

## STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent assigned to the Joint Terrorism Task Force (“JTTF”) at the Federal Bureau of Investigation’s (“FBI”) Atlanta Field Office. I have been so employed since December 4th, 2022. As a Special Agent with the FBI, I am charged with investigating possible violations of federal criminal law. By virtue of my FBI employment, I perform and have performed a variety of investigative tasks, including domestic terrorism investigations. Currently, I am tasked with, among other things, 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 CYLESTER MAXWELL**

A May 2023 tip received by the FBI included information and provided images from the U.S. Capitol grounds on January 6, 2021, of an individual preliminarily identified as CYLESTER MAXWELL of Alpharetta, Georgia. The tip information indicated that the individual identified as MAXWELL entered restricted grounds on the Capitol's west side and assaulted law enforcement officers on the West Plaza. The individual identified as MAXWELL wore a black jacket, gray hoodie, a dark stars-and-stripes neck gaiter, and a black backpack. *See, e.g.,* Images 1 and 2.



*Image 1*



*Image 2*

Additional images taken at the Capitol depicted the individual identified as MAXWELL using a cell phone to call others and record video. *See* Images 3 and 4.



*Image 3*



*Image 4*

According to subscriber records provided by Verizon, the account for a phone number ending -7858 was subscribed to by CYLESTER MAXWELL and included a listed address in Alpharetta, Georgia. According to the Verizon records, between 8:45 p.m. on January 5, 2021, and 7:55 p.m. on January 6, 2021, MAXWELL made 19 calls originating from Washington, D.C., between noon and 6:00 p.m. on January 6, 2021—during the time of the riot.

On January 11, 2024, your affiant and two other investigators conducted a spot check at MAXWELL's listed residence in Alpharetta, Georgia. During surveillance, a white Mercedes Benz Metris registered to MAXWELL at the residence's address was observed parking near the residence. MAXWELL, whose DMV photo matched the description of the individual depicted in the above images from the Capitol, exited the vehicle and walked towards the residence. See Image 5.



*Image 5*

At this point, your affiant was able to see MAXWELL's face and recognized MAXWELL as the individual depicted in the above and below images captured at the U.S. Capitol on January 6, 2021.

### **MAXWELL's Participation in the Events of January 6, 2021**

As part of its investigation, the FBI reviewed multiple MPD body-worn camera ("BWC"), Capitol CCV, and open-source video footage depicting MAXWELL's conduct at the Capitol on January 6, 2021. The material reviewed shows MAXWELL and other rioters pushed a large metal-framed "TRUMP" sign into a line of law enforcement officers and pulled away a bike rack barricade on the Capitol's West Plaza around approximately 1:40 p.m. The reviewed video also shows that MAXWELL pulled away another bike rack barricade on the West Plaza at approximately 2:10 p.m. and participated in the 2:28 p.m. breach of the West Plaza police line.

Before approximately 1:30 p.m., MAXWELL was photographed marching with rioters away from the "Stop the Steal" rally held near the White House. *See Image 6.*



Image 6

By approximately 1:35 p.m., MAXWELL made it onto restricted Capitol grounds. Specifically, BWC footage shows MAXWELL positioned near the front of the crowd confronting a police line on the West Plaza near the Media Tower erected in front of the Inaugural Stage. *See Image 7.*



Image 7

Just before approximately 1:40 p.m., rioters began passing a giant metal-framed “TRUMP” sign from the southwestern portion of the crowd on the West Plaza toward the center-front of that crowd. The metal sign frame was approximately eight feet tall and ten feet wide, welded with screws, and supported by large casters that were about the size of a person’s head. Open-source video shows that as the sign approached, MAXWELL turned to watch the sign’s progression. As rioters continued moving the sign closer to his position, MAXWELL raised his fist. *See* Image 8.



Image 8

MAXWELL then pointed at the sign and moved forward to assist, grabbing one of the sign's large wheels. *See Image 9.*



Image 9

MAXWELL helped pass the sign to other rioters. Moments later, at approximately 1:40 p.m., MAXWELL reapproached the sign as rioters began to push it directly toward the police line. *See Images 10 and 11.*



Image 10



Image 11

MAXWELL reached up to the sign and grabbed the metal frame: first with both hands, then with his right hand while bracing his left arm on the back of a rioter in front of him. MAXWELL then pushed forward into the sign and, together with other members of the crowd holding the sign, shoved the sign into the line of police like a battering ram. *See Image 12–14.*



Image 12



Image 13



Image 14

Several seconds later—after the sign was pushed into the officers and MAXWELL let go of it—MAXWELL grabbed and pulled a barricade away from the police in the ensuing commotion. *See Images 15 and 16.*



Image 15



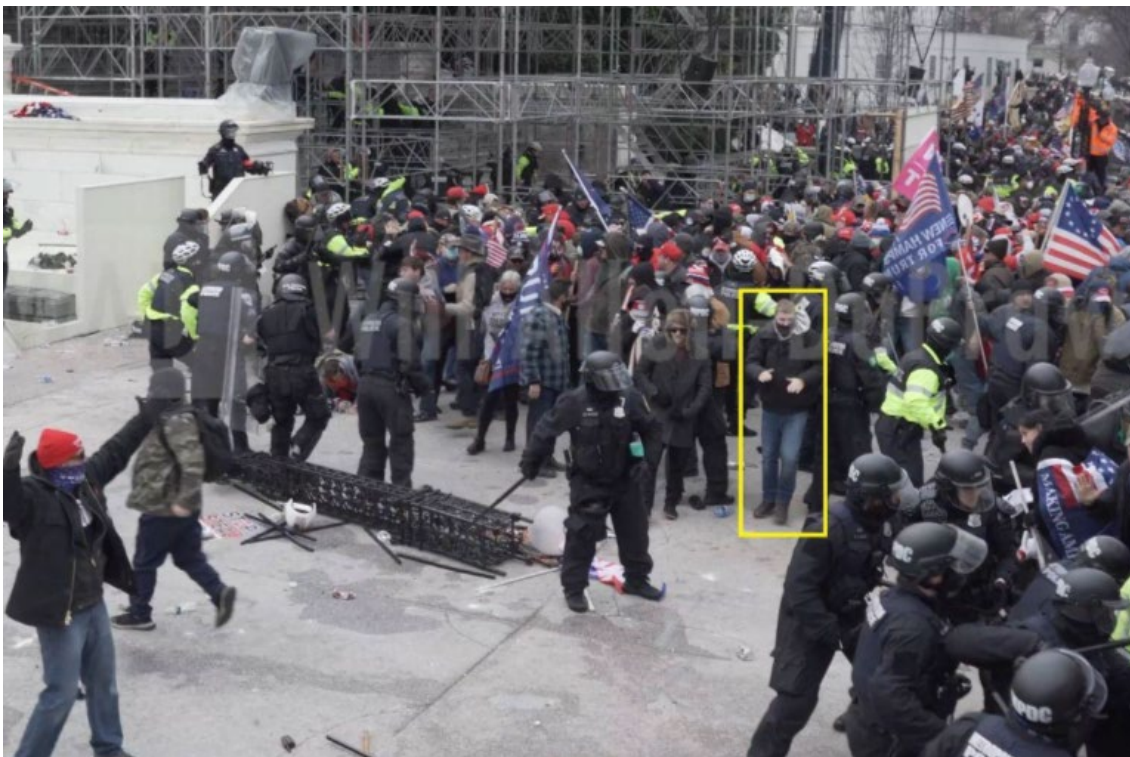
Image 16

Later, at approximately 2:10 p.m. on the West Plaza, BWC footage shows MAXWELL pulled another bike rack barricade away from the police line. *See* Image 17.



*Image 17*

Then, around 2:28 p.m., Maxwell joined the front of the mob as it pushed into and successfully broke through the West Plaza police line. *See* Images 18–20.



*Image 18*

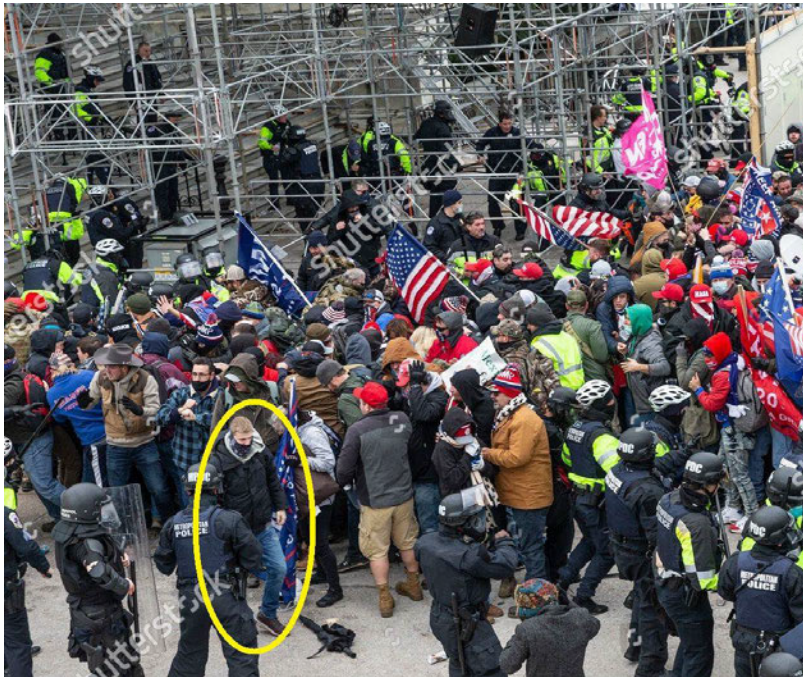


Image 19

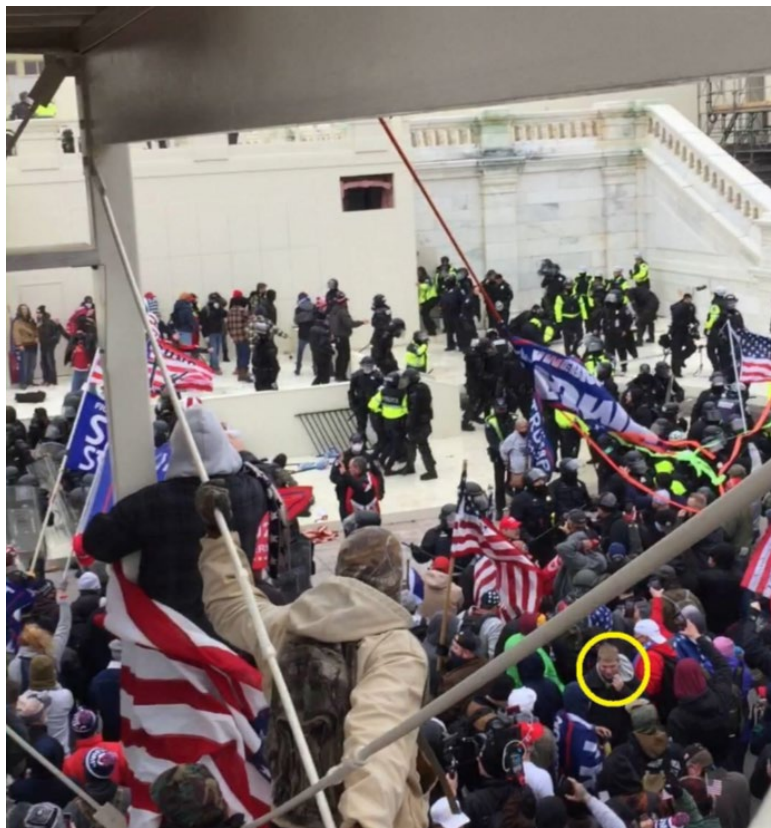


Image 20

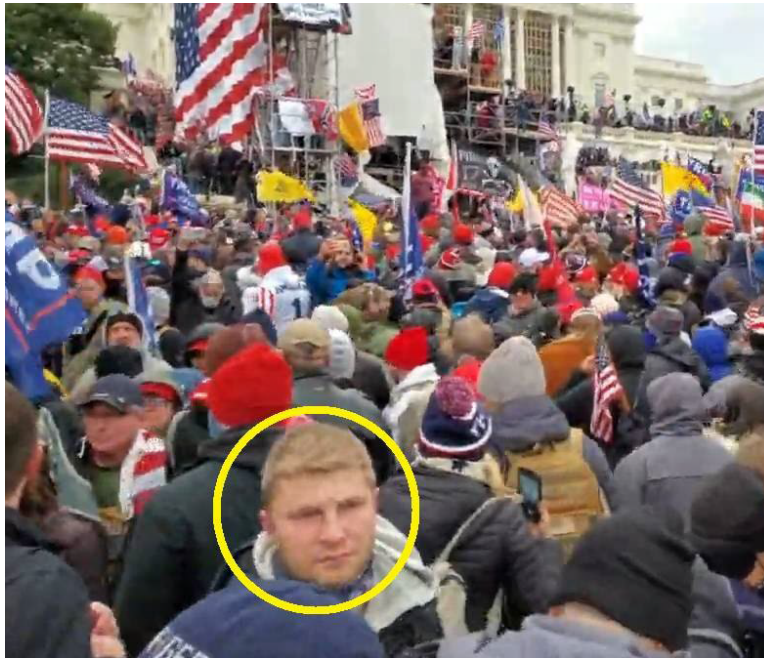
MAXWELL remained on or near the West Plaza for some time as rioters flooded the Capitol's Lower and Upper West Terraces. *See Images 21–23.*



*Image 21*



*Image 22*

*Image 23*

Based on the foregoing, your affiant submits that there is probable cause to believe that CYLESTER MAXWELL 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 18 U.S.C. § 231, 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 Joint Session of Congress where the Senate and House count Electoral College votes.

Your affiant also submits there is probable cause to believe that MAXWELL violated 18 U.S.C. § 111(a)(1) and (b), which make it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in 18 U.S.C. § 1114 as an officer or employee of the United States while engaged in or on account of the performance of official duties where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony, while using a deadly or dangerous weapon. Persons designated within section 1114 of Title 18 include any person assisting an officer or employee of the United States in the performance of their official duties.

Your affiant also submits that there is probable cause to believe that MAXWELL violated 18 U.S.C. §§ 1752(a)(1), (2), and (4), which make 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 18 U.S.C. § 1752, 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.

Finally, your affiant also submits there is probable cause to believe that MAXWELL violated 40 U.S.C. §§ 5104(e)(2)(F), which makes it a crime to willfully and knowingly (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1  
by telephone, this 16th day of October, 2024.

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Moxila A. Upadhyaya  
U.S. MAGISTRATE JUDGE