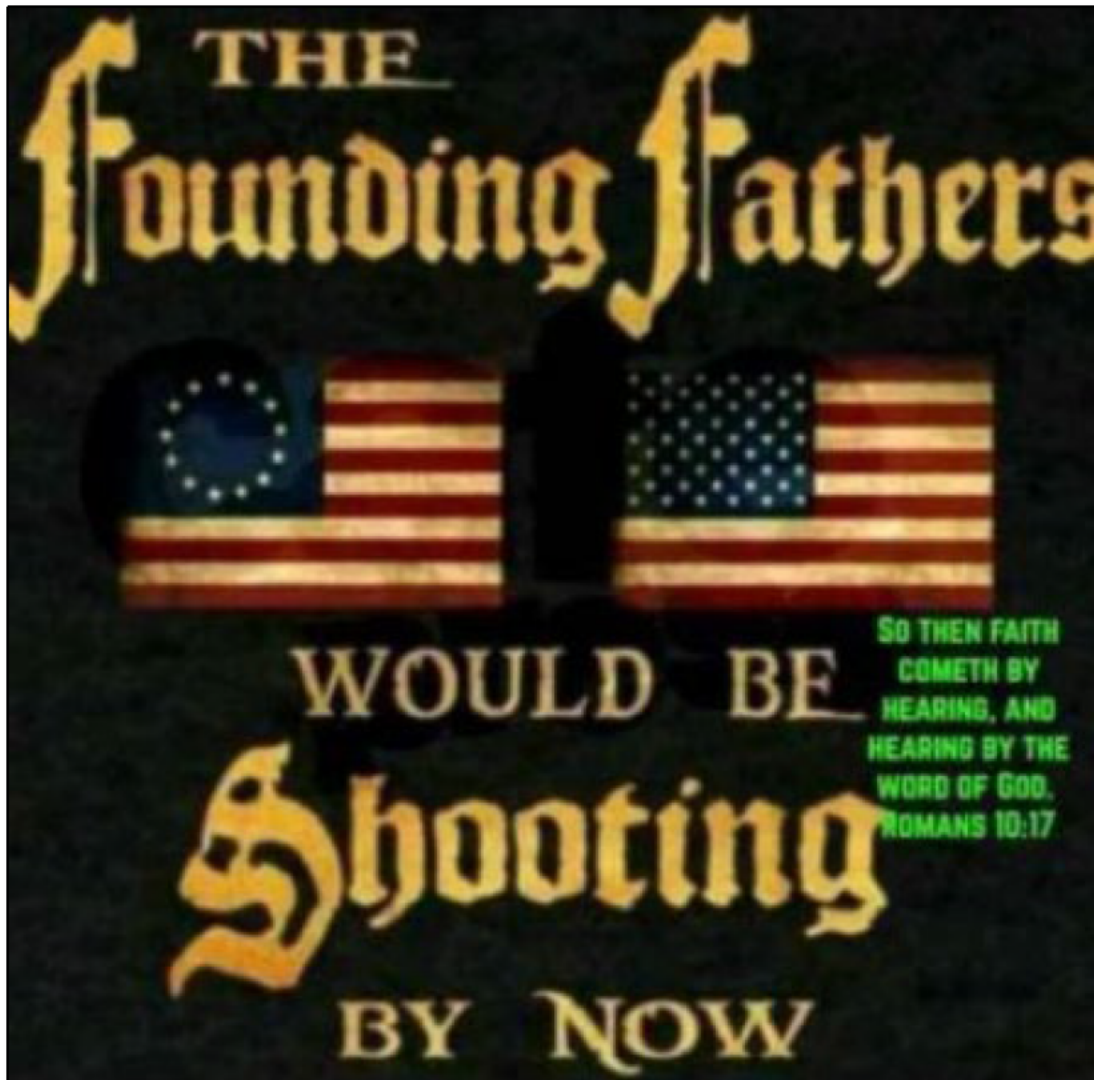
In his Facebook account, KUNTZ also tried to rally others to travel to Washington, D.C. for January 6, 2021. On December 14, 2020, KUNTZ posted a Facebook status update: "This is Reaper. This is to all groups January the 20th we go to Washington. D.C. armed no matter what they say we go in for the million milita march we go in numbers they wont be able to do shit. Its time to show them we have had enough this is our time guy's we got this no more games. We only want true patriots. We are tired of the games they will no who owns this country. You groups must

start standing up this is what we all have been training for.” KUNTZ posted the following photograph, among others, along with the status update.



When an individual responded, “Hate to say this, but you need permits in DC to carry. Not saying it is a bad idea, but adds some problems.” KUNTZ responded, “No more playing we go in numbers we do not care about there gun laws thats why we go in numbers they won't be able to do shit.”

On December 19, 2020, KUNTZ posted the below photograph with the message, “True.”



As noted above, on December 20, 2020, KUNTZ updated his status to read, “This is Reaper. Washington D.C. is listing to us we have there attention for the 6th and the 20th that the militia groups are coming. They have evacuated all none essential personnel out of D.C.” He posted the below photograph.

mobile.twitter.com/realDonaldTrump 2

Donald J. Trump ✓
59.2K Tweets Following

0:27 1.1M views

3.2K 9.2K 42.2K

Donald J. Trump ✓ @realDonaldTrump · Dec 19
Peter Navarro releases 36-page report alleging election fraud 'more than sufficient' to swing victory to Trump
[washex.am/2pwwDQ...](#) Target report by Peter. Statistically impossible to have lost the 2020 Election. Big protest in D.C. on January 6th. Be there, will be wild!

This claim about election fraud is disputed

Peter Navarro releases 36-page report alleging election fraud 'more than ...

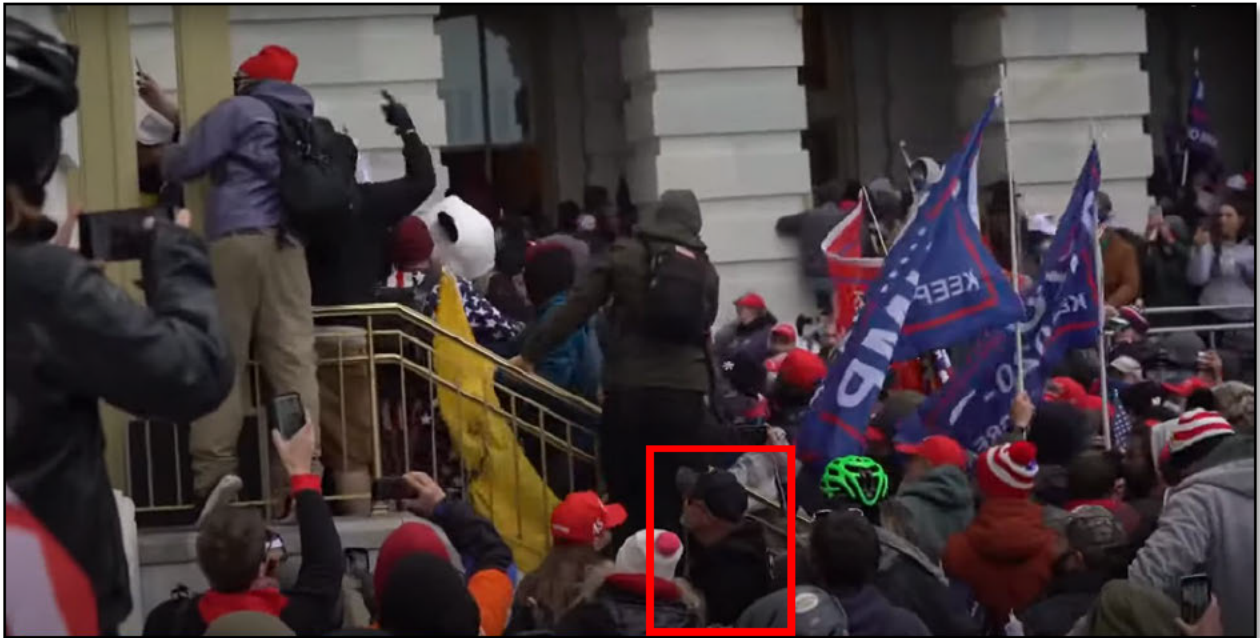
On December 22, 2020, KUNTZ updated his status to read, “This is Reaper. Spread the fast January 6th in D.C. A must show for all groups that are willing to help.” He posted the below photograph.



KUNTZ also had private discussions with Person 3 over Facebook regarding the UF Telegram group. KUNTZ asked, on December 27, 2020, “You still going on the 6th.” Person 3 responded, “As of now yes. But you got a couple people on that chat that I worry about.”

A review of open-source video footage revealed that KUNTZ was present within the restricted area of the U.S. Capitol on January 6, 2021. In open-source footage at the U.S. Capitol on January 6, 2021, KUNTZ is observed wearing a black tactical vest, with a red and white reaper image on the back. At times, he also appears wearing a dark-colored hat, sunglasses, and dark-colored gloves. KUNTZ is indicated in red in the below images, which are stills from open-source videos of KUNTZ just outside the Parliamentarian Door on the Upper West Terrace of the U.S. Capitol building, shortly after it had been breached by rioters at approximately 2:42 PM.



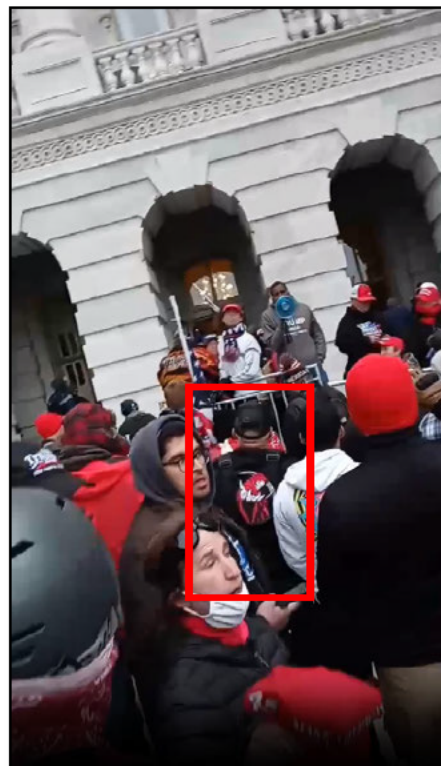


As rioters swarmed the Parliamentarian Door, KUNTZ watched excitedly and called out, “Fuck the police!” KUNTZ is depicted below, in a still from an open-source video depicting those moments.

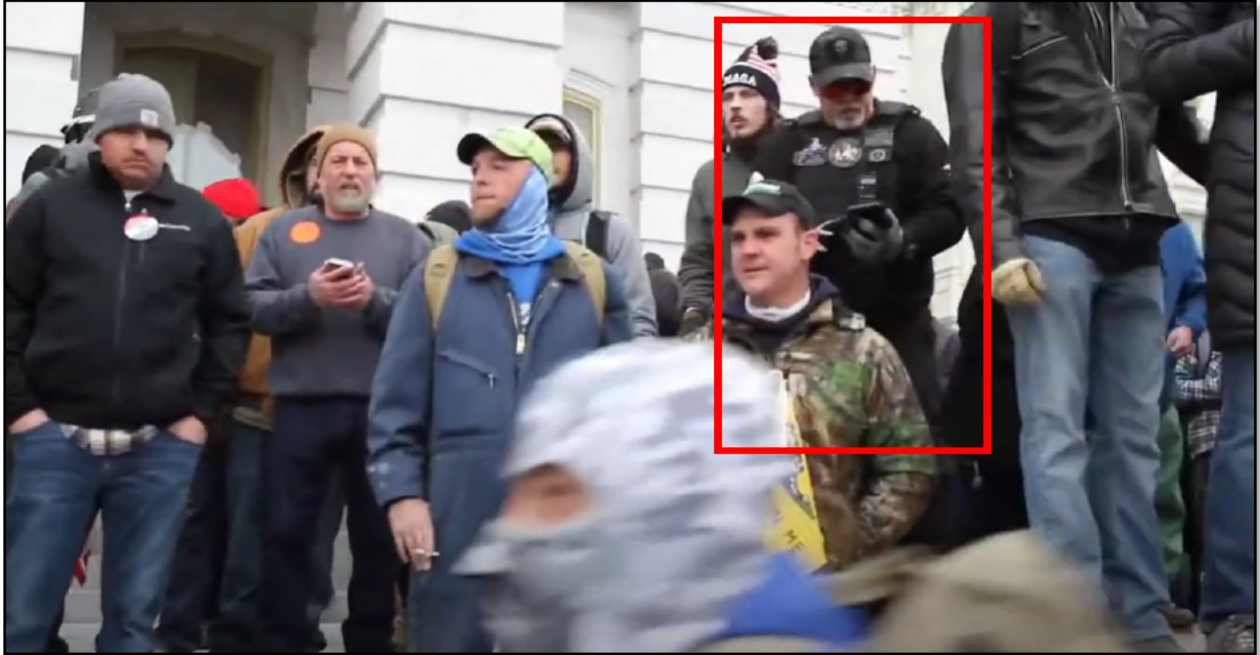




KUNTZ was also present on the Upper West Terrace outside the Senate Wing Door. KUNTZ is depicted below, in still images from an open-source video, in which KUNTZ is indicated in red.



While on the Upper West Terrace, KUNTZ was also observed utilizing his cell phone. The below is a still from an open-source video depicting KUNTZ on the Upper West Terrace, where KUNTZ is indicated in red.



Later, on the Upper West Terrace, KUNTZ walked north, held up a radio to his mouth and can be heard referring to “Live Wire,” the moniker used by Person 2. The below is a still image from an open-source video, depicting KUNTZ, indicated in red, speaking into his radio.



Person 2 entered the U.S. Capitol building through the Upper West Terrace Door at approximately 2:37 PM, and remained in the Capitol building until 2:49 PM, when he left through the East Rotunda Doors.

Pursuant to a court-authorized search warrant, law enforcement obtained records from AT&T for cell towers providing service to the U.S. Capitol. The cellphone associated with [REDACTED] was identified as having utilized a cell site consistent with providing service to a geographic area that included the area of the U.S. Capitol building. The records indicate the cellphone associated with [REDACTED] was identified as having utilized that cell site between 1:46 PM and 3:29 PM. At the February 3, 2021 voluntary interview, KUNTZ provided his phone number as [REDACTED].

On or about February 3, 2021, KUNTZ was voluntarily interviewed by the FBI. In this interview, KUNTZ disclosed he traveled to Washington, D.C., and was present in the area of the U.S. Capitol building on January 6, 2021. KUNTZ stated that he did not enter into the U.S. Capitol building. KUNTZ said he observed others heading towards and entering into the Capitol building, but he purposefully did not get any closer. KUNTZ displayed a picture to the interviewing agents to show how close he got to the Capitol building. The interviewing agent assessed the picture appeared to be more than a hundred yards from the Capitol building.

On or about March 3, 2022, KUNTZ was again voluntarily interviewed by the FBI. In the interview, KUNTZ identified himself as a Three Percenter militia member, including by displaying a Three Percenter militia patch and a Three Percenter commemorative coin to the interviewing agents. KUNTZ described the Three Perceners as a militia initiated when three percent of the population stood up against the British in the American revolution. KUNTZ characterized the Three Perceners as “peacekeepers.” KUNTZ explained that Three Perceners meet and participate in survival exercises and other types of training. KUNTZ also stated that he belongs to a militia group called the Grey Ghost Partisan Kentucky Rangers, along with Person 2.

At the March 3, 2022 interview, KUNTZ stated that he traveled to Washington, D.C. for January 6, 2021 to attend the rally for then-President Donald Trump. He claimed to have decided to travel for the event only a few days in advance. KUNTZ stated he traveled with Person 2, and that Person 2 paid for gas. KUNTZ said he and Person 2 traveled overnight to get to Washington, D.C., “pounded pavement” during the day, and then returned by car at night. KUNTZ stated he and Person 2 did not stay in a hotel while in Washington, D.C. KUNTZ claimed he did not bring any weapons. While in Washington, D.C., KUNTZ said he and Person 2 planned to meet with others from their group. KUNTZ stated that, among others, he saw Person 3. He said he spoke with Person 3, stood with him, and walked with him on January 6, 2021. KUNTZ stated that he was present for and heard portions of then-President Trump’s speech at the Ellipse on the morning of January 6, 2021. Thereafter, KUNTZ and Person 2 walked together to the U.S. Capitol building. As he approached the building, KUNTZ described observing smoke and flash bangs and people climbing the walls of the building. At some point, KUNTZ and Person 2 were separated at the Capitol building. KUNTZ claimed he did not engage in any violence and did not recall how he got so close to the Capitol building itself.

Months after January 6, 2021, after then-President Trump had left office, a reporter for CNN spoke with KUNTZ at a rally in support of President Trump. The reporter asked, "Do you think that what happened on the 6th of January was a bit of stain on his—all the violence—bit of a stain on his presidency?" KUNTZ responded, "No, I don't. I don't think so. I was—I was there." The reporter asked, "Were you up at the Capitol?" KUNTZ responded with a smile, "Yeah, we was there. Didn't go in. Didn't do none of that stuff. I don't believe in tearing up the Capitol." The reporter asked, "You're a Three Percenter?" KUNTZ responded, "Yes." The reporter asked, "Are you worried that we could see more violence?" KUNTZ responded, "Yeah. I honestly believe it's coming."



I was present for the voluntary interview of KUNTZ on March 3, 2022, and, based on my personal observations of KUNTZ, I can confirm that the individual depicted in these photographs is KUNTZ. I have reviewed publicly available open-source video and photographic footage from the Capitol riots as well as security camera footage provided by U.S. Capitol Police. I have concluded the person featured in the screenshots above, who I identify in this Statement of Facts as KUNTZ, is, in fact, KUNTZ.

Based on the foregoing, I submit that there is probable cause to believe that KUNTZ violated 18 U.S.C. § 1512(c)(2), which makes it a crime to corruptly obstruct, influence, or impede any official proceeding or attempt to do so.

I also submit that there is also probable cause to believe that KUNTZ 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; 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.



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 __ 8th __ day of February 2024.

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE