

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation assigned to the Jacksonville Division. In my duties as a special agent, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. 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 Garth Walton

Since January 6, 2021, the FBI has been investigating and identifying those who were inside of the Capitol without authority and disrupted the proceedings. The FBI preliminary identified the individual in the images below as “#152 – AFO”:



Images 1 (left), 2 (middle), and 3 (right): Images depicting the individual identified as “#152 – AFO”

On July 1, 2023, police officers from the Nassau County (Florida) Sheriff’s Office responded to an emergency situation. During that incident, a Deputy Sheriff interacted with Garth Walton and identified Walton by his Florida Driver License. I interviewed the Deputy Sheriff on April 15, 2024 and showed that Deputy Sheriff images 1, 2, and 3 (above). The Deputy Sheriff identified the individual in Images 1 and 2 as Garth Walton, stating that he was “one hundred percent sure.” The Deputy Sheriff said he believed the individual in Image 3 was Walton but was “not one hundred percent sure.”

Records from the Hamilton Hotel in Washington, DC, show that an individual named Garth Walton rented a room at the hotel. According to those records, Walton arrived at the hotel on January 5, 2021 and checked out on January 7, 2021.

Conduct on January 6, 2021

Body camera footage from Metropolitan Police Department (“MPD”) officers who responded to the Capitol on January 6, 2021 shows that, by 1:29 p.m., Walton was on Capitol grounds on the Lower West Plaza. At that time, law enforcement officers had formed a defensive line on the plaza and had nearly completed a line of metal barricades at the top of the West Plaza stairs. Walton went up approximately four steps, approached the line of officers, and grabbed a metal barricade and pushed it into the officers.

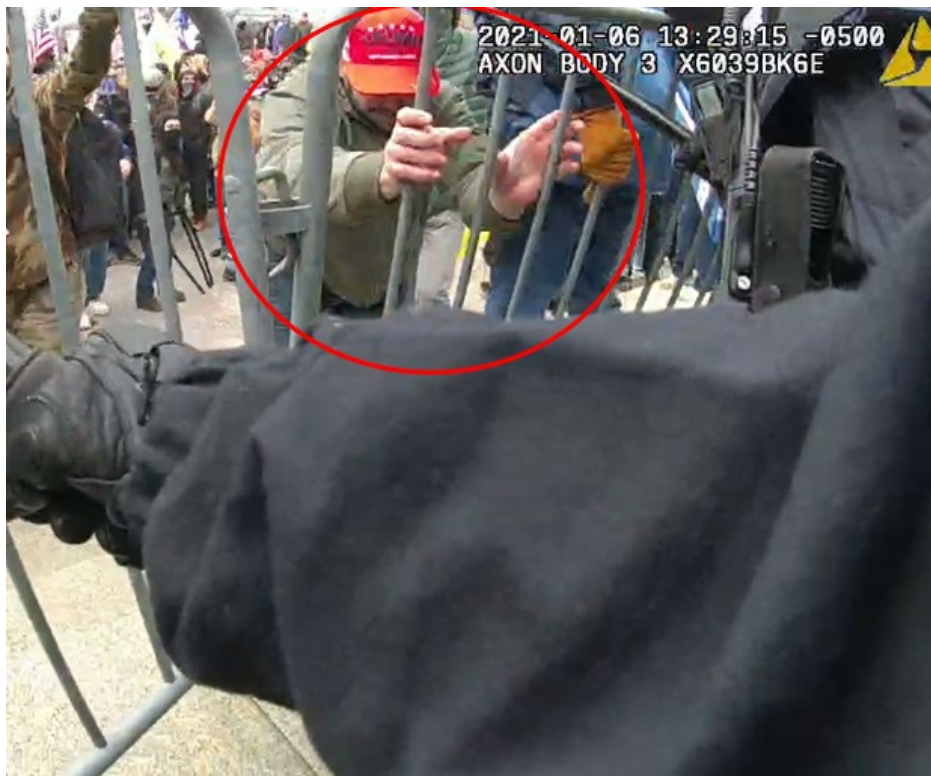


Image 4: Screenshot from body worn camera footage showing Walton (circled in red) pushing a metal barricade

Seconds later, after retreating back down the West Plaza stairs, Walton again charged the police line, pushing the metal barricade into officers.



Image 5: Screenshot from body worn camera footage showing Walton (circled in red) pushing a metal barricade

Walton then picked up a white pole and threw it at officers.



Image 6: Screenshot from body worn camera footage showing Walton (circled in red) holding a long white pole before throwing it at officers

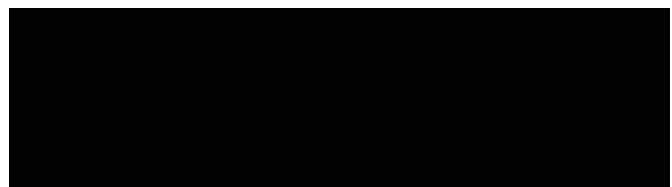
Based on the foregoing, I submit that there is probable cause to believe that Garth Walton violated 18 U.S.C. § 1752(a)(1), (2), and (4), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; (2) knowingly, and

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 engage in any act of physical violence against any person or property in any restricted building or grounds; or attempt or conspire 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.

I also submit there is also probable cause to believe that Garth Walton violated 40 U.S.C. § 5104(e)(2)(D), and (F), 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 (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

I also submit that there is probable cause to believe that Garth Walton violated 18 U.S.C. § 111(a)(1), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with a designated person while that person is engaged in the performance of official duties, or on account of that person’s performance of official duties. For the purposes of Section 111 of Title 18, a designated person includes officers or employees of the United States or of any agency in any branch of the United States Government. This includes officers of the U.S. Capitol Police, and also includes members of the Metropolitan Police Department when, as in the events described above, such officers were assisting a federal officer or employee in the performance of the federal officer’s duties.

Finally, I submit there is probable cause to believe that Garth Walton 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.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 10th day of July 2024.

MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE