

Case: 1:24-mj-00106
Assigned To : Harvey, G. Michael
Assign. Date : 3/22/2024
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation (FBI) assigned to the Joint Terrorism Task Force (JTTF) at the FBI Jackson Field Office. I have been employed as a Special Agent since October 2021. As such, I am responsible for investigating, among other things, domestic terrorism matters, including anti-authority and anti-government violent extremism. 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 search and seizures, the exploitation of lawfully obtained evidence and data, and various other procedures. In addition to my regular duties, I am also currently reviewing public tips, videos, and documentation, among other evidence, associated with the criminal activity that occurred on January 6, 2021, in and around the United States Capitol grounds. As a Special Agent, I am authorized by law or by 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 are 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 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.

Donald Walker's Role on January 6, 2021

On January 6, 2021, a number of law enforcement officers were assaulted and impeded from preventing rioters from entering the U.S. Capitol and advancing onto Capitol grounds. I have obtained body-worn camera ("BWC") footage from the Metropolitan Police Department ("MPD") that depicts officers struggling against a mob of rioters near the barricades erected on the West Plaza of the Capitol building. MPD officers had been dispatched to that location in order to assist U.S. Capitol Police officers with protecting the U.S. Capitol grounds and building.

I reviewed BWC footage of the clash between the rioters on the West Plaza with the officers manning the bike racks assembled as barricades. Officers struggled against rioters who refused repeated orders to step back from the barricade and attempted to breach the police line. As the struggle ensued, an individual, wearing a black Columbia jacket with a circular specialty logo underneath the Columbia logo, black baseball cap with a black and white American flag, beige tactical gloves with a distinctive dark strip along the knuckles, black sneakers, and beige camouflage gaiter (Figure 3)—later identified as DONALD WALKER ("WALKER"), as described below—participated in the push on the bike racks and police line on the West Plaza.

At approximately 1:37:02 p.m., as captured on BWC, WALKER approached the police line and bike racks on the West Plaza (Figure 1). WALKER then locked his arm through the bike rack and pulled the bike rack towards him as officers on the other side of the bike rack attempted to defend the police line and gain control of the bike rack. WALKER's beige tactical gloves and arm are seen on BWC interlocking with the bike rack frame, behind another rioter in a blue flannel jacket (Figure 2). Seconds later, WALKER appeared to be sprayed with a chemical irritant. He then moved back from the police line and wiped his eyes, in what appeared to show that WALKER was suffering from the effects of the chemical irritant (Figure 3).



Figure 1: WALKER (circled in red) approaching the police line and bike racks on the West Plaza of the U.S. Capitol.



Figure 2: WALKER's arm (beige glove, black sleeve behind the individual in the blue flannel) interlocking with the police bike rack on the West Plaza.



Figure 3: WALKER (circled in red), apparently suffering from the effects of a chemical irritant.

At approximately 1:37:19 p.m., WALKER, as captured on BWC, re-approached the police line. Moments later, WALKER grabbed onto the bike rack with his right hand and pulled on it (Figure 4). WALKER then released his hand and grabbed the bike rack again, this time placing his hand over an officer's hand who was attempting to retain control of the bike rack (Figure 5).



Figure 4: WALKER (circled in red) grabbing a bike rack and pulling on it.



Figure 5: WALKER (circled in red) placing his hand on top of an officer's hand and pulling on the bike rack.

Seconds later, an officer deployed chemical spray in WALKER's direction, forcing WALKER to retreat back from the barricade line. WALKER is seen apparently affected by a chemical irritant for a second time within approximately 30 seconds (Figure 6).



Figure 6: WALKER (circled in red), apparently suffering from the effects of a chemical irritant for the second time.

Through a review of United States Capitol Police Closed Circuit Television (“CCTV”) footage, I observed an individual consistent with WALKER’s appearance enter the U.S. Capitol through the Parliamentarian Door at approximately 2:54 p.m. (Figure 7), disappear from the camera’s view for approximately two minutes and thirty seconds, then exit through the same door at approximately 2:57 p.m. (Figure 8). Figures 7 and 8 are still images from the area around the Parliamentarian Door, located in the northwest courtyard of the U.S. Capitol building. Crowds began banging on the Parliamentarian Door at approximately 2:40 p.m. and breached the doors at 2:42 p.m. On the CCTV footage, WALKER is seen inside the U.S. Capitol wearing the same black jacket with a circular specialty logo, black baseball cap with a black and white American flag, beige tactical gloves with a distinctive dark strip along the knuckles, black sneakers, and beige camouflage gaiter.



Figure 7: WALKER (circled in red) entering the U.S. Capitol through the Parliamentarian Door at approximately 2:54 p.m.

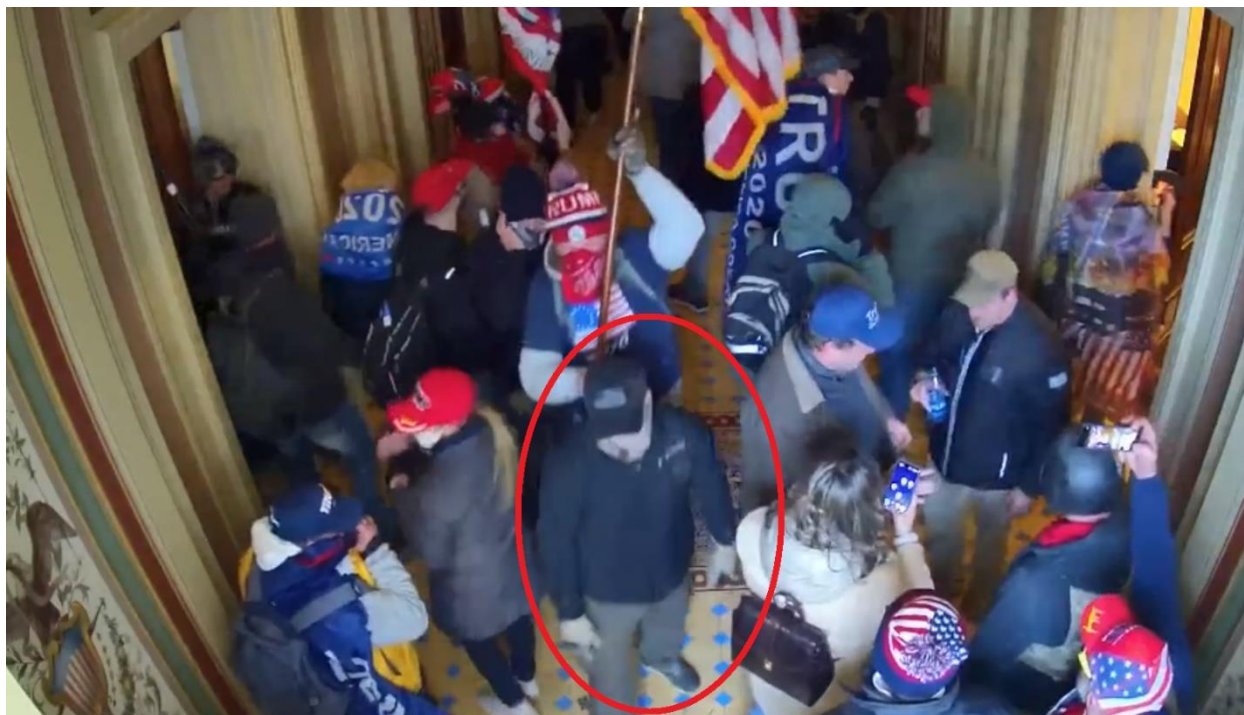


Figure 8: WALKER (circled in red) exiting the U.S. Capitol through the Parliamentarian Door at approximately 2:57 p.m.

Identification of Donald Walker

The FBI reviewed open-source videos of this same individual near an exterior door and along the exterior area of the U.S. Capitol building on January 6, 2021 (Figures 9, 10, & 11). I compared a current Mississippi driver's license photograph of WALKER with that footage from the U.S. Capitol and grounds, and based on my review of the open-source media I believe they are the same person.



Figure 9: Screenshot from open-source video of WALKER at the U.S. Capitol on January 6, 2021.



Figure 10: Screenshot from open-source video of WALKER (circled in red) in the northwest courtyard of the U.S. Capitol on January 6, 2021.



Figure 11: Screenshot from open-source video of WALKER (circled in red) outside the Parliamentarian Door on January 6, 2021.

I reviewed C-Spire records and call logs for cell phone number [REDACTED]—which according to wireless subscriber records belongs to WALKER—and found that WALKER had made several calls to the phone number belonging to David Scott Stapp¹ in the days leading up to, on, and after January 6, 2021. Walker had several calls to the phone number belonging to James Knowles after shortly after January 6, 2021. WALKER, Stapp, and Knowles were seen together on Capitol grounds numerous times on January 6. In addition, WALKER and Stapp entered the Parliamentarian Door at approximately the same time and were captured on CCTV exiting together (Figure 12).

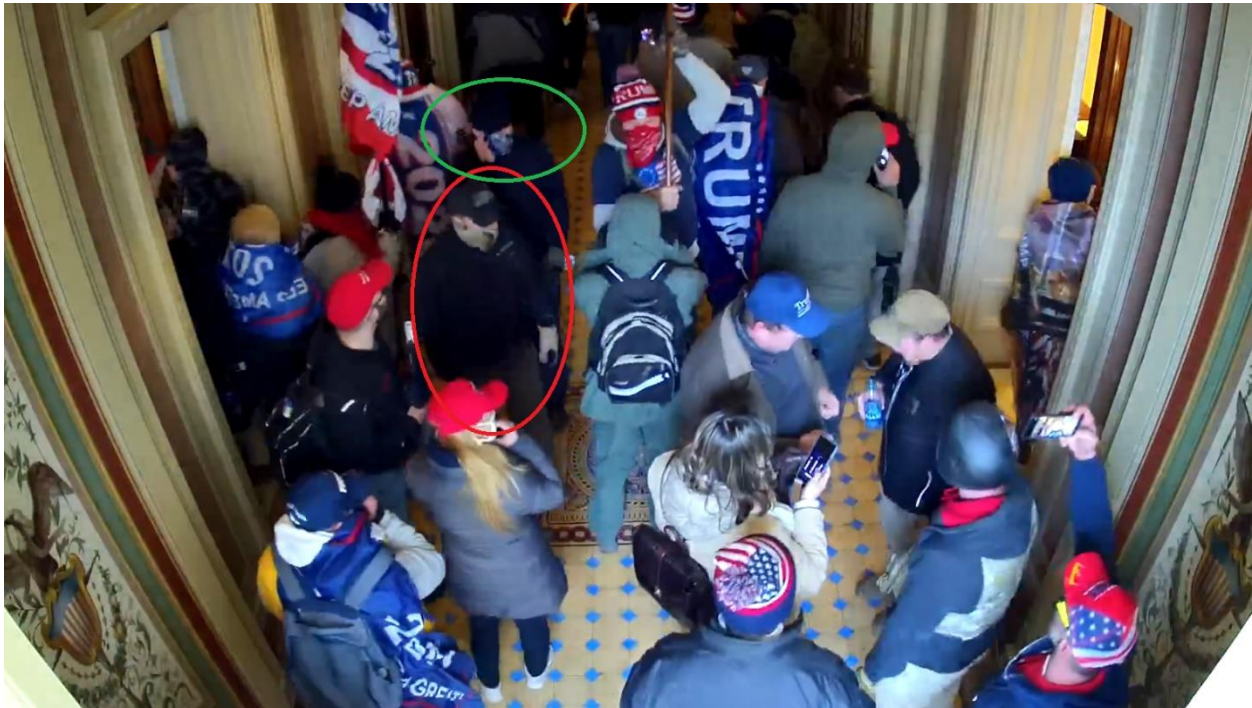


Figure 12: WALKER (circled in red) and Stapp (circled in green) exiting the U.S. Capitol together on January 6, 2021.

Additionally, on October 26, 2022, during a phone interview with the FBI in which the FBI called the same [REDACTED] number subscribed to by WALKER, WALKER admitted to being at the U.S. Capitol on January 6, 2021.

Finally, on January 26, 2024, I interviewed Individual 1, an acquaintance of WALKER, at his/her residence. I showed Individual 1 photographs of who I believed to be WALKER at the U.S. Capitol on January 6, 2021. Individual 1 positively identified WALKER in all four photographs shown to him/her (Figures 13, 14, 15, & 16).

¹ David Scott Stapp and James Knowles have been arrested and charged in connection with their conduct on January 6, 2021 in case No. 23-cr-275 (JMC).



Figure 13: Photograph shown to Individual 1, positively identifying WALKER (circled in yellow).



Figure 14: Photograph shown to Individual 1, positively identifying WALKER (circled in yellow).



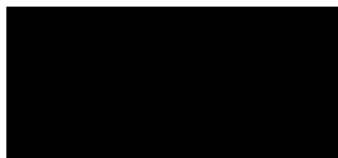
Figures 15 & 16: Photographs shown to Individual 1, positively identifying WALKER.

Based on the foregoing, your affiant submits that there is probable cause to believe that DONALD WALKER 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 so; 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 DONALD WALKER 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.

Your affiant submits there is probable cause to believe that DONALD WALKER 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.



SPECIAL AGENT [REDACTED]
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 21st day of March 2024.

U.S. MAGISTRATE JUDGE